

## **ANNEX XIX**

REFERRED TO IN PARAGRAPH 2(d) OF ARTICLE 7.1

### **COVERED ENTITIES**

APPENDIX 1:ENTITIES AT  
CENTRAL LEVEL

APPENDIX 2:ENTITIES AT SUB  
CENTRAL  
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APPENDIX 3:ENTITIES OPERATING  
IN THE UTILITIES  
SECTOR AND OTHER  
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APPENDIX 4:GOODS

APPENDIX 5:SERVICES

APPENDIX 6:CONSTRUCTION  
SERVICES

APPENDIX 7:GENERAL NOTES

## APPENDIX 1

### ENTITIES AT CENTRAL LEVEL

#### GOODS

Thresholds                      SDR 130 000

#### SERVICES

Specified in Appendix 4

Thresholds                      SDR 130 000

#### CONSTRUCTION SERVICES

Specified in Appendix 5

Thresholds                      SDR 5 000 000

#### Procurement below the value of thresholds

In their procedures and practices for the award of procurement contracts below the value of thresholds laid down in this Appendix, the Parties undertake to encourage their Covered Entities to treat the suppliers and service providers of the other Party in accordance with the provisions of Article 7.4 of this Agreement.

#### Services and schedules of specific commitments

The provision of services, including construction services, in the context of procurement procedures according to Chapter 7, is subject to the conditions and qualifications for market access and national treatment set out in the Parties' schedule of specific commitments under the GATS.

PART A: COLOMBIA

**List of Entities:**

Executive Branch

1. Departamento Administrativo de la Presidencia de la República
2. Ministerio del Interior y de Justicia
3. Ministerio de Relaciones Exteriores
4. Ministerio de Hacienda y Crédito Público
5. Ministerio de Defensa Nacional (Note 2)
6. Ministerio de Agricultura y Desarrollo Rural (Note 3)
7. Ministerio de Protección Social (Note 4)
8. Ministerio de Minas y Energía (Note 5)
9. Ministerio de Comercio, Industria y Turismo
10. Ministerio de Educación Nacional
11. Ministerio de Ambiente, Vivienda y Desarrollo Territorial
12. Ministerio de Comunicaciones
13. Ministerio del Transporte (Note 6)
14. Ministerio de Cultura
15. Departamento Nacional de Planeación
16. Departamento Administrativo de Seguridad
17. Departamento Administrativo de la Función Pública
18. Departamento Administrativo Nacional de Estadísticas
19. Departamento Administrativo Nacional de Economía Solidaria

Legislative Branch

20. Senado de la República
21. Cámara de Representantes

Judicial Branch

22. Consejo Superior de la Judicatura
23. Fiscalía General de la Nación

Control Agencies

24. Contraloría General de la República
25. Auditoría General de la República
26. Procuraduría General de la Nación
27. Defensoría del Pueblo

Electoral Organization

28. Registraduría Nacional del Estado Civil (Note 7)

### **Notes to Schedule of Colombia**

1. Unless otherwise specified herein, this Chapter applies to the “superintendencias”, “unidades administrativas especiales”, and “establecimientos públicos” of the entities listed in Colombia’s Schedule in this Section.
2. Ministerio de Defensa Nacional: Chapter 7 does not cover the procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the United Nations Central Product Classification 1.0 (CPC version 1.0) for the Comando General de las Fuerzas Armadas, Ejército Nacional, Armada Nacional, Fuerza Aérea Colombiana, and the Policía Nacional.
3. Ministerio de Agricultura y Desarrollo Rural: Chapter 7 does not cover the procurement of food, agricultural raw materials or inputs, and live animals related to agricultural support programs and food assistance.
4. Ministerio de Protección Social: Chapter 7 does not cover the procurement by the Instituto Colombiano de Bienestar Familiar (ICBF) of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC version 1.0 for social assistance programs.
5. Ministerio de Minas y Energía: Chapter 7 does not cover the procurement of nuclear materials and technology by the Instituto Colombiano de Geología y Minería (INGEOMINAS).
6. Ministerio del Transporte: Chapter 7 does not cover procurement by the Unidad Administrativa Especial de Aeronáutica Civil (AEROCIVIL).
7. Registraduría Nacional del Estado Civil: Chapter 7 does not cover procurement for the preparation and conduct of elections.

