

## **ANNEX XIII**

REFERRED TO IN SUBPARAGRAPHS 1 (C) AND (E) OF ARTICLE 7.1  
(SCOPE AND COVERAGE), SUBPARAGRAPH F OF ARTICLE 7.3  
(DEFINITIONS), AND PARAGRAPH 1 OF ARTICLE 7.28  
(MODIFICATIONS AND RECTIFICATIONS TO COVERAGE)

REGARDING COVERED ENTITIES

## ANNEX XIII

REFERRED TO IN SUBPARAGRAPHS 1 (C) AND (E) OF ARTICLE 7.1 (SCOPE AND COVERAGE), SUBPARAGRAPH F OF ARTICLE 7.3 (DEFINITIONS), AND PARAGRAPH 1 OF ARTICLE 7.28 (MODIFICATIONS AND RECTIFICATIONS TO COVERAGE)

### REGARDING COVERED ENTITIES

APPENDIX 1: ENTITIES AT CENTRAL GOVERNMENT LEVEL

APPENDIX 2: ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL

APPENDIX 3: ENTITIES OPERATING IN THE UTILITIES SECTOR AND OTHER COVERED ENTITIES

APPENDIX 4: GOODS

APPENDIX 5: SERVICES

APPENDIX 6: CONSTRUCTION SERVICES

APPENDIX 7: GENERAL NOTES

## APPENDIX 1 TO ANNEX XIII

### REGARDING ENTITIES AT CENTRAL GOVERNMENT LEVEL

#### GOODS

Specified in Appendix 4

Threshold	SDR 130 000
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#### SERVICES

Specified in Appendix 5

Threshold	SDR 130 000
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#### CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5 000 000
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#### 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 another Party in accordance with the provisions of Article 7.4 (National Treatment and Non-Discrimination) 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 (Government Procurement) of this Agreement 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: PERU

**List of Entities**

1. Asamblea Nacional de Rectores
2. Banco Central de Reserva del Perú
3. Congreso de la República del Perú
4. Consejo Nacional de la Magistratura
5. Contraloría General de la República
6. Defensoría del Pueblo
7. Jurado Nacional de Elecciones
8. Ministerio de Agricultura
9. Ministerio de Comercio Exterior y Turismo
10. Ministerio de Defensa (Note 1)
11. Ministerio de Economía y Finanzas (Note 2)
12. Ministerio de Educación
13. Ministerio de Energía y Minas
14. Ministerio de Justicia
15. Ministerio de la Mujer y Desarrollo Social
16. Ministerio de la Producción
17. Ministerio de Relaciones Exteriores
18. Ministerio de Salud
19. Ministerio de Trabajo y Promoción del Empleo
20. Ministerio de Transportes y Comunicaciones
21. Ministerio de Vivienda, Construcción y Saneamiento (Note 3)
22. Ministerio del Interior (Note 1)
23. Ministerio Público
24. Oficina Nacional de Procesos Electorales
25. Poder Judicial
26. Presidencia del Consejo de Ministros
27. Registro Nacional de Identificación y Estado Civil
28. Seguro Social de Salud (ESSALUD) (Note 4)
29. Superintendencia de Banca, Seguros y AFPs
30. Tribunal Constitucional
31. Universidad Nacional del Altiplano
32. Universidad del Centro del Perú
33. Universidad Mayor de San Marcos
34. Universidad Nacional Agraria de la Molina
35. Universidad Nacional Agraria de la Selva
36. Universidad Nacional Amazónica de Madre de Dios
37. Universidad Nacional Daniel Alcides Carrión
38. Universidad Nacional de Cajamarca
39. Universidad Nacional de Educación Enrique Guzman Valle
40. Universidad Nacional de Huancavelica
41. Universidad Nacional de Ingeniería
42. Universidad Nacional de la Amazonía Peruana
43. Universidad Nacional de Piura
44. Universidad Nacional de San Agustín
45. Universidad Nacional de Trujillo

