

CHAPTER 8

GOVERNMENT PROCUREMENT

ARTICLE 8.1

Scope and Coverage

1. This Chapter applies to any measure of a Party regarding covered procurement. For the purposes of this Chapter, “covered procurement” means procurement for governmental purposes:

- (a) of goods, services, or any combination thereof:
 - (i) as specified in each Party's Appendices to Annex XVI; and
 - (ii) not procured with a view to commercial sale or resale, or for use in the production or supply of goods or services for commercial sale or resale;
- (b) by any contractual means, including purchase, lease, rental or hire purchase, with or without an option to buy;
- (c) for which the value, as estimated in accordance with the rules specified in Appendix 9 of Annex XVI, equals or exceeds the relevant threshold specified in Appendices 1 to 3 to Annex XVI at the time of publication of a notice in accordance with Article 8.10;
- (d) by a procuring entity; and
- (e) that is not otherwise excluded pursuant to paragraph 2 or Annex XVI.

2. This Chapter does not apply to:

- (a) acquisition or rental of land, existing buildings, or other immovable property or the rights thereon;
- (b) non-contractual agreements or any form of assistance that a Party provides, including cooperative agreements, grants, loans, equity infusions, guarantees and fiscal incentives;
- (c) procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions or services related to sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities;
- (d) public employment contracts;
- (e) procurement conducted:

- (i) for the specific purpose of providing international assistance, including development aid;
- (ii) under a particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project; or
- (iii) under a particular procedure or condition of an international organisation, or funded by international grants, loans or other assistance where the applicable procedure or condition would be inconsistent with this Chapter.

ARTICLE 8.2

Definitions

For the purposes of this Chapter:

- (a) “commercial goods or services” means goods or services of a type generally sold or offered for sale in the commercial marketplace to, and customarily purchased by, non-governmental buyers for non-governmental purposes;
- (b) “construction service” means a service that has as its objective the realisation by whatever means of civil or building works, based on Division 51 of the United Nations Provisional Central Product Classification (CPC) and corresponding CPV Divisions, Groups, Classes and Categories;
- (c) “days” means calendar days;
- (d) “electronic auction” means an iterative process that involves the use of electronic means for the presentation by suppliers of either new prices, or new values for quantifiable non-price elements of the tender related to the evaluation criteria, or both, resulting in a ranking or re-ranking of tenders;
- (e) “in writing or written” means any worded or numbered expression that can be read, reproduced, and later communicated, including electronically transmitted and stored information;
- (f) “limited tendering” means a procurement method whereby the procuring entity contacts a supplier or suppliers of its choice;
- (g) “measure” means any law, regulation, procedure, administrative guidance or practice, or any action of a procuring entity relating to a covered procurement;

- (h) “multi-use list” means a list of suppliers that a procuring entity has determined satisfy the conditions for participation in that list, and that the procuring entity intends to use more than once;
- (i) “notice of intended procurement” means a notice published by a procuring entity inviting interested suppliers to submit a request for participation, a tender, or both;
- (j) “notice of planned procurement” means a notice published by a procuring entity regarding its future procurement plans;
- (k) “offset” means any condition or undertaking that encourages local development or improves a Party's balance-of-payments accounts, such as the use of domestic content, the licensing of technology, investment, counter-trade, and similar actions or requirements;
- (l) “open tendering” means a procurement method where all interested suppliers may submit a tender;
- (m) “person” means a natural person or a juridical person;
- (n) “procuring entity” means an entity covered under Appendices 1 to 3 to Annex XVI;
- (o) “qualified supplier” means a supplier that a procuring entity recognises as having satisfied the conditions for participation;
- (p) “selective tendering” means a procurement method whereby only qualified suppliers are invited by the procuring entity to submit a tender;
- (q) “services” includes construction services, unless otherwise specified;
- (r) “standard” means a document approved by a recognised body, that provides for common and repeated use, rules, guidelines, or characteristics for goods or services, or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking, or labelling requirements as they apply to a good, service, process, or production method;
- (s) “supplier” means a person or group of persons that provides or could provide goods or services;
- (t) “technical specification” means a tendering requirement that:
 - (i) lays down the characteristics of goods or services to be procured, including quality, performance, safety and dimensions, or the processes and methods for their production or provision; or

- (ii) addresses terminology, symbols, packaging, marking, or labelling requirements, as they apply to a good or service.

ARTICLE 8.3

Security and General Exceptions

1. Nothing in this Chapter shall be construed to prevent a Party from taking any action or not disclosing any information that it considers necessary for the protection of its essential security interests relating to the procurement of arms, ammunition or war materials, or to procurement indispensable for national security or for national defence purposes.
2. Subject to the requirement that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination between the Parties where the same conditions prevail or a disguised restriction on trade between the Parties, nothing in this Chapter shall be construed to prevent a Party from imposing or enforcing measures:
 - (a) necessary to protect public morals, order or safety;
 - (b) necessary to protect human, animal or plant life or health;
 - (c) necessary to protect intellectual property; or
 - (d) relating to goods or services of persons with disabilities, philanthropic institutions, or prison labour.

ARTICLE 8.4

National Treatment and Non-Discrimination

1. With respect to any measure regarding covered procurement, each Party, including its procuring entities, shall accord immediately and unconditionally to the goods and services of another Party and to the suppliers of another Party offering such goods or services, treatment no less favourable than the treatment accorded to domestic goods, services and suppliers.
2. With respect to any measure regarding covered procurement, a Party, including its procuring entities, shall not:
 - (a) treat a locally established supplier less favourably than another locally established supplier on the basis of degree of foreign affiliation or ownership; or
 - (b) discriminate against a locally established supplier on the basis that the goods or services offered by that supplier for a particular procurement are goods or services of another Party.

ARTICLE 8.5

Use of Electronic Means

1. The Parties shall, to the extent possible, endeavour to use electronic means of communication to permit efficient dissemination of information on government procurement, particularly as regards tender opportunities offered by entities, while respecting the principles of transparency and non-discrimination.
2. When conducting covered procurement by electronic means, a procuring entity shall:
 - (a) ensure that the procurement is conducted using information technology systems and software, including those related to authentication and encryption of information, that are generally available and interoperable with other generally available information technology systems and software; and
 - (b) maintain mechanisms that ensure the integrity of requests for participation and tenders, including establishment of the time of receipt and the prevention of inappropriate access.

ARTICLE 8.6

Conduct of Procurement

A procuring entity shall conduct covered procurement in a transparent and impartial manner that:

- (a) is consistent with this Chapter, using methods such as open tendering, selective tendering, and limited tendering;
- (b) avoids conflicts of interest; and
- (c) prevents corrupt practices.

ARTICLE 8.7

Rules of Origin

For the purposes of covered procurement, no Party may apply rules of origin to goods or services imported from or supplied by another Party that are different from the rules of origin the Party applies at the same time in the normal course of trade.

ARTICLE 8.8

Offsets

With regard to covered procurement, a Party, including its procuring entities, shall not seek, take account of, impose or enforce any offset.

ARTICLE 8.9

Information on the Procurement System

1. Each Party shall promptly publish any measure of general application regarding covered procurement and any modification to this information, in an officially designated electronic or paper medium that is widely disseminated and remains readily accessible to the public.
2. Each Party shall, on request, provide to another Party an explanation relating to such information.

ARTICLE 8.10

Notices

1. For each covered procurement, a procuring entity shall publish a notice of intended procurement, except in the circumstances referred to in Article 8.18. The notice shall be published in the electronic or paper medium listed in Appendix 7 to Annex XVI. Such medium shall be widely disseminated and the notice shall remain accessible, at least, until expiration of the time period indicated in the notice. The notice shall:
 - (a) for procuring entities covered under Appendix 1 to Annex XVI, be accessible by electronic means free of charge through a single point of access; and
 - (b) for procuring entities covered under Appendix 2 or 3 to Annex XVI, where accessibly by electronic means, be provided, at least through links in a gateway electronic site that is accessible free of charge.
2. Parties, including such procuring entities covered under Appendix 2 or 3 to Annex XVI, are encouraged to publish their notices by electronic means free of charge through a single point of access.
3. Except as otherwise provided in this Chapter, each notice of intended procurement shall include the information specified in Appendix 10 to Annex XVI.
4. Each Party shall encourage its procuring entities to publish in the appropriate paper or electronic medium listed in Appendix 7 to Annex XVI, as early as possible in each fiscal year, a notice regarding their future procurement plans. The notice of

planned procurement should include the subject-matter of the procurement and the estimated date of the publication of the notice of intended procurement.

5. A procuring entity covered under Appendix 2 or 3 to Annex XVI may use a notice of planned procurement as a notice of intended procurement, provided that the notice of planned procurement includes as much of the information referred to in paragraph 3 as is available to the entity and a statement that interested suppliers should express their interest in the procurement to the procuring entity.

ARTICLE 8.11

Conditions for Participation

1. In establishing the conditions for participation and assessing whether a supplier satisfies such conditions, a Party, including its procuring entities:

- (a) shall limit any conditions for participation in a procurement to those that are essential to ensure that a supplier has the legal and financial capacities and the commercial and technical abilities to undertake the relevant procurement;
- (b) shall evaluate the financial capacity and the commercial and technical abilities of a supplier on the basis of that supplier's business activities both inside and outside the territory of the Party of the procuring entity;
- (c) shall base its evaluation solely on the conditions that the procuring entity has specified in advance in notices or tender documentation;
- (d) shall not impose the condition that, in order for a supplier to participate in a procurement, the supplier has previously been awarded one or more contracts by a procuring entity of a given Party; and
- (e) may require relevant prior experience where essential to meet the requirements of the procurement.

2. Where there is supporting evidence, a Party, including its procuring entities, may exclude a supplier on grounds such as:

- (a) bankruptcy;
- (b) false declarations;
- (c) significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior contract or contracts;
- (d) final judgments in respect of serious crimes or other serious offences;
- (e) professional misconduct or acts or omissions that adversely reflect upon the commercial integrity of the supplier; or

- (f) failure to pay taxes.

ARTICLE 8.12

Registration Systems and Qualification Procedures

1. A Party, including its procuring entities, may maintain a supplier registration system under which interested suppliers are required to register and provide certain information.
2. A Party, including its procuring entities, shall not adopt or apply any registration system or qualification procedure with the purpose or the effect of creating unnecessary obstacles to the participation of suppliers of another Party in its procurement.
3. A procuring entity shall promptly inform any supplier that submits a request for participation in a procurement of the procuring entity's decision with respect to the request. Where an entity rejects a supplier's request for participation or ceases to recognise a supplier as qualified, that entity shall, on request of the supplier, promptly provide it with a written explanation of the reasons for its decision.
4. Where a procuring entity intends to use selective tendering, it shall allow all qualified suppliers to participate in a particular procurement, unless the procuring entity states in the notice of intended procurement any limitation on the number of suppliers that will be permitted to tender and the criteria for selecting the limited number of suppliers.

ARTICLE 8.13

Multi-Use Lists

1. A procuring entity may maintain a multi-use list of suppliers, provided that a notice inviting interested suppliers to apply for inclusion on the list is published annually in the appropriate medium listed in Appendix 7 to Annex XVI, and where published by electronic means, made available continuously in the electronic medium listed in Appendix 7 of Annex XVI. Where a multi-use list will be valid for three years or less, a procuring entity may publish the notice only once, at the beginning of the period of validity of the list.
2. The notice provided for in paragraph 1 shall include the information specified in Appendix 10 to Annex XVI.
3. A procuring entity shall allow suppliers to apply at any time for inclusion on a multi-use list and shall include on that list all qualified suppliers within a reasonably short time. Where a procuring entity rejects a supplier's application for inclusion on a multi-use list or removes a supplier from a multi-use list, that entity shall promptly inform the supplier and, on request of the supplier, promptly provide the supplier with a written explanation of the reasons for its decision.

ARTICLE 8.14

Tender Documentation

1. A procuring entity shall make available to suppliers tender documentation that includes all information necessary to permit suppliers to prepare and submit responsive tenders. Unless already provided for in the notice of intended procurement, such documentation shall include a complete description of the information specified in Appendix 10 to Annex XVI.
2. Where procuring entities do not offer free direct access to the entire tender documents and any supporting documents by electronic means, entities shall make promptly available the tender documentation at the request of any interested supplier of the Parties. The procuring entities shall also promptly reply to any reasonable request for relevant information by any interested or participating supplier, provided that such information does not give that supplier an advantage over other suppliers.

ARTICLE 8.15

Technical Specifications

1. A procuring entity shall not prepare, adopt or apply any technical specification nor prescribe any conformity assessment procedure with the purpose or the effect of creating unnecessary obstacles to trade between the Parties.
2. In prescribing the technical specifications for the goods or services being procured, a procuring entity shall, where appropriate:
 - (a) set out the technical specification in terms of performance and functional requirements, rather than design or descriptive characteristics; and
 - (b) base the technical specification on international standards, where such exist or otherwise, on EU standards, national technical regulations¹⁰, national standards or building codes.
3. Where design or descriptive characteristics are used in the technical specifications, a procuring entity should indicate, where appropriate, that it will consider tenders of equivalent goods or services that demonstrably fulfil the requirements of the procurement by including words such as “or equivalent” in the tender documentation.
4. A procuring entity shall not prescribe any technical specifications that require or refer to a particular trademark or trade name, patent, copyright, design or type, specific origin, producer or supplier, unless there is no other sufficiently precise or intelligible way of describing the procurement requirements and provided that, in such cases, the entity includes words such as “or equivalent” in the tender documentation.

