

## ANNEX 10

## GOVERNMENT PROCUREMENT

## PART 1

## Relevant provisions of the GPA referred to in Article 10.2

Article I (Definitions)

Article II (Scope and Coverage)

Article III (Security and General Exceptions)

Article IV (General Principles)

Article VI (Information on the Procurement System)

Article VII (Notices)

Article VIII (Conditions for Participation)

Article IX (Qualification of Suppliers)

Article X (Technical Specifications and Tender Documentation)

Article XI (Time-Periods)

Article XII (Negotiation)

Article XIII (Limited Tendering)

Article XIV (Electronic Auctions)

Article XV (Treatment of Tenders and Awarding of Contracts)

Paragraphs 1 to 3 of Article XVI (Transparency of Procurement Information)

Article XVII (Disclosure of Information)

Article XVIII (Domestic Review Procedures)

## PART 2

## Scope of application

## SECTION A

## European Union

In accordance with Articles 10.2 and 10.3, Chapter 10 applies, in addition to the procurement covered by the annexes of the European Union to Appendix I to the GPA, to the procurement covered by this Section other than procurement by the entities set out in paragraph 2 which are subject to the rules specified in Note (b) to that paragraph.

The Notes in Annexes 1 to 7 of the European Union to Appendix I to the GPA also apply to the procurement covered by this Section, unless otherwise provided for in this Section.

## 1. Central government authorities

Procurement of goods and services as set out in Annexes 4 to 6 of the European Union to Appendix I to the GPA, and in paragraphs 4 and 5 of this Section, by the following central government entities of the Member States of the European Union:

- (1) National office 'Fire Safety and Protection of the Population' (Bulgaria)
- (2) Agence pour la garantie du droit des mineurs (France)
- (3) Ecole du Louvre (France)
- (4) Agence française de lutte contre le dopage (France)
- (5) Autorité de sûreté nucléaire (France)
- (6) Commission d'accès aux documents administratifs (France)
- (7) Commission nationale du débat public (France)
- (8) Commission des Participations et des transferts (France)
- (9) Commission de la sécurité des consommateurs (France)

- (10) Commission des sondages (France)
  - (11) Conseil supérieur de l'audiovisuel (France)
  - (12) Ministère d'État (Luxembourg)
  - (13) Úrad jadrového dozoru Slovenskej republiky (Slovakia)
- with regard to procurement equal to or above the following thresholds:
- (i) 130,000 SDR for procurement of goods and services
  - (ii) 5,000,000 SDR for procurement of construction services (CPC 51)

## 2. Sub-central government authorities

Local administrative units as defined in Annex III to Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS), with a population of between 200,000 and 499,999 inhabitants

Procurement of goods and services as set out in Annexes 4 and 5 of the European Union to the Appendix I to the GPA, and in paragraphs 4 and 5 of this Section by the entities referred to in the previous sentence equal to or above the following thresholds:

- (i) 200,000 SDR for procurement of goods and services
- (ii) 400,000 SDR for procurement of goods and services listed in paragraph 4 of this Section

Notes to paragraph 2:

- (a) The number of inhabitants of a local administrative unit is determined through the data transmitted annually by each Member State to the European Commission pursuant to Article 4 of Regulation (EC) No 1059/2003, which are published by EUROSTAT on the following website: <http://ec.europa.eu/eurostat/web/nuts/local-administrative-units>.
- (b) The commitment with regard to procurement covered by this paragraph, applies solely to the application of the general principles as set out in paragraphs 1 and 2 of Article IV of the GPA, as well as to the application of provisions relating to the access to domestic review procedures in Article XVIII of the GPA and Articles 10.3 to 10.12.

## 3. Bodies governed by public law that are hospitals or universities

Procurement of goods and services as set out in Annexes 4 to 6 of the European Union to Appendix I to the GPA, and in paragraphs 4 and 5 of this Section, by bodies governed by public law, as defined in paragraph 2.a of Annex 2 of the European Union to Appendix I to the GPA, that are hospitals or universities provided that the value of those procurements equals or exceeds the following thresholds:

- (i) 200,000 SDR for procurement of goods and services
- (ii) 5,000,000 SDR for procurement of construction services (CPC 51)

The bodies governed by public law that are hospitals or universities and qualify as covered entities are described for each Member State of the European Union as body or by category in the following indicative list:

### BELGIUM

- Centre hospitalier de Mons
- Centre hospitalier de Tournai
- Centre hospitalier universitaire de Liège
- Fonds de Construction d'Institutions hospitalières et médico-sociales de la Communauté française
- Het Gemeenschapsonderwijs
- Institutions universitaires de droit public relevant de la Communauté flamande – Universitaire instellingen van publiek recht afhangende van de Vlaamse Gemeenschap
- Institutions universitaires de droit public relevant de la Communauté française – Universitaire instellingen van publiek recht afhangende van de Franse Gemeenschap
- Openbaar psychiatrisch Ziekenhuis-Geel
- Openbaar psychiatrisch Ziekenhuis-Rekem
- Universitair Ziekenhuis Gent
- Vlaamse Hogescholenraad
- Vlaamse interuniversitaire Raad

