AGREEMENT ON GOVERNMENT PROCUREMENT

Addendum

Attached is a copy of Canada’s Annexes1 to Appendix I of the Agreement on Government Procurement.

ACCORD RELATIF AUX MARCHES PUBLICS

Addendum

On trouvera ci-joint copie des annexes du Canada1 figurant à l’Appendice I de l’Accord relatif aux marchés publics.

ACUERDO SOBRE COMPRAS DEL SECTOR PÚBLICO

Addendum

Adjuntos figuran los anexos1 del Apéndice I del Acuerdo sobre Compras del Sector Público correspondientes al Canadá.

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

Federal Government Entities

CANADA

Part I: Entity Coverage

Thresholds:  
130,000 SDRs  -  Goods  
130,000 SDRs  -  Services covered in Annex 4  
5,000,000 SDRs  -  Construction covered in Annex 5

1. Department of Agriculture  
2. Department of Communications (not including procurements respecting FSCs 36, 70 and 74)  
3. Department of Consumer and Corporate Affairs  
4. Department of Employment and Immigration  
5. Immigration and Refugee Board  
6. Employment and Immigration Commission  
7. Department of Energy, Mines and Resources  
8. Atomic Energy Control Board  
9. National Energy Board (on its own account)  
10. Department of the Environment  
11. Department of External Affairs  
12. Canadian International Development Agency (on its own account)  
13. Department of Finance  
15. Canadian International Trade Tribunal  
16. Municipal Development and Loan Board  
17. Department of Fisheries and Oceans (not including procurements respecting FSCs 36, 70 and 74)  
18. Department of Forestry  
19. Department of Indian Affairs and Northern Development  
20. Department of Industry, Science and Technology  
21. Science Council of Canada  
22. National Research Council of Canada  
23. Natural Sciences and Engineering Research Council of Canada  
24. Department of Justice  
25. Canadian Human Rights Commission  
26. Statute Revision Commission  
27. Supreme Court of Canada  
28. Department of Labour  
29. Canada Labour Relations Board  
30. Department of National Health and Welfare  
31. Medical Research Council  
32. Department of National Revenue  
33. Department of Public Works  
34. Department of Secretary of State of Canada  
35. Social Science and Humanities Research Council  
36. Office of the Coordinator, Status of Women  
37. Public Service Commission
38. Department of the Solicitor General
39. Correctional Service of Canada
40. National Parole Board
41. Department of Supply and Services (on its own account)
42. Canadian General Standards Board
43. Department of Transport (not including procurements respecting FSCs 36, 70 and 74. For purposes of Article XXIII the national security considerations applicable to the Department of National Defence are equally applicable to the Canadian Coast Guard.)
44. Treasury Board Secretariat and the Office of the Controller General
45. Department of Veterans Affairs
46. Veterans Land Administration
47. Department of Western Economic Diversification (on its own account)
48. Atlantic Canada Opportunities Agency (on its own account)
49. Auditor General of Canada
50. Federal Office of Regional Development (Quebec) (on its own account)
51. Canadian Centre for Management Development
52. Canadian Radio-television and Telecommunications Commission (on its own account)
53. Canadian Sentencing Commission
54. Civil Aviation Tribunal
55. Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario
56. Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance
57. Commissioner for Federal Judicial Affairs
58. Competition Tribunal Registry
59. Copyright Board
60. Emergency Preparedness Canada
61. Federal Court of Canada
62. Grain Transportation Agency (on its own account)
63. Hazardous Materials Information Review Commission
64. Information and Privacy Commissioners
65. Investment Canada
66. Department of Multiculturalism and Citizenship
67. The National Archives of Canada
68. National Farm Products Marketing Council
69. The National Library
70. National Transportation Agency (on its own account)
71. Northern Pipeline Agency (on its own account)
72. Patented Medicine Prices Review Board
73. Petroleum Monitoring Agency
74. Privy Council Office
75. Canadian Intergovernmental Conference Secretariat
76. Commissioner of Official Languages
77. Economic Council of Canada
78. Public Service Staff Relations Board
79. Office of the Secretary to the Governor General
80. Office of the Chief Electoral Officer
81. Federal Provincial Relations Office
82. Procurement Review Board
83. Royal Commission on Electoral Reform and Party Financing
84. Royal Commission on National Passenger Transportation
85. Royal Commission on New Reproductive Technologies
86. Royal Commission on the Future of the Toronto Waterfront
87. Statistics Canada
88. Tax Court of Canada, Registry of the
89. Agricultural Stabilization Board
90. Canadian Aviation Safety Board
91. Canadian Centre for Occupational Health and Safety
92. Canadian Transportation Accident Investigation and Safety Board
93. Director of Soldier Settlement
94. Director, The Veterans' Land Act
95. Fisheries Prices Support Board
96. National Battlefields Commission
97. Royal Canadian Mounted Police
98. Royal Canadian Mounted Police External Review Committee
99. Royal Canadian Mounted Police Public Complaints Commission
100. Department of National Defence

THE FOLLOWING PRODUCTS PURCHASED BY THE DEPARTMENT OF NATIONAL DEFENCE, COAST GUARD AND THE RCMP ARE INCLUDED IN THE COVERAGE OF THIS AGREEMENT SUBJECT TO THE PROVISIONS OF ARTICLE XXIII. (NUMBERS REFER TO THE FEDERAL SUPPLY CLASSIFICATION CODE)

