

GENERAL AGREEMENT ON TARIFFS AND TRADE

ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

ACUERDO GENERAL SOBRE ARANCELES ADUANEROS Y COMERCIO

GPR/74/Add.4

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AGREEMENT ON GOVERNMENT PROCUREMENT

Addendum

Attached is a copy of Finland'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 la Finlande¹ 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 Finlandia.

¹English only/Anglais seulement/Inglés solamente.

ANNEX 1

Entities which Procure in Accordance
With the Provisions of this Agreement

FINLAND

Supplies
Threshold: SDR 130,000

Services (as specified in Annex 4)
Threshold: SDR 130,000

Works (as specified in Annex 5)
Threshold: SDR 5,000,000

List of Entities:

The following contracting authorities of State:

OIKEUSKANSLERINVIRASTO

OFFICE OF THE CHANCELLOR OF
JUSTICE

KAUPPA- JA TEOLLISUUSMINISTERIÖ

MINISTRY OF TRADE AND INDUSTRY

Kuluttajavirasto
Elintarvikevirasto
Kilpailuvirasto
Kilpailuneuvosto
Kuluttaja-asiamiehen toimisto
Kuluttajavalituslautakunta
Patentti- ja rekisterihallitus

National Consumer Administration
National Food Administration
Office of Free Competition
Council of Free Competition
Office of the Consumer Ombudsman
Consumer Complaint Board
National Board of Patents and Registration

LIIKENNEMINISTERIÖ

MINISTRY OF TRANSPORT AND
COMMUNICATIONS

Telehallintokeskus

Telecommunications Administration
Centre

MAA- JA METSÄTALOUSMINISTERIÖ

MINISTRY OF AGRICULTURE AND
FORESTRY

Maanmittauslaitos

National Land Survey of Finland

OIKEUSMINISTERIÖ

Tietosuojavaltuutetun toimisto

Tuomioistuinlaitos

- Korkein oikeus

- Korkein hallinto-oikeus

- Hovioikeudet

- Käräjäoikeudet

- Läänioikeudet

- Markkinatuomioistuin

- Työtuomioistuin

- Vakuutus-oikeus

- Vesioikeudet

Vankeinhoitolaitos

MINISTRY OF JUSTICE

The Office of the Data Protection
Ombudsman

Courts of Law

Prison Administration

OPETUSMINISTERIÖ

Opetushallitus

Valtion elokuvatarkastamo

MINISTRY OF EDUCATION

National Board of Education

National Office of Film Censorship

PUOLUSTUSMINISTERIÖ

Puolustusvoimat*

MINISTRY OF DEFENCE

Defence Forces

SISÄASIAINMINISTERIÖ

Väestörekisterikeskus

Keskusrikospoliisi

Liikkuva poliisi

Rajavartiolaitos*

MINISTRY OF THE INTERIOR

Population Register Centre

Central Criminal Police

Mobile Police

Frontier Guard

SOSIAALI- JA TERVEYSMINISTERIÖ

Työttömyysturvalautakunta

Tarkastuslautakunta

Lääkelaitos

Terveysturvan oikeusturvakeskus

Tapaturmavirasto

Säteilyturvakeskus

Valtion turvapaikan hakijoiden vastaanotto-
keskukset

**MINISTRY OF SOCIAL AFFAIRS AND
HEALTH**

Unemployment Appeal Board

Appeal Tribunal

National Agency for Medicines

National Board of Medicolegal Affairs

State Accident Office

Finnish Centre for Radiation and

Nuclear Safety

Reception Centres for

Asylum Seekers

TYÖMINISTERIÖ

Valtakunnansovittelijain toimisto
Työneuvosto

MINISTRY OF LABOUR

National Conciliators' Office
Labour Council

ULKOASIAINMINISTERIÖ

MINISTRY FOR FOREIGN AFFAIRS

VALTIOVARAINMINISTERIÖ

MINISTRY OF FINANCE

Valtiontalouden tarkastusvirasto
Valtiokonttori
Valtion työmarkkinalaitos
Verohallinto
Tullihallinto
Valtion vakuusrahasto

State Economy Controller's Office
State Treasury Office

YMPÄRISTÖMINISTERIÖ

MINISTRY OF ENVIRONMENT

Vesi- ja ympäristöhallitus

National Board of Waters and
Environment

* Procurement by defence entities (marked with an *) covers products specified in general notes.

