

ATTACHMENT A

PRINCIPALITY OF LIECHTENSTEIN

(Authentic in the English Language only)

ANNEX 1

CENTRAL GOVERNMENT ENTITIES

Thresholds:

Goods	Threshold: _____	SDR 130,000
Services	Threshold: _____	SDR 130,000
Construction services	Threshold: <u>Services</u> _____	SDR 5,000,000

List of Entities:

1. Government of the Principality of Liechtenstein;
2. Courts of the Principality of Liechtenstein;
3. Parliament of the Principality of Liechtenstein.

Notes to Annex 1

1. Central government entities covers also any subordinate entity of any central government entity provided it does not have a separate legal personality.

2. The following shall not be considered as covered procurement:

- a. ~~—~~procurement by procuring entities covered under this Annex in regard of procurement of FSC 58 (communications, protection and coherent radiation equipment) from Canada;
- b. ~~—~~procurement by procuring entities covered under this Annex of air traffic control equipment in regard of suppliers and service providers from the United States;

until such time as the Principality of Liechtenstein has accepted that the Parties concerned provide satisfactory reciprocal access for goods, suppliers, services and service providers of the Principality of Liechtenstein to their own procurement market.

3. The provisions of Article XVIII shall not apply to suppliers and service providers of Japan, Korea and the United States of America 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 of the law of Liechtenstein until such time as the Principality of Liechtenstein accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses.

ANNEX 2

SUB-CENTRAL GOVERNMENT ENTITIES**Thresholds:**

Goods	Threshold: _____	SDR 200,000
Services	Threshold: _____	SDR 200,000
Construction	services Threshold: Services _____	SDR 5,000,000

List of Entities:

1. Public Authorities at local level;
2. All Bodies governed by public law.¹

Notes to Annex 2

1. The following shall not be considered as covered procurement:

- a. ~~(a)~~ — procurement by procuring entities covered under this Annex in regard of suppliers, services and service providers from the United States;
- b. ~~(b)~~ — procurement by procuring entities covered under this Annex in regard of goods, services, suppliers and services suppliers from Canada;
- c. ~~(c)~~ — procurement by procuring entities covered under this Annex in regard of procurement of FSC 58 (communications, protection and coherent radiation equipment) from Canada;

until such time as the Principality of Liechtenstein has accepted that the Parties concerned provide satisfactory reciprocal access for goods, suppliers, services and service providers of the Principality of Liechtenstein to their own procurement market.

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

- a. ~~—~~ Israel, Japan and Korea in contesting the award of contracts listed in Annex 2, paragraph 2, until such time as the Principality of Liechtenstein accepts that they have completed coverage of sub-central entities;
- b. ~~—~~ Israel, Japan and Korea in contesting the award of contracts by entities of the Principality of Liechtenstein, whose value is less than the threshold applied for the same category of contracts awarded by these Parties;
- c. ~~—~~ Japan, Korea and the United States of America 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 of the law of Liechtenstein until such time as the Principality of Liechtenstein accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses.

¹ A body is considered to be governed by public law where it:

- i. ~~—~~ is established for the specific purpose of meeting needs in the general interest, not being of an industrial or commercial nature;
- ii. ~~—~~ has legal personality; -and
- iii. ~~—~~ is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.

ANNEX 3

~~ALL OTHER ENTITIES WHICH PROCURE IN ACCORDANCE WITH
THE PROVISIONS OF THIS AGREEMENT~~**Thresholds:**Goods ~~Threshold:~~ _____ SDR 400,000Services ~~Threshold:~~ _____ SDR 400,000~~Works~~ ~~Threshold:~~ Construction Services _____ SDR 5,000,000**List of Entities:**

1. All procuring entities whose procurement is covered by the EEA utilities directive which are contracting authorities (e.g. those covered under Annex 1 and Annex 2) or public undertakings¹ and which have as one of their activities any of those referred to below or any combination thereof:

- a. ~~(i)~~ — 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 the supply of drinking water to such networks (as specified under title ~~H~~ 1);
- b. ~~(ii)~~ — the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks (as specified under title ~~H~~ 2);
- c. ~~(iii)~~ — the provision or operation of networks² providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under title ~~H~~ 3);
- d. ~~(iv)~~ — the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under title ~~V~~ 4);
- e. ~~(v)~~ — the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by sea or inland waterway (as specified under title ~~V~~ 5);
- f. ~~(vi)~~ — provision of postal services (as specified under title ~~V~~ 6).

