

ATTACHMENT B

NORWAY

(Authentic in the English Language only)

ANNEX 1

CENTRAL GOVERNMENT ENTITIES

Thresholds:

Goods	SDR 130,000
Services	SDR 130,000
Construction Services	SDR 5,000,000

List of Entities:

1. All Central Government Entities.
2. An indicative list of Central Government Entities follows.

INDICATIVE LIST OF CENTRAL GOVERNMENT ENTITIES**1 STATSMINISTERENS KONTOR (OFFICE OF THE PRIME MINISTER):**

1.1. Regjeringsadvokaten (Office of the Attorney General).

2 ARBEIDSDEPARTEMENTET (MINISTRY OF LABOUR):

- 2.1. Arbeids- og velferdsetaten - NAV (The Norwegian Labour and Welfare Service);
- 2.2. Arbeidsretten (The Labour Court);
- 2.3. Arbeidstilsynet (The Norwegian Labour Inspection Authority);
- 2.4. Pensjonstrygden for sjømenn (Pension Insurance for Seamen);
- 2.5. Petroleumsstilsynet (Petroleum Safety Authority);
- 2.6. Riksmeklingsmannen (State mediator);
- 2.7. Statens arbeidsmiljøinstitutt (The National Institute of Occupational Health);
- 2.8. Trygderetten (The National Insurance Appeal Body);
- 2.9. Statens Pensjonskasse (The Norwegian Public Service Pension Fund).

3 BARNE-, LIKESTILLINGS OG -INKLUDERINGS DEPARTEMENTET (MINISTRY OF CHILDREN, EQUALITY AND SOCIAL INCLUSION):

- 3.1. Barneombudet (The Ombudsman for Children in Norway);
- 3.2. Barne, ungdoms- og familiedirektoratet (The Norwegian Directorate for Children, Youth and Family Affairs);
- 3.3. Forbrukerombudet (The Consumer Ombudsman);
- 3.4. Forbrukerrådet (The Norwegian Consumer Council);
- 3.5. Fylkesnemndene for barnevern og sosiale saker (County Social Welfare Boards);
- 3.6. Integrerings- og mangfoldsdirektoratet (Directorate of Integration and Diversity);
- 3.7. Kontaktutvalget mellom innvandrerbefolkningen og myndighetene - KIM (The Contact Committee for Immigrant and Authorities);
- 3.8. Likestillings- og diskrimineringsnemnda (The Equality and Anti-Discrimination Tribunal);
- 3.9. Likestilling- og diskrimineringsombudet (The Equality and Anti-Discrimination Ombud);
- 3.10. Statens Institutt for Forbruksforskning (National Institute for Consumer Research).

4 FINANSDEPARTEMENTET (MINISTRY OF FINANCE):

- 4.1. Finanstilsynet (The Financial Supervisory Authority of Norway);
- 4.2. Folketrygdfondet (Folketrygdfondet);
- 4.3. Norges Bank (Central Bank of Norway);
- 4.4. Senter for statlig økonomistyring (The Norwegian Government Agency for Financial Management);
- 4.5. Skattedirektoratet (Directorate of Taxes);
- 4.6. Statens innkrevingsentral (The Norwegian National Collection Authority);
- 4.7. Statistisk sentralbyrå (Statistics Norway);
- 4.8. Toll- og avgiftsdirektoratet (Directorate of Customs and Excise).

5 FISKERI- OG KYSTDEPARTEMENTET (MINISTRY OF FISHERIES AND COASTAL AFFAIRS):

- 5.1. Fiskeridirektoratet (Directorate of Fisheries);
- 5.2. Havforskningsinstituttet (Institute of Marine Research);
- 5.3. Kystverket (The Norwegian Coastal Administration);
- 5.4. Nasjonalt institutt for ernærings- og sjømatforskning (The National Institute of Nutrition and Seafood Research).