ANNEX 2

Entities which Procure in Accordance
With the Provisions of this Agreement

FINLAND

Supplies
Threshold: SDR 200,000

Services (as specified in Annex 4)
Threshold: SDR 200,000

Works (as specified in Annex 5)
Threshold: SDR 5,000,000

List of Entities:

1. Contracting authorities of the regional and local public authorities, including all (455) municipalities and

Lääninhallitukset

Provincial Governments

- Hämeen lääni
- Keski-Suomen lääni
- Kuopion lääni
- Kymen lääni
- Lapin lääni
- Mikkelin lääni
- Oulun lääni
- Pohjois-Karjalan lääni
- Turun ja Porin lääni
- Uudenmaan lääni
- Vaasan lääni

2. Bodies governed by public law, not having a commercial or industrial character, pursuant to Article 2 of "Laki julkisista hankinnoista (1505/92)" (Public Procurement Act), including:

Kuluttajatutkimuskeskus
Matkailun edistämiskeskus
Teknillinen tarkastuskeskus
Mittatekniikan keskus
Geologian tutkimuskeskus
Valtion teknillinen tutkimuskeskus
Teknologian kehittämiskeskus
Valtiontakuu keskus
Tielaitos
Merenkululaitos

National Consumer Research Centre
Finnish Tourist Board
Technical Inspection Centre
Centre for Metrology and Accreditation
Geological Survey of Finland
Technical Research Centre of Finland
Technology Development Centre
Finnish Guarantee Board
Road Administration
Navigation Administration

Merentutkimuslaitos
 Ilmatieteen laitos
 Karttakeskus
 Geodeettinen laitos
 Valtion viljavarasto
 Maatalouden taloudellinen tutkimuslaitos

 Maatalouden tutkimuskeskus
 Kasvintuotannon tarkastuskeskus
 Metsähallitus
 Metsäntutkimuslaitos
 Riista- ja kalatalouden tutkimuslaitos

 Eläinlääkintä- ja elintarvikelaitos

 Oikeuspoliittinen tutkimuslaitos

 Helsingin kriminaalipoliittinen instituutti

 Valtion audiovisuaalinen keskus
 Ylioppilastutkintolautakunta
 Yliopistot, korkeakoulut ja kuvataideakatemia

 Suomen Akatemia
 Rauhan- ja konfliktitutkimuslaitos
 Kotimaisten kielten tutkimuskeskus
 Kansallisarkisto ja maakunta-arkistot

 Taiteen keskustoimikunta
 Valtion taidetoimikunnat
 Läänien taidetoimikunnat
 Näkövammaisten kirjasto
 Museovirasto

 - Rakennustaiteen museo
 - Kansallismuseo
 Valtion taidemuseo
 Suomenlinnan hoitokunta
 Suomen elokuva-arkisto
 Valtion liikuntaneuvosto
 Valtion nuorisoneuvosto
 Valtion opintotukikeskus
 Kansainvälisen henkilövaihdon keskus (CIMO)

 Poliisiopisto
 Poliisikoulu
 Poliisikoiralaitos
 Poliisivarikko
 Valtion pelastusopisto
 Valtion pelastuskoulu

Marine Research Institute
 Meteorological Institute
 Map Centre
 Finnish Geodetic Institute
 Finnish Grain Board
 Agricultural Economics Research
 Institute
 Agricultural Research Centre
 Plant Production Inspection Centre
 Forest and Park Service
 Forest Research Institute
 Finnish Game and Fisheries Research
 Institute
 National Veterinary and Food Research
 Institute
 National Research Institute of Legal
 Policy
 Helsinki Institute for Crime Prevention
 and Control
 State Audiovisual Centre
 Matriculation Examination Board
 Institutions of Higher Education and the
 Academy of Fine Arts
 Academy of Finland
 Peace Research Institute
 Research Centre for Domestic Languages
 National Archives and Provincial
 Archives
 Arts Council of Finland
 National Art Committees
 Regional Art Councils
 Library of the Visually Handicapped
 National Board of Antiquities and
 Historical Monuments
 - Museum of Architecture
 - National Museum
 National Gallery
 Administration of Suomenlinna
 Finnish Film Archives
 National Sports Council
 National Youth Council
 National Centre for Student Aid
 Finnish Centre for International Mobility
 and Exchange Programmes (CIMO)
 Police Academy
 Police School
 Police Dog Training Center
 Police Material Depot
 State Rescue Institute
 State Rescue School