PART B: EFTA STATES

**a. Republic of Iceland**

**List of Entities:**

The following central government entities including:

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

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

Ríkiskaup (State Trading Center)

Framkvæmdasýslan (Government Construction Contracts)

Vegagerð ríkisins (Public Road Administration)

Siglingastofnun (Icelandic Maritime Administration)

**Notes and derogations**

1. Chapter 7 shall not apply to contracts awarded by entities listed in Appendices 1.B.a and 2.B.a of this Annex in connection with activities in the field of drinking water, energy, transport or telecommunications.
2. Chapter 7 shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

**b. Principality of Liechtenstein**

**List of Entities:**

Government of the Principality of Liechtenstein

**Notes and derogations**

1. Chapter 7 shall not apply to contracts awarded by entities listed in Appendices 1.B.b and 2.B.b of this Annex in connection with activities in the field of drinking water, energy, transport or telecommunications.
2. Chapter 7 shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

**c. Kingdom of Norway**

All central government (State/federal) entities, including Ministries and sub-entities.<sup>1</sup>

**Note**

For procurement by the security and defence entities only the following list of supplies and equipment is covered by Chapter 7:

- Chapter 25<sup>2</sup>: 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

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<sup>1</sup> Central government entities cover any subordinate entities of any central government entity provided it has a separate legal personality.

<sup>2</sup> Numbers refer to the HS

- 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 furskins) and leather
- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
- Chapter 43: Furskins and artificial fur; manufactures thereof
- Chapter 44: Wood and articles of wood; wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials; basketware and wickerwork
- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof
- Chapter 78: Lead and articles thereof



- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof  
except:
  - ex 82.05 tools
  - ex 82.07 tools, parts
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances; parts thereof  
except:
  - ex 84.06 engines
  - ex 84.08 other engines
  - ex 84.45 machinery
  - ex 84.53 automatic data-processing machines
  - ex 84.55 parts of machines under heading 84.53
  - ex 84.59 nuclear reactors
- Chapter 85: Electrical machinery and equipment; parts thereof  
except:
  - ex 85.13 telecommunication equipment
  - ex 85.15 transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof  
except:
  - ex 86.02 armoured locomotives, electric
  - ex 86.03 other armoured locomotives
  - ex 86.05 armoured wagons
  - ex 86.06 repair wagons
  - ex 86.07 wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof  
except:
  - ex 87.01 tractors
  - ex 87.02 military vehicles
  - ex 87.03 breakdown lorries
  - ex 87.08 tanks and other armoured vehicles
  - ex 87.09 motorcycles
  - ex 87.14 trailers
- Chapter 89: Ships, boats and floating structures  
except:
  - ex 89.01A warships
- Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof  
except:
  - ex 90.05 binoculars
  - ex 90.13 miscellaneous instruments, lasers
  - ex 90.14 telemeters
  - ex 90.28 electrical and electronic measuring instruments
  - ex 90.11 microscopes
  - ex 90.17 medical instruments
  - ex 90.18 mechano-therapy appliances
  - ex 90.19 orthopaedic appliances

	ex 90.20 X-ray apparatus
Chapter 91:	Clocks and watches and parts thereof
Chapter 92:	Musical instruments; sound recorders or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles
Chapter 94:	Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings except: ex 94.01A aircraft seats
Chapter 95:	Articles and manufactures of carving or moulding material
Chapter 96:	Brooms, brushes, powder-puffs and sieves
Chapter 98:	Miscellaneous manufactured articles

### **Notes and derogations**

1. Chapter 7 shall not apply to contracts awarded by entities listed in Appendices 1.B.c and 2.B.c of this Annex in connection with activities in the field of drinking water, energy, transport, telecommunications or post.
2. Chapter 7 shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
3. Chapter 7 does not apply to procurement subject to secrecy or other particular restrictions with regard to the safety of the realm.
4. When a specific procurement may impair important national policy objectives, the Norwegian Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in Chapter 7. A decision to this effect will be taken at the Norwegian Cabinet level.
5. Norway reserves its position with regard to the application of Chapter 7 to Svalbard, Jan Mayen Island and Norway Antarctic possessions.