46. Universidad Nacional de Tumbes
47. Universidad Nacional de Ucayali
48. Universidad Nacional del Callao
49. Universidad Nacional del Santa
50. Universidad Nacional Federico Villareal
51. Universidad Nacional Hermilio Valdizán
52. Universidad Nacional Jorge Basadre Grohmann
53. Universidad Nacional José F. Sanchez Carrión
54. Universidad Nacional Micaela Bastidas de Apurímac
55. Universidad Nacional San Antonio de Abad del Cusco
56. Universidad Nacional San Cristobal de Huamanga
57. Universidad Nacional San Martín
58. Universidad Nacional San Luis Gonzaga de Ica
59. Universidad Nacional Santiago Antunez de Mayolo
60. Universidad Nacional Toribio Rodríguez de Mendoza
61. Universidad Pedro Ruiz Gallo

Unless otherwise specified, Chapter 7 (Government Procurement) of this Agreement also covers agencies that are subordinated to the entities referred to in the above list.

### **Notes and Derogations**

1. Ministerio de Defensa and Ministerio del Interior: Chapter 7 (Government Procurement) of this Agreement does not cover the procurement of clothing or apparel classified under HS 62.05 or footwear classified under HS 6401.10 by the Army, Navy, Air Force or National Police of Peru.
2. Ministerio de Economía y Finanzas: Chapter 7 (Government Procurement) of this Agreement does not cover procurement by the Agencia de Promoción de la Inversión Privada (PROINVERSION) of technical, legal, financial, economic, or similar consulting services, which are necessary to promote private investment through the granting of concessions or other means such as capital increase, joint ventures, service, leasing and management contracts.
3. Ministerio de Vivienda, Construcción y Saneamiento: Chapter 7 (Government Procurement) of this Agreement does not cover procurement by the Comisión de Formalización de la Propiedad Informal (COFOPRI).
4. Seguro Social de Salud (ESSALUD): Chapter 7 (Government Procurement) of this Agreement does not cover the procurement of sheets classified under HS 63.01 or blankets classified under HS 63.02.

PART B: EFTA STATES

**a. Iceland**

**List of Entities**

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

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

**Notes and Derogations**

1. Chapter 7 (Government Procurement) of this Agreement 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 (Government Procurement) of this Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

**b. Liechtenstein**

**List of Entities**

Government of the Principality of Liechtenstein.

**Notes and Derogations**

1. Chapter 7 (Government Procurement) of this Agreement 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 (Government Procurement) of this Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

**c. Norway**

**List of Entities**

Chapter 7 (Government Procurement) of this Agreement covers all central government (State and federal) entities, including Ministries and any subordinate entity provided it does not have a separate juridical personality.

**Notes and Derogations**

1. For procurement by the security and defence entities only the following list of supplies and equipment (HS Codes) is covered by Chapter 7 (Government Procurement) of this Agreement:

- Chapter 25: Salt; sulphur; earths and stone; plastering materials, lime and cement
- Chapter 26: Metallic ores, slag and ash
- Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes;  
except:  
ex 27.10 special engine fuels
- Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes;  
except:  
ex 28.09 explosives  
ex 28.13 explosives  
ex 28.14 tear gas  
ex 28.28 explosives  
ex 28.32 explosives  
ex 28.39 explosives  
ex 28.50 toxic products  
ex 28.51 toxic products  
ex 28.54 explosives
- Chapter 29: Organic chemicals;  
except:  
ex 29.03 explosives  
ex 29.04 explosives  
ex 29.07 explosives  
ex 29.08 explosives  
ex 29.11 explosives  
ex 29.12 explosives  
ex 29.13 toxic products  
ex 29.14 toxic products  
ex 29.15 toxic products  
ex 29.21 toxic products  
ex 29.22 toxic products  
ex 29.23 toxic products  
ex 29.26 explosives  
ex 29.27 toxic products  
ex 29.29 explosives

- Chapter 30: Pharmaceutical products  
Chapter 31: 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 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 or tramway, track fixtures and fittings and parts thereof;  
mechanical (including electro-mechanical) traffic signalling equipment  
of all kinds  
except:  
ex 86.02 armoured locomotives, electric  
ex 86.03 other armoured locomotives  
ex 86.05 armoured wagons  
ex 86.06 repair wagons  
ex 86.07 wagons  
Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof;  
except:  
ex 87.01 tractors  
ex 87.02 military vehicles  
ex 87.03 breakdown lorries  
ex 87.08 tanks and other armoured vehicles  
ex 87.09 motorcycles  
ex 87.14 trailers  
Chapter 89: Ships, boats and floating structures;  
except:  
ex 89.01 warships  
Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision,  
medical and surgical instruments and apparatus; parts thereof;  
except:

- ex 90.05 binoculars
- ex 90.13 miscellaneous instruments, lasers
- ex 90.14 telemeters
- ex 90.28 electrical and electronic measuring instruments
- ex 90.11 microscopes
- ex 90.17 medical instruments
- ex 90.18 mechano-therapy appliances
- ex 90.19 orthopaedic appliances
- ex 90.20 X-ray apparatus
- Chapter 91: Clocks and watches and parts thereof
- Chapter 92: Musical instruments; sound recorders or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles
- Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings;  
except:
  - ex 94.01 aircraft seats
- Chapter 95: Articles and manufactures of carving or moulding material
- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 97: Miscellaneous manufactured articles

2. Chapter 7 (Government Procurement) of this Agreement 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.

3. Chapter 7 (Government Procurement) of this Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

4. Chapter 7 (Government Procurement) of this Agreement does not apply to procurement subject to secrecy or other particular restrictions with regard to the safety of the realm.

5. 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 (Government Procurement) of this Agreement. A decision to this effect will be taken at the Norwegian Cabinet level.

6. Norway reserves its position with regard to the application of Chapter 7 (Government Procurement) of this Agreement to Svalbard, Jan Mayen Island and Norway Antarctic possessions.

**d. Switzerland**

**List of Entities**

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

Chancellerie fédérale

Bibliothèque centrale du Parlement et de l'Administration fédérale

Préposé fédéral à la protection des données

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

Secrétariat général du Département fédéral des affaires étrangères

Direction du développement et de la coopération

Direction du droit international public

Direction politique

Secrétariat d'État du Département fédéral des affaires étrangères

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

Secrétariat général du Département fédéral de l'intérieur

Archives fédérales

Bureau fédéral de l'égalité entre femmes et hommes

Conseil des écoles polytechniques fédérales

Écoles polytechniques fédérales et établissements annexes

Groupement de la science et de la recherche

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

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

Institut Paul Scherrer

Institut suisse de météorologie

Laboratoire fédéral d'essai des matériaux et de recherches

Office fédéral de l'assurance 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>

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

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<sup>1</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.

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>1</sup>  
Office fédéral des armes de combat<sup>1</sup>  
Office fédéral des armes et des services d'appui<sup>1</sup>  
Office fédéral des armes et des services de la logistique<sup>1</sup>

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<sup>1</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 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 (DFE):  
(*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

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<sup>1</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.

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

Secrétariat général du Département fédéral de l'économie

Commission de la concurrence

Office fédéral de l'agriculture

Office fédéral de la formation professionnelle et de la technologie

Office fédéral du logement

Office fédéral pour l'approvisionnement économique du pays

Office vétérinaire fédéral

Secrétariat d'État à l'économie

Surveillance des prix

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

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

Commission fédérale de la communication

La Poste<sup>2</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>2</sup> As long as the entity is not in competition with undertakings not covered by Chapter 7 of this Agreement (Government Procurement).

## Notes and Derogations

1. For procurement by entities of the Federal Department of Defence and the Federal Customs Administration with regard to the equipment for border guards and customs officials in Appendix 1.B.d to this Annex, only the following list of supplies and equipment (HS Codes) is covered by Chapter 7 (Government Procurement) of this Agreement:

Chapter 25:	Salt, sulphur, earths and stone, plastering materials, lime and cement
Chapter 26:	Metallic ores, slag and ash
Chapter 27:	Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes
Chapter 28:	Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radio-active elements and isotopes; except: ex 28.09: explosives ex 28.13: explosives ex 28.14: tear gas ex 28.28: explosives ex 28.32: explosives ex 28.39: explosives ex 28.50: toxic products ex 28.51: toxic products ex 28.54: explosives
Chapter 29:	Organic chemicals; except: ex 29.03: explosives ex 29.04: explosives ex 29.07: explosives ex 29.08: explosives ex 29.11: explosives ex 29.12: explosives ex 29.13: toxic products ex 29.14: toxic products ex 29.15: toxic products ex 29.21: toxic products ex 29.22: toxic products ex 29.23: toxic products ex 29.26: explosives ex 29.27: toxic products ex 29.29: explosives
Chapter 30:	Pharmaceutical products
Chapter 31:	Fertilizers
Chapter 32:	Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
Chapter 33:	Essential oils and resinoids, perfumery, cosmetic or toilet preparations

- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes polishing and scouring preparations, candles and similar articles, modelling pastes and 'dental waxes'
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 36: Explosives, pyrotechnic products, matches, pyrophoric alloys, certain combustible preparations;  
except:  
ex 36.01: powders  
ex 36.02: prepared explosives  
ex 36.04: detonators  
ex 36.08: explosives
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products;  
except:  
ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof;  
except:  
ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof;  
except:  
ex 40.11: tyres
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 44: Wood and articles of wood, wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials, basketware and wickerwork
- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard, articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel
- Chapter 74: Copper
- Chapter 75: Nickel
- Chapter 76: Aluminium
- Chapter 78: Lead
- Chapter 79: Zinc

- Chapter 80: Tin
- Chapter 81: Other base metals
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances
- Chapter 85: Electrical machinery and equipment;  
except:  
ex 85.03: electric cells and batteries  
ex 85.13: telecommunication equipment  
ex 85.15: transmission apparatus
- Chapter 86: Railway or tramway, track fixtures and fittings and parts thereof;  
mechanical (including electro-mechanical) traffic signalling  
equipment of all kinds;  
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 97:	Miscellaneous manufactured articles

2. Chapter 7 (Government Procurement) of this Agreement 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.

3. Chapter 7 (Government Procurement) of this Agreement 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 TO ANNEX XIII

### REGARDING ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL

#### GOODS

Specified in Appendix 4

Threshold	SDR 200 000
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#### SERVICES

Specified in Appendix 5

Threshold	SDR 200 000
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#### CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5 000 000
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#### 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 another Party in accordance with the provisions of Article 7.4 (National Treatment and Non-Discrimination) 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 (Government Procurement) of this Agreement 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: PERU

**List of Entities**

*I. Regional Level of Government*

1. Gobierno Regional de Amazonas
2. Gobierno Regional de Ancash
3. Gobierno Regional de Arequipa
4. Gobierno Regional de Ayacucho
5. Gobierno Regional de Apurimac
6. Gobierno Regional de Cajamarca
7. Gobierno Regional del Callao
8. Gobierno Regional de Cusco
9. Gobierno Regional de Ica
10. Gobierno Regional de Huancavelica
11. Gobierno Regional de Huánuco
12. Gobierno Regional de Junín
13. Gobierno Regional de la Libertad
14. Gobierno Regional de Lambayeque
15. Gobierno Regional de Lima
16. Gobierno Regional de Loreto
17. Gobierno Regional de Madre de Dios
18. Gobierno Regional de Moquegua
19. Gobierno Regional de Pasco
20. Gobierno Regional de Piura
21. Gobierno Regional de Puno
22. Gobierno Regional de San Martín
23. Gobierno Regional de Tacna
24. Gobierno Regional de Tumbes
25. Gobierno Regional de Ucayali

*II. Local Level of Government*

All municipalities are covered.

PART B: EFTA STATES

**a. 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 (Government Procurement) of this Agreement 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 (Government Procurement) of this Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

**b. Liechtenstein**

**List of Entities**

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

**Notes and Derogations**

1. Chapter 7 (Government Procurement) of this Agreement 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 (Government Procurement) of this Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

**c. 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.

For the purposes of Part B of Appendix 2 to this Annex, a body is considered to be governed by public law when it:

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

**Notes and Derogations**

1. Chapter 7 (Government Procurement) of this Agreement 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 (Government Procurement) of this Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
3. Chapter 7 (Government Procurement) of this Agreement 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 (Government Procurement) of this Agreement. 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 (Government Procurement) of this Agreement to Svalbard, Jan Mayen Island and Norway Antarctic possessions.