¹⁰ Georgia may use national technical regulations which may differ from the international standards, until September of 2022.

5. A procuring entity shall not seek or accept, in a manner that would have the effect of precluding competition, advice that may be used in the preparation or adoption of any technical specification for a specific procurement from a person that may have a commercial interest in the procurement. This provision does not prevent preliminary market consultations in accordance with this Article.

6. For greater certainty, a Party, including its procuring entities, may, in accordance with this Article, prepare, adopt or apply technical specifications to promote the conservation of natural resources or protect the environment.

ARTICLE 8.16

Modifications of the Tender Documentation and Technical Specifications

Where, prior to the award of a contract, a procuring entity modifies the criteria or requirements set out in a notice or tender documentation provided to participating suppliers, or amends or reissues a notice or tender documentation, it shall transmit in writing all such modifications, amended or re-issued notice or tender documentation:

- (a) to all suppliers that are participating at the time of the modification, amendment or re-issuance, if known, and in all other cases, in the same manner as the original information was made available; and
- (b) in adequate time to allow such suppliers to modify and re-submit amended tenders, as appropriate.

ARTICLE 8.17

Time-Periods

A procuring entity shall, consistent with its own reasonable needs, provide suppliers sufficient time to prepare and submit requests for participation and responsive tenders, taking into account in particular the nature and complexity of the procurement. Each Party shall apply time-periods according to the conditions specified in Appendix 8 to Annex XVI. Such time-periods, including any extension of the time-periods, shall be the same for all interested or participating suppliers.

ARTICLE 8.18

Limited Tendering

1. Provided that it does not use this provision for the purpose of avoiding competition among suppliers or in a manner that discriminates against suppliers of another Party or protects domestic suppliers, a procuring entity may use limited tendering and may choose not to apply Articles 8.10, 8.11, 8.12, 8.13, 8.14, 8.17, 8.19, 8.20, 8.21 and 8.22 only under the following circumstances:

- (a) where:
 - (i) no tenders were submitted, or no supplier requested participation;
 - (ii) no tenders that conform to the essential requirements of the tender documentation were submitted;
 - (iii) no suppliers satisfied the conditions for participation; or
 - (iv) the tenders submitted have been collusive;provided that the requirements of the tender documentation are not substantially modified;
- (b) where the goods or services can be supplied only by a particular supplier and no reasonable alternative or substitute goods or services exist for any of the following reasons:
 - (i) the requirement is for a work of art;
 - (ii) the protection of patents, copyrights or other exclusive rights; or
 - (iii) due to an absence of competition on the market for technical reasons;
- (c) for additional deliveries by the original supplier of goods and services that were not included in the initial procurement where a change of supplier for such additional goods and services:
 - (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, software, services or installations procured under the initial procurement; and
 - (ii) would cause significant inconvenience or substantial duplication of costs to the procuring entity;
- (d) in so far as strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the procuring entity, the goods or services could not be obtained in time using an open or selective tendering procedure;
- (e) for goods purchased on a commodity market;
- (f) where a procuring entity procures a prototype or a first good or service that is developed at its request in the course of, and for, a particular contract for research, experiment, study or original development. Original development of a first good or service may include limited production or supply in order to incorporate the results of field testing and to demonstrate that the good or service is suitable for production or supply in quantity to acceptable quality standards, but does not include quantity production or supply to

establish commercial viability or to recover research and development costs;

- (g) for purchases made under exceptionally advantageous conditions that only arise in the very short term in the case of unusual disposals such as those arising from liquidation, receivership, or bankruptcy, but not for routine purchases from regular suppliers; or
- (h) where a contract is awarded to a winner of a design contest provided that:
 - (i) the contest has been organised in a manner that is consistent with the principles of this Chapter, in particular relating to the publication of a notice of intended procurement; and
 - (ii) the participants are judged by an independent jury or design contest committee with a view to a design contract being awarded to a winner.

2. A procuring entity shall prepare a report in writing on each contract awarded under paragraph 1. The report shall include the name of the procuring entity, the value and kind of goods or services procured, and a statement indicating the circumstances and conditions described in paragraph 1 that justified the use of limited tendering.

ARTICLE 8.19

Electronic Auctions

1. Where a procuring entity intends to conduct a covered procurement using an electronic auction, the entity shall provide each participant, before commencing the electronic auction, with:

- (a) the automatic evaluation method including the mathematical formula, that is based on the evaluation criteria set out in the tender documentation and that will be used in the automatic ranking or re-ranking during the auction;
- (b) the results of any initial evaluation of the elements of its tender where the contract is to be awarded on the basis of the most advantageous tender; and
- (c) any other relevant information relating to the conduct of the auction.

ARTICLE 8.20

Negotiations

1. A Party may provide for its procuring entities to conduct negotiations:

- (a) where the entity has indicated such intent in the notice of intended procurement pursuant to Article 8.10; or
 - (b) where it appears from the evaluation that no one tender is obviously the most advantageous in terms of the specific evaluation criteria set out in the notice or tender documentation.
2. A procuring entity shall:
- (a) ensure that any elimination of suppliers participating in negotiations is carried out in accordance with the evaluation criteria set out in the notice or tender documentation; and
 - (b) where negotiations are concluded, provide a common deadline for the remaining participating suppliers to submit any new or revised tenders.

ARTICLE 8.21

Treatment of Tenders

1. A procuring entity shall receive, open and treat all tenders under procedures that guarantee the fairness and impartiality of the procurement process and the confidentiality of tenders.
2. A procuring entity shall not penalise any supplier whose tender is received after the time specified for receiving tenders if the delay is due solely to mishandling on the part of the procuring entity.
3. Where a procuring entity provides suppliers with an opportunity to correct unintentional errors of form between the opening of tenders and the awarding of the contract, the entity shall provide the same opportunity to all participating suppliers.

ARTICLE 8.22

Awarding of Contracts

1. To be considered for award, a tender shall be submitted in writing and shall, at the time of opening, comply with the essential requirements set out in the notices and tender documentation and be from a supplier that satisfies the conditions for participation.
2. Unless a procuring entity determines that it is not in the public interest to award a contract, the entity shall award the contract to the supplier that it has determined to be capable of fulfilling the terms of the contract and that, based solely on the evaluation criteria specified in the notices and tender documentation, has submitted:
 - (a) the most advantageous tender; or

- (b) where price is the sole criterion, the lowest price.
- 3. Where a procuring entity receives a tender with a price that is abnormally lower than the prices in other tenders submitted, it may verify with the supplier that it satisfies the conditions for participation and is capable of fulfilling the terms of the contract.
- 4. If a procuring entity uses option clauses, cancels a procurement or modifies awarded contracts, it shall not do so in a manner that circumvents the obligations of this Chapter.

ARTICLE 8.23

Transparency of Procurement Information

- 1. A procuring entity shall promptly inform participating suppliers of its contract award decisions and, on request, shall do so in writing. Subject to Article 8.24, a procuring entity shall, on request, provide an unsuccessful supplier with an explanation of the reasons why the entity did not select its tender and the relative advantages of the successful supplier's tender.
- 2. No later than 72 days from the award of each contract, a procuring entity shall publish in a paper or electronic medium listed in Appendix 7 of Annex XVI, a notice that includes at least the following information about the contract:
 - (a) a description of the goods or services procured;
 - (b) the name and address of the procuring entity;
 - (c) the name and address of the successful supplier;
 - (d) the value of the successful tender or the highest and lowest offers taken into account in the award of the contract;
 - (e) the date of award; and
 - (f) the type of procurement method used, and in cases where limited tendering was used pursuant to Article 8.18, a description of the circumstances justifying the use of limited tendering.
- 3. Where the entity publishes the notice only in an electronic medium, the information shall remain readily accessible for a reasonable period of time
- 4. Each procuring entity shall, for a period of at least three years from the date it awards a contract, maintain the documentation and reports of tendering procedures and contract awards relating to covered procurement, including the reports provided for in Article 8.18, and the data that ensure the appropriate traceability of the conduct of covered procurement by electronic means.

ARTICLE 8.24

Disclosure of Information

1. On request of another Party, a Party shall provide promptly any information necessary to determine whether a procurement was conducted fairly, impartially and in accordance with this Chapter, including information on the characteristics and relative advantages of the successful tender.
2. In cases where the release of such information would prejudice competition in future tenders, the Party that receives the information shall not disclose it to any supplier, except after consulting with, and obtaining the agreement of, the Party that provided the information.
3. Notwithstanding any other provision of this Chapter, a Party, including its procuring entities, shall not provide information to a particular supplier that might prejudice fair competition between suppliers.
4. Nothing in this Chapter shall be construed to require a Party, including its procuring entities, authorities, and review bodies, to release information under this Chapter, which is confidential under its domestic legislation or where disclosure:
 - (a) would impede law enforcement;
 - (b) might prejudice fair competition between suppliers;
 - (c) would prejudice the legitimate commercial interests of particular persons, including the protection of intellectual property; or
 - (d) would otherwise be contrary to the public interest.

ARTICLE 8.25

Domestic Review Procedures for Supplier Challenges

1. Each Party shall provide a timely, effective, transparent and non-discriminatory administrative or judicial review procedure according to the due process principle through which a supplier may challenge:
 - (a) breaches of this Chapter; or
 - (b) where the supplier does not have a right to challenge directly a breach of this Chapter under the domestic law of a Party, a failure to comply with a Party's measures implementing this Chapter,arising in the context of a covered procurement, in which the supplier has, or has had, an interest. The procedural rules for all challenges shall be in writing and made generally available.

2. In the event of a complaint by a supplier, arising in the context of covered procurement in which the supplier has, or has had, an interest, that there has been a breach or a failure as referred to in paragraph 1, the Party of the procuring entity shall encourage that entity and the supplier to seek resolution of the complaint through consultations.

3. Each supplier shall be allowed a sufficient period of time to prepare and submit a challenge, which in no case shall be less than ten days from the time when the basis of the challenge became known, or reasonably should have become known, to the supplier.

4. Each Party shall establish or designate at least one impartial administrative or judicial authority that is independent of its procuring entities (hereinafter referred to as the "review body") to receive and review a challenge by a supplier arising in the context of a covered procurement.

5. Where a body other than a review body referred to in paragraph 4 initially reviews a challenge, the Party shall ensure that the supplier may appeal the initial decision to a review body that is independent of the procuring entity whose procurement is the subject of the challenge.

6. Each Party shall ensure that a review body that is not a court shall either have its decisions subject to judicial review or have procedures that provide that:

- (a) the procuring entity shall respond in writing to the challenge and disclose all relevant documents to the review body;
- (b) the participants to the proceedings (hereinafter referred to as "participants") shall have the right to be heard prior to a decision of the review body being made on the challenge;
- (c) the participants shall have the right to be represented and accompanied;
- (d) the participants shall have access to all proceedings;
- (e) the participants shall have the right to request that the proceedings take place in public and that witnesses may be presented; and
- (f) the review body shall make its decisions or recommendations in a timely fashion, in writing, and shall include an explanation of the basis for each decision or recommendation.

7. Each Party shall adopt or maintain procedures that provide for:

- (a) rapid interim measures to preserve the supplier's opportunity to participate in the procurement, such as measures resulting in the suspension of the tendering process. The procedures may provide that overriding adverse consequences for the interests concerned, including the public interest, may be taken into account when deciding whether such measures should be applied. Just cause for not acting shall be provided in writing; and

- (b) where a review body has determined that there has been a breach of this Chapter or a failure as referred to in paragraph 1, corrective action or compensation for the loss or damages suffered, which may be limited to either the costs for the preparation of the tender or the costs relating to the challenge, or both.

ARTICLE 8.26

Modifications and Rectifications to Coverage

1. A Party may make rectifications of a purely formal nature to its coverage under this Chapter, or minor amendments to its Schedules in Annex XVI, provided that it notifies the other Parties in writing and no Party objects in writing within 45 days from the receipt of the notification. A Party that makes such a rectification or minor amendment need not provide compensatory adjustments to the other Parties.
2. A Party may otherwise modify its coverage under this Chapter provided that:
 - (a) it notifies the other Parties in writing and offers at the same time acceptable compensatory adjustments to maintain a level of coverage comparable to that existing prior to the modification, except where provided for in paragraph 3; and
 - (b) no Party objects in writing within 45 days from the receipt of the notification.
3. A Party need not provide compensatory adjustments where the Parties agree that the proposed modification covers a procuring entity over which a Party has effectively eliminated its control or influence. If a Party objects to the assertion that such government control or influence has been effectively eliminated, the objecting Party may request further information or consultations with a view to clarifying the nature of any government control or influence and reaching agreement on the procuring entity's continued coverage under this Chapter.

ARTICLE 8.27

Cooperation

1. The Parties recognise the importance of cooperation with a view to achieving a better understanding of their respective government procurement systems, as well as a better access to their respective markets, in particular for small business suppliers.
2. The Parties shall endeavour to cooperate in matters such as:
 - (a) development and use of electronic communications in government procurement systems; and

- (b) exchange of experiences and information, such as regulatory frameworks, best practices and statistics.