**d. Swiss Confederation**

**List of Entities:**

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

Chancellerie fédérale

Bibliothèque centrale du Parlement et de l'Administration fédérale

Préposé fédéral à la protection des données

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

Secrétariat général du Département fédéral des affaires étrangères

Direction du développement et de la coopération

Direction du droit international public

Direction politique

Secrétariat d'État du Département fédéral des affaires étrangères

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

Secrétariat général du Département fédéral de l'intérieur

Archives fédérales

Bureau fédéral de l'égalité entre femmes et hommes

Conseil des écoles polytechniques fédérales

Écoles polytechniques fédérales et établissements annexes

Groupement de la science et de la recherche

Institut fédéral de recherches sur la forêt, la neige et le paysage

Institut fédéral pour l'aménagement, l'épuration et la protection des eaux

Institut Paul Scherrer

Institut suisse de météorologie

Laboratoire fédéral d'essai des matériaux et de recherches

Office fédéral de l'assurance militaire<sup>1</sup>

Office fédéral de l'éducation et de la science

Office fédéral de la culture

Office fédéral de la santé publique

Office fédéral de la statistique

Office fédéral des assurances sociales

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

Secrétariat général du Département fédéral de la justice et police

Institut suisse de droit comparé

Institut suisse de la propriété intellectuelle

Ministère public de la Confédération

Office fédéral de la justice

Office fédéral de la police

Office fédéral de l'aménagement du territoire

Office fédéral de métrologie

Office fédéral des assurances privées

Office fédéral des étrangers

Office fédéral des réfugiés

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

Secrétariat général du Département fédéral de la défense, de la protection de la population et des sports<sup>1</sup>

Administration centrale du groupement de l'armement<sup>1</sup>

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<sup>1</sup> Contracts of entities of the Federal Department of Defence see note hereafter. (This applies also to the Federal Customs Administration with regard to the equipment for border guards and customs officials.)

Commandement des écoles d'état-major et de commandants<sup>1</sup>

Commandement du Corps des gardes fortification<sup>1</sup>

État-Major de l'instruction opérative<sup>1</sup>

État-Major général<sup>1</sup>

Groupe de l'état-major général<sup>1</sup>

Groupe de la logistique de l'état-major général<sup>1</sup>

Groupe de la promotion de la paix et de la coopération en matière de sécurité<sup>1</sup>

Groupe de la Direction de l'instruction des forces terrestres<sup>1</sup>

Groupe de la planification de l'état-major général<sup>1</sup>

Groupe de l'aide au commandement de l'état-major général<sup>1</sup>

Groupe des affaires sanitaires de l'état-major général<sup>1</sup>

Groupe des opérations de l'état-major général<sup>1</sup>

Groupe des opérations des forces aériennes<sup>1</sup>

Groupe du personnel de l'armée de l'état-major général<sup>1</sup>

Groupe du personnel enseignant des forces terrestres<sup>1</sup>

Groupe des renseignements de l'état-major général<sup>1</sup>

Office de l'auditeur en chef<sup>1</sup>

Office des exploitations des forces terrestres<sup>1</sup>

Office fédéral de la protection civile<sup>1</sup>

Office fédéral de la topographie

Office fédéral de l'instruction des forces aériennes<sup>3</sup>

Office fédéral des armes de combat<sup>1</sup>

Office fédéral des armes et des services d'appui<sup>1</sup>

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<sup>3</sup> For contracts of entities of the Federal Department of Defence see note hereafter. (This applies also to the Federal Customs Administration with regard to the equipment for border guards and customs officials.)

Office fédéral des armes et des services de la logistique<sup>4</sup>

Office fédéral des exploitations des forces aériennes<sup>1</sup>

Office fédéral des systèmes d'armes des forces aériennes et des systèmes de commandement<sup>1</sup>

Office fédéral des systèmes d'armes et des munitions<sup>1</sup>

Office fédéral du matériel d'armée et des constructions<sup>1</sup>

Office fédéral du sport

Services centraux de l'état-major général<sup>1</sup>

Services centraux des forces aériennes<sup>1</sup>

Services centraux des forces terrestres<sup>1</sup>

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

Secrétariat général du Département fédéral des finances

Administration fédérale des contributions

Administration fédérale des douanes<sup>1</sup>

Administration fédérale des finances

Caisse fédérale d'assurance

Commission fédérale des banques

Contrôle fédéral des finances

Monnaie officielle de la Confédération suisse

Office fédéral de l'informatique

Office fédéral des constructions et de la logistique

Office fédéral du personnel

Régie fédérale des alcools

7. Département fédéral de l'économie (DFE):

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<sup>4</sup> For contracts of entities of the Federal Department of Defence see note hereafter. (This applies also to the Federal Customs Administration with regard to the equipment for border guards and customs officials.)

