

**Informal Working Group on Negotiations  
on Government Procurement**

NEGOTIATIONS ON GOVERNMENT PROCUREMENT

Offer

Revision

Attached is a copy of the revised offer from Switzerland in the negotiations on the improvement, expansion and broadening of the Agreement on Government Procurement.

This distribution is limited to the participants in the Informal Working Group on Negotiations.

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**Groupe de travail informel des négociations  
sur les marchés publics**

NEGOCIATIONS SUR LES MARCHES PUBLICS

Offre

Révision

On trouvera ci-joint copie de l'offre révisée que la Suisse a faite dans le cadre des négociations sur l'amélioration, l'extension et l'élargissement de l'Accord relatif aux marchés publics.

Cette distribution est destinée exclusivement aux participants au Groupe de travail informel des négociations.

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**Grupo de Trabajo Informal de las Negociaciones  
sobre Compras del Sector Público**

NEGOCIACIONES SOBRE COMPRAS DEL SECTOR PÚBLICO

Oferta

Revisión

Adjunta figura la oferta revisada presentada por Suiza en las negociaciones sobre la mejora, expansión y ampliación del Acuerdo sobre Compras del Sector Público.

Esta distribución se limita a los participantes en el Grupo de Trabajo Informal de las Negociaciones.

General Notes:

The Swiss offer is based on the following conditions:

- Switzerland reserves the rights to withdraw, amend, reduce or extend the present offer in the course of negotiations.
- Entities listed in the Annexes 1 to 3 as well as the possible coverage of services and construction services specified in Annexes 4 and 5 are only offered on a basis of reciprocity.
- As in the previous Agreement, Switzerland maintains the following exception: "When a specific procurement may impair important national policy objectives the Swiss 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 by the Federal Council."

ANNEX 1

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

Name of country: Switzerland

<u>Supplies</u>	<u>Threshold:</u>	130,000 SDR
<u>Services</u> (specified in Annex 4)	<u>Threshold:</u>	130,000 SDR
<u>Construction services</u> (specified in Annex 5)	<u>Threshold:</u>	4,500,000 SDR

List of Entities:

Office central fédéral des imprimés et  
du matériel

Bibliothèque centrale du Parlement et  
de l'administration fédérale<sup>2</sup>

Office des constructions fédérales

Ecole polytechnique fédérale Zurich

Ecole polytechnique fédérale Lausanne

Institut Paul Scherrer

Institut fédéral de recherches forestières<sup>2</sup>

Institut pour l'étude de la neige et des  
avalanches

Institut suisse de météorologie

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

Office fédéral de la santé publique

Bibliothèque nationale suisse<sup>2</sup>

Office fédéral de la protection civile<sup>2</sup>

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<sup>2</sup>Pour les produits, voir liste des matériels civils de la défense et de la protection civile.

ANNEX 1 (cont'd)

Administration fédérale des douanes<sup>3</sup>

Régie fédérale des alcools

Monnaie

Office fédéral de métrologie

Office fédéral de l'agriculture

Office fédéral de l'aviation civile<sup>2</sup>

Office fédéral de l'économie des eaux<sup>2</sup>

Groupeement de l'armement

Entreprise des postes

Office fédéral de l'environnement, des  
forêts et du paysage (BUWAL) = (Service  
hydrologique et géologique national already  
covered)

Laboratoire fédéral d'essai des matériaux et  
de recherche (EMPA)

Office fédéral de génie et des fortifications  
(BAGF)<sup>2</sup>

Office fédéral des troupes de transmission  
(BAUEM)<sup>2</sup>

Office fédéral des affaires sanitaires de  
l'armée (BASAN)<sup>2</sup>

Commissariat central des guerres (OKK)<sup>2</sup>

Etat major du groupeement de l'instruction  
(Stab GA)<sup>2</sup>

Intendance du matériel de guerre (KMV)<sup>2</sup>

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<sup>3</sup>Pour le corps des gardes-frontières et les douaniers, voir liste des matériels civils de la défense et de la protection civile.