6 FORNYINGS-, ADMINISTRASJONS- OG KIRKEDEPARTEMENTET (MINISTRY OF GOVERNMENT ADMINISTRATION REFORM AND CHURCH AFFAIRS):

- 6.1. Bispedømmerådene (The Diocesan Councils);
- 6.2. Datatilsynet (The Data Inspectorate);

- 6.3. Departementenes servicesenter (Government Administration Services);
- 6.4. Det praktisk-teologiske seminar (Practical Theological Seminar);
- 6.5. Direktoratet for forvaltning og IKT (The Agency for Public Management and eGovernment);
- 6.6. Fylkesmannsembetene (The County Governors);
- 6.7. Gáldu – Kompetansesenter for urfolks rettigheter (Gáldu – Resource Center for the Right of Indigenous Peoples);
- 6.8. Internasjonalt reindriftssenter (International Center for Reindeer Husbandry);
- 6.9. Kirkerådet (National Council of the Church of Norway);
- 6.10. Konkurransetilsynet (Norwegian Competition Authority);
- 6.11. Nidarosdomens restaureringsarbeider (The Restoration Workshop of Nidaros Cathedral);
- 6.12. Opplysningsvesenets Fond (The Norwegian State Church Endowment);
- 6.13. Personvernemnda (Data Protection Tribunal Norway);
- 6.14. Sametinget (The Sámediggi);
- 6.15. Statsbygg (The Directorate of Public Construction and Property).

7 FORSVARSDEPARTEMENTET (MINISTRY OF DEFENCE):

- 7.1. Forsvaret (Norwegian Armed Forces);
- 7.2. Forsvarets Forskningsinstitutt (Norwegian Defence Research Establishment);
- 7.3. Forsvarsbygg (Norwegian Defence Estates Agency);
- 7.4. Nasjonal Sikkerhetsmyndighet (Norwegian National Security Authority).

8 HELSE- OG OMSORGSDEPARTEMENTET (MINISTRY OF HEALTH AND CARE SERVICES):

- 8.1. Bioteknologinemnda (The Norwegian Biotechnology Advisory Board);
- 8.2. Helsedirektoratet (Norwegian Directorate of Health);
- 8.3. Klagenemnda for bidrag til behandling i utlandet (The Norwegian Governmental Appeal Board Regarding Medical Treatment Abroad);
- 8.4. Nasjonalt folkehelseinstitutt (Norwegian Institute of Public Health);
- 8.5. Nasjonalt kunnskapssenter for helsetjenesten (Norwegian Knowledge Centre for Health Services);
- 8.6. Norsk pasientskadeerstatning (The Norwegian System of Compensation to Patients);
- 8.7. Pasientskadenemnda (The Patients' Injury Compensation Board);
- 8.8. Preimplantasjonsdiagnostikkemnda (National Board for Preimplantation Genetic Diagnosis);
- 8.9. Statens autorisasjonskontor for helsepersonell (The Norwegian Registration Authority for Health Personnel);
- 8.10. Statens helsepersonellnemnd (Norwegian Appeal Board for Health Personnel);
- 8.11. Statens helsetilsyn (Norwegian Board of Health Supervision);
- 8.12. Statens Institutt for rusmiddelforskning (National Institute for Alcohol and Drug Research);
- 8.13. Statens Legemiddelverk (Norwegian Medicines Agency);
- 8.14. Statens Strålevern (Norwegian Radiation Protection Authority);
- 8.15. Vitenskapskomiteen for mattrygghet (Norwegian Scientific Committee for Food Safety).