*(Federal Department of Economics)*

Secrétariat général du Département fédéral de l'économie

Commission de la concurrence

Office fédéral de l'agriculture

Office fédéral de la formation professionnelle et de la technologie

Office fédéral du logement

Office fédéral pour l'approvisionnement économique du pays

Office vétérinaire fédéral

Secrétariat d'État à l'économie

Surveillance des prix

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

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

Commission fédérale de la communication

La Poste<sup>5</sup>

Office fédéral de la communication

Office fédéral de l'aviation civile

Office fédéral de l'économie des eaux

Office fédéral de l'énergie

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

Office fédéral des routes

Office fédéral des transports

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<sup>5</sup>

As long as the entity is not in competition with undertakings not covered by Chapter 7

**Note**

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.B.d of this Annex only the following list of supplies and equipment is covered by this Chapter:

Chapter 25 <sup>6</sup>	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

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<sup>6</sup> Numbers refer to the HS



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 77:	Magnesium and beryllium
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: 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

### **Notes and derogations**

1. Chapter 7 shall not apply to contracts awarded by entities listed in Appendices 1.B.d and 2.B.d of this Annex in connection with activities in the field of drinking water, energy, transport or telecommunications.
  2. Chapter 7 shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
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## APPENDIX 2

### ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL

#### GOODS

Thresholds                      SDR 200 000

#### SERVICES

Specified in Appendix 4

Thresholds                      SDR 200 000

#### CONSTRUCTION SERVICES

Specified in Appendix 5

Thresholds                      SDR 5 000 000

#### Procurement below the value of thresholds

In their procedures and practices for the award of procurement contracts below the value of thresholds laid down in this Appendix, the Parties undertake to encourage their Covered Entities to treat the suppliers and service providers of the other Party in accordance with the provisions of Article 7.4 of this Agreement.

#### Services and schedules of specific commitments

The provision of services, including construction services, in the context of procurement procedures according to Chapter 7 is subject to the conditions and qualifications for market access and national treatment set out in the Parties' schedule of specific commitments under the GATS.

PART A: COLOMBIA

**List of Entities:**

1. All of the Departamentos.
2. All of the Municipios.

**Notes to the Schedule of Colombia**

1. This Chapter does not cover:
  - (a) any entity with an industrial or commercial character.
  - (b) procurements of food, agricultural raw materials/inputs, and live animals related to agricultural support programs and food assistance;
  - (c) procurements of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the Central Product Classification (hereinafter referred to as the CPC) version 1.0 for social assistance programs; and
  - (d) procurements made by a covered entity on behalf of a non-covered entity at a different level of government.

PART B: EFTA STATES

**a. Republic of Iceland**

**List of Entities:**

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

**Notes and derogations**

1. Chapter 7 shall not apply to contracts awarded by entities listed in Appendices 1.B.a and 2.B.a of this Annex in connection with activities in the field of drinking water, energy, transport or telecommunications.
2. Chapter 7 shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

**b. Principality of 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.

**Notes and derogations**

1. Chapter 7 shall not apply to contracts awarded by entities listed in Appendices 1.B.b and 2.B.b of this Annex in connection with activities in the field of drinking water, energy, transport or telecommunications.
2. Chapter 7 shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

**c. Kingdom of Norway**

**List of Entities:**

1. Contracting authorities of the regional or local public authorities (all counties (19) and municipalities (435)).
2. Bodies governed by public law, or associations formed by one or more such authorities or bodies governed by public law<sup>7</sup>:

**Notes and derogations**

1. Chapter 7 shall not apply to contracts awarded by entities listed in Appendices 1.B.c and 2.B.c of this Annex in connection with activities in the field of drinking water, energy, transport, telecommunications or post.
2. Chapter 7 shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
3. Chapter 7 does not apply to procurement subject to secrecy or other particular restrictions with regard to the safety of the realm.
4. When a specific procurement may impair important national policy objectives, the Norwegian Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in Chapter 7. A decision to this effect will be taken at the Norwegian Cabinet level.
5. Norway reserves its position with regard to the application of Chapter 7 to Svalbard, Jan Mayen Island and Norway Antarctic possessions.

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<sup>7</sup>

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

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



**d. Swiss Confederation**

**List of entities<sup>8</sup>**

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

*List of Swiss cantons:*

Appenzell (Rhodes Intérieures/Extérieures)

Argovie

Bâle (Ville/Campagne)

Berne

Fribourg

Glaris

Genève

Grisons

Jura

Neuchâtel

Lucerne

Schaffhouse

Schwyz

Soleure

St Gall

Tessin

Thurgovie

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<sup>8</sup> For contracts of the cantons referring to defense products, acting for the federal defense department, see derogations.

