

GENERAL AGREEMENT ON TARIFFS AND TRADE

ACCORD GENERAL SUR LES TARIFS DOUANIERS ET LE COMMERCE

ACUERDO GENERAL SOBRE ARANCELES ADUANEROS Y COMERCIO

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AGREEMENT ON GOVERNMENT PROCUREMENT

Addendum

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

ACCORD RELATIF AUX MARCHES PUBLICS

Addendum

On trouvera ci-joint copie des annexes du Japon¹ 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 al Japón.

¹ English only/Anglais seulement/Inglés solamente.

ANNEX 1

Central Government Entities which Procure in Accordance With the Provisions of this Agreement

JAPAN

Supplies

Threshold:

130 thousand SDR

List of Entities:

All entities covered by the Accounts Law as follows:

- House of Representatives
- House of Councillors
- Supreme Court
- Board of Audit
- Cabinet
- National Personnel Authority
- Prime Minister's Office
- Fair Trade Commission
- National Public Safety Commission (National Police Agency)
- Environmental Disputes Co-ordination Commission
- Imperial Household Agency
- Management and Co-ordination Agency
- Hokkaido Development Agency
- Defence Agency
- Economic Planning Agency
- Science and Technology Agency
- Environment Agency
- Okinawa Development Agency
- National Land Agency
- Ministry of Justice
- Ministry of Foreign Affairs
- Ministry of Finance
- Ministry of Education
- Ministry of Health and Welfare
- Ministry of Agriculture, Forestry and Fisheries
- Ministry of International Trade and Industry
- Ministry of Transport
- Ministry of Posts and Telecommunications
- Ministry of Labour
- Ministry of Construction
- Ministry of Home Affairs

Services

Threshold:

Construction services: 4,500 thousand SDR

Architectural, engineering and other technical services covered by this Agreement: 450 thousand SDR

Other services: 130 thousand SDR

List of Entities which procure the services, specified in Annex 4:

All entities covered by the Accounts Law as follows:

- House of Representatives
- House of Councillors
- Supreme Court
- Board of Audit
- Cabinet
- National Personnel Authority
- Prime Minister's Office
- Fair Trade Commission
- National Public Safety Commission (National Police Agency)
- Environmental Disputes Co-ordination Commission
- Imperial Household Agency
- Management and Co-ordination Agency
- Hokkaido Development Agency
- Defence Agency
- Economic Planning Agency
- Science and Technology Agency
- Environment Agency
- Okinawa Development Agency
- National Land Agency
- Ministry of Justice
- Ministry of Foreign Affairs
- Ministry of Finance
- Ministry of Education
- Ministry of Health and Welfare
- Ministry of Agriculture, Forestry and Fisheries
- Ministry of International Trade and Industry
- Ministry of Transport
- Ministry of Posts and Telecommunications
- Ministry of Labour
- Ministry of Construction
- Ministry of Home Affairs

ANNEX 1 (continued)

**Central Government Entities which Procure in Accordance
With the Provisions of this Agreement**

<u>Notes</u>		61	Electric Wire, and Power and Distribution Equipment
		62	Lighting Fixtures and Lamps
1.	Entities covered by the Accounts Law include all their internal sub-divisions, independent organs, attached organizations and other organizations and local branch offices provided for in the National Government Organization Law.	65	Medical, Dental, and Veterinary Equipment and Supplies
		6630	Chemical Analysis Instruments
		6635	Physical Properties Testing Equipment
		6640	Laboratory Equipment and Supplies
		6645	Time Measuring Instruments
		6650	Optical Instruments
		6655	Geophysical and Astronomical Instruments
		6660	Meteorological Instruments and Apparatus
		6670	Scales and Balances
		6675	Drafting, Surveying, and Mapping Instruments
		6680	Liquid and Gas Flow, Liquid Level, and Mechanical Motion Measuring Instruments
		6685	Pressure, Temperature, and Humidity Measuring and Controlling Instruments
		6695	Combination and Miscellaneous Instruments
		67	Photographic Equipment
		68	Chemicals and Chemical Products
		71	Furniture
		72	Household and Commercial Furnishings and Appliances
		73	Food Preparation and Serving Equipment
		74	Office Machines and Visible Record Equipment
		75	Office Supplies and Devices
		76	Books, Maps, and Other Publications
		77	Musical Instruments, Phonographs, and Home-type Radios
		79	Cleaning Equipment and Supplies
		80	Brushes, Paints, Sealers, and Adhesives
		8110	Drums and Cans
		8115	Boxes, Cartons, and Crates
		8125	Bottles and Jars
		8130	Reels and Spools
		8135	Packaging and Packing Bulk Materials
		85	Toiletries
		87	Agricultural Supplies
		93	Non-metallic Fabricated Materials
		94	Non-metallic Crude Materials
		99	Miscellaneous
<u>FSC</u>	<u>Description</u>		
22	Railway Equipment		
24	Tractors		
32	Wood working Machinery and Equipment		
34	Metalworking Machinery		
35	Service and Trade Equipment		
36	Special Industry Machinery		
37	Agricultural Machinery and Equipment		
38	Construction, Mining, Excavating, and Highway Maintenance Equipment		
39	Materials Handling Equipment		
40	Rope, Cable, Chain, and Fittings		
41	Refrigeration, Air Conditioning, and Air Circulating Equipment		
43	Pumps and Compressors		
45	Plumbing, Heating and Sanitation Equipment		
46	Water Purification and Sewage Treatment Equipment		
47	Pipe, Tubing, Hose, and Fittings		
48	Valves		
51	Hand Tools		
52	Measuring Tools		
55	Lumber, Millwork, Plywood and Veneer		