9 JUSTIS- OG POLITIDEPARTEMENTET (MINISTRY OF JUSTICE AND THE POLICE):

- 9.1. Den høyere påtalemyndighet (The Higher Prosecuting Authority);
- 9.2. Den militære påtalemyndighet (The Military Prosecuting Authority);
- 9.3. Direktoratet for nødkommunikasjon (Directorate for Emergency Communication);
- 9.4. Direktoratet for samfunnssikkerhet og beredskap (The Directorate for Civil Protection and Emergency Planning);
- 9.5. Domstoladministrasjonen (National Courts Administration);
- 9.6. Hovedredningsentralen (Joint Rescue Coordination Centre);
- 9.7. Kommisjonen for gjenopptakelse av straffesaker (The Norwegian Criminal Cases Review Commission);
- 9.8. Kontoret for voldsoffererstatning (The Norwegian Criminal Injuries Compensation Authority);
- 9.9. Kriminalomsorgens sentrale forvaltning (The Norwegian Correctional Services);
- 9.10. Politidirektoratet (The National Police Directorate);
- 9.11. Politiets sikkerhetstjeneste (The Norwegian Police Security Service);
- 9.12. Sekretariatet for konfliktrådene (National Mediation Service);
- 9.13. Siviltjenesten (The Administration of Conscientious Objection);
- 9.14. Spesialenheten for politisaker (Norwegian Bureau for the Investigation of Police Affairs);

- 9.15. Statens sivilrettsforvaltning (The Norwegian Civil Affairs Authority);
- 9.16. Utlendingsdirektoratet (The Directorate of Immigration);
- 9.17. Utlendingsnemnda (UNE) (The Immigration Appeal Board).

10 KOMMUNAL OG REGIONALDEPARTEMENTET (MINISTRY OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT):

- 10.1. Distriktssenteret (Centre of Competence on Rural Development);
- 10.2. Husbanken (The Norwegian State Housing Bank);
- 10.3. Husleietvistutvalget i Oslo, Akershus, Bergen og Trondheim (The Rent Disputes Tribunal in Oslo, Akershus, Bergen and Trondheim);
- 10.4. Statens bygningstekniske etat (National Office of Building Technology and Administration).

11 KULTURDEPARTEMENTET (MINISTRY OF CULTURAL AFFAIRS):

- 11.1. Arkivverket (The National Archival Services of Norway);
- 11.2. Kunst i offentlige rom, KORO (Public Art Norway);
- 11.3. Lotteri- og stiftelsestilsynet (The Norwegian Gaming and Foundation Authority);
- 11.4. Medietilsynet (The Norwegian Media Authority);
- 11.5. Nasjonalbiblioteket (The National Library of Norway);
- 11.6. Norsk Filminstitutt (National Film Board);
- 11.7. Norsk Kulturråd (Arts Council Norway);
- 11.8. Norsk lokalhistorisk institutt (The Norwegian Institute of Local History);
- 11.9. Norsk lyd- og blindeskriftbibliotek (Norwegian Sound and Braille Library);
- 11.10. Rikskonsertene (The Norwegian Concert Institute);
- 11.11. Riksteatret (The Norwegian Touring Theatre);
- 11.12. Språkrådet (The Language Council of Norway).

12 KUNNSKAPSDEPARTEMENTET (MINISTRY OF EDUCATION AND RESEARCH):

- 12.1. Artsdatabanken (The Norwegian Biodiversity Information Centre);
- 12.2. BIBSYS (BIBSYS);
- 12.3. Foreldreutvalget for grunnopplæringen (The National Parents' Committee for Primary and Secondary Education);
- 12.4. Meteorologisk institutt (Norwegian Meteorological Institute);
- 12.5. Nasjonalt organ for kvalitet i utdanningen (Norwegian Agency for Quality Assurance in Education);
- 12.6. Norges forskningsråd (The Research Council of Norway);
- 12.7. Norgesuniversitetet (Norway Opening University);
- 12.8. Norsk institutt for forskning om oppvekst, velferd og aldring - NOVA (Norwegian Social Research);
- 12.9. Norsk utenrikspolitisk institutt (Norwegian Institute of International Affairs);
- 12.10. Samordna opptak (The Norwegian Universities and Colleges Admission Service);
- 12.11. Senter for IKT i utdanningen (The Norwegian Centre for ICT in Education);
- 12.12. Senter for internasjonalisering av høyere utdanning (The Norwegian Centre for International Cooperation in Higher Education);
- 12.13. Statens fagskole for gartnere og blomsterdekoratører - Veia;
- 12.14. Statens lånekasse for utdanning (The Norwegian State Educational Loan Fund);
- 12.15. Statlige universiteter og høyskoler (Universities and University Colleges);
- 12.16. Utdanningsdirektoratet (Norwegian Directorate for Education and Training);
- 12.17. Vox, nasjonalt fagorgan for kompetansepolitikk (Norwegian Institute for Adult Learning).