Vaud

Valais

Unterwald (Nidwald/Obwald)

Uri

Zoug

Zurich

**Notes and derogations**

1. Chapter 7 shall not apply to contracts awarded by entities listed in Appendices 1.B.d and 2.B.d of this Annex in connection with activities in the field of drinking water, energy, transport or telecommunications.
  2. Chapter 7 shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
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### APPENDIX 3

#### ENTITIES OPERATING IN THE UTILITIES SECTOR AND OTHER COVERED ENTITIES

##### Procurement below the value of thresholds

In their procedures and practices for the award of procurement contracts below the value of thresholds laid down in this Appendix, the Parties undertake to encourage their Covered Entities to treat the suppliers and service providers of the other Party in accordance with the provisions of Article 7.4 of this Agreement.

##### Services and schedules of specific commitments

The provision of services, including construction services, in the context of procurement procedures according to Chapter 7 is subject to the conditions and qualifications for market access and national treatment set out in the Parties' schedule of specific commitments under the GATS.

PART A: COLOMBIA

**Thresholds:**

GOODS

Thresholds                      SDR 220'000

SERVICES

Specified in Appendix 4

Thresholds                      SDR 220'000

CONSTRUCTION SERVICES

Specified in Appendix 5

Thresholds                      SDR 5 000 000

**List of Entities:**

1. Agencia Logística de las Fuerzas Militares (Note 1)
2. Fondo Rotatorio de la Policía Nacional (Note 1)
3. Fondo Rotatorio del Departamento Administrativo de Seguridad (Note 1)
4. Instituto de Casas Fiscales del Ejército
5. Dirección de Impuestos y Aduanas Nacionales (DIAN)
6. Instituto Colombiano del Deporte (COLDEPORTES)
7. Instituto Colombiano Para el Desarrollo de la Ciencia y la Tecnología Francisco José de Caldas (COLCIENCIAS)
8. Instituto Colombiano para el Fomento de la Educación Superior (ICFES)
9. Instituto Nacional Penitenciario y Carcelario (INPEC)
10. Servicio Nacional de Aprendizaje (SENA)

**Notes to Schedule of Colombia**

1. Agencia Logística de las Fuerzas Militares, Fondo Rotatorio de la Policía Nacional, and Fondo Rotatorio del Departamento Administrativo de Seguridad: Chapter 7 does not cover procurement of goods classified under Section 2 (food products, beverages and tobacco; textiles, apparel and leather products) of the CPC version 1.0 by the entities listed for the Comando General de las Fuerzas Armadas, Ejército Nacional, Armada Nacional, Fuerza Aérea Colombiana, and the Policía Nacional.

Unless otherwise specified herein, this Chapter covers only the entities listed in this Appendix.

PART B: EFTA STATES

GOODS

Thresholds                      SDR 400 000

SERVICES

Specified in Appendix 4

Thresholds                      SDR 400 000

CONSTRUCTION SERVICES

Specified in Appendix 5

Thresholds                      SDR 5 000 000

**a.      Republic of Iceland**

**List of Sectors:**

1.      *Urban transport:*

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

2.      *Airports:*

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

3.      *Ports:*

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

4.      *Water supply:*

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

5.      *The electricity sector*

**Notes and derogations**

1.      Chapter 7 shall not apply to service contracts which:

- (a) a contracting entity awards to an affiliated undertaking;
- (b) are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out a relevant activity within the meaning of sectors 1 through 4 of Appendix 3.B.a of this Annex to one of those contracting entities or to an undertaking which is affiliated with one of these contracting entities;

provided that at least 80 percent of the average turnover of that undertaking with respect to services arising within the EEA<sup>9</sup> for the three preceding years derives from the provision of such services to undertakings with which it is affiliated. When more than one undertaking affiliated with the contracting entity provides the same service or similar services, the total turnover deriving from the provision of services by those undertakings shall be taken into account.

2. The supply of drinking water to networks which provide a service to the public by a contracting entity other than a public authority shall not be considered as a relevant activity within the meaning of sectors 1 and 4 of Appendix 3.B.a of this Annex where:

- (a) the production of drinking water by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in sectors 1 and 4 of Appendix 3.B.a of this Annex; and
- (b) supply to the public network depends only on the entity's own consumption and has not exceeded 30 percent of the entity's total production of drinking water, having regard to the average for the preceding three years, including the current year.

3. With regard to Appendix 3.B.a of this Annex, Chapter 7 shall not apply to the following contracts:

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

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<sup>9</sup> European Economic Area

- (d) contracting entities exercising activities in the bus transportation sector where other entities are free to offer the same services in the same geographical area and under substantially the same conditions.

