

GENERAL AGREEMENT ON TARIFFS AND TRADE

GPR/74/Add.1

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ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

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ACUERDO GENERAL SOBRE ARANCELES ADUANEROS Y COMERCIO

(94-0006)

AGREEMENT ON GOVERNMENT PROCUREMENT

Addendum

Attached is a copy of Austria's Annexes¹ to Appendix I of the Agreement on Government Procurement.

ACCORD RELATIF AUX MARCHES PUBLICS

Addendum

On trouvera ci-joint copie des annexes de l'Autriche¹ figurant à l'Appendice I de l'Accord relatif aux marchés publics.

ACUERDO SOBRE COMPRAS DEL SECTOR PÚBLICO

Addendum

Adjuntos figuran los anexos¹ del Apéndice I del Acuerdo sobre Compras del Sector Público correspondientes a Austria.

¹English only/Anglais seulement/Inglés solamente.

Austria's schedule in the negotiations on broadening
the GATT Code on Government Procurement

The provision of services, including construction services, in the context of procurement procedures according to this Agreement is subject to the conditions and qualifications for market access and national treatment as will be required by Austria in conformity with her commitments under the GATS.

ANNEX 1

Entities which Procure in Accordance With
the Provisions of this Agreement

AUSTRIA

Supplies

Threshold: SDRs 130,000

List of Entities:

- (A) Present coverage of entities:
1. Federal Chancellery - Procurement Office
 2. Federal Ministry for Foreign Affairs
 3. Federal Ministry of Health, Sports and Consumer Protection
 4. Federal Ministry of Finance
 - (a) Procurement Office
 - (b) Division VI/5 (EDP procurement of the Federal Ministry of Finance and of the Federal Office of Accounts)
 - (c) Division III/1 (procurement of technical appliances, equipments and goods for the customs guard)
 5. Federal Ministry for Environment, Youth and Family Procurement Office
 6. Federal Ministry for Economic Affairs
 7. Federal Ministry of the Interior
 - (a) Division I/5 (Procurement Office)
 - (b) EDP-Centre (procurement of electronical data processing machines (hardware))
 - (c) Division II/3 (procurement of technical appliances and equipments for the Federal Police)
 - (d) Division I/6 [procurement of goods

Services

Threshold: works
SDRs 5,000,000; other
services SDRs 130,000

List of Entities which
procure the services,
specified in Annexes 4 and 5:

Same as for supply contracts, except
Federal Ministry of Defence

- (other than those procured by
Division II/3] for the Federal Police)
- (e) Division IV/8 (procurement of
aircraft)
8. Federal Ministry for Justice, Procurement
Office
 9. Federal Ministry of Defence* (non-warlike
materials contained in Annex I, Part II,
Austria, of the GATT Agreement on
Government Procurement)
 10. Federal Ministry of Agriculture and Forestry
 11. Federal Ministry of Labour and Social Affairs,
Procurement Office
 12. Federal Ministry of Education and Fine Arts
 13. Federal Ministry for Public Economy and
Transport
 14. Federal Ministry of Science and Research
 15. Austrian Central Statistical Office
 16. Austrian State Printing Office
 17. Federal Office of Metrology and Surveying
 18. Federal Institute for Testing and Research,
Arsenal (BVFA)
 19. Federal Workshops for Artificial Limbs
 20. Federal Office for Civil Aviation
 21. Federal Institute for Testing of Motor Vehicles
 22. Headquarters of the Postal and Telegraph
Administration (postal business only)
- (B) All other central public authorities including
their regional and local sub-divisions provided
that they do not have an industrial or commercial
character.

*Continuation of present exceptions

ANNEX 2

Entities which Procure in Accordance With
the Provisions of this Agreement

AUSTRIA

Supplies

Threshold: SDR 200,000

List of Entities:

All regional and local public authorities and bodies governed by public law not having a commercial or industrial character established at the state, district and municipal level in the States of:

Lower Austria,
Upper Austria,
Styria,
Salzburg,
the Burgenland,
the Tirol,
Vorarlberg,
Vienna,
Carinthia.