13 LANDBRUKS- OG MATDEPARTEMENTET (MINISTRY OF AGRICULTURE AND FOOD):

- 13.1. Bioforsk (Norwegian Institute for Agriculture and Environmental Research);
- 13.2. Mattilsynet (Norwegian Food Safety Authority);
- 13.3. Norsk institutt for skog og landskap (Norwegian Forest and Landscape Institute);
- 13.4. Norsk institutt for landbruksøkonomisk (Norwegian Agricultural Economics Research Institute);
- 13.5. Reindriftsforvaltningen (Norwegian Reindeer Husbandry Administration);

- 13.6. Statens landbruksforvaltning (Norwegian Agricultural Authority);
- 13.7. Veterinærinstituttet (National Veterinary Institute).

14 MILJØVERNDEPARTEMENTET (MINISTRY OF THE ENVIRONMENT):

- 14.1. Direktoratet for Naturforvaltning (Directorate for Nature Management);
- 14.2. Klima- og forurensningsdirektoratet (Climate and Pollution Agency);
- 14.3. Norsk kulturminnefond (Norwegian Cultural Heritage Fund);
- 14.4. Norsk Polarinstitutt (Norwegian Polar Research Institute);
- 14.5. Riksantikvaren (Directorate for Cultural Heritage);
- 14.6. Statens Kartverk (Norwegian Mapping Authority).

15 NÆRINGS- OG HANDELSDEPARTEMENTET (MINISTRY OF TRADE AND INDUSTRY):

- 15.1. Direktoratet for mineralforvaltning med Bergmesteren for Svalbard (Directorate of Mining with Commissioner of Mines at Svalbard);
- 15.2. Garanti-Instituttet for Eksportkreditt (GIEK);
- 15.3. Justervesenet (Norwegian Metrology Service);
- 15.4. Norges geologiske undersøkelse (The Geological Survey of Norway);
- 15.5. Norsk akkreditering (Norwegian Accreditation);
- 15.6. Norsk romsenter (Norwegian Space Agency);
- 15.7. Sjøfartsdirektoratet (The Norwegian Maritime Directorate);
- 15.8. Skipsregistrene (The Norwegian International Ship Register);
- 15.9. Patentstyret (Norwegian Industrial Property Office);
- 15.10. Brønnøysundregistrene (The Brønnøysund Register Centre).

16 OLJE- OG ENERGIDEPARTEMENTET (MINISTRY OF PETROLEUM AND ENERGY):

- 16.1. Norges vassdrags- og energidirektorat (Norwegian Water Resources and Energy Directorate);
- 16.2. Oljedirektoratet (Norwegian Petroleum Directorate).

17 SAMFERDSLSDEPARTEMENTET (MINISTRY OF TRANSPORT AND COMMUNICATION):

- 17.1. Jernbaneverket (The Norwegian National Railway Administration);
- 17.2. Luftfartstilsynet (Civil Aviation Authority Norway);
- 17.3. Post- og teletilsynet (Norwegian Post and Telecommunications Authority);
- 17.4. Statens havarikommisjon (Accident Investigation Board Norway);
- 17.5. Statens jernbanetilsyn (Norwegian Rail Authority);
- 17.6. Statens vegvesen (Norwegian Public Roads Administration).