## BULGARIA

- (1) State Universities, established pursuant to Article 13 of the 'Закон за висшето образование' (обн., ДВ, бр.112/27.12.1995):
- Аграрен университет – Пловдив (Agricultural University – Plovdiv)
  - Великотърновски университет 'Св. св. Кирил и Методий' (St. Cyril and St. Methodius University of Veliko Tarnovo)
  - Висше военноморско училище 'Н. Й. Вапцаров' – Варна (N. Y. Vaptsarov Naval Academy – Varna)
  - Висше строително училище 'Любен Каравелов' – София (Civil Engineering Higher School 'Lyuben Karavelov' – Sofia)
  - Висше транспортно училище 'Тодор Каблешков' – София (Higher School of Transport 'Todor Kableshkov' – Sofia)
  - Икономически университет – Варна (University of Economics – Varna)
  - Лесотехнически университет – София (University of Forestry – Sofia)
  - Медицински университет 'Проф. д-р Параскев Иванов Стоянов' – Варна (Medical University 'Prof. D-r Paraskev Stoyanov' – Varna)
  - Медицински университет – Плевен (Medical University – Pleven)
  - Медицински университет – Пловдив (Medical University – Plovdiv)
  - Медицински университет – София (Medical University – Sofia)
  - Минно-геоложки университет 'Св. Иван Рилски' – София (University of Mining and Geology 'St. Ivan Rilski' – Sofia)
  - Национален военен университет 'Васил Левски' – Велико Търново (National Military University 'Vasil Levski' – Veliko Tarnovo)
  - Пловдивски университет 'Паисий Хилендарски' (Plovdiv University 'Paisiy Hilendarski')
  - Русенски университет 'Ангел Кънчев' (Ruse University 'Angel Kanchev')
  - Софийски университет 'Св. Климент Охридски' (Sofia University 'St. Kliment Ohridski')
  - Специализирано висше училище по библиотекознание и информационни технологии – София (Specialised Higher School on Library Science and Information Technologies – Sofia)
  - Технически университет – Варна (Technical University – Varna)
  - Технически университет – Габрово (Technical University – Gabrovo)
  - Технически университет – София (Technical University – Sofia)
  - Тракийски университет – Стара Загора (Trakia University – Stara Zagora)
  - Университет 'Проф. д-р Асен Златаров' – Бургас (University 'Prof. D-r Asen Zlatarov' – Burgas)
  - Университет за национално и световно стопанство – София (University of National and World Economy – Sofia)
  - Университет по архитектура, строителство и геодезия – София (University of Architecture, Civil Engineering and Geodesy – Sofia)
  - Университет по хранителни технологии – Пловдив (University of Food Technologies – Plovdiv)
  - Химико-технологичен и металургичен университет – София (University of Chemical Technology and Metallurgy – Sofia)
  - Шуменски университет 'Епископ Константин Преславски' (Shumen University 'Konstantin Preslavski')
  - Югозападен университет 'Неофит Рилски' – Благоевград (South-West University 'Neofit Rilski' – Blagoevgrad)
- (2) State or municipal medical institutions referred to in Article 3(1) of the 'Закон за лечебните заведения' (обн., ДВ, бр.62/9.7.1999)
- (3) Medical institutions referred to in Article 5(1) of the 'Закон за лечебните заведения' (обн., ДВ, бр.62/9.7.1999):
- Болница 'Лозенец' (Hospital 'Lozenets')
  - Лечебни заведения към Министерството на правосъдието (Medical institutions to the Ministry of Justice)
  - Лечебни заведения към Министерството на транспорта (Medical institutions to the Ministry of Transport)

- (4) Legal persons of a non-commercial character established for the purpose of meeting needs of general interest providing health services or higher education services or carrying out research activities pursuant to the 'Закон за юридическите лица с нестопанска цел' (обн., ДВ, бр.81/6.10.2000), and satisfying the conditions of paragraph 1, item 21 of the 'Закон за обществените поръчки' (обн., ДВ, бр. 28/6.4.2004)

## CZECH REPUBLIC

Universities and other legal entities established by a special Act which for their operation and in compliance with budget regulations use money from the state budget, state funds, contributions of international institutions, district authority budget, or budgets of self-governing territorial divisions, and providing health services or higher education services or carrying out research activities.

## DENMARK

Categories:

- (1) Andre forvaltningssubjekter (other public administrative bodies) providing health services or higher education services or carrying out research activities
- (2) Universiteterne, jf. lovbekendtgørelse nr. 1368 af 7. december 2007 af lov om universiteter (Universities, see Consolidation Act nr. 1368 of 7 December 2007 on universities)

## GERMANY

Categories:

Authorities, establishments and foundations governed by public law and created by federal, state or local authorities providing health services or higher education services or carrying out research activities:

- (1) Authorities
- Wissenschaftliche Hochschulen – (universities)
- (2) Establishments and foundations
- Non-industrial and non-commercial establishments subject to state control and providing health services or higher education services or carrying out research activities:
- Rechtsfähige Bundesanstalten – (Federal institutions having legal capacity)
  - Wohlfahrtsstiftungen – (welfare foundations)

## ESTONIA

- Eesti Kunstiakadeemia
- Eesti Muusika- ja Teatriakadeemia
- Eesti Maaülikool
- Keemilise ja Bioloogilise Füüsika Instituut
- Tallinna Ülikool
- Tallinna Tehnikaülikool
- Tartu Ülikool

## IRELAND

Categories:

- (1) Hospitals and similar institutions of a public character
- (2) Colleges and educational institutions of a public character
- (3) Agencies established to provide health services or higher education services or carry out research activities e.g. Institute of Public Administration, Economic and Social Research Institute, etc.
- (4) Other public bodies falling within the definition of a body governed by public law and providing health services or higher education services or carrying out research activities.

## GREECE

## Categories:

- (1) Public entities providing health services or higher education services or carrying out research activities
- (2) Legal persons governed by private law which are State-owned or which regularly receive at least 50 per cent of their annual budget in the form of State subsidies, pursuant to the applicable rules, or in which the State has a capital holding of at least 51 per cent and providing health services or higher education services or carrying out research activities
- (3) Legal persons governed by private law which are owned by legal persons governed by public law, by local authorities of any level, by local associations of 'communes' (local administrative areas) or by public enterprises or entities, or by legal persons as referred to in point 2 or which regularly receive at least 50 per cent of their annual budget in the form of subsidies from such legal persons, pursuant to the applicable rules or to their own articles of association, or legal persons as referred to above which have a capital holding of at least 51 per cent in such legal persons governed by public law and providing health services or higher education services or carrying out research activities

## SPAIN

## Categories:

- (1) Bodies and entities governed by public law which are subject to the 'Ley 30/2007, de 30 de octubre, de Contratos del sector público', (Spanish State legislation on procurement), in accordance with its Article 3, other than those which are part of the Administración General del Estado (general national administration), the Administración de las Comunidades Autónomas (administration of the autonomous regions) and the Corporaciones Locales (local authorities) and providing health services or carrying out research activities
- (2) Entidades Gestoras y los Servicios Comunes de la Seguridad Social (administrative entities and common services of the health and social services)

