

---

Informal Working Group on Negotiations  
on Government Procurement

NEGOTIATIONS ON GOVERNMENT PROCUREMENT

Offer

Revision

Attached is a copy of the revised offer<sup>1</sup> from Japan in the negotiations on the improvement, expansion and broadening of the Agreement on Government Procurement, which was circulated informally on 15 November 1993.

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

---

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<sup>1</sup> 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 15 novembre 1993.

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

---

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

NEGOCIACIONES SOBRE COMPRAS DEL SECTOR PUBLICO

Oferta

Revisión

Adjunta figura la oferta<sup>1</sup> 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 15 de noviembre de 1993.

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

---

<sup>1</sup>English only/anglais seulement/inglés solamente

Without prejudice  
(November 1993)

ANNEX 1

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 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

Without prejudice

ANNEX 1 (continued)

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

<u>Notes</u>		
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.	61	Electric Wire, and Power and Distribution Equipment
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.	62	Lighting Fixtures and Lamps
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.	65	Medical, Dental, and Veterinary Equipment and Supplies
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:	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	

Without prejudice

ANNEX 2Sub-Central Government Entities which Procure in Accordance  
with the Provisions of this Agreement

Coverage of services and construction is conditional upon equivalent offers of coverage from other participants for entities in Annex 1, 2 and 3

Name of Country: Japan

SuppliesThreshold:

130 thousand SDR

List of Entities:

All prefectural governments entitled "To", "Do", "Fu" and "Ken" covered by the Local Autonomy Law as follows:

- 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
- 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
- Hukuoka-ken
- Saga-ken
- Nagasaki-ken
- Kumamoto-ken
- Oita-ken
- Miyazaki-ken
- Kagoshima-ken
- Okinawa-ken

ServicesThreshold:

Construction services: 15,000 thousand SDR

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

Other services: 130 thousand SDR

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

All prefectural governments entitled "To", "Do", "Fu" and "Ken" covered by the Local Autonomy Law as follows:

- 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

Without prejudice

ANNEX 2 (continued)

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

- Niigata-ken
  - Toyama-ken
  - Ishikawa-ken
  - Hukui-ken
  - Yamanashi-ken
  - Nagano-ken
  - Gihu-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
  - Hukuoka-ken
  - Saga-ken
  - Nagasaki-ken
  - Kumamoto-ken
  - Oita-ken
  - Miyazaki-ken
  - Kagoshima-ken
  - Okinawa-ken
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.

Notes

1. "To", "Do", "Fu" and "Ken" covered by the Local Autonomy Law include all internal subdivisions, attached organizations and branch offices of all their governors, 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.

Without prejudice

ANNEX 3All Other Entities which Procure in Accordance  
with the Provisions of this Agreement

Name of Country: Japan

SuppliesThreshold:

130 thousand SDR

List of Entities:

- 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., Ltd. (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)
- 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

Without prejudice

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)
- 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., Ltd. (f)
- Northern Territories Issue Association
- Okinawa Development Finance Corporation

Without prejudice

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

	<u>Notes</u>
<ul style="list-style-type: none"> <li>- Pension Welfare Service Public Corporation</li> <li>- People's Finance Corporation</li> <li>- Pollution-Related Health Damage Compensation Association</li> <li>- Postal Life Insurance Welfare Corporation</li> <li>- Power Reactor and Nuclear Fuel Development Corporation (b)</li> <li>- Rail Development Fund</li> <li>- Research Development Corporation of Japan</li> <li>- Shikoku Railway Company (a)</li> <li>- Small Business Credit Insurance Corporation</li> <li>- Small Enterprise Retirement Allowance Mutual Aid Corporation</li> <li>- Social Development Research Institute</li> <li>- Social Insurance Medical Fee Payment Fund</li> <li>- Social Welfare and Medical Service Corporation</li> <li>- Teito Rapid Transit Authority (a)</li> <li>- The Japan Scholarship Foundation</li> <li>- The National Association of Racing</li> <li>- The Overseas Economic Cooperation Fund</li> <li>- University of the Air Foundation</li> <li>- Water Resources Development Public Corporation</li> <li>- West Japan Railway Company (a)</li> </ul>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. Notes to specific entities: <ol style="list-style-type: none"> <li>(a) Procurement related to operational safety of transportation is not included.</li> <li>(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.</li> <li>(c) Procurement related to geological and geophysical survey is not included.</li> <li>(d) Procurement of advertising services, construction services, real estate services is not included.</li> <li>(e) Procurement of ships to be jointly owned with private companies is not included.</li> <li>(f) Procurement of public electrical telecommunications equipment and services related to operational safety of telecommunications is not included.</li> </ol> </li> </ol>



Without prejudice

ANNEX 4

Services

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

II.

Name of Country: Japan

List of services included

(Provisional Central  
Product Classification  
(CPC), 1991)

- 51 Construction work
- 6112 Maintenance and repair services of motor vehicles<sup>1</sup>
- 6122 Maintenance and repair services of motorcycles and snowmobiles<sup>1</sup>
- 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 services<sup>2</sup>
- ex752 Telecommunications services
- 84 Computer and related services
- 864 Market research and public opinion polling services
- 867 Architectural, engineering and other technical services<sup>3</sup>
- 871 Advertising services
- 87304 Armoured car services
- 874 Building-cleaning services
- 88442 Publishing and printing services<sup>4</sup>
- 886 Repair services incidental to metal products, machinery and equipment
- 94 Sewage and refuse disposal, sanitation and other environmental protection services

**Without prejudice**

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.

**Without prejudice**

ANNEX 5

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: 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.