18 UTENRIKSDEPARTEMENTET (MINISTRY OF FOREIGN AFFAIRS):

- 18.1. Direktoratet for utviklingssamarbeid - NORAD (Norwegian Agency for Development Cooperation);
- 18.2. Fredskorpset (FK Norway).

19 STORTINGET (THE STORTING):

- 19.1. Stortingets ombudsmann for forvaltningen - Sivilombudsmannen (Stortingets Ombudsman for Public Administration);
- 19.2. Riksrevisjonen (Office of the Auditor General).

20 DOMSTOLENE (COURTS OF LAW).

Notes to Annex 1

1. "Central Government Entities" covers also any subordinated entity of any central government entity, provided that such entity does not have 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 Norway has accepted that the Parties concerned provide satisfactory reciprocal access for Norwegian goods, suppliers, services and service providers 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 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.

ANNEX 2

SUB-CENTRAL GOVERNMENT ENTITIES

Thresholds:

Goods	SDR 200,000
Services	SDR 200,000
Construction Services	SDR 5,000,000

List of Entities:

1. All sub-central government entities operating at the regional (counties) or local (municipalities) level.
2. All bodies governed by public law.¹
3. All associations formed by one or several of the entities covered by the preceding paragraphs 1 and 2.
4. An indicative list of procuring entities which are bodies governed by public law follows.

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

- i. is established for the specific purpose of meeting needs in the general interest, not having a commercial or industrial character; and
- 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.

**INDICATIVE LIST OF PROCURING ENTITIES WHICH ARE BODIES
GOVERNED BY PUBLIC LAW****1 BODIES**

1. Enova SF (Enova SF);
2. Garantiinstituttet for eksportkreditt, GIEK (The Norwegian Guarantee Institute);
3. Helse Sør-Øst RHF (South-Eastern Norway Regional Health Authority);
4. Helse Vest RHF (Western Norway Regional Health Authority);
5. Helse Midt-Norge RHF (Central Norway Regional Health Authority);
6. Helse Nord RHF (Northern Norway Regional Health Authority);
7. Innovasjon Norge (Innovation Norway);
8. Norsk Rikskringkasting, NRK (The Norwegian Broadcasting Corporation);
9. Universitetssenteret på Svalbard AS (The University Centre in Svalbard);
10. Uninett AS (Uninett, The Norwegian Research Network);
11. Simula Research Laboratory AS (Simula Research Laboratory AS);
12. Norsk samfunnsvitenskapelig datatjeneste AS, NSD (Norwegian Social Science Data services).

2 CATEGORIES

1. Statsbanker (State Banks);
2. Publicly owned and operated museums.

Notes to Annex 2

1. The following shall not be considered as covered procurement:
 - a. procurement by procuring entities covered under this Annex in regard of suppliers, services and service providers from the United States;
 - b. procurement by procuring entities covered under this Annex in regard of procurement of FSC 58 (communications, protection and coherent radiation equipment) from Canada;
 - 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;

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

2. The provisions of Article XVIII shall not apply to suppliers and service providers of:
 - a. Japan, Korea and the United States 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;
 - b. Japan 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 this Party.

3. In regard of goods, services, suppliers and services providers from Canada this Annex shall only apply to procurement by sub-central government entities operating at regional level (counties).

ANNEX 3

OTHER ENTITIES

Thresholds:

Goods	SDR 400,000
Services	SDR 400,000
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 (i.e. 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. 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;
- b. 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;
- c. the provision of airport or other terminal facilities to carriers by air;
- d. the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
- e. the provision or operation of networks² providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable.