## FRANCE

## Categories:

- (1) National public bodies:
  - Écoles d'architecture
  - Groupements d'intérêt public, for example: Agence EduFrance, ODIT France (observation, développement et ingénierie touristique), Agence nationale de lutte contre l'illettrisme
- (2) Administrative public bodies at regional, departmental and local level:
  - Établissements publics hospitaliers, for example: l'Hôpital Départemental Dufresne-Sommeiller

## CROATIA

- (1) Higher education public institutions
- (2) Clinical hospitals
- (3) Clinical hospital centres
- (4) Clinics
- (5) National and University Library
- (6) General hospitals
- (7) Polyclinics
- (8) Special hospitals
- (9) University Computing Centre

## ITALY

## Categories:

- (1) Università statali, gli istituti universitari statali, i consorzi per i lavori interessanti le università (State universities, State university institutes, consortia for university development work)
- (2) Istituti superiori scientifici e culturali, osservatori astronomici, astrofisici, geofisici o vulcanologici (higher scientific and cultural institutes, astronomical, astrophysical, geophysical or vulcanological observatories)
- (3) Enti preposti a servizi di pubblico interesse (organisations providing health services or higher education services or carrying out research activities services in the public interest)

## CYPRUS

- Ανοικτό Πανεπιστήμιο Κύπρου
- Πανεπιστήμιο Κύπρου
- Τεχνολογικό Πανεπιστήμιο Κύπρου
- Ογκολογικό Κέντρο της Τράπεζας Κύπρου
- Ινστιτούτο Γενετικής και Νευρολογίας
- Ίδρυμα Κρατικών Υποτροφιών Κύπρου
- Ευρωπαϊκό Ινστιτούτο Κύπρου
- Ίδρυμα Τεχνολογίας Κύπρου
- Ίδρυμα Προώθησης Έρευνας
- Ίδρυμα Ενέργειας Κύπρου

## LATVIA

Subjects of private law which make purchases according to 'Publisko iepirkumu likuma prasībām' and provide health services or higher education services or carry out research activities

## LITHUANIA

- (1) Establishments of research and education (higher education institutions, establishments of scientific research, research and technology parks as well as other establishments and institutions, the activity of which pertains to evaluation or organisation of research and education)
- (2) Higher education establishments
- (3) National establishments of the Lithuanian health care system (individual health care protection establishments, public health protection establishments, establishments of pharmaceutical activities and other health care establishments, etc.)
- (4) Other public and private persons in accordance with the conditions provided for in Article 4 (2) of the Law on Public Procurement ('Valstybės žinios'(Official Gazette) No. 84-2000, 1996; No 4-102, 2006) providing health services or higher education services or carrying out research activities

## LUXEMBOURG

Établissements publics placés sous la surveillance des communes.

## HUNGARY

Bodies:

- Egyes költségvetési szervek (certain budgetary organs providing health services or higher education services or carrying out research activities)
- Az elkülönített állami pénzalapok kezelője (managing bodies of the separate state funds providing health services or higher education services or carrying out research activities)
- A közalapítványok (public foundations providing health services or higher education services or carrying out research activities)

Categories:

- (1) Organisations established for the purpose of meeting needs in the general interest, not having an industrial or commercial character, and controlled by public entities, or financed, for the most part, by public entities (from public budget) and providing health services or higher education services or carrying out research activities
- (2) Organisations established by law determining their public tasks and operation, controlled by public entities, or financed, for the most part, by public entities from public budget and providing health services or higher education services or carrying out research activities
- (3) Organisations established by public entities for the purpose of providing health services or higher education services or carrying out research activities and controlled by the public entities

## MALTA

- Institutions under Ministeru tal-Edukazzjoni, Żgħażaġh u Impjiegi (Ministry of Education, Youth and Employment)
  - Junior College
  - Kullegg Malti għall-Arti, Xjenza u Teknoloġija (Malta College of Arts Science and Technology)
  - Università ta' Malta (University of Malta)
  - Fondazzjoni għall-Istudji Internazzjonali (Foundation for International Studies)
- Institutions under Ministeru tas-Saħħa, l-Anzjani u Kura fil-Komunità (Ministry of Health, the Elderly and Community Care)
  - Sptar Zammit Clapp (Zammit Clapp Hospital)
  - Sptar Mater Dei (Mater Dei Hospital)
  - Sptar Monte Carmeli (Mount Carmel Hospital)
  - Awtorità dwar il-Medicini (Medicines Authority)

## NETHERLANDS

## Bodies:

- Institutions under the Ministry of Agriculture, Nature and Food Quality
  - Universiteit Wageningen – (Wageningen University and Research Centre)
  - Stichting DLO – (Agricultural Research Department)
- Institutions under the Ministerie van Onderwijs, Cultuur en Wetenschap (Ministry of Education, Culture and Science)

## The competent authorities of:

- (1) Public or publicly funded public private institutions within the meaning of the 'Wet Educatie en Beroepsonderwijs' (Law on Education and Vocational Education)
- (2) Publicly funded universities and higher education institutions, the Open University, and the university hospitals, within the meaning of the 'Wet op het hoger onderwijs en wetenschappelijk onderzoek' (Law on Higher Education and Scientific Research)

## AUSTRIA

All bodies under the budgetary control of 'the Rechnungshof' (Court of Auditors), except those of an industrial or commercial nature, and providing health services or higher education services or carrying out research activities.