Sosiaali- ja terveysalan tutkimus- ja
kehittämiskeskus
Kansanterveyslaitos
Merimiespalvelutoimisto
Työvoimaopisto
Valtion taloudellinen tutkimuskeskus
SITRA
Valtionhallinnon kehittämiskeskus
Tilastokeskus
Suomen pankki

National Research and Development
Centre for Welfare and Health
National Public Health Institute
Seamen's Service
Labour Institute
State's Economic Research Centre

Central Statistical Office
Bank of Finland

ANNEX 3

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

FINLAND

Supplies

Threshold: SDR 400,000

Services (as specified in Annex 4)

Threshold: SDR 400,000

Works (as specified in Annex 5)

Threshold: SDR 5,000,000

List of Entities:

Public entities as specified in Article 2 of "Laki julkisista hankinnoista (1505/92)" (Public Procurement Act) in the sectors of:

1. Urban Transport:

The operation of networks providing a service to the public in the field of transport by tramway, metro or bus by public entities according to "Laki (343/91) luvanvaraisesta henkilöliikenteestä tiellä" and Helsingin kaupungin liikennelaitos (Helsinki Transport Board), which provides metro and tramway services to the public.

2. Airports:

The provision of airport or other terminal facilities to carriers operated by "Ilmailulaitos" (National Aviation Agency) pursuant to "Ilmailulaki (595/64)", *inter alia*

- Helsinki-Vantaa Airport
- Ivalo Airport
- Joensuu Airport
- Jyväskylä Airport
- Kemi Airport
- Kittilä Airport
- Kuopio Airport
- Lappeenranta Airport
- Oulu Airport
- Rovaniemi Airport
- Vaasa Airport

3. Ports:

The provision of maritime or inland ports or other terminal facilities to carriers by sea or inland waterways by municipal authorities pursuant to "Laki kunnallisista satamajärjestyksistä ja liikennemaksuista (955/76)", *inter alia*

- Port of Hamina
- Port of Hanko
- Port of Helsinki
- Port of Kotka
- Port of Naantali
- Port of Turku
- Port of Vaasa

4. Water:

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 network by public entities pursuant to Article 1 of "Laki yleisistä vesi- ja viemärlaitoksista (982/77)" of December 1977, *inter alia*

- Helsinki Water Board
(Helsingin kaupungin vesilaitos)
- Turku Water Board
(Turun kaupungin vesilaitos)
- Tampere Water Board
(Tampereen kaupungin vesilaitos)

5. Electricity:

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 where municipal entities operate on the basis of a special or an exclusive right or on the basis of a concession pursuant to Article 27 of "Sähkölaki (319/79)" of 16 March 1979, *inter alia*

- Helsinki Energy Board
(Helsingin kaupungin energialaitos)
- Tampere Energy Board
(Tampereen kaupungin sähkölaitos)
- Turku Energy Board
(Turun kaupungin sähkölaitos)

ANNEX 4

Services

FINLAND

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

<u>Subject</u>	<u>CPC Ref No</u>
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** (except 7524, 7525, 7526)
Financial services (a) insurance services (b) banking and investments services***	ex 81 812, 814
Computer and related services	84
Accounting, auditing and book-keeping 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

- * Coverage of services is subject to Parliamentary approval in the context of the EEA-agreement
- ** Except voice telephony, telex, radiotelephony, paging and satellite services
- *** Except contracts for financing services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services.
Payments from governmental entities (expenses) shall be transacted through a certain credit institution (Postipankki Ltd) or through the Finnish Postal Giro System
- **** Except arbitration and conciliation services

ANNEX 5

Construction Services

FINLAND

Specifications on covered construction services

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 Division 51, CPC:

All Public works/construction services of Division 51

Threshold: SDR 5,000,000

GENERAL NOTES

Note 1 The inclusion by Finland of further contracting authorities under Annex 1, and of the contracting entities in Annexes 2 and 3 is conditional on the inclusion under this Agreement of the corresponding entities by all other Parties. The inclusion of the services specified in Annexes 4 and 5 is subject to the inclusion in this Agreement of the same services by all other Parties.