ARTICLE 8.28

Further Negotiations

In case a Party offers in the future, a non-party, additional benefits with regard to its respective government procurement market access coverage agreed under this Chapter, it shall agree, upon request of another Party, to enter into negotiations with a view to extending coverage under this Chapter on a reciprocal basis.

ANNEX XVI

REFERRED TO IN CHAPTER 8

GOVERNMENT PROCUREMENT

- APPENDIX 1: ENTITIES AT CENTRAL GOVERNMENT LEVEL
- APPENDIX 2: ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL
- APPENDIX 3: OTHER COVERED ENTITIES
- APPENDIX 4: GOODS
- APPENDIX 5: SERVICES
- APPENDIX 6: CONSTRUCTION SERVICES
- APPENDIX 7: MEANS OF PUBLICATION
- APPENDIX 8: TIME LIMITS
- APPENDIX 9: VALUE OF THRESHOLDS AND VALUATION
- APPENDIX 10: NOTICES, TENDER DOCUMENTATION AND MULTI-USE LIST
- APPENDIX 11: ADDITIONAL NOTES

APPENDIX 1 TO ANNEX XVI

ENTITIES AT CENTRAL GOVERNMENT LEVEL

PART A: GEORGIA

Chapter 8 of the Agreement applies to the entities of central level of government where the value of the procurement equals or exceeds:

GOODS

Specified in Appendix 4

Threshold SDR 130,000

SERVICES

Specified in Appendix 5

Threshold SDR 130,000

CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold SDR 5,000,000

List of Entities:

1. Parliament of Georgia: www.parliament.ge
2. Administration of the President of Georgia: www.president.gov.ge
3. National Security Council of Georgia: www.nsc.gov.ge
4. Government's Administration of Georgia: www.government.gov.ge
5. High Council of Justice of Georgia: www.hcoj.gov.ge
6. Ministry of Finance of Georgia: www.mof.gov.ge
7. Ministry of Corrections of Georgia: <http://moc.gov.ge/en/home>
8. Ministry of Energy of Georgia: www.energy.gov.ge
9. Ministry of Defense of Georgia: www.mod.gov.ge
10. Ministry of Internal Affairs: www.police.ge
11. Ministry of Foreign Affairs of Georgia: www.mfa.gov.ge
12. Ministry of Economy and Sustainable Development of Georgia:
www.economy.gov.ge
13. Ministry of Regional Development and Infrastructure of Georgia:
www.mrdi.gov.ge
14. Ministry of Justice of Georgia: www.justice.gov.ge
15. Ministry of Internally Displaced Persons from the Occupied Territories, 16
Accommodation and Refugees of Georgia: www.mra.gov.ge
16. Ministry of Agriculture of Georgia: www.moa.gov.ge
17. Ministry of Education and Science of Georgia: www.mes.gov.ge
18. Ministry of Labor, Health and Social Affairs of Georgia: www.moh.gov.ge
19. Ministry of Environment and Natural Resources Protection of Georgia:
www.moe.gov.ge
20. Ministry of Sport and Youth Affairs of Georgia: www.msy.gov.ge
21. Ministry of Culture and Monument Protection: www.culture.gov.ge

22. Office of The State Minister of Georgia for Reconciliation and Civic Equality:
www.smr.gov.ge
23. Office of the State Minister of Georgia for Diaspora Issues:
www.diaspora.gov.ge
24. Office of the State Minister of Georgia on European & Euro- Atlantic
Integration: www.eu-nato.gov.ge
25. Georgian Intelligence Service: www.gis.gov.ge
26. Special State Protection Service of Georgia: www.ssps.gov.ge
27. National Parliamentary Library of Georgia: www.nplg.gov.ge
28. State Council of Heraldry of Georgia: www.heraldika.ge
29. Election Administration of Georgia: www.cec.gov.ge
30. Office of the Personal Data Protection Inspector: www.personaldata.ge
31. State Audit Office of Georgia: www.sao.ge
32. Public Defender of Georgia: www.ombudsman.ge
33. Prosecutor's Office of Georgia: www.pog.gov.ge
34. State Treasury: www.treasury.gov.ge
35. Investigatory Service of Ministry of Finance: www.is.ge
36. Roads Department of Georgia: www.georoad.ge

Note to Appendix 1

Chapter 8 of the Agreement shall not apply to contracts awarded by entities listed in this Appendix in connection with activities in the field of water supply, energy, transport, telecommunications or post.

PART B: EFTA STATES

Chapter 8 of the Agreement applies to the entities of central level of government where the value of the procurement equals or exceeds:

GOODS

Specified in Appendix 4

Threshold	SDR 130,000
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SERVICES

Specified in Appendix 5

Threshold	SDR 130,000
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CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5,000,000
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a. Iceland

List of Entities:

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

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

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

Note to Appendix 1

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

b. Liechtenstein

List of Entities:

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

Notes to Appendix 1

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

c. Norway

All Central Government Entities.

An indicative list of Central Government Entities is attached.

Notes to Appendix 1

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

Indicative list of Central Government Entities:

<i>Statsministerens kontor</i>	Office of the Prime Minister
<i>Arbeids- og sosialdepartementet</i>	Ministry of Labour and Social Affairs
<i>Barne-, likestillings- og inkluderingsdepartementet</i>	Ministry of Children, Equality and Social Inclusion
<i>Finansdepartementet</i>	Ministry of Finance
<i>Forsvarsdepartementet</i>	Ministry of Defence
<i>Helse- og omsorgsdepartementet</i>	Ministry of Health and Care Services
<i>Justis- og beredskapsdepartementet</i>	Ministry of Justice and Public Security
<i>Klima- og miljødepartementet</i>	Ministry of Climate and Environment
<i>Kommunal- og moderniseringsdepartementet</i>	Ministry of Local Government and Modernisation
<i>Kulturdepartementet</i>	Ministry of Culture
<i>Kunnskapsdepartementet</i>	Ministry of Education and Research
<i>Landbruks- og matdepartementet</i>	Ministry of Agriculture and Food
<i>Nærings- og fiskeridepartementet</i>	Ministry of Trade, Industry and Fisheries
<i>Olje- og energidepartementet</i>	Ministry of Petroleum and Energy
<i>Samferdselsdepartementet</i>	Ministry of Transport and Communication
<i>Utenriksdepartementet</i>	Ministry of Foreign Affairs

Agencies and Institutions subordinate to these Ministries.

d. Switzerland

List of Entities

FRENCH

ENGLISH

Liste des entités couvrant tous les Départements fédéraux suisses:

Liste of entities covering all federal departments of Switzerland :

1. ***Chancellerie fédérale (ChF):***

1. **Federal Chancellery (FCh):**

*Chancellerie fédérale (ChF)
Préposé fédéral à la protection des données et à la transparence (PFPDT)*

Federal Chancellery (FCh)
Federal Data Protection and Information Commissioner (FDPIC)

2. ***Département fédéral des affaires étrangères (DFAE):***

2. **Federal Department of Foreign Affairs (FDFA):**

- *Secrétariat général (SG-DFAE)*
- *Secrétariat d'Etat (SEE)*
- *Direction politique (DP)*

- *Direction des affaires européennes (DAE)*
- *Direction du droit international public (DDIP)*
- *Direction du développement et de la coopération (DDC)*
- *Direction des ressources (DR)*

- *Direction consulaire (DC)*

- General Secretariat (GS-FDFA)
- State Secretariat (STS)
- Directorate of Political Affairs (DP)

- Directorate for European Affairs (DEA)
- Directorate of Public International Law (DIL)
- Swiss Agency for Development Cooperation (SDC)
- Directorate of Corporate Resources (DCR)
- Consular Directorate (CD)

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| 3. | Département fédéral de l'intérieur (DFI): <ul style="list-style-type: none">- <i>Secrétariat général (SG-DFI)</i>- <i>Bureau fédéral de l'égalité entre femmes et hommes (BFEG)</i>- <i>Office fédéral de la culture (OFC)</i>- <i>Archives fédérales suisses (AFS)</i>- <i>Office fédéral de météorologie et de climatologie (MétéoSuisse)</i>- <i>Office fédéral de la santé publique (OFSP)</i>- <i>Office fédéral de la statistique (OFS)</i>- <i>Office fédéral des assurances sociales (OFAS)</i>- <i>Office fédéral de la sécurité alimentaire et des affaires vétérinaires OSAV</i>- <i>Musée national suisse (MNS)</i>- <i>Pro Helvetia</i>- <i>Swissmedic, Institut suisse des produits thérapeutiques</i> | 3. | Federal Department of Home Affairs (FDHA): <ul style="list-style-type: none">- General Secretariat (GS-FDHA)- Federal Office for Gender Equality (FOGE)- Federal Office of Culture (FOC)- Swiss Federal Archives (SFA)- Federal Office of Meteorology and Climatology (MeteoSwiss)- Federal Office of Public Health (FOPH)- Federal Statistical Office (FSO)
- Federal Social Insurance Office (FSIO)- Federal Food Safety and Veterinary Office FSVO
- Swiss National Museum (SNM)- Pro Helvetia- Swissmedic, Swiss Agency for Therapeutic Products |
| 4. | Département fédéral de la justice et police (DFJP): <ul style="list-style-type: none">- <i>Secrétariat général (SG-DFJP)</i>- <i>Office fédéral de la justice (OFJ)</i>- <i>Office fédéral de la police (fedpol)</i>- <i>Office fédéral des migrations (ODM)</i>- <i>Institut fédéral de métrologie (METAS)</i>- <i>Service Surveillance de la correspondance par poste et télécommunication (SCPT)</i>- <i>Commission nationale de prévention de la torture</i>- <i>Institut suisse de droit comparé (ISDC)</i>- <i>Institut Fédéral de la Propriété Intellectuelle (IPI)</i>- <i>Autorité fédérale de surveillance en matière de révision (ASR)</i> | 4. | Federal Department of Justice and Police (FDJP): <ul style="list-style-type: none">- General Secretariat (GS-FDJP)- Federal Office of Justice (FOJ)- Federal Office of Police (fedpol)- Federal Office for Migration (FOM)- Federal Institute of Metrology (METAS)- Post and Telecommunications Surveillance Service
- National Commission for the Prevention of Torture- Swiss Institute of Comparative Law (SICL)- Federal Institute of Intellectual Property (IIP)- Federal Audit Oversight Authority (FAOA) |

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| 5. | <i>Département fédéral de la défense, de la protection de la population et des sports (DDPS)</i> | 5. | Federal Department of Defence, Civil Protection and Sport (DDPS) |
| | <ul style="list-style-type: none">- <i>Secrétariat général (SG-DDPS)</i>- <i>Service de renseignement de la Confédération (SRC)</i>- <i>Office de l'auditeur en chef (OAC)</i>- <i>Groupement Défense</i><ul style="list-style-type: none">(a) <i>Etat-major de l'armée (EM A)</i>(b) <i>Etat-major de conduite de l'armée (EM cond A)</i>(c) <i>Formation supérieure des cadres de l'armée (FSCA)</i>(d) <i>Forces terrestres (FT)</i>(e) <i>Forces aériennes (FA)</i>(f) <i>Base logistique de l'armée (BLA)</i>(g) <i>Base d'aide au commandement (BAC)</i>- <i>Groupement armasuisse (ar)</i><ul style="list-style-type: none">(a) <i>Office fédéral pour l'acquisition d'armement</i>(b) <i>Office fédéral de topographie (swisstopo)</i>- <i>Office fédéral de la protection de la population (OFPP)</i>- <i>Office fédéral du sport (OFSP)</i> | | <ul style="list-style-type: none">- General Secretariat (GS-DDPS)- Federal Intelligence Service (FIS)- Office of the Armed Forces Attorney General (OAFAG)- Defence Sector<ul style="list-style-type: none">(a) Armed Forces Staff (AFS)(b) Armed Forces Joint Staff (AFJS)(c) Armed Forces College (AFC)(d) Land Forces (LF)(e) Air Force (SAF)(f) Armed Forces Logistics Organisation (AFLO)(g) Armed Forces Command Support Organisation (AFCSO)- armasuisse Group (ar)<ul style="list-style-type: none">(a) Federal Office for Defence Procurement(b) Federal Office of Topography (swisstopo)- Federal Office for Civil Protection (FOCP)- Federal Office of Sport (FOSPO) |

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

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

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

Notes to Appendix 1

Chapter 8 of the Agreement shall not apply to contracts awarded by entities listed in this Appendix in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

APPENDIX 2 TO ANNEX XVI

ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL

PART A: GEORGIA

Chapter 8 of the Agreement applies to the entities of sub-central level of government where the value of the procurement equals or exceeds:

GOODS

Specified in Appendix 4

Threshold SDR 200,000

SERVICES

Specified in Appendix 5

Threshold SDR 200,000

CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold SDR 5,000,000

List of Entities

1. Municipalities:

1. Municipality of Abasha: www.abasha.ge
2. Municipality of Adigeni: www.adigeni.ge
3. Municipality of Ambrolauri: www.ambrolauri.ge
4. Municipality of Aspindza: www.aspindza.ge
5. Municipality of Akhalkalaki: www.akhalkalaki.ge
6. Municipality of Akhaltsikhe: www.akhaltsikhe.ge
7. Municipality of Akhmeta: www.myakhmeta.ge
8. Municipality of Baghdati: http://imereti.ge/index.php?lang_id=geo&sec_id=85
9. Municipality of Bolnisi:
www.kvemokartli.gov.ge/index.php?page=bolnisi&lang=1
10. Municipality of Borjomi: www.borjomi.org.ge/
11. Municipality of Gardabani: www.gardabani.ge
12. Municipality of Gori: www.gorimunicipality.ge
13. Municipality of Gurjaani: www.kakheti.gov.ge/index.php?cat=78&par=6
14. Municipality of Dedoplistskaro: <http://dedoplistskaro.ge/>
15. Municipality of Dmanisi: www.dmanisi.com.ge/
16. Municipality of Dusheti: <http://dusheti.org.ge/>
17. Municipality of Vani: <http://vani.org.ge/>
18. Municipality of Zestaponi: <http://zestaphoni.com/>
19. Municipality of Zugdidi: www.zugdidi-sakrebulo.ge/
20. Municipality of Tetrtskaro:
www.kvemokartli.gov.ge/index.php?page=tetrtskaro&lang=1
21. Municipality of Telavi: www.kakheti.gov.ge/index.php?cat=54&par=6

22. Municipality of Terjola: www.imereti.ge/index.php?lang_id=GEO&sec_id=84
23. Municipality of Tianeti: <http://tianeti.org.ge/>
24. Municipality of Kaspi: www.kaspi.org.ge/
25. Municipality of Lagodekhi: www.lagodekhi.org.ge/
26. Municipality of Lanchkhuti: www.lanchkhuti.org.ge/
27. Municipality of Lentekhi: www.georgia-racha.ge/ge/main.php?id=1247402952
28. Municipality of Marneuli:
www.kvemokartli.gov.ge/index.php?page=marneuli&lang=1
29. Municipality of Martvili: www.martvili.ge/index.html
30. Municipality of Mestia: www.mestia.ge/index.html
31. Municipality of Mtskheta: <http://mtskheta.org.ge/>
32. Municipality of Ninotsminda: www.ninotsminda.ge
33. Municipality of Ozurgeti: <http://ozurgeti.org.ge/>
34. Municipality of Oni: www.georgia-racha.ge/ge/main.php?id=1247402935
35. Municipality of Sagarejo: www.kakheti.gov.ge/index.php?cat=60&par=6
36. Municipality of Samtredia: www.samtredia.com.ge/index2.php
37. Municipality of Sachkhere: http://imereti.ge/index.php?lang_id=geo&sec_id=81
38. Municipality of Senaki: www.senaki.ge/index.html
39. Municipality of Signaghi: <http://signagi.com.ge/index.php>
40. Municipality of Tkibuli
41. Municipality of Kareli: <http://shidakartli.gov.ge/?page=kareli&lang=geo>
42. Municipality of Keda
43. Municipality of Kobuleti
44. Municipality of Kazbegi
45. Municipality of Kvareli: www.kakheti.gov.ge/index.php?cat=57&par=6
46. Municipality of Shuakhevi: www.shuakhevi.ge/
47. Municipality of Chokhatauri <http://chokhatauri.ge/>
48. Municipality of Chkorotsku
49. Municipality of Tsageri
50. Municipality of Tsalendjikha: www.tsalendjikha.ge/
51. Municipality of Tsalka:
www.kvemokartli.gov.ge/index.php?page=calka&lang=1
52. Municipality of Tskaltubo
53. Municipality of Chiatura: <http://chiatura.org.ge/>
54. Municipality of Kharagauli
55. Municipality of Khashuri <http://selfgovernment.khashuri.org.ge/>
56. Municipality of Khelvachauri: www.khelvachauri.ge
57. Municipality of Khobi: www.khobi.ge
58. Municipality of Khoni: www.imereti.ge
59. Municipality of Khulo: <http://khulo.ge/>

2. Self-Governing Cities

60. Self-governing city of Ambrolauri <http://ambrolauri.ge/>
61. Self-governing city of Akhaltsikhe Town: www.akhaltsikhe.gov.ge/
62. Self-governing city of Batumi: <http://batumi.ge>
63. Self-governing city of Gori: www.gori.gov.ge/

64. Self-governing city of Zugdidi: www.zugdidicity.ge/
65. Self-governing city of Tbilisi: www.tbilisi.gov.ge/
66. Self-governing city of Telavi: <http://telavi-gov.ge/>
67. Self-governing city of Mtskheta <http://mtskheta.gov.ge/>
68. Self-governing city of Ozurgeti <http://ozurgeti.gov.ge/>
69. Self-governing city of Rustavi <http://rustavi.ge/>
70. Self-governing city of Poti: www.poticity.ge
71. Self-governing city of Kutaisi: www.kutaisi.gov.ge/

3. Regional Administrations of Georgia:

72. State Representative - Governor of Guria
73. State Representative - Governor of Racha-Lechkhumi-Kvemo Svaneti
74. State Representative - Governor of Samtskhe-Javakheti
75. State Representative - Governor of Mtskheta-Mtianeti
76. State Representative - Governor of Samegrelo-Zemo Svaneti
77. State Representative - Governor of Kvemo Kartli
78. State Representative - Governor of Shida Kartli
79. State Representative - Governor of Imereti
80. State Representative - Governor of Kakheti

4. All bodies governed by public law.

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

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

Note to Appendix 2

Chapter 8 of the Agreement shall not apply to contracts awarded by entities listed in this Appendix in connection with activities in the field of water supply, energy, transport, telecommunications or post.

PART B: EFTA STATES

Chapter 8 of the Agreement applies to the entities of the sub-central level of government where the value of the procurement equals or exceeds:

GOODS

Specified in Appendix 4

Threshold	SDR 200,000
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SERVICES

Specified in Appendix 5

Threshold	SDR 200,000
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CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold	SDR 5,000,000
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a. Iceland

List of Entities:

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

b. Liechtenstein

List of Entities:

1. Public Authorities at local level
2. Bodies governed by public law.¹

c. Norway

List of Entities:

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

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

- (a) is established for the specific purpose of meeting needs in the general interest, not having a commercial or industrial character;
- (b) has legal personality; and
- (c) is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management

¹ 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.

supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.

3. All associations formed by one or several of the entities covered by the preceding paragraphs 1 and 2.
4. An indicative list of procuring entities which are bodies governed by public law is attached.

Notes to Appendix 2

Indicative List of Procuring Entities which are Bodies Governed by Public Law:

1. Bodies:

<i>Enova SF</i>	Enova SF
<i>Garantiinstituttet for eksportkreditt, GIEK</i>	The Norwegian Guarantee Institute
<i>Helse Sør-Øst RHF</i>	South-Eastern Norway Regional Health Authority
<i>Helse Vest RHF</i>	Western Norway Regional Health Authority
<i>Helse Midt-Norge RHF</i>	Central Norway Regional Health Authority
<i>Helse Nord RHF</i>	Northern Norway Regional Health Authority
<i>Innovasjon Norge</i>	Innovation Norway
<i>Norsk rikskringkasting, NRK</i>	The Norwegian Broadcasting Corporation
<i>Universitetssenteret på Svalbard AS</i>	The University Centre in Svalbard
<i>Uninett AS</i>	Uninett, The Norwegian Research Network
Simula Research Laboratory AS	Simula Research Laboratory AS
<i>Norsk samfunnsvitenskapelig datatjeneste AS (NSD)</i>	Norwegian Social Science Data services AS (NSD)

2. Categories:
 - *Statsbanker (State Banks)*
 - Publicly owned and operated museums

d. Switzerland

List of Entities²

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

List of Swiss cantons:

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

² For contracts of the Cantons referring to defense products, acting for the federal defense department, see derogations.

Notes to Appendix 2

Chapter 8 of the Agreement shall not apply to contracts awarded by entities listed in this Appendix in connection with activities in the field of drinking water, energy, transport, telecommunications or post.

APPENDIX 3 TO ANNEX XVI

OTHER COVERED ENTITIES

PART A: GEORGIA

Chapter 8 of the Agreement applies to the other entities and state owned enterprises³ where the value of the procurement equals or exceeds:

GOODS

Specified in Appendix 4

Threshold SDR 400,000

SERVICES

Specified in Appendix 5

Threshold SDR 400,000

CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold SDR 5,000,000

Notes on Appendix 3

Chapter 8 of the Agreement does not cover procurement of certain goods and services, explicitly excluded by the respective decrees of the Government of Georgia, with regard to the companies or state owned enterprises listed below:

- (a) Special Rule for LLC “Marabda-Kartsakhi Railway” – (Government Decree No 613, of 11 December 2015). In force until 28 December 2017;
- (b) Special Rule for Ltd “Engurhesi” and Ltd “Vardnilhesebis Kaskadi” – (Governmental Decree No 191 of 20 February 2014. In force until 1 March 2016;
- (c) Special Rule for Ltd “EXPRESS” - (Governmental Decree No 219, dated 12 March 2014). In force until 12 March 2016;
- (d) Special Rule for Ltd “Tbilaviamsheni” - (Governmental Decree No 554, dated 12 September 2014). In force until 28 August 2016;
- (e) Special Rule for JSC “Georgian Railway” - (Governmental Decree No 665, dated 30 December 2015). In force until 31 December 2016;

³ A state owned enterprise means an enterprise in which more than 50% of the interest or shares is owned by the State or a local self-government body, except when this enterprise, in the course of procuring goods or services related to the special aspects of its activities, follows a special procedure established by the Government of Georgia for the procurement of those goods or services, the term of which shall not exceed two years. Source: <http://www.procurement.gov.ge/getattachment/ELibrary/LegalActs/matsne-31252-57.pdf.aspx>

- (f) Special Rule for JSC “PARTNERSHIP FUND” – (Governmental Decree No 59, dated 13 February 2015). In force until 13 February 2016;
- (g) Special Rule for Ltd “STATE CONSTRUCTION COMPANY” – (Governmental Decree No #90, dated 9 March 2015. In force until 1 March 2016;
- (h) Special Rule for LLC “UNITED WATER SUPPLY COMPANY OF GEORGIA” – (Governmental Decree No 95, dated 9 March 2015). In force until 31 January 2016;
- (i) Special Rule for Ltd “Georgian Post” – (Governmental Decree No 442, dated 26 August 2015). In force until 17 August 2016;
- (j) Special Rule for Ltd “DEMETRE 96” – (Governmental Decree No 462, dated 7 September 2015). In force until 7 September 2017;
- (k) Special Rule for Ltd “Georgian Melioration” – (Governmental Decree No 478, dated 14 September 2015). In force until 14 September 2017;
- (l) Special Rule for Ltd “Solid Waste Management Company of Georgia” - (Governmental Decree No 501, dated 24 September 2015). In force until 1 January 2017;
- (m) Special Rule for Ltd “Georgian Gas Transportation Company” – (Governmental Decree No 513, dated 6 October 2015. In force until 6 October 2017;
- (n) Special Rule for Ltd “DELTA INTERNATIONAL” – (Governmental Decree No 525, dated 9 October 2015). In force until 9 October 2017;
- (o) Special Rule for Ltd “UNITED AIRPORTS OF GEORGIA” – (Governmental Decree No 548, dated 26 October 2015). In force until 26 October 2017;
- (p) Special Rule for JSC “Kakheti Energy distribution” - (Governmental Decree No 657, dated 1 January 2017);
- (q) Special Rule for JSC “Georgian Energy Development Fund” – (Governmental Decree No 6, dated 11 January 2016). In force until 11 January 2018; and
- (r) Special Rule for JSC “Georgian Oil and Gas Corporation” – (Governmental Decree No 598, dated 27 November 2015). In force until 27 November 2017.

PART B: EFTA STATES

Chapter 8 of the Agreement applies to other covered entities where the value of the procurement equals or exceeds:

GOODS

Specified in Appendix 4

Threshold SDR 400,000

SERVICES

Specified in Appendix 5

Threshold SDR 400,000

CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold SDR 5,000,000

a. Iceland

1. All contracting entities whose procurement is covered by the European Economic Area (EEA) Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 which are contracting authorities (e.g. those covered under Appendices 1 and 2) or public undertakings⁴ and which have as one of their activities any of those referred to below or any combination thereof:

- (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks;
- (b) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks;
- (c) the provision of airport or other terminal facilities to carriers by air;

⁴ According to the Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (extended to the EEA by Decision of the EEA Joint Committee No. 68/2006 of June 2006 amending Annex XVI (Procurement) to the EEA Agreement), a public undertaking is any undertaking over which the contracting authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it. A dominant influence on the part of the contracting authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

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

- (d) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
- (e) the provision or operation of networks⁵ providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable;
- (f) the provision or operation of networks providing a service to the public in the field of transport by railways⁶;
- (g) provision of postal services.

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

Indicative Lists of Contracting Authorities and Public Undertakings Fulfilling the Criteria Laid Down under Appendix 3:

The electricity sector:

1. *Landvirkjun* (The National Power Company), Act No 42/1983.
2. *Landsnet* (Iceland Power Grid), Act No 75/2004.
3. *Rafmagnsveitur ríkisins* (The State Electric Power Works), Act No 58/1967.
4. *Orkuveita Reykjavíkur* (Reykjavík Energy), Act No 139/2001.
5. *Orkubú Vestfjarða* (Vestfjord Power Company), Act No 40/2001.
6. *Norðurorka*, Act No 159/2002.
7. *Hitaveita Suðurnesja*, Act No 10/2001.
8. Other entities producing, transporting or distributing electricity pursuant to Act No 65/2003.