## POLAND

- (1) Public universities and academic schools:
  - Uniwersytet w Białymstoku
  - Uniwersytet w Gdańsku
  - Uniwersytet Śląski
  - Uniwersytet Jagielloński w Krakowie
  - Uniwersytet Kardynała Stefana Wyszyńskiego
  - Katolicki Uniwersytet Lubelski
  - Uniwersytet Marii Curie-Skłodowskiej
  - Uniwersytet Łódzki
  - Uniwersytet Opolski
  - Uniwersytet im. Adama Mickiewicza
  - Uniwersytet Mikołaja Kopernika
  - Uniwersytet Szczeciński
  - Uniwersytet Warmińsko-Mazurski w Olsztynie
  - Uniwersytet Warszawski
  - Uniwersytet Rzeszowski

- Uniwersytet Wrocławski
- Uniwersytet Zielonogórski
- Uniwersytet Kazimierza Wielkiego w Bydgoszczy
- Akademia Techniczno-Humanistyczna w Bielsku-Białej
- Akademia Górniczo-Hutnicza im. St Staszica w Krakowie
- Politechnika Białostocka
- Politechnika Częstochowska
- Politechnika Gdańska
- Politechnika Koszalińska
- Politechnika Krakowska
- Politechnika Lubelska
- Politechnika Łódzka
- Politechnika Opolska
- Politechnika Poznańska
- Politechnika Radomska im. Kazimierza Pułaskiego
- Politechnika Rzeszowska im. Ignacego Łukasiewicza
- Politechnika Szczecińska
- Politechnika Śląska
- Politechnika Świętokrzyska
- Politechnika Warszawska
- Politechnika Wrocławska
- Akademia Morska w Gdyni
- Wyższa Szkoła Morska w Szczecinie
- Akademia Ekonomiczna im. Karola Adamieckiego w Katowicach
- Akademia Ekonomiczna w Krakowie
- Akademia Ekonomiczna w Poznaniu
- Szkoła Główna Handlowa
- Akademia Ekonomiczna im. Oskara Langego we Wrocławiu
- Akademia Pedagogiczna im. KEN w Krakowie
- Akademia Pedagogiki Specjalnej im. Marii Grzegorzewskiej
- Akademia Podlaska w Siedlcach
- Akademia Świętokrzyska im. Jana Kochanowskiego w Kielcach
- Pomorska Akademia Pedagogiczna w Słupsku
- Akademia Pedagogiczna im. Jana Długosza w Częstochowie
- Wyższa Szkoła Filozoficzno-Pedagogiczna 'Ignatianum' w Krakowie
- Wyższa Szkoła Pedagogiczna w Rzeszowie
- Akademia Techniczno-Rolnicza im. J. J. Śniadeckich w Bydgoszczy
- Akademia Rolnicza im. Hugona Kołłątaja w Krakowie
- Akademia Rolnicza w Lublinie
- Akademia Rolnicza im. Augusta Cieszkowskiego w Poznaniu
- Akademia Rolnicza w Szczecinie
- Szkoła Główna Gospodarstwa Wiejskiego w Warszawie
- Akademia Rolnicza we Wrocławiu
- Akademia Medyczna w Białymstoku
- Akademia Medyczna im. Ludwika Rydygiera w Bydgoszczy
- Akademia Medyczna w Gdańsku



- Śląska Akademia Medyczna w Katowicach
- Collegium Medicum Uniwersytetu Jagiellońskiego w Krakowie
- Akademia Medyczna w Lublinie
- Uniwersytet Medyczny w Łodzi
- Akademia Medyczna im. Karola Marcinkowskiego w Poznaniu
- Pomorska Akademia Medyczna w Szczecinie
- Akademia Medyczna w Warszawie
- Akademia Medyczna im. Piastów Śląskich we Wrocławiu
- Centrum Medyczne Kształcenia Podyplomowego
- Chrześcijańska Akademia Teologiczna w Warszawie
- Papieski Fakultet Teologiczny we Wrocławiu
- Papieski Wydział Teologiczny w Warszawie
- Instytut Teologiczny im. Błogosławionego Wincentego Kadłubka w Sandomierzu
- Instytut Teologiczny im. Świętego Jana Kantego w Bielsku-Białej
- Akademia Marynarki Wojennej im. Bohaterów Westerplatte w Gdyni
- Akademia Obrony Narodowej
- Wojskowa Akademia Techniczna im. Jarosława Dąbrowskiego w Warszawie
- Wojskowa Akademia Medyczna im. Gen. Dyw. Bolesława Szareckiego w Łodzi
- Wyższa Szkoła Oficerska Wojsk Lądowych im. Tadeusza Kościuszki we Wrocławiu
- Wyższa Szkoła Oficerska Wojsk Obrony Przeciwlotniczej im. Romualda Traugutta
- Wyższa Szkoła Oficerska im. gen. Józefa Bema w Toruniu
- Wyższa Szkoła Oficerska Sił Powietrznych w Dęblinie
- Wyższa Szkoła Oficerska im. Stefana Czarnieckiego w Poznaniu
- Wyższa Szkoła Policji w Szczytnie
- Szkoła Główna Służby Pożarniczej w Warszawie
- Akademia Muzyczna im. Feliksa Nowowiejskiego w Bydgoszczy
- Akademia Muzyczna im. Stanisława Moniuszki w Gdańsku
- Akademia Muzyczna im. Karola Szymanowskiego w Katowicach
- Akademia Muzyczna w Krakowie
- Akademia Muzyczna im. Grażyny i Kiejstuta Bacewiczów w Łodzi
- Akademia Muzyczna im. Ignacego Jana Paderewskiego w Poznaniu
- Akademia Muzyczna im. Fryderyka Chopina w Warszawie
- Akademia Muzyczna im. Karola Lipińskiego we Wrocławiu
- Akademia Wychowania Fizycznego i Sportu im. Jędrzeja Śniadeckiego w Gdańsku
- Akademia Wychowania Fizycznego w Katowicach
- Akademia Wychowania Fizycznego im. Bronisława Czecha w Krakowie
- Akademia Wychowania Fizycznego im. Eugeniusza Piaseckiego w Poznaniu
- Akademia Wychowania Fizycznego Józefa Piłsudskiego w Warszawie
- Akademia Wychowania Fizycznego we Wrocławiu
- Akademia Sztuk Pięknych w Gdańsku
- Akademia Sztuk Pięknych Katowicach
- Akademia Sztuk Pięknych im. Jana Matejki w Krakowie
- Akademia Sztuk Pięknych im. Władysława Strzemińskiego w Łodzi
- Akademia Sztuk Pięknych w Poznaniu
- Akademia Sztuk Pięknych w Warszawie
- Akademia Sztuk Pięknych we Wrocławiu