ANNEX 2

Sub-Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

JAPAN

Supplies

Threshold:

200 thousand SDR

List of Entities:

All prefectural governments entitled "To", "Do", "Fu" and "Ken", and all designated cities entitled "Shitei-toshi", covered by the Local Autonomy Law as follows:

- Hokkaido
- Aomori-ken
- Iwate-ken
- Miyagi-ken
- Akita-ken
- Yamagata-ken
- Fukushima-ken
- Ibaragi-ken
- Tochigi-ken
- Gunma-ken
- Saitama-ken
- Chiba-ken
- Tokyo-to
- Kanagawa-ken
- Niigata-ken
- Toyama-ken
- Ishikawa-ken
- Fukui-ken
- Yamanashi-ken
- Nagano-ken
- Gifu-ken
- Shizuoka-ken
- Aichi-ken
- Mie-ken
- Shiga-ken
- Kyoto-fu
- Osaka-fu
- Hyogo-ken
- Nara-ken
- Wakayama-ken
- Tottori-ken
- Shimane-ken
- Okayama-ken
- Hiroshima-ken
- Yamaguchi-ken
- Tokushima-ken
- Kagawa-ken
- Ehime-ken

- Kochi-ken
- Fukuoka-ken
- Saga-ken
- Nagasaki-ken
- Kumamoto-ken
- Oita-ken
- Miyazaki-ken
- Kagoshima-ken
- Okinawa-ken
- Osaka-shi
- Nagoya-shi
- Kyoto-shi
- Yokohama-shi
- Kobe-shi
- Kitakyushu-shi
- Sapporo-shi
- Kawasaki-shi
- Fukuoka-shi
- Hiroshima-shi
- Sendai-shi
- Chiba-shi

Services

Threshold:

Construction services: 15,000 thousand SDR

Architectural, engineering and other technical services covered by this Agreement: 1,500 thousand SDR

Other services: 200 thousand SDR

List of Entities which procure the services,
specified in Annex 4:

All prefectural governments entitled "To", "Do", "Fu" and "Ken", and all designated cities entitled "Shitei-toshi", covered by the Local Autonomy Law as follows:

- Hokkaido
- Aomori-ken
- Iwate-ken
- Miyagi-ken
- Akita-ken

ANNEX 2 (continued)

Sub-Central Government Entities which Procure in Accordance
With the Provisions of this Agreement