Urban transport:

9. *Strætó* (The Reykjavík Municipal Bus Service).
10. Other entities operating in accordance with Act No 73/2001 on urban transport.

Airports:

11. *Flugmálastjórn Íslands* (Directorate of Civil Aviation), Act No 100/2006.

Ports:

12. *Siglingastofnun Íslands* (Icelandic Maritime Administration).
13. Other entities operating pursuant to the Harbour Act No 61/2003.

⁵ As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority, of an EEA member state, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

⁶ E.g the provision or operation of networks (within the meaning of footnote 5) providing a service to the public in the field of transport by high-speed or conventional trains.

Water supply:

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

Postal Services:

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

Notes to Appendix 3

1. Procurement for the pursuit of an activity listed above when exposed to competitive forces in the market concerned are not covered by Chapter 8 of the Agreement.

2. Chapter 8 of the Agreement does not cover procurement by procuring entities included in this Appendix:

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

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

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

4. Chapter 8 of the Agreement does not cover procurement:

- (a) by a procuring entity to an affiliated undertaking⁷; or
- (b) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of subparagraphs (a) to (g) of this Appendix, to an undertaking which is affiliated with one of these procuring entities;

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

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

5. Chapter 8 of the Agreement does not cover procurement:

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

6. Chapter 8 of the Agreement does not cover procurement by entities operating the the following fields:

- (a) production, transport or distribution of drinking water covered under this Appendix;
- (b) maritime or inland ports or other terminal facilities covered under this Appendix; and
- (c) production, transport or distribution of electricity covered under this Appendix.

⁷ “Affiliated undertaking” means any undertaking the annual accounts of which are consolidated with those of the procuring entity in accordance with the requirements of Council Directive 83/349/EEC on consolidated accounts, or in case of entities not subject to that Directive, any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

7. As soon as Georgia provides reciprocal access for providers of the EFTA States to the relevant procurement operations of its privately owned entities in the fields referred to in paragraph 7, the Joint Committee may decide to include procuring entities operating in these fields.

b. Liechtenstein

List of Entities:

All procuring entities whose procurement is covered by the European Economic Area (EEA) Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 which are contracting authorities (e.g. those covered under Appendices 1 and 2) or public undertakings⁸ and which have as one of their activities any of those referred to below or any combination thereof:

- (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks (as specified under List of Sectors 1);
- (b) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks (as specified under List of Sectors 2);
- (c) the provision or operation of networks⁹ providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under List of Sectors 3);
- (d) the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under List of Sectors 4);

⁸ According to the Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (extended to the EEA by Decision of the EEA Joint Committee No. 68/2006 of June 2006 amending Annex XVI (Procurement) to the EEA Agreement), a public undertaking is any undertaking over which the contracting authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.

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

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

⁹ As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority of an EEA Member State, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

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

List of Sectors:

1. Production, transport or distribution of drinking water:

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

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

2. Production, transport or distribution of electricity:

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

1. *Liechtensteinische Kraftwerke*

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

1. *LIECHTENSTEIN mobil*

4. Procuring entities in the field of airport facilities:

None

5. Procuring entities in the field of inland ports:

None

Notes to Appendix 3

1. Chapter 8 of the Agreement does not cover procurement which the procuring entity awards for purposes other than the pursuit of their activities as described in this Appendix or for the pursuit of such activities in a non-EEA country.

2. Chapter 8 of the Agreement does not cover procurement:

- (a) by a procuring entity to an affiliated undertaking;¹⁰ or
- (b) by a joint venture formed exclusively by a number of procuring entities for the purpose of carrying out a relevant activity within the meaning of subparagraphs (i) to (vi) of this Appendix, to an undertaking which is affiliated with one of these procuring entities,

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

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

4. Chapter 8 of the Agreement does not cover procurement:

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

5. Chapter 8 of the Agreement does not cover procurement for the purchase of water, the supply of energy or of fuels for the production of energy.

6. Chapter 8 of the Agreement does not cover procurement by procuring entities other than a public authority exercising the supply of drinking water or electricity to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under this Appendix under subparagraphs (a) and (b) and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30% of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

¹⁰ "affiliated undertaking" means any undertaking the annual accounts of which are consolidated with those of the procuring entity in accordance with the requirements of Council Directive 83/349/EEC on consolidated accounts, or in case of entities not subject to that Directive, any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

7. Chapter 8 of the Agreement does not cover procurement for purposes of re-sale or hire to non-parties, provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the procuring entity.

8. Chapter 8 of the Agreement does not cover procurement by procuring entities providing a bus service if other entities are free to offer the same service either in general or in a specific geographical area and under the same conditions.

9. Chapter 8 of the Agreement does not cover procurement by procuring entities pursuing an activity described in this Appendix when that activity is exposed to full market competition.

10. Chapter 8 of the Agreement does not cover procurement by entities operating in the following fields:

- (a) production, transport or distribution of drinking water covered under this Appendix; and
- (b) production, transport or distribution of electricity covered under this Appendix.

11. As soon as Georgia provides reciprocal access for providers of the EFTA States to the relevant procurement operations of its privately owned entities in the fields referred to in paragraph 10, the Joint Committee may decide to include procuring entities operating in these fields.

c. Norway

1. All procuring entities whose procurement is covered by the European Economic Area (EEA) Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 which are contracting authorities (i.e. those covered under Appendices 1 and 2) or public undertakings¹¹ and which have as one of their activities any of those referred to below or any combination thereof:

¹¹ According to the Directive 2004/17 of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (extended to the EEA by Decision of the EEA Joint Committee NO 68/2006 of June 2006 amending Annex XVI (Procurement) to the EEA Agreement), a public undertaking is any undertaking over which the contracting authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.

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

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

- (a) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks;
 - (b) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks;
 - (c) the provision of airport or other terminal facilities to carriers by air;
 - (d) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
 - (e) the provision or operation of networks¹² providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable.
2. An indicative list of Other Entities (Utilities) is attached.

Notes to Appendix 3

1. Procurement for the pursuit of an activity listed above shall not be subject to Chapter 8 of the Agreement when the activity is directly exposed to competition on markets to which access is not restricted.
2. Chapter 8 of the Agreement does not cover procurement by entities included in this Appendix:
- (a) for the purchase of water and for the supply of energy or of fuels for the production of energy;
 - (b) for purposes other than the pursuit of their activities as described in this Appendix or for the pursuit of such activities in a non-EEA country;
 - (c) for purposes of re-sale or hire to non-parties provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such contracts and that other entities are free to sell or hire it under the same conditions as the procuring entity.

¹² As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

3. Chapter 8 of the Agreement does not cover procurement:

- (a) by a procuring entity from an affiliated undertaking;¹³ or
- (b) by a joint venture formed exclusively by a number of procuring entities for the purpose of carrying out a relevant activity within the meaning of subparagraphs (a) to (e) of this Appendix, from an undertaking which is affiliated with one of these procuring entities,

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

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

4. The Agreement does not cover procurement:

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

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

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

¹³ "affiliated undertaking" means any undertaking the annual accounts of which are consolidated with those of the procuring entity in accordance with the requirements of Council Directive 83/349/EEC on consolidated accounts, or in case of entities not subject to that Directive, any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

6. Chapter 8 of the Agreement does not cover procurement by entities operating the the following fields:

- (a) production, transport or distribution of drinking water covered under this Appendix;
- (b) maritime or inland ports or other terminal facilities covered under this Appendix; and
- (c) production, transport or distribution of electricity covered under this Appendix.

7. As soon as Georgia provides reciprocal access for providers of the EFTA states to the relevant procurement of its privately owned entities in the fields referred to in paragraph 7, the Joint Committee may decide to include procuring entities operating in these fields. **Indicative list of other entities (utilities):**

1. Drinking Water

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

For instance:

Asker og Bærum vannverk
Bergen vannverk

Asker and Bærum Water Network
Bergen Drinking Water Network

2. The electricity sector

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

For instance:

Alta Kraftverk
Bingsfoss Kraftverk

Alta Power Plant
Bingfoss Power Plant

3. Airports:

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

For instance:

Avinor AS

Avinor AS

4. Ports:

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

For instance:

Oslo havn

Port of Oslo

Stavangerregionens havn

Port of Stavanger

5. Urban transport

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

d. Switzerland

List of Entities

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

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

2. For the purposes of this Appendix:

- (a) “public authorities” means the State, regional or local authorities, bodies governed by public law, or associations formed by one or more of such

authorities or bodies governed by public law. A body is considered to be governed by public law where it:

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

List of Sectors

1. Production, transport or distribution of drinking water

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

For instance:

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

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

Public authorities or public undertakings which provide tramway services pursuant to Article 1, paragraph 2, of the Railways Act of 20 December 1957¹⁴.

Public authorities or public undertakings which provide public transport services pursuant to article 6 of the Passenger Transport Act of 20 March 2009¹⁵.

For instance:

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

3. Airports

Public authorities or public undertakings which operate airports on the basis of a concession within the meaning of Article 36a of the Aviation Act of 21 December 1948¹⁶.

For instance:

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

4. Inland ports

Swiss Rhine Ports: Agreement entitled *Staatsvertrag über die Zusammenlegung der Rheinschiffahrtsgesellschaft Basel und der Rheinhäfen des Kantons Basel-Landschaft zu einer Anstalt öffentlichen Rechts mit eigener Rechtspersönlichkeit unter dem Namen "Schweizerische Rheinhäfen"* (State Treaty on the Amalgamation of the Rhine Navigation Authority of the City of Basel and the Rhine Ports of Basel-Landschaft to form a Public Authority with Legal Personality under the Name of Port of Switzerland) of 13/20 June 2006.¹⁷

For instance:

- Ports in the region of Basle.

5. Production of electricity

Public authorities or public undertakings which produce electricity pursuant to the Federal Act of 22 December 1916 on the use of Hydraulic Forces¹⁸ and the Nuclear Energy Act of 21 March 2003.¹⁹

¹⁴ RS 742.101

¹⁵ RS 745.1

¹⁶ RS 748.0

¹⁷ SGS 421.1

¹⁸ RS 721.80

¹⁹ RS 732.1

For instance:

- *Bernische Kraftwerke AG*

Notes to Appendix 3

1. Chapter 8 of the Agreement shall not apply to:
 - (a) contracts which the contracting entity awards for the purpose other than the pursuit of their activities as described in this Appendix or for the pursuit of such activities beyond Switzerland;
 - (b) contracts awarded for purposes of re-sale or hire to non-parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity;
 - (c) contracts of contracting entities other than a public authority exercising the supply of drinking water to networks which provide a service to the public, if they produce these services by themselves and consume them for the purpose of carrying out other activities than those described under this Appendix. Furthermore, the supply to the public network depends only on the entity's own consumption and has not exceeded 30% of entity's total production of drinking water, having regard to the average for the preceding three years;
 - (d) contracts of contracting entities exercising activities in the bus transportation sector where other entities are free to offer the same services in the same geographical area and under substantially the same conditions; or
 - (e) contracts awarded by contracting entities pursuing an activity described in this Annex when that activity is exposed to full market competition.
 2. The procuring entities operating in the following sectors shall not be considered as covered procurement:
 - (a) production, transport or distribution of drinking water;
 - (b) inland ports; and
 - (c) production of electricity.
 3. As soon as Georgia provides reciprocal access for providers of the EFTA States to the relevant procurement operations of its privately owned entities referred to in paragraph 2, the Joint Committee may decide to include procuring entities operating in these sectors.
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APPENDIX 4 TO ANNEX XVI

GOODS

PART A: GEORGIA

Chapter 8 of the Agreement applies to all goods covered by the following CPV²⁰ codes, including subordinated CPV-codes:

CPV	Definition
03000000	Agricultural, farming, fishing, forestry and related products
03100000	Agricultural and horticultural products
03200000	Cereals, potatoes, vegetables, fruits and nuts
03300000	Farming, hunting and fishing products
03400000	Forestry and logging products
09000000	Petroleum products, fuel, electricity and other sources of energy
09100000	Fuels
09200000	Petroleum, coal and oil products
09300000	Electricity, heating, solar and nuclear energy
14000000	Mining, basic metals and related products
14200000	Sand and clay
14300000	Chemical and fertiliser minerals
14400000	Salt and pure sodium chloride
14500000	Related mining and quarrying products
14600000	Metal ores and alloys
14700000	Basic metals
14800000	Miscellaneous non-metallic mineral products
14900000	Recovered secondary raw materials

²⁰ According to Commission Regulation (EC) No 213/2008

CPV	Definition
15000000	Food, beverages, tobacco and related products
15100000	Animal products, meat and meat products
15200000	Prepared and preserved fish
15300000	Fruit, vegetables and related products
15400000	Animal or vegetable oils and fats
15500000	Dairy products
15600000	Grain mill products, starches and starch products
15700000	Animal feedstuffs
15800000	Miscellaneous food products
15900000	Beverages, tobacco and related products
16000000	Agricultural machinery
16100000	Agricultural and forestry machinery for soil preparation or cultivation
16300000	Harvesting machinery
16400000	Spraying machinery for agriculture or horticulture
16500000	Self-loading or unloading trailers and semi-trailers for agriculture
16600000	Specialist agricultural or forestry machinery
16700000	Tractors
16800000	Parts of agricultural and forestry machinery
18000000	Clothing, footwear, luggage articles and accessories
18100000	Occupational clothing, special workwear and accessories
18200000	Outerwear