ANNEX 1 (cont'd)

Office fédéral de la topographie (L+T)

Ecole fédérale de sport, Macolin (ESSM)

Office fédéral des aérodromes militaires,  
Dübendorf (BAMF)<sup>2</sup>

Office vétérinaire fédéral (BVET)

Gouvernement de la Principauté du  
Liechtenstein

## ANNEX 2

### Sub-Central Government Entities which Procure in Accordance with the Provisions of this Agreement<sup>4</sup>

Name of country: Switzerland

<u>Supplies</u>	<u>Threshold:</u>	180,000 SDR
<u>Services</u> (specified in Annex 4)	<u>Threshold:</u>	180,000 SDR
<u>Construction Services</u> (specified in Annex 5)	<u>Threshold:</u>	4,500,000 SDR

#### List of Entities:

Authorities and bodies governed by public law and not having an industrial or commercial character established at cantonal, district and municipal level in all cantons of Switzerland:

Appenzell (Inner-/Ausserrhoden)

Aargau

Basel (Stadt/Land)

Bern

Fribourg

Glarus

Genf

Graubünden

Jura

Neuenburg

Luzern

Schaffhausen

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<sup>4</sup>Pour les produits, voir liste des matériels civils de la défense et de la protection civile de l'Annexe I du présent Accord.

ANNEX 2 (cont'd)

Schwyz

Solothurn

Sankt Gallen

Tessin

Thurgau

Waadt

Wallis

Unterwalden (Nidwalden/Obwalden)

Uri

Zug

Zürich

ANNEX 3

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

Name of Country: Switzerland

Supplies

Threshold: 355,000 SDR (water, electricity, transport);  
535,000 SDR (telecommunication)

Works (specified in Annex 5)

Threshold: 4,500,000 SDR

List of Entities which procure supplies and works

The contracting entities which have at least as one of their activities any of those referred to below:

1. the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or of electricity;
2. the operation of fixed networks providing a service to the public in the field of transport by railway, tramway, trolleybus or bus;
3. the exploitation of a geographical area for the purpose of the provision of airport, maritime or inland port or other terminal facilities to carriers by air, sea or inland waterway;
4. the provision or operation of public telecommunications network or the provision of one or more public telecommunications services.

Production, transport or distribution of drinking water

Territorial administrative bodies (listed in Annex 2) and enterprises producing, transporting and distributing water. Such territorial administrative bodies and enterprises are operating under local or cantonal legislation or under individual agreements based thereupon.

Inter alia:

- Wasserverbund Regio Bern AG
- Hardwasser AG
- Gruppenwasserversorgung Liechtensteiner Oberland
- Gruppenwasserversorgung Liechtensteiner Unterland.

ANNEX 3 cont'd

Production, transport or distribution of electricity

Territorial administrative bodies (listed in Annex 2) and enterprises for the transport and distribution of electricity operating on the basis of authorizations for expropriation pursuant to "loi fédérale du 24 juin 1902 concernant les installations à faible et à fort courant auxquelles le droit d'expropriation a été accordé".

Territorial administrative bodies (listed in Annex 2) and enterprises producing electricity to be supplied to territorial administrative bodies and enterprises mentioned above pursuant to "loi fédérale du 22 décembre 1916 sur l'utilisation des forces hydrauliques et à la loi fédérale du 23 décembre 1959 sur l'utilisation pacifique de l'énergie atomique et la protection contre les radiations".

Inter alia:

- Bernische Kraftwerke AG
- Nordostschweizerische Kraftwerke AG
- Kernkraftwerke Gösgen AG
- Liechtensteinische Kraftwerke.

Contracting entities in the field of railway services

- Schweizerische Bundesbahnen (SBB)

All other enterprises pursuant to Article 1, paragraph 2 and Article 2, paragraph 1 of the "loi fédérale du 20 décembre 1957 sur les chemins de fer".

Inter alia:

- Bern-Lötschberg-Simplon
- Schweizerische Südostbahn
- Rätische Bahn.

Contracting entities in the field of urban railway, tramway, trolleybus or bus services

- Schweizerische Post-, Telefon- und Telegrafbetriebe (PTT)
- Liechtensteinische Post-, Telefon- und Telegrafbetriebe (PTT)

Territorial administrative bodies (listed in Annex 2) and enterprises providing tramway services pursuant to Article 2, paragraph 1 of the "loi fédérale du 20 décembre 1957 sur les chemins de fer".

