
Informal Working Group on Negotiations
on Government Procurement

NEGOTIATIONS ON GOVERNMENT PROCUREMENT

Offers

Revision

Attached is a copy of the revised offer¹ from Japan in the negotiations on the improvement, expansion and broadening of the Agreement on Government Procurement, which was circulated informally on 20 July 1993.

Groupe de travail informel des négociations
sur les marchés publics

NEGOCIATIONS SUR LES MARCHES PUBLICS

Offres

Révision

On trouvera ci-joint copie de l'offre¹ révisée que le Japon a faite dans le cadre des négociations sur l'amélioration, l'extension et l'élargissement de l'Accord relatif aux marchés publics et qui a été distribuée à titre informel le 20 juillet 1993.

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

NEGOCIACIONES SOBRE COMPRAS DEL SECTOR PUBLICO

Ofertas

Revisión

Adjunta figura la oferta¹ revisada presentada por el Japón en las negociaciones sobre la mejora, expansión y ampliación del Acuerdo sobre Compras del Sector Público, que se distribuyó informalmente el 20 de julio de 1993.

¹English only./Anglais seulement./Inglés solamente.

ANNEX 1

Without prejudice
(July 1993)

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

Name of Country: 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 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: 15,000 thousand SDR

Architectural, engineering and other technical services related to construction services covered by this Agreement: 10% of the threshold for construction services.

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 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

Notes

1. Entities covered by the Accounts Law includes all their internal sub-divisions, independent organs, attached organizations and other organizations and local branch offices provided for in the National Government Organization Law.

2 Products and services procured with a view to resale or with a view to use in the production of goods or provision of services for sale are not included.

3. Where it is so provided under the laws and regulations existing at the time of the entry into force of this Agreement for Japan, entities contained in this list may award contracts to specific co-operatives or associations thereof in accordance with the special procedures.

4. This Agreement will generally apply to procurement by the Defence Agency of the following Federal Supply Classification (FSC) categories subject to the Japanese Government determinations under the provisions of Article XXIII, paragraph 1:

<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
61	Electric Wire, and Power and Distribution Equipment
62	Lighting Fixtures and Lamps
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

ANNEX 2

Without prejudice

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

Name of Country: Japan

Supplies

Threshold: 130 thousand SDR

List of Entities:

Local governments at the first level below the Central government (i.e. at prefecture level) as follows: ⁽¹⁾

- Hokkaido
- Aomori-ken
- Iwate-ken
- Miyagi-ken
- Akita-ken
- Yamagata-ken
- Hukushima-ken
- Ibaragi-ken
- Tochigi-ken
- Gunma-ken
- Saitama-ken
- Chiba-ken
- Tokyo-to
- Kanagawa-ken
- Niigata-ken
- Toyama-ken
- Ishikawa-ken
- Hukui-ken
- Yamanashi-ken
- Nagano-ken
- Gihu-ken
- Shizuoka-ken
- Aichi-ken
- Mie-ken
- Shiga-ken
- Kyoto-hu
- Osaka-hu

(Clarification of the Annex to be removed after the negotiation:

(1) Relevant regulations identifying entities of each prefecture covered by this Agreement shall be mentioned.)

- Hyogo-ken
- Nara-ken
- Wakayama-ken
- Tottori-ken
- Shimane-ken
- Okayama-ken
- Hiroshima-ken
- Yamaguchi-ken
- Tokushima-ken
- Kagawa-ken
- Ehime-ken
- Kochi-ken
- Hukuoka-ken
- Saga-ken
- Nagasaki-ken
- Kumamoto-ken
- Oita-ken
- Miyazaki-ken
- Kagoshima-ken
- Okinawa-ken

Notes

1. Products procured with a view to resale or with a view to use in the production of goods for sale are not included.
2. Where it is so provided under the laws and regulations existing at the time of the entry into force of this Agreement for Japan, entities contained in this list may award contracts to specific co-operatives or associations thereof in accordance with the special procedures.

Services

Threshold:

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

ANNEX 3

Without prejudice

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

Name of Country: Japan

Supplies

Threshold: 130 thousand SDR

List of Entities:

- Water Resources Development Corporation
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Japan Environmental Corporation
- Japan International Co-operation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Labour Welfare Corporation
- Employment Promotion Corporation
- Hokkaido and Tohoku Development Corporation
- Okinawa Development Finance Corporation
- People's Finance Corporation
- Environmental Sanitation Business Financing Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Small Business Credit Insurance Corporation
- Housing Loan Corporation
- Finance Corporation of Local Public Enterprise
- Japan Development Bank
- Export-Import Bank of Japan
- Japan Tobacco Inc.
- Hokkaido Railway Company
- East Japan Railway Company
- Central Japan Railway Company
- West Japan Railway Company
- Shikoku Railway Company
- Kyushu Railway Company
- Japan Freight Railway Company
- Nippon Telegraph and Telephone Corporation
- Japan Consumer Information Center
- Japan Information Center of Science and Technology
- Japan Foundation
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Japan Racing Association
- Japan External Trade Organization
- New Energy Development Organization

Services

Threshold: Construction services: ... SDR

Architectural, engineering and other technical services related to construction services covered by this Agreement: 10% of the threshold for construction services.