**d. Switzerland**

**List of Entities<sup>1</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>1</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 (Government Procurement) of this Agreement 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 (Government Procurement) of this Agreement 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 TO ANNEX XIII

REGARDING ENTITIES OPERATING IN THE UTILITIES SECTOR AND OTHER  
COVERED ENTITIES

GOODS

Specified in Appendix 4

Threshold	SDR 400 000
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SERVICES

Specified in Appendix 5

Threshold	SDR 400 000
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CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5 000 000
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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 another Party in accordance with the provisions of Article 7.4 (National Treatment and Non-Discrimination) 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 (Government Procurement) of this Agreement 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: PERU

**List of Entities**

1. Agro Banco
2. Banco de la Nación
3. Banco de Materiales
4. Compañía de Negociaciones Mobiliarias e Inmobiliarias S.A.
5. Corporación Financiera de Desarrollo S.A.
6. Corporación Peruana de Aeropuertos y Aviación Civil S.A. (CORPAC)
7. Electricidad del Perú S.A. (ELECTROPERU)
8. Empresa Eléctrica del Sur S.A.
9. Empresa de Administración de Infraestructura Eléctrica S.A.
10. Empresa de Generación Eléctrica de Machupicchu
11. Empresa Nacional de la Coca S.A. (ENACO)
12. Empresa Nacional de Puertos S.A. (ENAPU)
13. Empresa Peruana de Servicios Editoriales
14. Empresa Regional de Servicios Públicos de Electricidad del Oriente
15. Empresa Regional de Servicios Públicos de Electricidad del Sur Este S.A.
16. Inmobiliaria Milenia S.A. (INMISA)
17. PERUPETRO
18. Servicio de Agua Potable y Alcantarillado de Lima (SEDAPAL)
19. Servicio Industrial de la Marina (SIMA)
20. Servicios Postales del Perú S.A
21. Sociedad Eléctrica del Sur Oeste

PART B: EFTA STATES

**a. Iceland**

**List of Sectors**

1. *Urban transport:*

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

2. *Airports:*

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

3. *Ports:*

Siglingastofnun, (Icelandic Maritime Administration).  
Other entities operating pursuant to *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 (Government Procurement) of this Agreement shall apply provided that at least 80 per cent of the average turnover of that undertaking with respect to services arising within the European Economic Area (hereinafter referred to by “EEA”) for the three preceding years derives from the provision of such services to undertakings with which it is affiliated. When more than one undertaking affiliated with the contracting entity provides the same service or similar services, the total turnover deriving from the provision of services by those undertakings shall be taken into account. Chapter 7 (Government Procurement) of this Agreement shall not apply to service contracts which:

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

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

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

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

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

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

**b. Liechtenstein**

**List of Entities**

The contracting entities which are public authorities or public undertakings 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 List of Sectors 1);
2. the operation of fixed networks providing a service to the public in the field of transport by tramway, trolleybus, bus or cable (as specified under List of Sectors 2);
3. the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under List of Sectors 3);
4. the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by sea or inland waterway (as specified under List of Sectors 4);
5. the electricity sector.

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

- (a) “public authorities” means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:
  - (i) is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
  - (ii) has legal personality; and
  - (iii) is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.

- (b) “public undertakings” means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:
- (i) hold the majority of the undertaking's subscribed capital;
  - (ii) control the majority of the votes attaching to shares issued by the undertaking; or
  - (iii) can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body.

### **List of Sectors**

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

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

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

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

Liechtenstein Bus Anstalt

3. *Contracting entities in the field of airport facilities*

None

4. *Contracting entities in the field of inland ports*

None

## **Notes and Derogations**

Chapter 7 (Government Procurement) of this Agreement shall not apply to:

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

**c. Norway**

**List of Sectors**

1. *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:*

- (a) Public entities providing airport facilities pursuant to Lov om luftfart (LOV 1960-12-16 1); and
- (b) 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 (Government Procurement) of this Agreement shall, provided that the conditions in paragraph 2 are met, not apply to contracts awarded by:

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

2. Paragraph 1 shall apply to:

- (a) service contracts provided that at least 80 per cent 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;

For the purposes of this subparagraph, “undertakings with which it is affiliated” 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.

- (b) supplies contracts provided that at least 80 per cent 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; and
- (c) works contracts provided that at least 80 per cent 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 points (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. Chapter 7 (Government Procurement) of this Agreement shall not apply to contracts awarded by:

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

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 to this Annex where:

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

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

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

- (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 (Government Procurement) of this Agreement 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 (Government Procurement) of this Agreement. 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 (Government Procurement) of this Agreement to Svalbard, Jan Mayen Island and Norway Antarctic possessions.