¹ According to the EEA utilities directive, a public undertaking is any undertaking over which the contracting authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.

A dominant influence on the part of the contracting authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

- i. — hold the majority of the undertaking's subscribed capital, or
- ii. — control the majority of the votes attaching to shares issued by the undertaking, or
- iii. — can appoint more than half of the undertaking's administrative, management or supervisory body.

² As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority of an EEA Member State, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

1 ~~I.~~ PRODUCTION, TRANSPORT OR DISTRIBUTION OF DRINKING WATER

1.1. Public authorities and public undertakings producing, transporting and distributing drinking water. Such public authorities and public undertakings are operating under local legislation or under individual agreements based thereupon.

1. ~~Gruppenwasserversorgung Liechtensteiner Oberland~~;
2. ~~Gruppenwasserversorgung Liechtensteiner Unterland~~;

2 ~~II.~~ PRODUCTION, TRANSPORT OR DISTRIBUTION OF ELECTRICITY

2.1. Public authorities and public undertakings for the production, transport and distribution of electricity operating on the basis of authorizations for expropriation.

1. ~~Liechtensteinische Kraftwerke~~;

3 ~~III.~~ PROCURING ENTITIES IN THE FIELD OF URBAN RAILWAY, AUTOMATED SYSTEMS, TRAMWAY, TROLLEY BUS, BUS OR CABLE SERVICES

3.1. LIECHTENSTEINmobil

4 ~~IV.~~ PROCURING ENTITIES IN THE FIELD OF AIRPORT FACILITIES

None

5 ~~V.~~ PROCURING ENTITIES IN THE FIELD OF INLAND PORTS

None

6 ~~VI.~~ POSTAL SERVICES

6.1. Liechtensteinische Post AG, but only for activities for which it holds exclusive rights.

Notes to Annex 3

1. This Agreement does not cover procurement which the procuring entity awards for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-EEA country.

2. This Agreement does not cover procurement:

- a. ~~(a)~~ by a procuring entity to an affiliated undertaking³; or
- b. ~~(b)~~ by a joint venture formed exclusively by a number of procuring entities for the purpose of carrying out a relevant activity within the meaning of paragraphs ~~(1a)~~ to ~~(vif)~~ of this Annex, to an undertaking which is affiliated with one of these procuring entities,

provided that at least 80 per cent of the average turnover of the affiliated undertaking with respect to goods, services or construction services for the preceding three years derives respectively from the provision of such services or goods to undertakings with which it is affiliated.

When, because of the date on which an affiliated undertaking was created or commenced activities, the turnover is not available for the preceding three years, it will be sufficient for that undertaking to show that the turnover referred to in this paragraph is credible, in particular by means of business projections.

³ "affiliated undertaking" means any undertaking the annual accounts of which are consolidated with those of the procuring entity in accordance with the requirements of Council Directive 83/349/EEC on consolidated accounts, or in case of entities not subject to that Directive, any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation, or the rules which govern it.

3. This Agreement does not cover procurement by entities in this Annex:
- a. ~~(a)~~—by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities of paragraphs ~~(i)~~a to ~~(vii)~~f of this Annex, to one of these procuring entities; or
 - b. ~~(b)~~—by a procuring entity to such a joint venture of which it forms part, provided that the joint venture has been set up in order to carry out the activity concerned over a period of at least three years and that the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.
4. This Agreement does not cover procurement for the purchase of water, the supply of energy or of fuels for the production of energy.
5. This Agreement does not cover procurement by procuring 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 other activities than those described under this Annex under ~~(i)~~a and ~~(ii)~~b and provided that the supply to the public network depends only on the entity's own consumption and does not exceed 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.
6. This Agreement does not cover procurement for purposes of re-sale or hire to third parties, provided that the procuring 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 procuring entity.
7. This Agreement does not cover procurement by procuring entities providing a bus service if other entities are free to offer the same service either in general or in a specific geographical area and under the same conditions.
8. This Agreement does not cover procurement by procuring entities pursuing an activity described in this Annex when that activity is exposed to full market competition.
9. The following shall not be considered as covered procurement:
- a. ~~(a)~~—procurement by procuring entities operating in the fields of:
 - i. ~~(i)~~—production, transport or distribution of drinking water covered under this Annex in regard of suppliers and service providers of Canada and the United States of America;
 - ii. ~~(ii)~~—electricity in regard of suppliers and service providers of Canada and Japan;
 - iii. ~~(iii)~~—urban railway, tramway, trolley bus or bus services covered under this Annex in regard of goods, services, suppliers and service providers from Canada, Japan and the United States;
 - iv. ~~(iv)~~—bus services under this Annex in regard of suppliers and service providers from Israel and Korea;
 - b. ~~(b)~~—procurement by entities listed in this Annex as regards procurement of HS Nos 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables) in regard of suppliers of Israel and Korea; and HS Nos 85012099, 85015299, 85015199, 85015290, 85014099, 85015390 and 8536 in regard of suppliers of Israel;
 - c. ~~(c)~~—procurement by procuring entities covered under this Annex of air traffic control equipment in regard of suppliers and service providers from the United States;