- Yamagata-ken
- Fukushima-ken
- Ibaraki-ken
- Tochigi-ken
- Gunma-ken
- Saitama-ken
- Chiba-ken
- Tokyo-to
- Kanagawa-ken
- Niigata-ken
- Toyama-ken
- Ishikawa-ken
- Fukui-ken
- Yamanashi-ken
- Nagano-ken
- Gifu-ken
- Shizuoka-ken
- Aichi-ken
- Mie-ken
- Shiga-ken
- Kyoto-fu
- Osaka-fu
- Hyogo-ken
- Nara-ken
- Wakayama-ken
- Tottori-ken
- Shimane-ken
- Okayama-ken
- Hiroshima-ken
- Yamaguchi-ken
- Tokushima-ken
- Kagawa-ken
- Ehime-ken
- Kochi-ken
- Fukuoka-ken
- Saga-ken
- Nagasaki-ken
- Kumamoto-ken
- Oita-ken
- Miyazaki-ken
- Kagoshima-ken
- Okinawa-ken
- Osaka-shi
- Nagoya-shi
- Kyoto-shi
- Yokohama-shi
- Kobe-shi
- Kitakyushu-shi
- Sapporo-shi
- Kawasaki-shi
- Fukuoka-shi
- Hiroshima-shi
- Sendai-shi

- Chiba-shi

Notes

1. "To", "Do", "Fu", "Ken" and "Shitei-toshi" covered by the Local Autonomy Law include all internal sub-divisions, attached organizations and branch offices of all their governors or mayors, committees and other organizations provided for in the Local Autonomy Law.
2. Products and services procured with a view to resale or with a view to use in the production of goods for sale are not included.
3. This Agreement shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement for Japan.
4. This Agreement shall not apply to contracts which the entities award for purposes of their daily profit-making activities which are exposed to competitive forces in markets. This note shall not be used in a manner which circumvents the provisions of this Agreement.
5. Procurement related to operational safety of transportation is not included.
6. Procurement related to the production, transport or distribution of electricity is not included.

ANNEX 3

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

JAPAN

Supplies

Threshold:

130 thousand SDR

List of Entities:

- Agriculture, Forestry and Fisheries Finance Corporation
- Association for Welfare of the Mentally and Physically Handicapped
- Central Japan Railway Company (a)
- Coal Mining Areas Restoration Agency
- Construction, the Sake Brewing Industry and Forestry Retirement Allowance Mutual Aid Association
- East Japan Railway Company (a)
- Employment Promotion Corporation
- Environmental Sanitation Business Financing Corporation
- Export-Import Bank of Japan
- Farmers' Pension Fund
- Finance Corporation of Local Public Enterprise
- Forest Development Corporation
- Fund for the Promotion and Development of the Amami Islands
- Hanshin Expressway Public Corporation
- Hokkaido Railway Company (a)
- Hokkaido-Tohoku Development Corporation
- Honshu-Shikoku Bridge Authority
- Housing and Urban Development Corporation
- Housing Loan Corporation
- Institute of Developing Economies
- Institute of Physical and Chemical Research (b)
- Japan Agricultural Land Development Agency
- Japan Arts Council
- Japan Atomic Energy Research Institute (b)
- Japan Consumers Information Center
- Japan Development Bank
- Japan Environmental Corporation
- Japan External Trade Organization
- Japan Finance Corporation for Small Business
- Japan Foundation
- Japan Freight Railway Company (a)
- Japan Highway Public Corporation
- Japan Information Center of Science and Technology
- Japan Institute of Labor
- Japan International Cooperation Agency
- Japan Keirin Association
- Japan Motorcycle Racing Organization
- Japan National Oil Corporation (c)
- Japan National Tourist Organization
- Japan Private School Promotion Foundation
- Japan Racing Association
- Japan Railway Construction Public Corporation (a)
- Japan Raw Silk and Sugar Price Stabilization Agency
- Japan Regional Development Corporation
- Japan Small Business Corporation
- Japan Society for the Promotion of Science
- Japan Tobacco Inc.
- JNR Settlement Corporation (d)
- Kyushu Railway Company (a)
- Labor Welfare Corporation
- Livestock Industry Promotion Corporation
- Maritime Credit Corporation (e)
- Metal Mining Agency of Japan (c)
- Metropolitan Expressway Public Corporation
- Mutual Aid Association of Agriculture, Forestry and Fishery Corporation Personnel
- Mutual Aid Association of Private School Personnel
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- National Education Center
- National Stadium and School Health Center of Japan
- New Energy and Industrial Technology Development Organization
- New Tokyo International Airport Authority
- Nippon Telegraph and Telephone Co. (f)
- Northern Territories Issue Association
- Okinawa Development Finance Corporation
- Pension Welfare Service Public Corporation
- People's Finance Corporation
- Pollution-Related Health Damage Compensation Association
- Postal Life Insurance Welfare Corporation
- Power Reactor and Nuclear Fuel Development Corporation (b)
- Rail Development Fund
- Research Development Corporation of Japan
- Shikoku Railway Company (a)
- Small Business Credit Insurance Corporation
- Small Enterprise Retirement Allowance Mutual Aid Corporation
- Social Development Research Institute
- Social Insurance Medical Fee Payment Fund
- Social Welfare and Medical Service Corporation
- Teito Rapid Transit Authority (a)