**d. Switzerland**

**List of Entities**

The contracting entities which are public authorities or public undertakings and which have as at least one of their activities any of 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 List of Sectors 1);
2. the operation of fixed networks providing a service to the public in the field of transport by tramway, trolleybus, bus or cable (as specified under List of Sectors 2);
3. the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under List of Sectors 3);
4. the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by inland waterway (as specified under List of Sectors 4);
5. the electricity sector.

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

- (a) “public authorities” means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such authorities or bodies governed by public law. A body is considered to be governed by public law where it:
  - (i) is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
  - (ii) has legal personality; and
  - (iii) is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.

- (b) “public undertakings” means any undertaking over which the public authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the public authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:
- (i) hold the majority of the undertaking's subscribed capital;
  - (ii) control the majority of the votes attaching to shares issued by the undertaking; or
  - (iii) can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body.

## **List of Sectors**

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

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

Examples:

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

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

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

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

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

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

Example:

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

### 3. *Airports*

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

Examples:

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

### 4. *Inland ports*

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

Example:

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

## **Notes and Derogations**

Chapter 7 (Government Procurement) of this Agreement shall not apply to:

- (a) contracts which the contracting entity awards for the purpose other than the pursuit of their activities as described in Appendix 3.B.d to this Annex or for the pursuit of such activities beyond Switzerland;

- (b) contracts awarded for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity;
  - (c) contracts for the purchase of water;
  - (d) 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 to this Annex. Furthermore, the supply to the public network depends only on the entity's own consumption and has not exceeded 30 per cent of entity's total production of drinking water, having regard to the average for the preceding three years; or
  - (e) 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 TO ANNEX XIII

REGARDING GOODS

Chapter 7 (Government Procurement) of this Agreement applies to all goods procured by the entities listed in Appendices 1 to 3, subject to the Notes to the respective Appendices and the General Notes.

## APPENDIX 5 TO ANNEX XIII

### REGARDING SERVICES

#### PART A: PERU

Chapter 7 (Government Procurement) of this Agreement applies to all services procured by the entities listed in Appendices 1 to 3, subject to the Notes to the respective Appendices, the General Notes and the Notes to this Appendix, except for the services excluded in the Schedules of each Party.

#### **Schedule of Peru**

Chapter 7 (Government Procurement) of this Agreement applies to all services except the following, as elaborated in the Central Product Classification Version 1.1. (For complete listing of Central Product Classification Version 1.1, see <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=3>):

- (a) CPC 8221 Accounting and auditing services;
- (b) CPC 8321 Architectural services;
- (c) CPC 8334 Engineering and design services;
- (d) CPC 8335 Engineering services during construction and installation phase;
- (e) CPC 82191 Arbitration and Conciliating Services.

PART B: EFTA STATES

**a. Iceland**

Chapter 7 (Government Procurement) of this Agreement 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 to this Annex:<sup>1</sup>

<i>Subject</i>	<i>CPC<sup>2</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>3</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>4</sup>
Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services;	867

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<sup>1</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>2</sup> Central Product Classification.

<sup>3</sup> Except voice telephony, telex, radiotelephony, paging and satellite services.

<sup>4</sup> Except arbitrations and conciliation services.

technical consulting services; technical testing and analysis services

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

### **Notes and Derogations**

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

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

**b. Liechtenstein**

Chapter 7 (Government Procurement) of this Agreement 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>1</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>2</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

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<sup>1</sup> Except voice telephony, telex, radiotelephony, paging and satellite services.

<sup>2</sup> Except arbitrations and conciliation services.

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

### **Notes and Derogations**

Chapter 7 (Government Procurement) of this Agreement shall not apply to:

- (a) 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;
- (b) service contracts which a contracting entity awards to an affiliated undertaking or which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out an activity within the meaning of Appendix 3.B.b to this Annex or to an undertaking which is affiliated with one of these contracting entities. At least 80 per cent of the average turnover of that undertaking for the preceding three years has to derive from the provision of such services to undertakings with which it is affiliated. Where more than one undertaking affiliated with the contracting entity provides the same service, the total turnover deriving from the provision of services by those undertakings shall be taken into account;
- (c) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time; and
- (d) contracts for research and development services other than those where the benefits accrue exclusively to the entity for its use in the conduct of its own affairs, on condition that the service is wholly remunerated by the entity.