- d. ~~(e)~~ —procurement of services in regard to Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under this Annex in their own coverage;

until such time as the Principality of Liechtenstein has accepted that the Parties concerned provide satisfactory reciprocal access for goods, suppliers, services and service providers of the Principality of Liechtenstein to their own procurement market.

10. The provisions of Article XVIII shall not apply to suppliers and service providers of:

- a. —Israel, Japan and Korea in contesting the award of contracts by entities of the Principality of Liechtenstein, whose value is less than the threshold applied for the same category of contracts awarded by these Parties;
- b. —Japan, Korea and the United States of America 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 of the law of Liechtenstein until such time as the Principality of Liechtenstein accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses.

ANNEX 4

GOODS

Unless otherwise specified, this Agreement covers all goods.

ANNEX 5

SERVICES

This Agreement covers the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC ~~Prov.~~) as contained in document MTN.GNS/W/120:

Subject	Description	CPC Prov. Reference No.
1.	Maintenance and repair services	6112, 6122, 633, 886
2.	Land transport services, including <u>712 (except</u> armoured car services, 712 (except 71235), <u>7512,</u> and courier services, except <u>87304</u> transport of mail 7512, 87304	
3.	Air transport services of <u>73</u> passengers and freight, except 73 (except 7321) transport of mail	
4.	Transport of mail by land, <u>71235, 7321</u> except rail, and by air 71235, 7321	
5.	Telecommunications services	752
6.	Financial services ex 81	
a.	(a) Insurance services	812, 814
b.	(b) Banking and investment services ¹	
7.	Computer and related services	84
8.	Accounting, auditing and bookkeeping services	<u>862</u> 862
9.	Market research and public opinion polling services	<u>864</u> 864
10.	Management consulting services and related services	<u>865, 866²</u> 865, 866³
11.	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	<u>867</u> 867
12.	Advertising services	871
13.	Building-cleaning services and property management services	<u>874, 82201-82206</u> 874, 82201-82206
14.	Publishing and printing services on a fee or contract basis	<u>88442</u> 88442
15.	Sewage and refuse disposal; sanitation and similar services	<u>94</u> 94

¹ Except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services.

² Except arbitration and conciliation services.

³ ~~Except arbitration and conciliation services.~~

Notes to Annex 5

1. Covered services do not include services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision.
2. Procurement by procuring entities covered under Annexes 1 to 3 of any of the services covered under this Annex is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Annex 5.

ANNEX 6

CONSTRUCTION SERVICES

List of Construction Services (Division 51, CPC Prov.):

<u>Description</u>	<u>CPC Prov. Reference No.</u>
<u>1.</u> Pre-erection work at construction sites	511
<u>2.</u> General construction work for buildings	512
<u>3.</u> General construction work for civil engineering	513
<u>4.</u> Installation and assembly work	514
<u>5.</u> Special trade construction work	515
<u>6.</u> Installation work	516
<u>7.</u> Building completion and finishing work	517
<u>8.</u> Other	518

Note to Annex 6

1. — Procurement by procuring entities covered under Annexes 1 to 3 of any of the services covered under this Annex is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Annex 6.

ANNEX 7

GENERAL NOTES ~~AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE IV~~

1. This Agreement does not cover:

- a. ~~—~~ procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes;
- b. ~~—~~ the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

2. The provision of services, including construction services, in the context of procurement procedures according to this Agreement is subject to the conditions and qualifications for market access and national treatment as will be required by the Principality of Liechtenstein in conformity with its commitments under the GATS.

3. Procurement by procuring entities covered under Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport and the postal sector are not covered by this Agreement unless covered under Annex 3.

4. Based on Article II, ch. 2 a) ii, this Agreement does not cover fund placements of insured persons conducted by public entities or undertakings such as public insurance and pensions funds.