Other services: 130 thousand SDR

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

- Water Resources Development Corporation
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Japan Environmental Corporation
- Japan International Co-operation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Labour Welfare Corporation
- Employment Promotion Corporation
- Hokkaido and Tohoku Development Corporation
- Okinawa Development Finance Corporation
- People's Finance Corporation
- Environmental Sanitation Business Financing Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Small Business Credit Insurance Corporation
- Housing Loan Corporation
- Finance Corporation of Local Public Enterprise
- Japan Development Bank
- Export-Import Bank of Japan
- Japan Tobacco Inc.*
- Hokkaido Railway Company*
- East Japan Railway Company*
- Central Japan Railway Company*
- West Japan Railway Company*
- Shikoku Railway Company*
- Kyushu Railway Company*
- Japan Freight Railway Company*
- Nippon Telegraph and Telephone Corporation*
- Japan Consumer Information Center
- Japan Information Center of Science and Technology
- Japan Foundation
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Japan Racing Association
- Japan External Trade Organization
- New Energy Development Organization

Notes

1. Products and services procured with a view to resale or with a view to use in the production of goods or provision of services for sale are not included.

2. Where it is so provided under the laws and regulations existing at the time of the entry into force of this Agreement for Japan, entities contained in this list may award contracts to specific co-operatives or associations thereof in accordance with the special procedures.

3. The application of this Agreement to the entities marked with asterisk(*) is subject to the following terms and conditions specified by the Japanese Government:

(a) Each entity with asterisk(*)

In case where the application of this Agreement shall prejudice the furtherance of its commercial activities, service procurement to this effect is not included.

(b) Hokkaido Railway Company
East Japan Railway Company
Central Japan Railway Company
West Japan Railway Company
Shikoku Railway Company
Kyushu Railway Company
Japan Freight Railway Company

Materials connected with operational safety of transportation are not included.

(c) Nippon Telegraph and Telephone Corporation (NTT)⁽¹⁾

NTT may use the following procurement procedures:

("NTT Procurement Procedures" to be attached)⁽²⁾

(Clarification of the Annex to be removed after the negotiation:

(1) Public electrical telecommunications equipment is included subject to the termination of the arrangements on the procurement of the Nippon Telegraph and Telephone Public Corporation as set forth in the exchange of letters between Dr. Saburo Okita and Ambassador Reubin O'D. Askew on 19th December 1980 and the Attachments thereto.

(2) "NTT Procurement Procedures" set out in Attachment I of the letter to Ambassador Reubin O'D. Askew, the United States Trade Representative, from Dr. Saburo Okita, the Japanese Government Representative for External Economic Relations, on NTT's procurement of public electrical telecommunications equipment dated 19th December 1980, supplemented by the Attachment of the letter to Ambassador William E. Brock, the United States Trade Representative, from Mr. Shintaro Abe, the Japanese Minister for Foreign Affairs, dated 30th January 1984.)

ANNEX 4

Without prejudice

Services

I. Universal list of services as specified below (MTN.GNS/W/120)

II. Name of Country: Japan

List of services included⁽¹⁾

(Provisional Central Product Classification (CPC), 1991)

- 51 Construction work
- 7213 Rental services of sea-going vessels with operator
- 7223 Rental services of non-sea-going vessels with operator
- 748 Freight transport agency services
- 84 Computer and related services
- 867 Architectural, engineering and other technical services*
- 871 Advertising services
- 87304 Armoured car services
- 874 Building-cleaning services
- 88442 Publishing and printing services**
- 886 Repair services incidental to metal products, machinery and equipment
- 94 Sewage and refuse disposal, sanitation and other environmental protection services

Notes

1. Architectural, engineering and other technical services* are included only when they are related to construction services covered by this Agreement.

2. Publishing and printing services** are not included with respect to materials containing confidential information.

(Clarification of the Annex to be removed after the negotiations:

(1) Financial services shall be procured by entities in accordance with the "Understanding on Commitments in Financial Services".)

ANNEX 5

Without prejudice

Construction Services

Specifications on covered construction services

I. 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).

II. List of Division 51, CPC:

- 51 Construction work

III. Name of Country: Japan

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