CPV	Definition
18300000	Garments
18400000	Special clothing and accessories
18500000	Jewellery, watches and related articles
18600000	Furs and articles of fur
18800000	Footwear
18900000	Luggage, saddlery, sacks and bags
19000000	Leather and textile fabrics, plastic and rubber materials
19100000	Leather
19200000	Textile fabrics and related items
19400000	Textile yarn and thread
19500000	Rubber and plastic materials
19600000	Leather, textile, rubber and plastic waste
19700000	Synthetic rubber and fibres
22000000	Printed matter and related products
22100000	Printed books, brochures and leaflets
22200000	Newspapers, journals, periodicals and magazines
22300000	Postcards, greeting cards and other printed matter
22400000	Stamps, cheque forms, banknotes, stock certificates, trade advertising material, catalogues and manuals
22500000	Printing plates or cylinders or other media for use in printing
22600000	Ink
22800000	Paper or paperboard registers, account books, binders, forms and other articles of printed stationery

CPV	Definition
22900000	Miscellaneous printed matter
24000000	Chemical products
24100000	Gases
24200000	Dyes and pigments
24300000	Basic inorganic and organic chemicals
24400000	Fertilisers and nitrogen compounds
24500000	Plastics in primary forms
24600000	Explosives
24900000	Fine and various chemical products
30000000	Office and computing machinery, equipment and supplies except furniture and software packages
30100000	Office machinery, equipment and supplies except computers, printers and furniture
30200000	Computer equipment and supplies
31000000	Electrical machinery, apparatus, equipment and consumables; Lighting
31100000	Electric motors, generators and transformers
31200000	Electricity distribution and control apparatus
31300000	Insulated wire and cable
31400000	Accumulators, primary cells and primary batteries
31500000	Lighting equipment and electric lamps
31600000	Electrical equipment and apparatus
31700000	Electronic, electromechanical and electrotechnical supplies
32000000	Radio, television, communication, telecommunication and related equipment

CPV	Definition
32200000	Transmission apparatus for radiotelephony, radiotelegraphy, radio broadcasting and television
32300000	Television and radio receivers, and sound or video recording or reproducing apparatus
32400000	Networks
32500000	Telecommunications equipment and supplies
33000000	Medical equipments, pharmaceuticals and personal care products
33100000	Medical equipments
33600000	Pharmaceutical products
33700000	Personal care products
33900000	Post-mortem and mortuary equipment and supplies
34000000	Transport equipment and auxiliary products to transportation
34100000	Motor vehicles
34200000	Vehicle bodies, trailers or semi-trailers
34300000	Parts and accessories for vehicles and their engines
34400000	Motorcycles, bicycles and sidecars
34500000	Ships and boats
34600000	Railway and tramway locomotives and rolling stock and associated parts
34700000	Aircraft and spacecraft
34900000	Miscellaneous transport equipment and spare parts
35000000	Security, fire-fighting, police and defence equipment
35100000	Emergency and security equipment
35200000	Police equipment

CPV	Definition
35300000	Weapons, ammunition and associated parts
35400000	Military vehicles and associated parts
35500000	Warships and associated parts
35600000	Military aircrafts, missiles and spacecrafts
35700000	Military electronic systems
35800000	Individual and support equipment
37000000	Musical instruments, sport goods, games, toys, handicraft, art materials and accessories
37300000	Musical instruments and parts
37400000	Sports goods and equipment
37500000	Games and toys; fairground amusements
37800000	Handicraft and art supplies
38000000	Laboratory, optical and precision equipments (excl. glasses)
38100000	Navigational and meteorological instruments
38200000	Geological and geophysical instruments
38300000	Measuring instruments
38400000	Instruments for checking physical characteristics
38500000	Checking and testing apparatus
38600000	Optical instruments
38700000	Time registers and the like; parking meters
38800000	Industrial process control equipment and remote-control equipment
38900000	Miscellaneous evaluation or testing instruments

CPV	Definition
39000000	Furniture (incl. office furniture), furnishings, domestic appliances (excl. lighting) and cleaning products
39100000	Furniture
39200000	Furnishing
39300000	Miscellaneous equipment
39500000	Textile articles
39700000	Domestic appliances
39800000	Cleaning and polishing products
41000000	Collected and purified water
41100000	Natural water
42000000	Industrial machinery
42100000	Machinery for the production and use of mechanical power
42200000	Machinery for food, beverage and tobacco processing and associated parts
42300000	Industrial or laboratory furnaces, incinerators and ovens
42400000	Lifting and handling equipment and parts
42500000	Cooling and ventilation equipment
42600000	Machine tools
42700000	Machinery for textile, apparel and leather production
42800000	Machinery for paper or paperboard production
42900000	Miscellaneous general and special-purpose machinery
43000000	Machinery for mining, quarrying, construction equipment
43100000	Mining equipment

CPV	Definition
43200000	Earthmoving and excavating machinery, and associated parts
43300000	Construction machinery and equipment
43400000	Mineral-processing and foundry mould-forming machinery
43500000	Track-laying vehicles
43600000	Parts of machinery for mining, quarrying and construction
43700000	Machinery for metallurgy and associated parts
43800000	Workshop equipment
44000000	Construction structures and materials; auxiliary products to construction (excepts electric apparatus)
44100000	Construction materials and associated items
44200000	Structural products
44300000	Cable, wire and related products
44400000	Miscellaneous fabricated products and related items
44500000	Tools, locks, keys, hinges, fasteners, chain and springs
44600000	Tanks, reservoirs and containers; central-heating radiators and boilers
44800000	Paints, varnishes and mastics
44900000	Stone for construction, limestone, gypsum and slate
48000000	Software package and information systems
48100000	Industry specific software package
48200000	Networking, Internet and intranet software package
48300000	Document creation, drawing, imaging, scheduling and productivity software package
48400000	Business transaction and personal business software package

CPV	Definition
48500000	Communication and multimedia software package
48600000	Database and operating software package
48700000	Software package utilities
48800000	Information systems and servers
48900000	Miscellaneous software package and computer systems

PART B: EFTA STATES

a. Iceland

1. Chapter 8 of the Agreement covers procurement of all goods procured by the entities listed in Appendices 1 to 3 to this Annex, unless otherwise specified in this Annex.

2. Chapter 8 of the Agreement covers only the goods that are described in the Chapters of the Combined Nomenclature (CN) specified below and that are procured by the Ministry of the Interior and Agencies for defence or security activities in Iceland:

Chapter 25: Salt, sulphur, earths and stone, plastering materials, lime and cement

Chapter 26: Metallic ores, slag and ash

Chapter 27: Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes

except:

ex 27.10: special engine fuels

Chapter 28: Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radio-active elements and isotopes

except:

ex 28.09: explosives

ex 28.13: explosives

ex 28.14: tear gas

ex 28.28: explosives

ex 28.32: explosives

ex 28.39: explosives

ex 28.50: toxic products

ex 28.51: toxic products

ex 28.54: explosives

Chapter 29: Organic chemicals

except:

ex 29.03: explosives

ex 29.04: explosives

ex 29.07: explosives

ex 29.08: explosives

ex 29.11: explosives

ex 29.12: explosives

ex 29.13: toxic products

ex 29.14: toxic products

ex 29.15: toxic products

ex 29.21: toxic products

ex 29.22: toxic products

ex 29.23: toxic products

ex 29.26: explosives

ex 29.27: toxic products

ex 29.29: explosives

Chapter 30: Pharmaceutical products

Chapter 31: Fertilizers

- Chapter 32: Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
- Chapter 33: Essential oils and resinoids, perfumery, cosmetic or toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products
except:
ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof
except:
ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof
except:
ex 40.11: bullet-proof tyres
- Chapter 41: Raw hides and skins (other than fur skins) and leather
- Chapter 42: Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silk-worm gut)
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 44: Wood and articles of wood, wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials, basket ware and wickerwork
- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard, articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof

- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal, parts thereof
 - except:
 - ex 82.05: tools
 - ex 82.07: tools, parts
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances, parts thereof
 - except:
 - ex 84.06: engines
 - ex 84.08: other engines
 - ex 84.45: machinery
 - ex 84.53: automatic data-processing machines
 - ex 84.55: parts of machines under heading No 84.53
 - ex 84.59: nuclear reactors
- Chapter 85: Electrical machinery and equipment, parts thereof
 - except:
 - ex 85.13: telecommunication equipment
 - ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered)
 - except:
 - ex 86.02: armoured locomotives, electric
 - ex 86.03: other armoured locomotives
 - ex 86.05: armoured wagons
 - ex 86.06: repair wagons
 - ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof
 - except:
 - ex 87.08: tanks and other armoured vehicles
 - ex 87.01: tractors
 - ex 87.02: military vehicles
 - ex 87.03: breakdown lorries
 - ex 87.09: motorcycles
 - ex 87.14: trailers
- Chapter 89: Ships, boats and floating structures
 - except:
 - ex 89.01 A: warships
- Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts thereof
 - except:
 - ex 90.05: binoculars
 - ex 90.13: miscellaneous instruments, lasers
 - ex 90.14: telemeters

- ex 90.28: electrical and electronic measuring instruments
- ex 90.11: microscopes
- ex 90.17: medical instruments
- ex 90.18: mechano-therapy appliances
- ex 90.19: orthopaedic appliances
- ex 90.20: X-ray apparatus
- Chapter 91: Manufacture of watches and clocks
- Chapter 92: Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles
- Chapter 94: Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings
except:
ex 94.01 A: aircraft seats
- Chapter 95: Articles and manufactures of carving or moulding material
- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 98: Miscellaneous manufactured articles

b. Liechtenstein

Unless otherwise specified, Chapter 8 of the Agreement covers all goods.

c. Norway

1. Chapter 8 of the Agreement covers procurement of all goods, unless otherwise specified in this Annex.

2. Chapter 8 of the Agreement covers only the following goods that are described in the Chapters of the CCC (Customs Co-operation Council)/Brussels nomenclature specified below and that are procured by the Ministry of Defence, its subordinated entities and entities in the field of security:

- Chapter 25: Salt; sulphur; earths and stone; plastering materials, lime and cement
- Chapter 26: Metallic ores, slag and ash
- Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes, except:
ex 27.10: special engine fuels
- Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes, except:
ex 28.09: explosives
ex 28.13: explosives
ex 28.14: tear gas
ex 28.28: explosives
ex 28.32: explosives
ex 28.39: explosives
ex 28.50: toxic products

- ex 28.51: toxic products
- ex 28.54: explosives
- Chapter 29: Organic chemicals, except:
 - ex 29.03: explosives
 - ex 29.04: explosives
 - ex 29.07: explosives
 - ex 29.08: explosives
 - ex 29.11: explosives
 - ex 29.12: explosives
 - ex 29.13: toxic products
 - ex 29.14: toxic products
 - ex 29.15: toxic products
 - ex 29.21: toxic products
 - ex 29.22: toxic products
 - ex 29.23: toxic products
 - ex 29.26: explosives
 - ex 29.27: toxic products
 - ex 29.29: explosives
- Chapter 30: Pharmaceutical products
- Chapter 31: Fertilizers
- Chapter 32: Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
- Chapter 33: Essential oils and resinoids; perfumery, cosmetics and toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
- Chapter 35: Albuminoidal substances; glues; enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products, except:
 - ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof, except:
 - ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof, except:
 - ex 40.11: bullet-proof tyres
- Chapter 41: Raw hides and skins (other than fur skins) and leather
- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
- Chapter 43: Fur skins and artificial fur; manufactures thereof
- Chapter 44: Wood and articles of wood; wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials; basketware and wickerwork
- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof

- Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof
- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof, except:
ex 82.05: tools
ex 82.07: tools, parts
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances; parts thereof, except:
ex 84.06: engines
ex 84.08: other engines
ex 84.45: machinery
ex 84.53: automatic data-processing machines
ex 84.55: parts of machines under heading 84.53
ex 84.59: nuclear reactors
- Chapter 85: Electrical machinery and equipment; parts thereof, except:
ex 85.13: telecommunication equipment
ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof, except:
ex 86.02: armoured locomotives, electric
ex 86.03: other armoured locomotives
ex 86.05: armoured wagons
ex 86.06: repair wagons
ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof, except:
ex 87.01: tractors
ex 87.02: military vehicles
ex 87.03: breakdown lorries
ex 87.08: tanks and other armoured vehicles
ex 87.09: motorcycles
ex 87.14: trailers
- Chapter 89: Ships, boats and floating structures, except:
ex 89.01A: 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: Manufacture of watches and clocks
- Chapter 92: Musical instruments; sound recorders or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles
- Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings, except:
 - ex 94.01A: 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

d. Switzerland

1. Chapter 8 of the Agreement applies to all goods procured by the entities listed in Appendices 1 to 3 to this Annex, subject to the Notes to the respective Appendices and the General Notes.