2. An indicative list of Other Entities (Utilities) follows.

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:

- hold the majority of the undertaking's subscribed capital, or
- control the majority of the votes attaching to shares issued by the undertaking, or
- 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, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

INDICATIVE LIST OF OTHER ENTITIES (UTILITIES)

1 DRINKING WATER

1.1. Public entities producing or distributing water pursuant to Forskrift om vannforsyning og drikkevann (FOR 2001-12-09 1372). For instance:

1. Asker og Bærum vannverk (Asker and Bærum Water Network);
2. Bergen vannverk (Bergen Drinking Water Network).

2 THE ELECTRICITY SECTOR

2.1. Public entities producing, transporting or distributing electricity pursuant to Lov om erverv av vannfall mv. kap. I, jf. kap V (LOV 1917-12-14 16), Lov om vasdragsreguleringer (LOV-1917-12-14 17), Lov om vassdrag og grunnvann (LOV-2000-11-24 82) or Lov om produksjon, omforming, overføring, omsetning, fordeling og bruk av energi m.m. (LOV 1990-06-29 50). For instance:

1. Alta Kraftverk (Alta Power Plant);
2. Bingsfoss Kraftverk (Bingfoss Power Plant).

3 AIRPORTS

3.1. Public entities providing airport facilities pursuant to Lov om luftfart (LOV-1993-06-11 101). For instance:

1. Avinor AS (Avinor AS).

4 PORTS

4.1. Public entities operating pursuant to Lov om havner og farvann (LOV 20009-04-17 19). For instance:

1. Oslo havn (Port of Oslo);
2. Stavangerregionens havn (Port of Stavanger).

5 URBAN TRANSPORT

5.1. Public entities which have as one of their activities the operation of networks providing a service to the public in the field of transport by automated systems, urban railway, tramway, trolley bus, bus or cable according to Lov om anlegg og drift av jernbane, herunder sporvei, tunellbane og forstadsbane m.m. (LOV 1993-06-11 100), Lov om yrkestransport med motorvogn og fartøy (LOV 2002-06-21 45) or Lov om anlegg av taugbaner og løipestrenger (LOV 1912-06-14 1).

Notes to Annex 3

1. Procurement for the pursuit of an activity listed above shall not be subject to this Agreement when the activity is directly exposed to competition on markets to which access is not restricted.
2. This Agreement does not cover procurement by entities included in this Annex:
 - a. for the purchase of water and for the supply of energy or of fuels for the production of energy;
 - b. 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;
 - c. 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 that other entities are free to sell or hire it under the same conditions as the procuring entity.

3. This Agreement does not cover procurement:
- a. by a procuring entity from an affiliated undertaking³; or
 - 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 a. to e. of this Annex, from 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.

4. This Agreement does not cover procurement:
- a. by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of paragraphs a. to e. of this Annex, from one of these procuring entities; or
 - b. by a procuring entity from 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.
5. The supply of drinking water or electricity to networks which provide a service to the public by a procuring entity other than a contracting authority shall not be considered as a relevant activity within the meaning of paragraph a. or b. of this Annex where:
- a. the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in paragraphs a. to e. of this Annex; and
 - b. supply to the public network depends only on the entity's own consumption and has not exceeded 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. The following shall not be considered as covered procurement:
- a. procurement by procuring entities operating in the fields of:
 - i. production, transport or distribution of drinking water covered under this Annex;
 - ii. airport facilities covered under this Annex;
 - iii. maritime or inland port or other terminal facilities covered under this Annex; and

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.

- iv. urban railway, tramway, trolley bus or bus services covered under this Annex;
- in regard of goods, services, suppliers and service providers from Canada.
- b. procurement by procuring entities operating in the field of production, transport or distribution of drinking water covered under this Annex in regard of suppliers and service providers from the United States;
 - 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. procurement by procuring entities operating in the field of airport facilities covered under this Annex in regard of suppliers and service providers from the United States and Korea;
 - e. procurement by procuring entities operating in the field of urban railway, tramway, trolley bus or bus services covered under this Annex in regard of suppliers and service providers from the United States;
 - f. procurement by procuring entities operating in the field of urban railway covered under this Annex in regard of suppliers and service providers from Japan;
 - g. procurement by procuring entities operating in the field of bus services covered under this Annex in regard of suppliers and service providers from Israel;

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

- 7. The provisions of Article XVIII shall not apply to suppliers and service providers of:
 - a. Japan, Korea and the United States 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;
 - b. Japan 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 this Party.