**b. Principality of Liechtenstein**

**List of Entities:**

The contracting entities which are public authorities<sup>10</sup> or public undertakings<sup>11</sup> and which have as at least one of their activities any of those referred to below:

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

**Title I. Production, transport or distribution of drinking water**

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

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<sup>10</sup> Public authorities means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:

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

<sup>11</sup> Public undertakings means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

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



- Gruppenwasserversorgung Liechtensteiner Oberland
- Gruppenwasserversorgung Liechtensteiner Unterland

**Title II. Contracting entities in the field of tramway, trolley bus, bus or cable services**

- Liechtenstein Bus Anstalt

**Title III. Contracting entities in the field of airport facilities**

None

**Title IV. Contracting entities in the field of inland ports**

None

**Notes and derogations**

Chapter 7 shall not apply to:

1. contracts which the contracting entity awards for purposes other than the pursuit of their activities as described in Appendix 3.B.b of this Annex;
2. contracts awarded for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity;
3. contracts for the purchase of water;
4. contracts of contracting entities other than a public authority exercising the supply of drinking water 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 Title I of Appendix 3.B.b of this Annex and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30 percent of the entity's total production of drinking water, having regard to the average for the preceding three years;
5. contracts awarded by contracting entities providing a bus service if other entities are free to offer the same service either in general or in a specific geographical area and under the same conditions.

**c. Kingdom of Norway**

**List of Sectors:**

1. *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 tramway, trolley bus, bus or cable according to Lov om anlegg og drift av jernbane, herunder sporvei, tunellbane og forstadsbane m.m. (LOV 1993-06-11 100), or Lov om samferdsel (LOV 1976-06-04 63) or Lov om anlegg av taugbaner og løpestrenger (LOV 1912-06-14 1).

Example:

- Oslo Sporveier AS

2. *Airports:*

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

Luftfartsverket

National Civil Aviation Administration

Examples:

- Trondheim Lufthavn, Værnes
- Stavanger Lufthavn, Sola
- Oslo Lufthavn AS

3. *Ports:*

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

Examples:

- Oslo Havnevesen
- Larvik Havn

4. *Water supply:*

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

Examples:

- Oslo Kommune (Vann og avløpsetaten)
- Bergen kommune (Vann og avløpsetaten)
- Stavanger kommune (Vann og avløpsetaten)
- Tromsø Kommune (Vann og avløpsetaten)
- Sarpsborg kommune (Vann og avløpsetaten)

## Notes and derogations

1. Chapter 7 shall, provided that the conditions in paragraph 2 are met, not apply to contracts awarded:

- (a) by a contracting entity to an affiliated undertaking, or
- (b) by a joint venture, formed exclusively by a number of contracting entities for the purpose of carrying out activities within the meaning of Articles 3 to 7, to an undertaking which is affiliated with one of these contracting entities.

2. Paragraph 1 shall apply:

- (a) to service contracts provided that at least 80 % of the average turnover of the affiliated undertaking with respect to services for the preceding three years derives from the provision of such services to undertakings with which it is affiliated<sup>12</sup>;
- (b) to supplies contracts provided that at least 80 % of the average turnover of the affiliated undertaking with respect to supplies for the preceding three years derives from the provision of such supplies to undertakings with which it is affiliated;
- (c) to works contracts provided that at least 80 % of the average turnover of the affiliated undertaking with respect to works for the preceding three years derives from the provision of such works to undertakings with which it is affiliated. 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 sub-paragraphs (a), (b) or (c) is credible, particularly by means of business projections. Where more than one undertaking affiliated with the contracting entity provides the same or similar services, supplies or works, the above percentages shall be calculated taking into account the total turnover deriving respectively from the provision of services, supplies or works by those affiliated undertakings.

3. This Chapter shall not apply to contracts awarded:

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<sup>12</sup> 'Affiliated undertaking' means any undertaking the annual accounts of which are consolidated with those of the contracting entity or any undertaking over which the contracting entity may exercise, directly or indirectly, a dominant influence or which may exercise a dominant influence over the contracting entity or which, in common with the contracting entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

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

4. The supply of drinking water to networks which provide a service to the public by a contracting entity other than a public authority shall not be considered as a relevant activity within the meaning of sectors 1 and 4 of Appendix 3.B.c of this Annex where:

- (a) the production of drinking water by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in sectors 1 and 4 of Appendix 3.B.c of this Annex, and
- (b) supply to the public network depends only on the entity's own consumption and has not exceeded 30 percent of the entity's total production of drinking water, having regard to the average for the preceding three years, including the current year.

5. With regard to Appendix 3.B.c of this Annex, Chapter 7 shall not apply to the following contracts:

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

6. Chapter 7 does not apply to procurement subject to secrecy or other particular restrictions with regard to the safety of the realm.