- Państwowa Wyższa Szkoła Teatralna im. Ludwika Solskiego w Krakowie
- Państwowa Wyższa Szkoła Filmowa, Telewizyjna i Teatralna im. Leona Schillera w Łodzi
- Akademia Teatralna im. Aleksandra Zelwerowicza w Warszawie
- Państwowa Wyższa Szkoła Zawodowa im. Jana Pawła II w Białej Podlaskiej
- Państwowa Wyższa Szkoła Zawodowa w Chełmie
- Państwowa Wyższa Szkoła Zawodowa w Ciechanowie
- Państwowa Wyższa Szkoła Zawodowa w Elblągu
- Państwowa Wyższa Szkoła Zawodowa w Głogowie
- Państwowa Wyższa Szkoła Zawodowa w Gorzowie Wielkopolskim
- Państwowa Wyższa Szkoła Zawodowa im. Ks. Bronisława Markiewicza w Jarosławiu
- Kolegium Karkonoskie w Jeleniej Górze
- Państwowa Wyższa Szkoła Zawodowa im. Prezydenta Stanisława Wojciechowskiego w Kaliszu
- Państwowa Wyższa Szkoła Zawodowa w Koninie
- Państwowa Wyższa Szkoła Zawodowa w Krośnie
- Państwowa Wyższa Szkoła Zawodowa im. Witelona w Legnicy
- Państwowa Wyższa Szkoła Zawodowa im. Jana Amosa Kodeńskiego w Lesznie
- Państwowa Wyższa Szkoła Zawodowa w Nowym Sączu
- Państwowa Wyższa Szkoła Zawodowa w Nowym Targu
- Państwowa Wyższa Szkoła Zawodowa w Nysie
- Państwowa Wyższa Szkoła Zawodowa im. Stanisława Staszica w Pile
- Państwowa Wyższa Szkoła Zawodowa w Płocku
- Państwowa Wyższa Szkoła Wschodnioeuropejska w Przemyślu
- Państwowa Wyższa Szkoła Zawodowa w Raciborzu
- Państwowa Wyższa Szkoła Zawodowa im. Jana Gródka w Sanoku
- Państwowa Wyższa Szkoła Zawodowa w Sulechowie
- Państwowa Wyższa Szkoła Zawodowa im. Prof. Stanisława Tarnowskiego w Tarnobrzegu
- Państwowa Wyższa Szkoła Zawodowa w Tarnowie
- Państwowa Wyższa Szkoła Zawodowa im. Angelusa Silesiusa w Wałbrzychu
- Państwowa Wyższa Szkoła Zawodowa we Włocławku
- Państwowa Medyczna Wyższa Szkoła Zawodowa w Opolu
- Państwowa Wyższa Szkoła Informatyki i Przedsiębiorczości w Łomży
- Państwowa Wyższa Szkoła Zawodowa w Gnieźnie
- Państwowa Wyższa Szkoła Zawodowa w Suwałkach
- Państwowa Wyższa Szkoła Zawodowa w Wałczu
- Państwowa Wyższa Szkoła Zawodowa w Oświęcimiu
- Państwowa Wyższa Szkoła Zawodowa w Zamościu

(2) Public research institutions, research and development institutions and other research institutions

(3) Public Autonomous Health Care Management Units whose founding body is a regional or local self-government or association thereof

#### PORTUGAL

(1) Institutos públicos sem carácter comercial ou industrial – (Public institutions without commercial or industrial character) providing health services or higher education services or carrying out research activities

(2) Serviços públicos personalizados – (Public services having legal personality) providing health services or higher education services or carrying out research activities

- (3) Fundações públicas – (Public foundations) providing health services or higher education services or carrying out research activities
- (4) Estabelecimentos públicos de ensino, investigação científica e saúde – (Public institutions for education, scientific research and health)

## ROMANIA

- Academia Română (Romanian Academy)
- Scoala Superioară de Aviație Civilă (Superior School of Civil Aviation)
- Centrul de Pregătire pentru Personalul din Industrie Bușteni (Training Centre for Industry Personnel Busteni)
- Centrul de Formare și Management București (Management and Formation Centre for Commerce Bucharest)
- Universități de Stat (State Universities)
- Spitale, Sanatorii, Policlinici, Dispensare, Centre Medicale, Institute medico-Legale, Stații Ambulanță (hospitals, sanatoriums, clinics, medical units, legal-medical institutes, ambulance stations)

## SLOVENIA

- (1) Javni zavodi s področja vzgoje, izobraževanja ter športa (Public institutes in the area of child care, education and sport)
- (2) Javni zavodi s področja zdravstva (Public institutes in the area of health care)
- (3) Javni zavodi s področja raziskovalne dejavnosti (Public institutes in the area of science and research)

## SLOVAKIA

Any legal person providing health services or higher education services or carrying out research activities that is constituted or established by a particular legal regulation or administrative measure to the purpose of meeting needs in general interest, not having industrial or commercial character, and at the same time satisfying at least one of the following conditions:

- (a) it is fully or partially financed by a contracting authority, i. e. a government authority, municipality, Self-government Region or another legal person, which satisfies at the same time conditions referred to in paragraph 1, points (4) (a), (b) and (c) of Article 2 of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC;
- (b) it is managed or controlled by a contracting authority, i. e. by a government authority, municipality, Self-government Region or another body governed by public law, which satisfies at the same time conditions referred to in paragraph 1, points (4) (a), (b) and (c) of Article 2 of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC; or
- (c) it is a contracting authority, i. e. a government authority, municipality, Self-government Region or another legal person, which satisfies at the same time the conditions referred to in paragraph 1, points (4) (a), (b) and (c) of Article 2 of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, appoints or elects more than one half of the members of its managerial or supervisory board.

## FINLAND

Public or publicly controlled bodies and undertakings, except those of an industrial or commercial nature, and providing health services or higher education services or carrying out research activities.