ANNEX 4**GOODS**

1. This Agreement covers procurement of all goods, unless otherwise specified in this Agreement.

2. This Agreement covers only the following goods that are described in the Chapters of the CCC (Customs Co-operation Council)/Brussels nomenclature specified below and that are procured by the Ministry of Defence, its subordinated entities and entities in the field of security:

CCC Chapter	Description
1. Chapter 25:	Salt; sulphur; earths and stone; plastering materials, lime and cement;
2. Chapter 26:	Metallic ores, slag and ash;
3. Chapter 27:	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes, except:
a. ex 27.10	special engine fuels.
4. Chapter 28:	Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes, except:
a. ex 28.09	explosives;
b. ex 28.13	explosives;
c. ex 28.14	tear gas;
d. ex 28.28	explosives;
e. ex 28.32	explosives;
f. ex 28.39	explosives;
g. ex 28.50	toxic products;
h. ex 28.51	toxic products;
i. ex 28.54	explosives.
5. Chapter 29:	Organic chemicals, except:
a. ex 29.03	explosives;
b. ex 29.04	explosives;
c. ex 29.07	explosives;
d. ex 29.08	explosives;
e. ex 29.11	explosives;
f. ex 29.12	explosives;
g. ex 29.13	toxic products;
h. ex 29.14	toxic products;
i. ex 29.15	toxic products;
j. ex 29.21	toxic products;
k. ex 29.22	toxic products;
l. ex 29.23	toxic products;
m. ex 29.26	explosives;
n. ex 29.27	toxic products;
o. ex 29.29	explosives.
6. Chapter 30:	Pharmaceutical products;
7. Chapter 31:	Fertilizers;
8. Chapter 32:	Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes, putty, fillers and stoppings, inks;
9. Chapter 33:	Essential oils and resinoids; perfumery, cosmetics and toilet preparations;

CCC Chapter	Description
10. Chapter 34:	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes";
11. Chapter 35:	Albuminoidal substances; glues; enzymes;
12. Chapter 37:	Photographic and cinematographic goods;
13. Chapter 38:	Miscellaneous chemical products, except:
a. ex 38.19	toxic products.
14. Chapter 39:	Artificial resins and plastic materials, cellulose esters and ethers, articles thereof, except:
a. ex 39.03	explosives.
15. Chapter 40:	Rubber, synthetic rubber, factice, and articles thereof, except:
a. ex 40.11	bullet-proof tyres.
16. Chapter 41:	Raw hides and skins (other than fur skins) and leather;
17. Chapter 42:	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut);
18. Chapter 43:	Fur skins and artificial fur; manufactures thereof;
19. Chapter 44:	Wood and articles of wood; wood charcoal;
20. Chapter 45:	Cork and articles of cork;
21. Chapter 46:	Manufactures of straw of esparto and of other plaiting materials; basketware and wickerwork;
22. Chapter 47:	Paper-making material;
23. Chapter 48:	Paper and paperboard; articles of paper pulp, of paper or of paperboard;
24. Chapter 49:	Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans;
25. Chapter 65:	Headgear and parts thereof;
26. Chapter 66:	Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof;
27. Chapter 67:	Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair;
28. Chapter 68:	Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials;
29. Chapter 69:	Ceramic products;
30. Chapter 70:	Glass and glassware;
31. Chapter 71:	Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery;
32. Chapter 73:	Iron and steel and articles thereof;
33. Chapter 74:	Copper and articles thereof;
34. Chapter 75:	Nickel and articles thereof;
35. Chapter 76:	Aluminium and articles thereof;
36. Chapter 77:	Magnesium and beryllium and articles thereof;
37. Chapter 78:	Lead and articles thereof;
38. Chapter 79:	Zinc and articles thereof;
39. Chapter 80:	Tin and articles thereof;