7. When a specific procurement may impair important national policy objectives, the Norwegian Government may consider it necessary in singular procurement cases to

deviate from the principle of national treatment in Chapter 7. A decision to this effect will be taken at the Norwegian Cabinet level.

8. Norway reserves its position with regard to the application of Chapter 7 to Svalbard, Jan Mayen Island and Norway Antarctic possessions.

**d. Swiss Confederation**

**List of Entities:**

The contracting entities which are public authorities<sup>13</sup> or public undertakings<sup>14</sup> and which have as at least one of their activities any of those referred to below:

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

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<sup>13</sup> Public authorities means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:

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

<sup>14</sup> Public undertakings means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

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

## **Title I. Production, transport or distribution of drinking water**

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

Examples:

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

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

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

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

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

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

Example:

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

## **Title III. Airports**

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

Examples:

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

#### **Title IV. Inland ports**

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

Example:

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

#### **Notes and derogations**

Chapter 7 shall not apply:

1. to contracts which the contracting entity awards for the purpose other than the pursuit of their activities as described in Appendix 3.B.d of this Annex or for the pursuit of such activities beyond Switzerland;
  2. to contracts awarded for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity;
  3. to contracts for the purchase of water;
  4. to contracts of contracting entities other than a public authority exercising the supply of drinking water 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 Appendix 3.B.d of this Annex. Furthermore, the supply to the public network depends only on the entity's own consumption and has not exceeded 30 percent of entity's total production of drinking water, having regard to the average for the preceding three years;
  5. to contracts of contracting entities exercising activities in the bus transportation sector where other entities are free to offer the same services in the same geographical area and under substantially the same conditions.
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## APPENDIX 4

### GOODS

This Chapter applies to all goods procured by the entities listed in Appendices 1 through 3, subject to the Notes to the respective Appendices and the General Notes.

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## APPENDIX 5

### SERVICES

#### PART A

#### SCHEDULE OF COLOMBIA

This Chapter does not cover the procurement of the following services, as elaborated in the CPC Version 1.0. (For complete listing of Central Product Classification Version 1.0, see <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=3>):

1. Research and Development Services

*Division 81 Research and development services*

*Group 835 Scientific and other technical services*

*Data processing (8596) and trade fair and exhibition organization (8597), required for carrying out scientific and technological activities*

2. Engineering and Architectural Services

*Class 8321 Architectural services.*

*Class 8334 Engineering design services*

*Class 8335 Engineering services during the construction and installation phase*

3. Utilities

*Division 69 Electricity distribution services; gas and water distribution services through mains*

*Division 94 Sewer and refuse disposal, sanitation, and other environmental protection services*

*Basic telecommunication services (not including value-added telecommunication services)*

4. Social Services

*Division 91 Public administration and other services for the general public; compulsory social security services*

*Division 92 Education services*

*Group 931 Human health services*

5. Printing Services

6. Production of television programs

*Subclass 96121 Motion picture, video and television program production services*

PART B: EFTA STATES

**a. Republic of Iceland**

Chapter 7 applies to all services set out below that are procured by the entities listed in Appendices 1.B.a, 2.B.a and 3.B.a of this Annex:<sup>15</sup>

<i>Subject</i>	<i>CPC<sup>16</sup> 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>17</sup> (except 7524, 7525, 7526)
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>18</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

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<sup>15</sup> 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

<sup>16</sup> Central Product Classification

<sup>17</sup> Except voice telephony, telex, radiotelephony, paging and satellite services

<sup>18</sup> Except arbitrations and conciliation services

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

### **Notes and derogations**

With regard to Appendix 4.B.a of this Annex, Chapter 7 shall not apply to the following:

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

**b. Principality of Liechtenstein**

Chapter 7 applies to all services set out below that are procured by the entities listed in Appendices 1.B.b, 2.B.b and 3.B.b of this Annex:

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

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<sup>19</sup> Except voice telephony, telex, radiotelephony, paging and satellite services

<sup>20</sup> Except arbitrations and conciliation services

## **Notes and derogations**

Chapter 7 shall not apply to:

1. service contracts awarded to an entity which is itself a procuring entity listed in Appendices 1.B.b, 2.B.b and 3.B.b of this Annex on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision;
2. 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.B.b of this Annex or to an undertaking which is affiliated with one of these contracting entities. At least 80 percent 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;
3. contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.
4. 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.