Services

Threshold: works
SDRs 5,000,000; other
services SDRs 200,000

List of entities which procure
the services, specified in
Annexes 4 and 5:

Same as for supply contracts

ANNEX 3

Other Entities which Procure in Accordance With
the Provisions of this Agreement

AUSTRIA

Supplies

Threshold: SDRs 400,000 for entities
listed under pt. 1 and 2

List of Entities:

Public entities of the following
headings

1. Entities in the water and energy sector

The covered entities are those which exercise as a principal activity, the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport and distribution of drinking water, and electricity

Austria offers entities covered by that description listed under Annexes 1 and 2

2. Entities in the transport sector

The covered entities are those which exercise as a principal activity

- (i) the operation of networks providing a service to the public in the field of transport by trolley bus, bus or cable
- (ii) the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carrier by inland waterway or the provision of airports or other terminal facilities by air

Austria offers entities covered by that description listed in Annexes 1 and 2

Services

Threshold: works
SDRs 5,000,000; other
services SDRs 400,000

List of Entities which
procure the services,
specified in Annex 5:

Same as for supply contracts

ANNEX 4

Services

AUSTRIA

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included:

	<u>CPC Reference No.</u>
1. Maintenance and repair services	6112, 6122, 633, 886
2. Land transport services, except transport of mail	712 (except 71235)
3. Air transport services of passengers and freight, except transport of mail	7512, 87304 73 (except 7321)
4. Transport of mail by land, except rail and by air	71235, 7321
5. Telecommunications services	752* (except 7524, 7525, 7526)
6. Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services**	
7. Computer and related services	84
8. Accounting, auditing and bookkeeping services	862
9. Market research and public opinion polling services	864
10. Management consulting services and related services, except arbitration and conciliation services	865, 866
11. 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
12. Advertising services	871
13. Building-cleaning services and property management services	874, 82201, 82202
14. Publishing and printing services on a fee or contract basis	88442
15. Sewage and refuse disposal; sanitation and similar services	94

* except voice telephony, telex, radiotelephony, paging and satellite services

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

ANNEX 5

Construction Services

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Specifications on covered construction services

Threshold:

SDRs 5,000,000

Definition:

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

List of services contained in Division 51, CPC which are included:

511	Pre-erection work at construction sites
512	General construction works for buildings
513	General construction works for civil engineering
514 + 516	Installation and assembly works
515	Special trade construction work
517	Building completion and finishing works
518	Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. Austria will not extend the benefits of this Agreement:
 - as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada and the USA,
 - as regards municipalities under Annex 2 to Switzerland pending the outcome of bilateral negotiations,
 - as regards the award of contracts by entities listed in Annex 3:
 - (a) (water), to the suppliers and service providers of Canada and the USA;
 - (b) (electricity), to the suppliers and service providers of Canada, Hong Kong, Japan and the USA;
 - (c) (airports), to the suppliers and service providers of Canada, Korea and the USA;
 - (d) (ports), to the suppliers and service providers of Canada and the USA;
 - (e) (urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA

until such time as Austria has accepted that the Parties concerned give comparable and effective access for Austria's undertakings to the relevant markets;

 - to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.
2. The provisions of Article XX shall not apply to suppliers and service providers of:
 - Israel, Japan and Korea in contesting the award of contracts by entities listed under Annex 2 until such time as Austria accepts that they have completed coverage of sub-central entities;
 - Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium-sized enterprises under the relevant provisions of Austrian law, until such time as Austria accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority business;
 - Israel, Japan and Korea in contesting the award of contracts by Austria's entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.
3. Until such time as Austria has accepted that the Parties concerned provide access for Austrian suppliers and service providers to their own markets, Austria will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery; general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations); office machines, visible record equipment and ADP equipment),
 - Canada as regards procurement of FSC 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;
 - Korea and Israel as regards procurement by entities listed in Annex 3 as regards procurement of HS Nos 8504, 8535, 8537 and 8644 (electrical transformers, plugs, switches and insulated cables) and for Israel, HS Nos 8501, 8536 and 902830;
 - Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.
4. The Agreement shall not apply to contracts awarded under:
- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States;
 - an international agreement relating to the stationing of troops;
 - the particular procedure of an international organization.
5. The Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
6. Contracts awarded by entities in Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport or telecommunications, are not included.
7. This Agreement shall not apply to contracts awarded by entities in Annex 3:
- for the purchase of water and for the supply of energy or of fuels for the production of energy;
 - for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-EEA country;
 - for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
8. This Agreement shall not be applicable to contracts:
- for the acquisition or rental of land, existing buildings, or other immovable property or concerning rights thereon;
 - for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.
9. The thresholds in the Annexes will be applied so as to conform with the public procurement thresholds of the EEA Agreement.