

MODIFICATION TO APPENDIX I OF NORWAY

Notification from Norway under Article XXIV:6(a)¹ of the GPA

The following communication from the Permanent Mission of Norway was received on 6 December 2002, with the request that it be circulated to the Parties to the Agreement on Government Procurement (1994).

Pursuant to Article XXIV.6(a) of the Agreement on Government Procurement (GPA), Norway hereby notifies a modification of a minor nature to its General Notes in Appendix I to the GPA.

In the context of the revision of the Convention of the European Free Trade Association, which entered into force on 1 June 2002, Switzerland has agreed to liberalize procurement of public authorities and public bodies at the level of the cities and districts with Iceland, Liechtenstein and Norway. Consequently, the reservation in Norway's General Notes in Appendix I to the GPA as regards Switzerland should be deleted.

In accordance with our understanding with the Government of Switzerland, a parallel communication will be submitted by the Swiss delegation to the WTO.

Attachment A to this document contains the proposed modifications to the General Notes in red-line/strikeout form and Attachment B contains the revised General Notes after acceptance of the proposed modifications.²

¹ Article XXIV:6(a) provides that "if the rectifications, transfers or other modifications are of a purely formal or minor nature, they shall become effective provided there is no objection within 30 days. In other cases, the Chairman of the Committee shall promptly convene a meeting of the Committee. The Committee shall consider the proposal and any claim for compensatory adjustments, with a view to maintaining a balance of rights and obligations and a comparable level of mutually agreed coverage provided in this Agreement prior to such notification. In the event of agreement not being reached, the matter may be pursued in accordance with the provisions contained in Article XXII".

² Both attachments are in the original language only.

ANNEX

**MODIFICATION TO NORWAY'S APPENDIX I TO THE AGREEMENT ON
GOVERNMENT PROCUREMENT**

Pursuant to Article XXIV.6(a) of the Agreement on Government Procurement, Norway submits to the Committee on Government Procurement the following modification of a minor nature to Norway's General Notes in Appendix I to the Agreement:

In the first indent of General Note 2, delete the word "Switzerland".

ATTACHMENT A

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. Norway 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;
- as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
- as regards the award of contracts by entities listed in Annex 3 paragraph
 - (1) (electricity), to the suppliers and service providers of Canada, Singapore and Japan;
 - (2) (urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA;
 - (3) (airports), to the suppliers and service providers of Canada, Korea and the USA;
 - (4) (ports), to the suppliers and service providers of Canada;
 - (5) (water), to the suppliers and service providers of Canada and the USA;

until such time as Norway has accepted that the Parties concerned give comparable and effective access for Norwegian undertakings to the relevant markets;

- to service providers of Parties which do not include the relevant 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.

2. The provisions of Article XX shall not apply to suppliers and service providers of:

- Israel, Japan and Korea ~~and Switzerland~~ in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as Norway 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 Norway, until such time as Norway 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 Norwegian entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

ATTACHMENT B

GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III

1. Norway 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;
- as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
- as regards the award of contracts by entities listed in Annex 3 paragraph
 - (1) (electricity), to the suppliers and service providers of Canada, Singapore and Japan;
 - (2) (urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA;
 - (3) (airports), to the suppliers and service providers of Canada, Korea and the USA;
 - (4) (ports), to the suppliers and service providers of Canada;
 - (5) (water), to the suppliers and service providers of Canada and the USA;

until such time as Norway has accepted that the Parties concerned give comparable and effective access for Norwegian undertakings to the relevant markets;

- to service providers of Parties which do not include the relevant 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.

2. The provisions of Article XX shall not apply to suppliers and service providers of:

- Israel, Japan and Korea in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as Norway 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 Norway, until such time as Norway 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 Norwegian entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.