Territorial administrative bodies (listed in Annex 2) and enterprises for the public transport providing services pursuant to Article 4, paragraph 1 of the "loi fédérale du 29 mars 1950 sur les entreprises de trolleybus".

### ANNEX 3 (cont'd)

Territorial administrative bodies (listed in Annex 2) and enterprises undertaking scheduled commercial passenger transport pursuant to Article 11, paragraph 2 of the "ordonnance sur les concessions de transport par automobiles du 4 janvier 1960".

Inter alia:

- Transports publics Genevois
- Verkehrsbetriebe Zürich.

#### Contracting entities in the field of airport facilities

Airports operated by virtue of a licence pursuant to Article 37 of the "loi fédérale du 21 décembre 1948 sur la navigation aérienne".

It includes:

- Flughafen Zürich-Kloten
- Aéroport de Genève-Cointrin
- Flughafen Bern-Belp
- Aeroporto di Lugano-Agno
- Aérodrome Civil de Sion.

#### Contracting entities in the field of maritime or inland port or other terminal facilities

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

#### Operation of telecommunications networks or provision of telecommunications services<sup>5</sup>

- Schweizerische Post-, Telefon- und Telegrafienbetriebe (PTT)
- Liechtensteinische Post-, Telefon- und Telegrafienbetriebe (PTT)
- Schweizerische Bundesbahn (SBB).

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<sup>5</sup>As far as they are not in competition with other undertakings on which this Agreement does not apply.

Notes to Annex 3:

This Agreement shall not apply:

1. To contracts which the contracting entity awards for the purpose other than the pursuit of their activities as described in this Annex.
2. To contracts awarded for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
3. To contracts which contracting entities exercising an activity in the telecommunication sector award for purchases intended exclusively to enable them to provide one or more telecommunications services where other entities are free to offer the same services in the same geographical area and under substantially the same conditions.
4. To contracts for the purchase of water.
5. To contracts of contracting 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 activities other than those described in this Annex. The supply to the public network depends only on the entity's own consumption and has not exceeded 30 per cent of entity's total production of drinking water or energy, having regard to the average for the preceding three years.
6. To contracts for the supply of energy or of fuels for the production of energy.
7. To 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.

ANNEX 4

Services

1. Universal list of Services as specified below (MTN.GNS/W/120)
2. Name of country: Switzerland

List of Services included

Subject:

Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235) 7512 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752 <sup>6</sup>
Financial services	ex 81
(a) Insurance services	812, 814
(b) Banking and investment services <sup>7</sup>	
Computer and related services	84
Accounting, auditing and bookkeeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866 <sup>8</sup>
Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services	867

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<sup>6</sup>Except voice telephony, telex, radiotelephony, paging and satellite services.

<sup>7</sup>Except contracts for financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and Central Bank services.

<sup>8</sup>Except arbitration and conciliation services.

ANNEX 4 (cont'd)

Advertising services	871
Building-cleaning services and property management services	874, 82201, 82202
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

General Note:

The Swiss commitments concerning services under this Agreement are limited to the initial commitments specified in the Swiss offer within the negotiations of the GATS.

Notes to Annex 4:

This Agreement shall not apply to:

1. Service contracts awarded to an entity which is itself a procuring entity listed in Annexes 1 or 2 on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision.
2. 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 Annex 3 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.
3. Contracts for the acquisition or rental, by whatever means, of land, existing buildings, or other immovable property or concerning rights thereon.
4. To contracts of employment.

## ANNEX 5

### Construction Services

#### Specifications on covered construction services

I. Definition:

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

II. List of Division 51, CPC:

General construction work for buildings	512
General construction work for civil engineering	513
Installation and assembly work	514+516
Building completion and finishing work	517
Other	511+515+518

III. Name of country:

Switzerland

Threshold:

4,500,000

#### Note to Annex 5:

Where a construction service contract is subdivided into several lots, each one the subject of a separate contract, the value of each lot must be taken into account for purpose of calculating the threshold specified in this Annex. Where the aggregate value of the lots is not less than the threshold referred to above, the provisions of this agreement shall apply to all lots. Procuring entities shall be permitted to depart from this agreement for lots whose estimated value is less than SDR 1,000,000, provided that the total estimated value of all the lots exempted does not exceed 20 per cent of the total estimated value of all lots.