Note 2 When a specific procurement may impair important national policy objectives the Finnish Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in the Agreement. A decision to this effect will be taken at the Finnish Cabinet level.

Note 3 Finland reserves its position with regard to the application of this Agreement to the Åland Islands (Ahvenanmaa).

Note 4 The Agreement shall not apply to contracts pursuant to Article 1 "Laki julkisista hankinnoista (1505/92)" (Public Procurement Act) and 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;
- procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.

Note 5 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.

Note 6 Procurement by defence entities covers the following products:

Motor vehicles

- delivery cars
- light trucks
- motorcycles
- buses
- ambulances

Spare parts

Foodstuffs

- coffee, tea
- rice
- frozen fish
- dried fruits
- spices

Machines

- office machines
- laundry machines

Miscellaneous

Note 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 Annex 3 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;
- procuring 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;
- service contracts which a contracting entity awards to an affiliated undertaking or service contracts which are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out a relevant activity within the meaning of Annex 3 to one of those contracting entities or to an undertaking which is affiliated with one of these contracting entities. At least 80 per cent of the average turnover of that undertaking for the preceding three years has to derive from the provision of such services to undertakings with which it is affiliated. Where more than one undertaking affiliated with the contracting entity provides the same service, the total turnover deriving from the provision of services by those undertakings shall be taken into account;
- the supply of drinking water, electricity, gas or heat to networks which provide a service to the public by a contracting entity other than a public authority shall not be considered as a relevant activity within the meaning of Annex 3 where:
 - (a) in the case of drinking water or electricity:
 - 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 Annex 3 and
 - supply to the public network depends only on the entity's own consumption and has not exceeded 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year;
 - (b) in the case of gas or heat:
 - the production of gas or heat by the entity concerned is the unavoidable consequence of carrying on an activity other than that referred to in Annex 3 and
 - supply to the public network is aimed only at the economic exploitation of such production and amounts to not more than 20 per cent of the entity's turnover having regard to the average for the preceding three years, including the current year.

Note 8 With regard to Annex 4, in the field of services, this Agreement shall not apply to the following:

- contracts for the acquisition or rental, by whatever financial means, of land, existing buildings, or other immovable property or concerning rights thereon;
- contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
- contracts awarded to an entity which is itself a contracting authority within the meaning of the Public Procurement Act: ("Laki julkisista hankinnoista (1505/92)") on the basis of an exclusive right which it enjoys pursuant to a law, regulation or administrative provision;
- contracts of employment.

Note 9 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.

Note 10 Finland 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 the award of contracts by entities listed in Annex 3 sectors
 - (a) (water), to the suppliers and service providers of Canada and the USA;
 - (b) (electricity), to the suppliers and service providers of Canada, Japan, Hong Kong 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 Finland has accepted that the Parties concerned give comparable and effective access for Finland's undertakings to the relevant markets;

- as regards the award of contracts by municipalities listed in Annex 2 to the suppliers and service providers of Switzerland, pending the outcome of the bilateral negotiations;
- 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.

Note 11 The provisions of Article XX shall not apply to suppliers and service providers of:

- Israel, Japan, Switzerland and Korea in contesting the award of contracts by entities listed in Annex 2, until such time as Finland 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 in Finland, until such time as Finland accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses;

- Israel, Japan and Korea in contesting the award of contracts by Finnish entities, whose value is less than threshold applied for the same category of contracts awarded by these Parties.

Note 12 Until such time as Finland has accepted that the Parties concerned provide access for Finnish suppliers and service providers to their own markets, Finland 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, heading 5, as regards procurement of HS Nos 8504, 8535, 8537 and 8544 (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.

Note 13 The thresholds in the Annexes will be applied so as to conform with the public procurement thresholds of the EEA-agreement.