2. For procurement by entities of the Federal Department of Defence and the Federal Customs Administration with regard to the equipment for border guards and customs officials in Appendix 1 to this Annex, only the following list of supplies and equipment (HS Codes) is covered by Chapter 8 of the Agreement:

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

- except:
 - ex 29.03: explosives
 - ex 29.04: explosives
 - ex 29.07: explosives
 - ex 29.08: explosives
 - ex 29.11: explosives
 - ex 29.12: explosives
 - ex 29.13: toxic products
 - ex 29.14: toxic products
 - ex 29.15: toxic products
 - ex 29.21: toxic products
 - ex 29.22: toxic products
 - ex 29.23: toxic products
 - ex 29.26: explosives
 - ex 29.27: toxic products
 - ex 29.29: explosives
- Chapter 30: Pharmaceutical products
- Chapter 31: Fertilizers
- Chapter 32: Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
- Chapter 33: Essential oils and resinoids, perfumery, cosmetic or toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes polishing and scouring preparations, candles and similar articles, modelling pastes and “dental waxes”
- Chapter 35: Albuminoidal substances, glues, enzymes
- Chapter 36: Explosives, pyrotechnic products, matches, pyrophoric alloys, certain combustible preparations;
 - except:
 - ex 36.01: powders
 - ex 36.02: prepared explosives
 - ex 36.04: detonators
 - ex 36.08: explosives
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products;
 - except:
 - ex 38.19: toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof;
 - except:
 - ex 39.03: explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof;
 - except:
 - ex 40.11: tyres
- Chapter 43: Furskins and artificial fur, manufactures thereof
- Chapter 44: Wood and articles of wood, wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials, basketware and wickerwork

- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard, articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans
- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel
- Chapter 74: Copper
- Chapter 75: Nickel
- Chapter 76: Aluminium
- Chapter 78: Lead
- Chapter 79: Zinc
- Chapter 80: Tin
- Chapter 81: Other base metals
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances
- Chapter 85: Electrical machinery and equipment;
except:
 - ex 85.03: electric cells and batteries
 - ex 85.13: telecommunication equipment
 - ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; traffic signalling equipment of all kinds (not electrically powered);
except:
 - ex 86.02: armoured locomotives
 - ex 86.03: other armoured locomotives
 - ex 86.05: armoured wagons
 - ex 86.06: repair wagons
 - ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock;
except:
 - 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
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APPENDIX 5 TO ANNEX XVI

SERVICES

PART A: GEORGIA

Chapter 8 of the Agreement applies to all services covered by the following CPV²¹ codes, including subordinated CPV-codes:

CPV	Definition
45000000	Construction work
45500000	Hire of construction and civil engineering machinery and equipment with operator
50000000	Repair and maintenance services
50100000	Repair, maintenance and associated services of vehicles and related equipment
50200000	Repair, maintenance and associated services related to aircraft, railways, roads and marine equipment
50300000	Repair, maintenance and associated services related to personal computers, office equipment, telecommunications and audio-visual equipment
50400000	Repair and maintenance services of medical and precision equipment
50500000	Repair and maintenance services for pumps, valves, taps and metal containers and machinery
50600000	Repair and maintenance services of security and defence materials
50700000	Repair and maintenance services of building installations
50800000	Miscellaneous repair and maintenance services
51000000	Installation services (except software)
51100000	Installation services of electrical and mechanical equipment
51200000	Installation services of equipment for measuring, checking, testing and navigating
51300000	Installation services of communications equipment
51400000	Installation services of medical and surgical equipment
51500000	Installation services of machinery and equipment

²¹ According to the COMMISSION REGULATION (EC) No 213/2008

CPV	Definition
51600000	Installation services of computers and office equipment
51700000	Installation services of fire protection equipment
51800000	Installation services of metal containers
51900000	Installation services of guidance and control systems
55000000	Hotel, restaurant and retail trade services
55100000	Hotel services
55200000	Camping sites and other non-hotel accommodation
55300000	Restaurant and food-serving services
55400000	Beverage-serving services
55500000	Canteen and catering services
55900000	Retail trade services
60000000	Transport services (excl. Waste transport)
60100000	Road transport services
60200000	Railway transport services
60300000	Pipeline transport services
60400000	Air transport services
60500000	Space transport services
60600000	Water transport services
63000000	Supporting and auxiliary transport services; travel agencies services
63100000	Cargo handling and storage services
63500000	Travel agency, tour operator and tourist assistance services

CPV	Definition
63700000	Support services for land, water and air transport
64000000	Postal and telecommunications services
64100000	Post and courier services
64200000	Telecommunications services
65000000	Public utilities
65100000	Water distribution and related services
65200000	Gas distribution and related services
65300000	Electricity distribution and related services
65400000	Other sources of energy supplies and distribution
65500000	Meter reading service
66000000	Financial and insurance services
66100000	Banking and investment services
66500000	Insurance and pension services
66600000	Treasury services
66700000	Reinsurance services
70000000	Real estate services
70100000	Real estate services with own property
70200000	Renting or leasing services of own property
70300000	Real estate agency services on a fee or contract basis
71000000	Architectural, construction, engineering and inspection services
71200000	Architectural and related services

CPV	Definition
71300000	Engineering services
71400000	Urban planning and landscape architectural services
71500000	Construction-related services
71600000	Technical testing, analysis and consultancy services
71700000	Monitoring and control services
71800000	Consulting services for water-supply and waste consultancy
71900000	Laboratory services
72000000	IT services: consulting, software development, Internet and support
72100000	Hardware consultancy services
72200000	Software programming and consultancy services
72300000	Data services
72400000	Internet services
72500000	Computer-related services
72600000	Computer support and consultancy services
72700000	Computer network services
72800000	Computer audit and testing services
72900000	Computer back-up and catalogue conversion services
73000000	Research and development services and related consultancy services
73100000	Research and experimental development services
73200000	Research and development consultancy services
73300000	Design and execution of research and development

CPV	Definition
73400000	Research and Development services on security and defence materials
75000000	Administration, defence and social security services
75100000	Administration services
75200000	Provision of services to the community
75300000	Compulsory social security services
76000000	Services related to the oil and gas industry
76100000	Professional services for the gas industry
76200000	Professional services for the oil industry
76300000	Drilling services
76400000	Rig-positioning services
76500000	Onshore and offshore services
76600000	Pipeline-inspection services
77000000	Agricultural, forestry, horticultural, aquacultural and apicultural services
77100000	Agricultural services
77200000	Forestry services
77300000	Horticultural services
77400000	Zoological services
77500000	Animal husbandry services
77600000	Hunting services
77700000	Services incidental to fishing
77800000	Aquaculture services

CPV	Definition
77900000	Apiculture services
79000000	Business services: law, marketing, consulting, recruitment, printing and security
79100000	Legal services
79200000	Accounting, auditing and fiscal services
79300000	Market and economic research; polling and statistics
79400000	Business and management consultancy and related services
79500000	Office-support services
79600000	Recruitment services
79700000	Investigation and security services
79800000	Printing and related services
79900000	Miscellaneous business and business-related services
80000000	Education and training services
80100000	Primary education services
80200000	Secondary education services
80300000	Higher education services
80400000	Adult and other education services
80500000	Training services
80600000	Training services in defence and security materials
85000000	Health and social work services
85100000	Health services
85200000	Veterinary services

CPV	Definition
85300000	Social work and related services
90000000	Sewage-, refuse-, cleaning-, and environmental services
90400000	Sewage services
90500000	Refuse and waste related services
90600000	Cleaning and sanitation services in urban or rural areas, and related services
90700000	Environmental services
90900000	Cleaning and sanitation services
92000000	Recreational, cultural and sporting services
92100000	Motion picture and video services
92200000	Radio and television services
92300000	Entertainment services
92400000	News-agency services
92500000	Library, archives, museums and other cultural services
92600000	Sporting services
92700000	Cybercafé services
98000000	Other community, social and personal services
98100000	Membership organisation services
98200000	Equal opportunities consultancy services
98300000	Miscellaneous services
98500000	Private households with employed persons
98900000	Services provided by extra-territorial organisations and bodies

PART B: EFTA STATES

a. Iceland

Chapter 8 of the Agreement covers the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC), as contained in document MTN.GNS/W/120, with the exceptions specified in the Notes to this Appendix (Note 1):

<i>Subject</i>	<i>CPC prov. Reference No.</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752
Financial services (a) Insurance services (b) Banking and investments services (Note 2)	ex. 81, 812 and 814
Computer and related services	84
Accounting, auditing and bookkeeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866****
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

Notes to Appendix 5

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

b. Liechtenstein

Chapter 8 of the Agreement covers the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC) as contained in document MTN.GNS/W/120:

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

Financial services (a) Insurance services (b) Banking and investments services ²²	ex. 81, 812 and 814
Computer and related services	84
Accounting, auditing and bookkeeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866 ²³
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

Notes to Appendix 5

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

c. Norway

Chapter 8 of the Agreement covers the following services which are identified in accordance with the United Nations Provisional Central Product Classification (CPC) as

²² Except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services.

²³ Except arbitration and conciliation services.

contained in document MTN.GNS/W/120 with the exceptions specified in the Notes to this Appendix:

<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
Financial services	Ex 81, 812, 814
(a) Insurance services	
(b) Banking and investments services	
Computer and related services	84
Accounting, auditing and bookkeeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866
Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services	867
Advertising services	871
Building-cleaning services and property management services	874, 822
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

Notes to Appendix 5

1. Banking and investment services under financial services on the list above do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, and central bank services.

2. Management consulting services on the list above do not include arbitration and conciliation services.

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

d. Switzerland

Chapter 8 of the Agreement applies to all services set out below that are procured by the entities listed in Appendix 1, Appendix 2 and Appendix 3.

<i>Subject</i>	<i>CPC prov. Reference No.</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services Financial services (a) Insurance services (b) Banking and investments services	752 ²⁴ (except 7524, 7525, 7526) ex. 81, 812 and 814
Computer and related services	84
Accounting, auditing and bookkeeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866 ²⁵

²⁴ Except voice telephony, telex, radiotelephony, paging and satellite services.

²⁵ Except arbitration and conciliation services.

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

Notes to Appendix 5

1. Chapter 8 of the Agreement shall not apply to:
 - (a) service contracts awarded to an entity which is itself a procuring entity listed in Appendix 1, Appendix 2 and Appendix 3 on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision;
 - (b) service contracts which a contracting entity awards to an affiliated undertaking or which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out an activity within the meaning of Appendix 3 or to an undertaking which is affiliated with one of these contracting entities. At least 80% of the average turnover of that undertaking for the preceding three years has to derive from the provision of such services to undertakings with which it is affiliated. Where more than one undertaking affiliated with the contracting entity provides the same service, the total turnover deriving from the provision of services by those undertakings shall be taken into account;
 - (c) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
 - (d) contracts of employment, and
 - (e) contracts for research and development services other than those where the benefits accrue exclusively to the entity for its use in the conduct of its own affairs, on condition that the service is wholly remunerated by the entity.

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

APPENDIX 6 TO ANNEX XVI

CONSTRUCTION SERVICES

PART A: GEORGIA

Chapter 8 of the Agreement applies to all construction services covered by the following CPV²⁶ codes, including all subordinated CPV-codes:

CPV	Definition
45000000	Construction work
45100000	Site preparation work
45200000	Works for complete or part construction and civil engineering work
45300000	Building installation work
45400000	Building completion work
45500000	Hire of construction and civil engineering machinery and equipment with operator

²⁶

According to the COMMISSION REGULATION (EC) No 213/2008

PART B: EFTA STATES

a. Iceland

List of Division 51, CPC:

All services listed in Division 51.

b. Liechtenstein

List of Division 51, CPC:

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

c. Norway

List of Division 51, CPC:

All services listed in Division 51.

d. Switzerland

List of Division 51, CPC:

Pre-erection work at construction sites	511
General construction work for buildings	512
General construction work for civil engineering	513

Installation and assembly work	514
Special trade construction work	515
Installation work	516
Building completion and finishing work	517
Other	518

APPENDIX 7 TO ANNEX XVI

MEANS OF PUBLICATION

PART A: GEORGIA,

Georgia

Legislation: <http://matsne.gov.ge/>

Jurisprudence: <http://matsne.gov.ge/>

Notices of procurement: <https://tenders.procurement.gov.ge/>

PART B: EFTA STATES

Iceland

Legislation: *Stjórnartíðindi* (The Government Gazette)

Jurisprudence: *Hæstaréttardómar* (Supreme Court Report)

Notices of procurement:

1. Official website of the State Trading Centre (*Ríkiskaup*):
www.rikiskaup.is/english/
2. All Icelandic EEA contract announcements are published in English via SIMAP on the Tender Electronics daily web: <http://ted.europa.eu>

Official Journal of the European Union:

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

Liechtenstein

Legislation: *Landesgesetzblatt* (Liechtenstein Law Gazette)

Jurisprudence: *Liechtensteinische Entscheidsammlung*

Notices of procurement:

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

Norway

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

Notices of procurement:

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

Switzerland

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

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

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

Notices of Procurements:

1. Entities at central level: Swiss procurement information system: <https://www.simap.ch>
 2. Entities at subterritorial level and utilities: Swiss procurement information system (www.simap.ch) and/or Official publications of every Swiss Canton (26)
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APPENDIX 8 TO ANNEX XVI

TIME PERIODS

PART A: GEORGIA

General minimum Time-Period

1. Government procurement in Georgia is based on single electronic platform, (tenders.procurement.gov.ge) which regulates time period for different types of procurement procedures. Time periods are set automatically by the system, according to the law and can not be changed manually. Following time periods are applicable to the different types of procedures:

Procurement type	Duration (notice – submission)	Selection/Award procedure	Standstill period	Contract signing (resident)	Contract signing (non-resident)
e-Tender	Minimum 20 days (15 + 5)	Maximum 74 days	3 days	Maximum 15 days	Maximum 25 days
Design Contest	Minimum 15 (10 + 5)	Maximum 38 days	10 days	Maximum 5 days	Maximum 5 days
Consolidated Tender	There are no general deadlines in case of consolidated tenders. The deadlines are set for each consolidated tender.	Maximum 30 days	0 days	Maximum 15 days	Maximum 15 days

2. At the latest by September 2022, Georgia shall apply time-periods in line with “Part B” of Appendix 8 of this Annex.

PART B: EFTA STATES

General minimum Time Limit

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

Possibilities for reducing the General Time Limits

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

provided that it publishes by electronic means, at the same time, both the notice of intended procurement and the tender documentation. In addition, where the entity accepts tenders for commercial goods or services by electronic means, it may reduce the time-period established in accordance with paragraph 2 to not less than ten days; and

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

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

APPENDIX 9 TO ANNEX XVI

VALUE OF THRESHOLDS AND VALUATION

Thresholds

1. The Parties shall calculate and convert the value of the thresholds into their own national currencies using the conversion rates of their respective national banks. The conversion rates will be the average of the values of the respective national currency in terms of the SDR over the two-year period, preceding 1 October or 1 November of the year prior to the thresholds becoming effective. The conversion rate shall apply from 1 January of the following year.