## SWEDEN

All non-commercial bodies whose public contracts are subject to supervision by the Swedish Competition Authority and providing health services or higher education services or carrying out research activities.

## UNITED KINGDOM

Categories:

- (1) Universities and colleges financed for the most part by other contracting authorities
- (2) Research Councils
- (3) National Health Service Strategic Health Authorities

## 4. Procurement of railway-related goods and services

- (a) Procurement of railway facilities (CPV 3494) by procuring entities whose procurement is covered by Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC, which are contracting authorities covered by Annexes 1 and 2 of the European Union to Appendix I to the GPA, or public undertakings as defined in Annex 3 of the European Union to Appendix I to the GPA, and which provide or operate networks providing a service to the public in the field of transport by railways
- (b) Procurement of goods falling under CPV 3462 by procuring entities whose procurement is covered by the Directive 2014/25/EU, which are contracting authorities covered by Annexes 1 and 2 of the European Union to Appendix I to the GPA, or public undertakings as defined in Annex 3 of the European Union to Appendix I to the GPA, and which provide or operate networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable
- (c) Indicative lists of procuring entities and public undertakings referred to in subparagraphs (a) and (b) are provided for in Annex 3 of the European Union to Appendix I to the GPA
- (d) The commitments referred to in subparagraphs (a) and (b) apply if the value of the procurement is equal to or above the following thresholds:
  - (i) 400,000 SDR for procurement of goods and services
  - (ii) 5,000,000 SDR for procurement of construction services (CPC 51)

These commitments shall enter into force one year after the date of entry into force of this Agreement, or on 6 July 2019, whichever date is the later.

Note to paragraph 4:

CPV refers to the Common Procurement Vocabulary of the European Union, as defined by Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV), last amended by Commission Regulation (EC) No 213/2008 of 28 November 2007.

CPV 3494 (Railway equipment) comprises:

34941 Rails and accessories	349411 Rods
	349412 Track rails
	349413 Tramline
	349415 Crossheads
	349416 Crossovers
	349418 Railway points
34942 Signalling equipment	349421 Signal posts
	349422 Signalling boxes
34943 Train-monitoring system	
34944 Points heating system	
34945 Track-alignment machinery	

34946 Railway-track construction materials and supplies	349461 Railway-track construction materials	3494611 Rails	
		3494612 Railway materials	34946121 Fishplates and sole plates
			34946122 Check rails
	349462 Railway-track construction supplies	3494621 Current-conducting rails	
		3494622 Switch blades, crossing frogs, point rods and crossing pieces	34946221 Switch blades
			34946222 Crossing frogs
			34946223 Point rods
			34946224 Crossing pieces
		3494623 Rail clips, bedplates and ties	34946231 Rail clips
			34946232 Bedplates and ties
		3494624 Chairs and chair wedges	
34947 Sleepers and parts of sleepers	349471 Sleepers		
	349472 Parts of sleepers		

CPV 3462 (Rolling stock) comprises:

34621 Railway maintenance or service vehicles, and railway freight wagons	346211 Railway freight wagons
	346212 Railway maintenance or service vehicles
34622 Railway and tramway passenger coaches, and trolleybuses	346221 Tramway passenger coaches
	346222 Railway passenger coaches
	346223 Trolleybuses
	346224 Railway carriages
	346225 Luggage vans and special-purpose vans

## 5. Services

Procurement of the following services, in addition to the services listed under Annex 5 of the European Union to Appendix I to the GPA:

- (a) for entities covered under Annex 1 of the European Union to Appendix I to the GPA or under paragraph 1 of this Section:
  - Food serving services and Beverage serving services (CPC 642, 643)
  - Telecommunications related services (CPC 754)
  - Photographic services (CPC 87501 to 87503, 87505, 87507, 87509)

- Packaging services (CPC 876)
- Other business services (CPC 87901, 87903, 87905 to 87907)
- (b) for entities covered under Point 1 of Annex 2 of the European Union to Appendix I to the GPA or under paragraph 2 of this Section:
  - Beverage serving services (CPC 643)
  - General management consulting services (CPC 86501)
  - Financial management consulting services (except business tax) (CPC 86502)
  - Marketing management consulting services (CPC 86503)
  - Human resources management consulting services (CPC 86504)
  - Production management consulting services (CPC 86505)
  - Other management consulting services (CPC 86509)
- (c) for all covered entities:
  - Real estate services on a fee or contract basis (CPC 8220)

Note to paragraph 5:

Food serving services (CPC 642) and beverage serving services (CPC 643) contracts are covered by the national treatment regime for the suppliers and service providers of Japan, provided that their value equals or exceeds EUR 750,000 when they are awarded by procuring entities covered under Annexes 1 and 2 of the European Union to Appendix I to the GPA or under paragraphs 1 and 2 of this Section, and that their value equals or exceeds EUR 1,000,000 when they are awarded by procuring entities covered under Annex 3 of the European Union to Appendix I to the GPA.

## SECTION B

### Japan

In accordance with Articles 10.2 and 10.3, Chapter 10 applies, in addition to the procurement covered by Japan's annexes to Appendix I to the GPA, to the procurement covered by this Section other than procurement by the entities set out in paragraph 2 which are subject to special rules specified in that paragraph.

The Notes in Japan's Annexes 1 to 7 to Appendix I to the GPA also apply to the procurement covered by this Section, unless otherwise provided for in this Section.

#### 1. Procurement in relation to Japan's Annex 2 to Appendix I to the GPA (the Sub-Central Government Entities)

In addition to procurement by the entities listed in Japan's Annex 2 to Appendix I to the GPA:

- (a) Procurement by Kumamoto-shi of goods and services specified in Japan's Annexes 4 to 6 to Appendix I to the GPA. The thresholds for the procurement are those set out in Japan's Annex 2 to Appendix I to the GPA.
- (b) Procurement of goods and services specified in Japan's Annexes 4 to 6 to Appendix I to the GPA by the local independent administrative agencies. The thresholds for the procurement are as those set out in Japan's Annex 2 to Appendix I to the GPA.