CCC Chapter	Description
40. Chapter 81:	Other base metals employed in metallurgy and articles thereof;
41. Chapter 82:	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof, except:
a. ex 82.05	tools;
b. ex 82.07	tools, parts.
42. Chapter 83:	Miscellaneous articles of base metal;
43. Chapter 84:	Boilers, machinery and mechanical appliances; parts thereof, except:
a. ex 84.06	engines;
b. ex 84.08	other engines;
c. ex 84.45	machinery;
d. ex 84.53	automatic data-processing machines;
e. ex 84.55	parts of machines under heading 84.53;
f. ex 84.59	nuclear reactors.
44. Chapter 85:	Electrical machinery and equipment; parts thereof, except:
a. ex 85.13	telecommunication equipment;
b. ex 85.15	transmission apparatus.
45. Chapter 86:	Railway and tramway locomotives, rolling-stock and parts thereof, except:
a. ex 86.02	armoured locomotives, electric;
b. ex 86.03	other armoured locomotives;
c. ex 86.05	armoured wagons;
d. ex 86.06	repair wagons;
e. ex 86.07	wagons.
46. Chapter 87:	Vehicles, other than railway or tramway rolling-stock, and parts thereof, except:
a. ex 87.01	tractors;
b. ex 87.02	military vehicles;
c. ex 87.03	breakdown lorries;
d. ex 87.08	tanks and other armoured vehicles;
e. ex 87.09	motorcycles;
f. ex 87.14	trailers.
47. Chapter 89:	Ships, boats and floating structures, except:
a. ex 89.01 A	warships.
48. Chapter 90:	Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof, except:
a. ex 90.05	binoculars;
b. ex 90.13	miscellaneous instruments, lasers;
c. ex 90.14	telemeters;
d. ex 90.28	electrical and electronic measuring instruments;
e. ex 90.11	microscopes;
f. ex 90.17	medical instruments;
g. ex 90.18	mechano-therapy appliances;
h. ex 90.19	orthopaedic appliances;
i. ex 90.20	X-ray apparatus.
49. Chapter 91:	Manufacture of watches and clocks;
50. Chapter 92:	Musical instruments; sound recorders or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles;
51. Chapter 94:	Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings, except:
a. ex 94.01 A	aircraft seats.

CCC Chapter	Description
52. Chapter 95:	Articles and manufactures of carving or moulding material;
53. Chapter 96:	Brooms, brushes, powder-puffs and sieves;
54. Chapter 98:	Miscellaneous manufactured articles.

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 with the exceptions specified in the Notes to this Annex:

Description	CPC Prov. Reference No.
1. Maintenance and repair services	6112, 6122, 633, 886
2. Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
3. Air transport services of passengers and freight, except transport of mail	73 (except 7321)
4. Transport of mail by land, except rail, and by air	71235, 7321
5. Telecommunications services	752
6. Financial services	Ex 81, 812, 814
a. Insurance services	
b. Banking and investments services	
7. Computer and related services	84
8. Accounting, auditing and bookkeeping services	862
9. Market research and public opinion polling services	864
10. Management consulting services and related services	865, 866
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	867
12. Advertising services	871
13. Building-cleaning services and property management services	874, 822
14. Publishing and printing services on a fee or contract basis	88442
15. Sewage and refuse disposal; sanitation and similar services	94

Notes to Annex 5

1. Banking and investment services under Financial services on the list above do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, and central bank services.

2. Management consulting services on the list above do not include arbitration and conciliation services.

3. Procurement by procuring entities covered under Annexes 1, 2 and 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.

4. 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.

ANNEX 6

CONSTRUCTION SERVICES

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

All services listed in Division 51.

Note to Annex 6

Procurement by procuring entities covered under Annexes 1, 2 and 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

1. This Agreement does not cover:
 - a. procurement for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
 - b. procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
 2. 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.
 3. This Agreement shall not apply to Svalbard.
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