ANNEX 3 (continued)

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

- The Japan Scholarship Foundation
- The National Association of Racing
- The Overseas Economic Cooperation Fund
- University of the Air Foundation
- Water Resources Development Public Corporation
- West Japan Railway Company (a)

Services

Threshold:

Construction services: 15,000 thousand SDR

Architectural, engineering and other technical services covered by this Agreement: 450 thousand SDR

Other services: 130 thousand SDR

List of Entities which procure the services,
specified in Annex 4:

- Agriculture, Forestry and Fisheries Finance Corporation
- Association for Welfare of the Mentally and Physically Handicapped
- Central Japan Railway Company (a)(g)
- Coal Mining Areas Restoration Agency
- Construction, the Sake Brewing Industry and Forestry Retirement Allowance Mutual Aid Association
- East Japan Railway Company (a)(g)
- Employment Promotion Corporation
- Environmental Sanitation Business Financing Corporation
- Export-Import Bank of Japan
- Farmers' Pension Fund
- Finance Corporation of Local Public Enterprise
- Forest Development Corporation
- Fund for the Promotion and Development of the Amami Islands
- Hanshin Expressway Public Corporation
- Hokkaido Railway Company (a)(g)
- Hokkaido-Tohoku Development Corporation
- Honshu-Shikoku Bridge Authority
- Housing and Urban Development Corporation
- Housing Loan Corporation

- Institute of Developing Economies
- Institute of Physical and Chemical Research (b)
- Japan Agricultural Land Development Agency
- Japan Arts Council
- Japan Atomic Energy Research Institute (b)
- Japan Consumers Information Center
- Japan Development Bank
- Japan Environmental Corporation
- Japan External Trade Organization
- Japan Finance Corporation for Small Business
- Japan Foundation
- Japan Freight Railway Company (a)(g)
- Japan Highway Public Corporation
- Japan Information Center of Science and Technology
- Japan Institute of Labor
- Japan International Cooperation Agency
- Japan Keirin Association
- Japan Motorcycle Racing Organization
- Japan National Oil Corporation (c)
- Japan National Tourist Organization
- Japan Private School Promotion Foundation
- Japan Racing Association
- Japan Railway Construction Public Corporation (a)
- Japan Raw Silk and Sugar Price Stabilization Agency
- Japan Regional Development Corporation
- Japan Small Business Corporation
- Japan Society for the Promotion of Science
- Japan Tobacco Inc. (g)
- JNR Settlement Corporation (d)
- Kyushu Railway Company (a)(g)
- Labor Welfare Corporation
- Livestock Industry Promotion Corporation
- Maritime Credit Corporation (e)
- Metal Mining Agency of Japan (c)
- Metropolitan Expressway Public Corporation
- Mutual Aid Association of Agriculture, Forestry and Fishery Corporation Personnel
- Mutual Aid Association of Private School Personnel
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- National Education Center
- National Stadium and School Health Center of Japan
- New Energy and Industrial Technology Development Organization
- New Tokyo International Airport Authority
- Nippon Telegraph and Telephone Co. (f)(g)
- Northern Territories Issue Association
- Okinawa Development Finance Corporation

ANNEX 3 (continued)All Other Entities which Procure in Accordance
With the Provisions of this Agreement