**c. Kingdom of Norway**

Chapter 7 applies to all services set out below that are procured by the entities listed in Appendices 1.B.c, 2.B.c and 3.B.c of this Annex.<sup>21</sup>

<i>Subject</i>	<i>CPC Reference No.</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 712235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752 <sup>22</sup> (except 7524, 7525, 7526)
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>23</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;	94

<sup>21</sup> 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

<sup>22</sup> Except voice telephony, telex, radiotelephony, paging and satellite services

<sup>23</sup> Except arbitrations and conciliation services

Sanitation and similar services

**Notes and derogations**

1. With regard to Appendix 4.B.c of this Annex, Chapter 7 shall not apply to the following:

- (a) contracts for the acquisition or rental, by whatever financial means, of land, existing buildings, or other immovable property or concerning rights thereon;
- (b) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- (c) contracts awarded to an entity which is itself a contracting authority within the meaning of the Public Procurement Act: "Lov om offentlige anskaffelser m.v." (LOV 1999-07-16 69) on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision;
- (d) contracts of employment.

2. Chapter 7 does not apply to procurement subject to secrecy or other particular restrictions with regard to the safety of the realm.

3. When a specific procurement may impair important national policy objectives, the Norwegian Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in Chapter 7. A decision to this effect will be taken at the Norwegian Cabinet level.

4. Norway reserves its position with regard to the application of Chapter 7 to Svalbard, Jan Mayen Island and Norway Antarctic possessions.



**d. Swiss Confederation**

Chapter 7 applies to all services set out below that are procured by the entities listed in Appendices 1.B.d, 2.B.d and 3.B.d of this Annex:

<i>Subject</i>	<i>CPC Reference No.</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752 <sup>24</sup> (except 7524, 7525, 7526)
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>25</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
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

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<sup>24</sup> Except voice telephony, telex, radiotelephony, paging and satellite services.

<sup>25</sup> Except arbitration and conciliation services.

## **Notes and derogations**

Chapter 7 shall not apply to:

1. service contracts awarded to an entity which is itself a procuring entity listed in Appendices 1.B.d, 2.B.d and 3.B.d of this Annex on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision;

2. 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.B.d of this Annex or to an undertaking which is affiliated with one of these contracting entities. At least 80 percent 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;

3. contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

4. 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.

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APPENDIX 6

CONSTRUCTION SERVICES

PART A: COLOMBIA

**a. Schedule of Colombia**

Chapter 7 applies to all construction services procured by the entities listed in Appendices 1 through 3, subject to the notes to the respective Appendices, and to the General Notes.

Notwithstanding any other provision of this Chapter, a procuring entity of Colombia, 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. Republic of Iceland**

*Definition:*

A construction service contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the CPC.

*List of Division 51, CPC:*

All public works/construction services of Division 51.

**b.     Principality of Liechtenstein**

*Definition:*

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the CPC.

*List of Division 51, CPC:*

General construction work for buildings	512
General construction work for civil engineering	513
Installation and assembly work	514, 516
Building completion and finishing work	517
Other	511, 515, 518

**c. Kingdom of Norway**

*Definition:*

A construction service contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the CPC.

*List of Division 51, CPC:*

All public works/construction services of Division 51.

**Notes and derogations**

1. Chapter 7 does not apply to procurement subject to secrecy or other particular restrictions with regard to the safety of the realm.
2. When a specific procurement may impair important national policy objectives, the Norwegian Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in Chapter 7. A decision to this effect will be taken at the Norwegian Cabinet level.
3. Norway reserves its position with regard to the application of Chapter 7 to Svalbard, Jan Mayen Island and Norway Antarctic possessions.

**d. Swiss Confederation**

*Definition:*

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the CPC.

*List of relevant services of Division 51 of the CPC:*

Pre-erection work at construction sites	511
Construction work for buildings	512
Construction work for civil engineering	513
Assembly and erection of prefabricated constructions	514
Special trade construction work	515
Installation work	516
Building completion and finishing work	517
Other services	518

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## APPENDIX 7

### GENERAL NOTES

#### **a. Schedule of Colombia**

This Chapter does not apply to:

1. Procurements of goods or services by a Colombian entity from another Colombian entity.
2. Set-asides of procurements below USD125,000 on behalf of Micro, Small and Medium-sized Companies (MIPYMES). The set-asides include any form of preference, such as the exclusive right to provide a good or a service and measures conducive to facilitate the transfer of technology and sub-contracting.
3. Procurements under programs of reintegration to civil life as a result of peace processes, to aid to persons displaced due to violence, to support those living in conflict zones, and general programs resulting from the resolution of the armed conflict.
4. Procurements by the missions of the foreign service of the Republic of Colombia exclusively for their operation and management.
5. Procurement of goods required to conduct research and development services.

#### **b. Schedule of EFTA countries.**

This Chapter does not apply to:

The particular procedure of an international organisation.

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