2. The value of the newly calculated thresholds shall be made available, in their respective currencies, by Georgia, and the EFTA States, before the respective thresholds take effect.

Valuation

3. In estimating the value of procurement for the purpose of ascertaining whether it is a covered procurement, a procuring entity shall:

- (a) neither divide a procurement into separate procurements nor use a particular method for estimating the value of a procurement with the intention of totally or partially excluding it from the application of Chapter 8 of the Agreement;
 - (b) include the estimated maximum total value of the procurement over its entire duration, taking into account all forms of remuneration, including any premiums, fees, commissions, interest and, where the procurement provides for the possibility of option clauses, the total value of such options;
 - (c) where the procurement is to be conducted in multiple parts (hereinafter referred to as “recurring contracts”), with contracts to be awarded at the same time or over a given period to one or more suppliers, base its calculation of the total maximum value of the procurement over a period of 12 months; and
 - (d) where the national legislation allows for contracts to be concluded for an indefinite period and a total price is not specified, the basis for valuation of such contracts shall be based on the estimated monthly instalment multiplied by 48.
-

APPENDIX 10 TO ANNEX XVI

NOTICES, TENDER DOCUMENTATION AND MULTI-USE LISTS

Notices

1. Except as otherwise provided in Chapter 8 of the Agreement and this Annex , each notice of intended procurement as provided for in Article 8.10 shall include:

- (a) the name and address of the procuring entity and other information necessary to contact the procuring entity and obtain all relevant documents relating to the procurement, and their cost and terms of payment, if any;
- (b) a description of the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity;
- (c) for recurring contracts, an estimate, if possible, of the timing of subsequent notices of intended procurement;
- (d) a description of any options;
- (e) the time-frame for delivery of goods or services or the duration of the contract;
- (f) the procurement method that will be used and whether it will involve negotiation or electronic auction;
- (g) where applicable, the address and any final date for the submission of requests for participation in the procurement;
- (h) the address and the final date for the submission of tenders;
- (i) the language or languages in which tenders or requests for participation may be submitted, if they may be submitted in a language other than an official language of the Party of the procuring entity;
- (j) a list and brief description of any conditions for participation of suppliers, including any requirements for specific documents or certifications to be provided by suppliers in connection therewith, unless such requirements are included in tender documentation that is made available to all interested suppliers at the same time as the notice of intended procurement; and
- (k) where, pursuant to Article 8.12 of the Agreement, a procuring entity intends to select a limited number of qualified suppliers to be invited to tender, the criteria that will be used to select them and, where applicable, any limitation on the number of suppliers that will be permitted to tender.

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

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

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

Multi-Use Lists

- 3. The notice provided for in Article 8.13 of the Agreement shall include:
 - (a) a description of the goods or services, or categories thereof, for which the list may be used;
 - (b) the conditions for participation to be satisfied by suppliers for inclusion on the list and the methods that the procuring entity will use to verify that a supplier satisfies the conditions;
 - (c) the name and address of the procuring entity and other information necessary to contact the entity and obtain all relevant documents relating to the list; and
 - (d) the period of validity of the list and the means for its renewal or termination, or where the period of validity is not provided, an indication of the method by which notice will be given of the termination of use of the list.

Tender Documentation

- 4. The tender documentation referred to in paragraph 1 of Article 8.14 of the Agreement shall include a complete description of:
 - (a) the procurement, including the nature and the quantity of the goods or services to be procured or, where the quantity is not known, the estimated quantity and any requirements to be fulfilled, including any technical specifications, conformity assessment certification, plans, drawings or instructional materials;
 - (b) any conditions for participation of suppliers, including a list of information and documents that suppliers are required to submit in connection with the conditions for participation;
 - (c) all evaluation criteria the entity will apply in the awarding of the contract, and, except where price is the sole criterion, the relative importance of such criteria;
 - (d) where the procuring entity will conduct the procurement by electronic means, any authentication and encryption requirements or other requirements related to the submission of information by electronic means;

- (e) where the procuring entity will hold an electronic auction, the rules, including identification of the elements of the tender related to the evaluation criteria, on which the auction will be conducted;
- (f) where there will be a public opening of tenders, the date, time and place for the opening and, where appropriate, the persons authorised to be present;
- (g) any other terms or conditions, including terms of payment and any limitation on the means by which tenders may be submitted, such as whether on paper or by electronic means; and
- (h) any dates for the delivery of goods or the supply of services.

5. Where the tender documentation is not made publicly available from the date of publication of the notice referred to in paragraph 1 of Article 8.10 of the Agreement, a procuring entity shall ensure that those documents are made available at the same time to all the qualified suppliers selected in accordance with paragraph 4 of Article 8.12 of the Agreement.

APPENDIX 11 TO ANNEX XVI

ADDITIONAL NOTES

PART A: ALL PARTIES

In relation to Appendices 1, 2, 3 and 11 to this Annex, it is understood that “activities in the field of drinking water” do not include the procurement by procuring entities of bottled drinking water.

PART B: GEORGIA

1. “Public employment contracts” in subparagraph 2 (d) of Article 8.1 of the Agreement means, in the case of Georgia, “public employment and labour contracts”.

2. Nothing in Chapter on Government Procurement shall be construed to require Georgia to introduce Selective Tendering, Qualification System, Multi-Use List, Negotiation, Contract Award Criteria, Most Advantageous Tender or other optional procedures in its national legislation.

3. For the purpose of paragraph 1 of Article 8.3 of the Agreement, “national security” or “national defence purposes” is understood to comprise, among others, exclusion based on the Georgian legislation on state secrets.²⁷

4. Chapter 8 of the Agreement does not apply to the following Government Procurement, excluded by the “Law of Georgia on State Procurement”:

- (a) by the National Bank of Georgia, for procurement of services:
 - (i) to carry out monetary and exchange rate policy;
 - (ii) to ensure provision of cash banknotes for the country’s economy;
 - (iii) to hire audit firms to carry out external audit services of the accounting records of the National Bank of Georgia;
 - (iv) related to intangible assets, gold bars, collectible lari banknotes and coins and/or lari banknotes and coins intended for other purposes, and public procurements related to the reproduction of lari banknotes and coins;
- (b) of legal entities of public law, which are considered religious organisations;
- (c) of electricity, natural gas and water supply;
- (d) of diplomatic representations abroad and consular departments, defense attaché, Ministries of Defense and Internal Affairs and State Security Service representatives for the procurement of vehicles, except as provided under Article 10¹(3)(e) of the Law of Georgia on State Procurement;

²⁷ List of goods and services of public procurement related to State Secrets are approved by the Government of Georgia.

- (e) by the State relating to:
 - (i) foreign visits of the President of Georgia, Chairman of the Parliament, Prime Minister of Georgia, Minister of Georgia, State Minister of Georgia, and Mayor of Tbilisi;
 - (ii) receptions and hosting of foreign delegation in the Parliament of Georgia;
 - (iii) foreign visits and meetings of Parliamentary delegations of Georgia;
 - (iv) hosting of foreign delegations in the Ministry of Foreign Affairs; and
 - (v) foreign visits and meetings of the delegation of the Ministry of Foreign Affairs;
 - (vi) the Reserve funds of the President of Georgia, Government of Georgia and Tbilisi City Hall.
- (f) Public procurement of services of freelance workers under the budget classification “Goods and Services”, as well as public procurement to be performed during a business trip;
- (g) of expert services, provided the procurement of the mentioned services is conducted in accordance with Articles 144-147 of the Criminal Procedure Code of Georgia;
- (h) for funding of healthcare, social protection and educational services/goods through a voucher, as well as voucher redemption and transactions relating to redemption;
- (i) public procurement relating to dissemination of public service advertisements through mass media, including through websites and social networks (except for public procurement relating to the purchase of television and radio broadcasting time under this Law and Article 66¹(2) of the Law of Georgia on Broadcasting;
- (j) State Procurement of LEPL Public Broadcaster of:
 - (i) TV/Radio products (programmes, shows, films, reports, cultural events) or related services from the non-resident entity; and
 - (ii) services to distribute/receive TV/Radio programs (programmes, shows, films, reports, cultural events) through satellite;

- (k) of sovereign credit rating services and services related to the credit ratings of State Securities, also reimbursement of related expenses of above services providers;
- (l) of services provided by lottery organisers or agents, related to:
 - (i) the keeping of lottery tickets on hold, and
 - (ii) sale and/or free distribution of advertised goods by lottery organisers;
- (m) of services by lottery organisers, from the shareholders of the mentioned company, who has a right of share management in the state owned enterprise;
- (n) of necessary informational and technological support services by lottery organisers in order to conduct lottery, from the shareholders of the mentioned company, who has a right of share management in the state owned enterprise;
- (o) of goods by Ltd “Georgian Post” necessary to sell trade objects;
- (p) of courier services by the procuring entity from the Ltd “Georgian Post”;
- (q) expert procurement of LEPL “Levan Samkharauli National Forensics Bureau” services by a procuring entity; and
- (r) of goods, adopted by the Decree of the Government of Georgia, for the Joint Laboratory System, according to the Agreement between Government of Georgia and USA on provision with related expenses and ensuring with transfer of responsibilities of Richard Lugar Public Healthcare Research Center of Georgia and Laboratory Response System for Discovery of Especially Dangerous Pathogens and Epidemiological Surveillance.

PART C: EFTA STATES

a. Iceland

1. Chapter 8 of the Agreement does not cover:
 - (a) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time; and
 - (b) contracts awarded to an entity which is itself a contracting authority within the meaning of the Public Procurement Act: *Lög um opinber innkaup (84/2007)* on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision.
2. Chapter 8 of the Agreement does not cover procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
3. Procurement by procuring entities covered under Appendices 1 and 2 to this Annex in connection with activities in the fields of drinking water, energy, transport, telecommunications and the postal sector are not covered by the Agreement, unless covered under Appendix 3 to this Annex.

b. Liechtenstein

1. Chapter 8 of the Agreement does not cover:
 - (a) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes; and
 - (b) the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.
2. The provision of services, including construction services, in the context of procurement procedures according to Chapter 8 of the Agreement is subject to the conditions and qualifications for market access and national treatment as will be required by the Principality of Liechtenstein in conformity with its commitments under the GATS.
3. Procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, and transport sector are not covered by the Agreement unless covered under Appendix 3.
4. Chapter 8 of the Agreement does not cover fund placements of insured persons conducted by public entities or undertakings such as public insurance and pensions funds.

c. Norway

1. Chapter 8 of the Agreement does not cover:
 - (a) procurement for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
 - (b) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
2. Procurement by procuring entities covered under Appendices 1 and 2 to this Annex in connection with activities in the fields of drinking water, energy, transport and the postal sector are not covered by Chapter 8 of the Agreement, unless covered under Appendix 3 to this Annex.
3. Chapter 8 of the Agreement shall not apply to Svalbard.

d. Switzerland

1. Chapter 8 of the Agreement does not apply to procurements of goods and services carried out inside a procuring entity or to procurements of goods or services obtained or acquired by a procuring entity from another procuring entity with legal personality (inhouse).
 2. The provisions of services, including construction services, in the context of procurement procedures according to Chapter 8 of the Agreement are subject to the conditions and qualifications for market access and national treatment as will be required by Switzerland in conformity with its commitments under the GATS.
 3. Chapter 8 of the Agreement does not apply to the procurement of goods and services which can only be acquired from organisations with special or exclusive rights granted as result of published legislative, regulatory or administrative provisions (e.g. for the purchase of drinking water, energy, etc.).
 4. Chapter 8 of the Agreement does not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
 5. Switzerland understands that Chapter 8 of the Agreement is not applicable to fund placements of funds of insured persons conducted by public organisations such as public insurance and pension funds
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