- Pension Welfare Service Public Corporation
 - People's Finance Corporation
 - Pollution-Related Health Damage Compensation Association
 - Postal Life Insurance Welfare Corporation
 - Power Reactor and Nuclear Fuel Development Corporation (b)
 - Rail Development Fund
 - Research Development Corporation of Japan
 - Shikoku Railway Company (a)(g)
 - Small Business Credit Insurance Corporation
 - Small Enterprise Retirement Allowance Mutual Aid Corporation
 - Social Development Research Institute
 - Social Insurance Medical Fee Payment Fund
 - Social Welfare and Medical Service Corporation
 - Teito Rapid Transit Authority (a)
 - The Japan Scholarship Foundation
 - The National Association of Racing
 - The Overseas Economic Cooperation Fund
 - University of the Air Foundation
 - Water Resources Development Public Corporation
 - West Japan Railway Company (a)(g)
- (b) Procurement which could lead to the disclosure of information incompatible with the purpose of the Treaty on the Non-Proliferation of Nuclear Weapons or with international agreements on intellectual property rights is not included. Procurement for safety-related activities aiming at utilization and management of radioactive materials and responding to emergencies of nuclear installation is not included.
 - (c) Procurement related to geological and geophysical survey is not included.
 - (d) Procurement of advertising services, construction services, real estate services is not included.
 - (e) Procurement of ships to be jointly owned with private companies is not included.
 - (f) Procurement of public electrical telecommunications equipment and services related to operational safety of telecommunications is not included.
 - (g) Procurement of the services specified in Annex 4, other than construction services, is not included.

Notes

1. Products and services procured with a view to resale or with a view to use in the production of goods for sale are not included.
2. This Agreement shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement for Japan.
3. This Agreement shall not apply to contracts which the entities award for purposes of their daily profit-making activities which are exposed to competitive forces in markets. This note shall not be used in a manner which circumvents the provisions of this Agreement.
4. Notes to specific entities:
 - (a) Procurement related to operational safety of transportation is not included.

ANNEX 4

Services

JAPAN

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

(Provisional Central
Product Classification
(CPC), 1991)

- 51 Construction work
- 6112 Maintenance and repair services of motor vehicles¹
- 6122 Maintenance and repair services of motorcycles and snowmobiles¹
- 712 Other land transport services (except 71235 Mail transportation by land)
- 7213 Rental services of sea-going vessels with operator
- 7223 Rental services of non-sea-going vessels with operator
- 73 Air transport services (except 73210 Mail transportation by air)
- 748 Freight transport agency services
- 7512 Courier services²
- Telecommunications services
- MTN.GNS/W/120
 - Corresponding CPC
 - 2.C.h. - 7523 Electronic mail;
 - 2.C.i. - 7521 Voice mail;
 - 2.C.j. - 7523 On-line information and data base retrieval;
 - 2.C.k. - 7523 Electronic data interchange (EDI);
 - 2.C.l. - 7529 Enhanced facsimile services;
 - 2.C.m. - 7523 Code and protocol conversion; and
 - 2.C.n. - 7523 On-line information and/or data processing (including transaction processing)
- 84 Computer and related services
- 864 Market research and public opinion polling services
- 867 Architectural, engineering and other technical services³
- 871 Advertising services
- 87304 Armoured car services
- 874 Building-cleaning services
- 88442 Publishing and printing services⁴
- 886 Repair services incidental to metal products, machinery and equipment
- 94 Sewage and refuse disposal, sanitation and other environmental protection services

ANNEX 4 (continued)

Services

Notes

1. Maintenance and repair services are not included with respect to those motor vehicles, motorcycles and snowmobiles which are specifically modified and inspected to meet regulations of the entities.
2. Courier services are not included with respect to letters.
3. Architectural, engineering and other technical services related to construction services, with the exception of the following services when procured independently, are included:
 - Final design services of CPC 86712 Architectural design services;
 - CPC 86713 Contract administration services;
 - Design services consisting of one or a combination of final plans, specifications and cost estimates of either CPC 86722 Engineering design services for the construction of foundations and building structures, or CPC 86723 Engineering design services for mechanical and electrical installations for buildings, or CPC 86724 Engineering design services for the construction of civil engineering works; and
 - CPC 86727 Other engineering services during the construction and installation phase.
4. Publishing and printing services are not included with respect to materials containing confidential information.

ANNEX 5

Construction Services

JAPAN

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 (CPC).

List of Division 51, CPC:

All services listed in Division 51.

Threshold: 4,500 thousand SDR for entities set out in ANNEX 1;
15,000 thousand SDR for those in ANNEX 2; and
15,000 thousand SDR for those in ANNEX 3.

General Notes

1. For goods and services (including construction services) of Canada and the United States and suppliers of such goods and services, this Agreement does not apply to procurement by the entities listed in Annexes 2 and 3.
2. In case Parties do not apply Article XX to suppliers or service providers of Japan in contesting the award of contract by entities, Japan may not apply the Article to suppliers or service providers of the Parties in contesting the award of contracts by the same kind of entities.