Note to subparagraph (b)

In order to ensure the implementation of commitments by the local independent administrative agencies in this subparagraph, the Government of Japan, in tandem with local governments, shall take measures under the laws and regulations of Japan.

For the purpose of this subparagraph, 'local independent administrative agency' means a local independent administrative agency which is covered by the Local Independent Administrative Agency Act (Law No. 118 of 2003), and established by a single entity listed in Japan's Annex 2 to Appendix I to the GPA or Kumamoto-shi under the Act.

For reference purposes, the list of local independent administrative agencies covered by this subparagraph as of 1 February 2018 is as follows:

- (1) Hokkaido Research Organization
- (2) Sapporo Medical University

- (3) Aomori Prefectural Industrial Technology Research Center
- (4) Aomori University of Health and Welfare
- (5) Iwate Industrial Research Institute
- (6) Iwate Prefectural University
- (7) Miyagi Children's Hospital
- (8) Miyagi Prefectural Hospital Organization
- (9) Miyagi University
- (10) Akita International University
- (11) Akita Prefectural Organization on Development and Disability
- (12) Akita Prefectural Hospital Organization
- (13) Akita Prefectural University
- (14) Yamagata Prefectural Public University Corporation
- (15) Yamagata Prefectural University of Health Sciences
- (16) Fukushima Medical University
- (17) The University of Aizu
- (18) Tochigi Cancer Center
- (19) Saitama Prefectural University
- (20) Tokyo Metropolitan Geriatric Hospital and Institute of Gerontology
- (21) Tokyo Metropolitan Industrial Technology Research Institute
- (22) Tokyo Metropolitan University
- (23) Kanagawa Institute of Industrial Science and Technology
- (24) Kanagawa Prefectural Hospital Organization
- (25) Niigata College of Nursing
- (26) University of Niigata Prefecture
- (27) Toyama Prefectural University
- (28) Ishikawa Prefectural Public University Corporation
- (29) Fukui Prefectural University
- (30) Yamanashi Prefectural Hospital Organization
- (31) Yamanashi Prefectural University
- (32) Nagano Prefectural Hospital Organization
- (33) Gifu College of Nursing
- (34) Gifu Prefectural General Medical Center
- (35) Gifu Prefectural Gero Hospital
- (36) Gifu Prefectural Tajimi Hospital
- (37) Shizuoka Prefectural Hospital Organization
- (38) Shizuoka Prefectural University Corporation
- (39) Shizuoka University of Art and Culture
- (40) Aichi Public University Corporation
- (41) Mie Prefectural College of Nursing
- (42) Mie Prefectural General Medical Center
- (43) The University of Shiga Prefecture
- (44) Kyoto Prefectural Public University Corporation

- (45) Osaka Prefectural Hospital Organization
- (46) Osaka Prefecture University
- (47) Research Institute of Environment, Agriculture and Fisheries, Osaka Prefecture
- (48) University of Hyogo
- (49) Nara Medical University
- (50) Nara Prefectural Hospital Organization
- (51) Nara Prefectural University
- (52) Wakayama Medical University
- (53) Tottori Institute of Industrial Technology
- (54) The University of Shimane
- (55) Okayama Prefectural University
- (56) Okayama Psychiatric Medical center
- (57) Prefectural University of Hiroshima
- (58) Yamaguchi Prefectural Hospital Organization
- (59) Yamaguchi Prefectural Industrial Technology Institute
- (60) Yamaguchi Prefectural University
- (61) Tokushima Prefecture Naruto Hospital
- (62) Ehime Prefectural University of Health Sciences
- (63) Kochi Prefectural Public University Corporation
- (64) Fukuoka Prefectural University
- (65) Fukuoka Women's University
- (66) Kyushu Dental University
- (67) Saga-Ken Medical Centre Koseikan
- (68) Nagasaki Prefectural University Corporation
- (69) Prefectural University of Kumamoto
- (70) Oita Prefectural College of Arts and Culture
- (71) Oita University of Nursing and Health Sciences
- (72) Miyazaki Prefectural Nursing University
- (73) Osaka City Hospital Organization
- (74) Osaka City University
- (75) Nagoya City University
- (76) Kyoto City Hospital Organization
- (77) Kyoto City University of Arts
- (78) Kyoto Municipal Institute of Industrial Technology and Culture
- (79) Yokohama City University
- (80) Kobe City Hospital Organization
- (81) Kobe City University of Foreign Studies
- (82) The University of Kitakyushu
- (83) Sapporo City University
- (84) Fukuoka City Hospital Organization
- (85) Hiroshima City Hospital Organization
- (86) Hiroshima City University
- (87) Shizuoka City Shizuoka Hospital
- (88) Sakai City Hospital Organization
- (89) Okayama City General Medical Center



- (c) Notwithstanding Note 5 to Japan's Annex 2 to Appendix I to the GPA, for the purposes of Chapter 10, procurement related to the production, transport or distribution of electricity by the sub-central government entities listed in Japan's Annex 2 to Appendix I to the GPA and by Kumamoto-shi shall be covered. The thresholds for the procurement are those set out in Japan's Annex 2 to Appendix I to the GPA.

For reference purposes, the list of sub-central government entities who produce, transport or distribute electricity as of 1 February 2018 is as follows:

- (1) Hokkaido
- (2) Iwate-ken
- (3) Akita-ken
- (4) Yamagata-ken
- (5) Tochigi-ken
- (6) Gunma-ken
- (7) Tokyo-to
- (8) Kanagawa-ken
- (9) Niigata-ken
- (10) Toyama-ken
- (11) Yamanashi-ken
- (12) Nagano-ken
- (13) Mie-ken
- (14) Kyoto-fu
- (15) Hyogo-ken
- (16) Tottori-ken
- (17) Shimane-ken
- (18) Okayama-ken
- (19) Yamaguchi-ken
- (20) Tokushima-ken
- (21) Ehime-ken
- (22) Kochi-ken
- (23) Fukuoka-ken
- (24) Kumamoto-ken
- (25) Oita-ken
- (26) Miyazaki-ken
- (27) Yokohama-shi
- (28) Kitakyushu-shi

Note to paragraph 1:

Japan's Annex 2 to Appendix I to the GPA and this paragraph refer to all prefectural governments entitled 'To', 'Do', 'Fu' and 'Ken', and all designated cities entitled 'Shitei-toshi', covered by the Local Autonomy Law (Law No. 67 of 1947) of Japan as of 1 February 2018.