**c. Norway**

Chapter 7 (Government Procurement) of this Agreement 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>1</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>2</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>3</sup>
Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related	867

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<sup>1</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>2</sup> Except voice telephony, telex, radiotelephony, paging and satellite services.

<sup>3</sup> Except arbitration and conciliation services.

scientific and technical consulting services;  
technical consulting services; technical testing and  
analysis services

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

### **Notes and Derogations**

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

- (a) contracts for the acquisition or rental, by whatever financial means, of land, existing buildings, or other immovable property or concerning rights thereon;
- (b) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- (c) contracts awarded to an entity which is itself a contracting authority within the meaning of the Public Procurement Act: "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; and
- (d) contracts of employment.

2. Chapter 7 (Government Procurement) of this Agreement 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 (Government Procurement) of this Agreement. 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 (Government Procurement) of this Agreement to Svalbard, Jan Mayen Island and Norway Antarctic possessions.

**d. Switzerland**

Chapter 7 (Government Procurement) of this Agreement 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 to this Annex:

<i>Subject</i>	<i>CPC Reference No.</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752 <sup>1</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>2</sup>
Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services;	867

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<sup>1</sup> Except voice telephony, telex, radiotelephony, paging and satellite services.

<sup>2</sup> Except arbitration and conciliation services.

related scientific and  
technical consulting services; technical testing and  
analysis services

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

### **Notes and Derogations**

Chapter 7 (Government Procurement) of this Agreement shall not apply to:

- (a) 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;
- (b) service contracts which a contracting entity awards to an affiliated undertaking or which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out an activity within the meaning of Appendix 3.B.d to this Annex or to an undertaking which is affiliated with one of these contracting entities. At least 80 per cent of the average turnover of that undertaking for the preceding three years has to derive from the provision of such services to undertakings with which it is affiliated. Where more than one undertaking affiliated with the contracting entity provides the same service, the total turnover deriving from the provision of services by those undertakings shall be taken into account;
- (c) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time; and
- (d) contracts for research and development services other than those where the benefits accrue exclusively to the entity for its use in the conduct of its own affairs, on condition that the service is wholly remunerated by the entity.

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APPENDIX 6 TO ANNEX XIII  
REGARDING CONSTRUCTION SERVICES

PART A: PERU

**Schedule of Peru**

Chapter 7 (Government Procurement) of this Agreement applies to all construction services procured by the entities listed in Appendices 1 through 3, subject to the Notes to the respective Appendices, the General Notes and the Notes to this Appendix, except for the services excluded in the Schedules of each Party.

PART B: EFTA STATES

**a. Iceland**

*Definition:*

A construction service contract is a contract which has as its objective the realisation by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification (CPC).

*List of Division 51, CPC*

All public works/construction services of Division 51.

**b. Liechtenstein**

*Definition:*

A construction services contract is a contract which has as its objective the realisation by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification (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. Norway**

*Definition:*

A construction service contract is a contract which has as its objective the realisation by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification (CPC).

*List of Division 51, CPC*

All public works/construction services of Division 51.

**Notes and Derogations**

1. Chapter 7 (Government Procurement) of this Agreement 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 (Government Procurement) of this Agreement. 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 (Government Procurement) of this Agreement to Svalbard, Jan Mayen Island and Norway Antarctic possessions.

**d. Switzerland**

*Definition:*

A construction services contract is a contract which has as its objective the realisation by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification (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 TO ANNEX XIII  
REGARDING GENERAL NOTES

PART A: PERU

**Schedule of Peru**

Chapter 7 (Government Procurement) of this Agreement does not apply to:

- (a) procurement programs on behalf of small and micro-sized companies;
- (b) procurement of goods for food assistance programs;
- (c) procurement by one Peruvian entity of goods or services from another Peruvian entity;
- (d) the acquisition of weavings and clothing made with alpaca and llama fibers; and
- (e) procurement by the Embassies, Consulates and other missions of the foreign service of Peru, exclusively for their operation and management.

PART B: EFTA STATES

**Schedule of EFTA countries**

Chapter 7 (Government Procurement) of this Agreement does not apply to:

- (a) the particular procedure of an international organisation; and
  - (b) procurements of goods and services carried out inside a procuring entity or to procurements of goods or services obtained or acquired by a procuring entity from another procuring entity with legal personality.
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