## 2. Procurement by Core Cities

With regard to the procurements in the process of open tendering by Core Cities of Japan, suppliers of the European Union shall be accorded treatment no less favorable than that accorded to locally established suppliers, including, if and where such exist, access to any review procedures available to locally established suppliers. Any obligations in Chapter 10 other than this paragraph do not apply to Core Cities of Japan.

Notes to paragraph 2:

- (a) 'Core City' means a city defined by paragraph 1 of Article 252-22 of the Local Autonomy Law (Law No. 67 of 1947) of Japan.

- (b) For the purpose of this paragraph, 'locally established supplier' means a supplier who is qualified with respect to the location of an establishment in accordance with Article 167-5-2 of the Cabinet Order of the Local Autonomy Law of Japan (Cabinet Order No. 16 of 1947).
  - (c) The same thresholds and coverage of goods and services as those for the entities listed in Japan's Annex 2 to Appendix I to the GPA, including the Notes to that Annex, apply to procurement covered by this paragraph. However, procurement of goods and services related to the operational safety of transportation shall be open to suppliers of the European Union one year after the date of the entry into force of this Agreement or on 6 July 2019, whichever date is the later.
  - (d) This paragraph does not apply to the procurement of construction services (CPC 51).
  - (e) For the purpose of this paragraph, 'supplier of the European Union' means, in case of a juridical person, a juridical person of the European Union. In case where the supplier is a juridical person owned or controlled by a natural or juridical person of a third country or Japan, and that person would substantively benefit from this paragraph and undermine the attainment of the objectives of Chapter 10, Japan may deny the benefits of this paragraph to that supplier. For the purpose of this paragraph, the definitions contained in subparagraphs (l) to (n) of Article 8.2 apply.
  - (f) This paragraph does not prevent Core Cities of Japan from establishing their policy plan to encourage local small and medium-sized enterprises to participate in procurement procedures.
3. Procurement in relation to Japan's Annex 3 to Appendix I to the GPA (Other Entities)
- (a) With regard to the procurement of goods and services by the entities listed in Group B of Japan's Annex 3 to Appendix I to the GPA, the following thresholds apply:
    - (i) 100,000 SDR for goods
    - (ii) 100,000 SDR for services specified in Japan's Annex 5 to Appendix I to the GPA other than architectural, engineering and other technical services related to construction services
  - (b) In addition to the procurement by entities listed in Group B of Japan's Annex 3 to Appendix I to the GPA, procurement of goods and services specified in Japan's Annexes 4 to 6 to Appendix I to the GPA by the following entities:
    - (1) Agriculture, Forestry and Fisheries Credit Foundations
    - (2) Information-technology Promotion Agency
    - (3) Japan Community Health care Organization
    - (4) National Agency for Automotive Safety and Victims' Aid
    - (5) Organization for Environment Improvement around International Airport
    - (6) Pharmaceutical and Medical Devices Agency

Note to paragraph 3:

With regard to procurement of goods and services by the entities referred to in subparagraph (b), the thresholds set out in subparagraph (a) apply.

4. Procurement of goods and services related to the operational safety of transportation

Procurement of goods and services related to the operational safety of transportation by the entities listed in Japan's Annex 2 to Appendix I to the GPA covered by Note 4 to that Annex and the entities listed in Japan's Annex 3 to Appendix I to the GPA covered by Note 3.a. to that Annex (Hokkaido Railway Company, Japan Freight Railway Company, Japan Railway Construction, Transport and Technology Agency, Shikoku Railway Company and Tokyo Metro Co., Ltd.) shall be open to suppliers of the European Union. This commitment shall enter into force one year after the date of the entry into force of this Agreement or on 6 July 2019, whichever date is the later.

For the purpose of this paragraph, the thresholds for the procurement by the entities listed in Japan's Annex 2 to Appendix I to the GPA are those set out in that Annex, while the thresholds for the procurement of goods and services (other than construction services and architectural, engineering and other technical services) by the five entities referred to in the first sentence of this paragraph are 400,000 SDR.

## 5. Services

In addition to the services listed in Japan's Annex 5 to Appendix I to the GPA, Chapter 10 applies to the following services, which are identified in accordance with CPC:

(a) for procurement by entities listed in Japan's Annex 1 to Appendix I to the GPA:

- 754 Telecommunications related services
- 812 Insurance (including reinsurance) and pension fund services, except compulsory social security services
- 87201 Executive search services
- 87202 Placement services of office support personnel and other workers
- 87204 Supply services of domestic help personnel
- 87205 Supply services of other commercial or industrial workers
- 87206 Supply services of nursing personnel
- 87209 Supply services of other personnel
- 87501 Portrait photography services
- 87502 Advertising and related photography services
- 87503 Action photography services
- 87505 Photography processing services
- 87506 Motion picture processing services not related to the motion picture and television industries
- 87507 Restoration, copying and retouching services of photography
- 87509 Other photographic services
- 87901 Credit reporting services
- 87902 Collection agency services
- 87903 Telephone answering services
- 87905 Translation and interpretation services
- 87906 Mailing list compilation and mailing services
- 87907 Specialty design services

(b) for procurement by entities listed in Japan's Annex 2 to Appendix I to the GPA and Kumamoto-shi:

- 643 Beverage serving services
  - 83106
  - to 83108 Leasing or rental services concerning agricultural machinery and equipment without operator
  - 83203 Leasing or rental services concerning furniture and other household appliances
  - 83204 Leasing or rental services concerning pleasure and leisure equipment
  - 83209 Leasing or rental services concerning other personal or household goods
  - 86501 General management consulting services
  - 86502 Financial management consulting services (except business tax)
  - 86503 Marketing management consulting services
  - 86504 Human resources management consulting services
  - 86505 Production management consulting services
  - 86509 Other management consulting services
-