22. Railway Equipment
23. Motor vehicles, trailers and cycles (except buses in 2310, military trucks and trailers in 2320 and 2330 and tracked combat, assault and tactical vehicles in 2350)
24. Tractors
25. Vehicular equipment components
26. Tires and tubes
29. Engine accessories
30. Mechanical power transmission equipment
32. Woodworking machinery and equipment
34. Metal working equipment
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 and air conditioning equipment
42. Fire fighting, rescue and safety equipment (except 4220 Marine Life-saving and diving equipment, 4230 Decontaminating and impregnating equipment)
43. Pumps and compressors
44. Furnace, steam plant, drying equipment and nuclear reactors
45. Plumbing, heating and sanitation equipment
46. Water purification and sewage treatment equipment
47. Pipe, tubing, hose and fittings
48. Valves
49. Maintenance and repair shop equipment
52. Measuring tools
53. Hardware and abrasives
54. Prefabricated structures and scaffolding
55. Lumber, millwork, plywood and veneer
56. Construction and building materials
61. Electric wire and power and distribution equipment
62. Lighting fixtures and lamps
63. Alarm and signal systems
65. Medical, dental and veterinary equipment and supplies
66. Instruments and laboratory equipment (except 6615: Automatic pilot mechanisms and airborne Gyro components 6665: Hazard-detecting instruments and apparatus)
67. Photographic equipment
68. Chemicals and chemical products
69. Training aids and devices
70. General purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations)
71. Furniture
72. Household and commercial furnishings and appliances
73. Food preparation and serving equipment
74. Office machines, visible record equipment and automatic data processing equipment
75. Office supplies and devices
76. Books, maps and other publications - (except 7650 drawings and specifications)
77. Musical instruments, phonographs and home-type radios
78. Recreational and athletic equipment
79. Cleaning equipment and supplies
80. Brushes, paints, sealers and adhesives
81. Containers, packaging and packing supplies
85. Toiletries
87. Agricultural supplies
88. Live animals
93. Non-metallic fabricated materials
94. Non-metallic crude materials
96. Ores, minerals and their primary products
99. Miscellaneous

NOTE:
The General Notes apply to this Annex.
ANNEX 2
Sub-Central Government Entities

CANADA

Thresholds:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goods</td>
<td>355,000 SDRs</td>
</tr>
<tr>
<td>Services to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.</td>
<td>355,000 SDRs</td>
</tr>
<tr>
<td>Construction Services to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.</td>
<td>5,000,000 SDRs</td>
</tr>
</tbody>
</table>

List of Entities:

The Canadian Government offers to cover entities in all ten provinces on the basis of commitments obtained from provincial governments. The initial provincial entities list will be specified on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.

Exceptions for All Provinces

Steel, Motor Vehicles and Coal

Province-specific Exceptions

In addition, a limited number of individual provincial exceptions may be specified at a later date in accordance with commitments received from such provinces.

NOTES:

1. Nothing in this offer shall be construed to prevent any provincial entity from applying restrictions that promote the general environmental quality in that province, as long as such restrictions are not disguised barriers to international trade.

2. This offer shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.

3. The General Notes apply to this Annex.
ANNEX 3

Government Enterprises

CANADA

Thresholds:  
355,000 SDRs - Goods  
355,000 SDRs - Services covered in Annex 4  
5,000,000 SDRs - Construction covered in Annex 5

Federal Enterprises

1. Canada Post Corporation  
2. National Capital Commission  
3. St. Lawrence Seaway Authority (For greater certainty, Article XIX:4 applies to procurements by St. Lawrence Seaway Authority respecting the protection of the commercial confidentiality of information provided.)  
4. Royal Canadian Mint (not including procurement by or on behalf of the Royal Canadian Mint of direct inputs for use in minting anything other than Canadian legal tender. For greater certainty, Article XIX:4 applies to procurements by the Royal Canadian Mint respecting the protection of the commercial confidentiality of information provided.)  
5. Canadian Museum of Civilization  
6. Canadian Museum of Nature  
7. National Gallery of Canada  
8. National Museum of Science and Technology  

Sub-central Enterprises

Coverage of Sub-central Enterprises for Goods, Services and Construction Services is to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement.

NOTE:

The General Notes apply to this Annex.
ANNEX 4

Services

CANADA

Part II: Services Coverage

Canada offers to include in this "Services" Annex Federal entities listed under Annex 1 and Federal enterprises listed under Annex 3. The inclusion of "Services" for sub-central entities under Annex 2 and sub-central enterprises under Annex 3 are to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new Government Procurement Agreement. With respect to the terms of this Agreement, those services to be included are as identified within the document MTN.GNS/W/120. Domestically, Canada will be utilizing the "Common Classification System" for purposes of implementing this Agreement. This list of services may be revised following further technical work among the Parties and adjustments, as appropriate, to establish equitable coverage.

Canada offers to cover the following services with respect to the CPC services classification system:

861 Legal Services (advisory services on foreign and international law only)
862 Accounting, auditing and book-keeping services
863 Taxation Services (excluding legal services)
8671 Architectural services
8672 Engineering services
8673 Integrated engineering services (excluding 86731 Integrated engineering services for transportation infrastructure turnkey projects)
8674 Urban planning and landscape architectural services
841 Consultancy services related to the installation of computer hardware
842 Software implementation services, including systems and software consulting services, systems analysis, design, programming and maintenance services
843 Data processing services, including processing, tabulation and facilities management services
844 Data base services
845 Maintenance and repair services of office machinery and equipment including computers
849 Other computer services
821 Real estate services involving own or leased property
822 Real estate services on a fee or contract basis
83106 to 83109 only Leasing or rental services concerning machinery and equipment without operator
83203 to 83209 only Leasing or rental services concerning personal and household goods
86501 General management consulting services
86503 Marketing management consulting services
86504 Human resources management consulting services
86505 Production management consulting services
8660 Services related to management consulting (except 86602 Arbitration and conciliation services)
8676 Technical testing and analysis services including quality control and inspection (except with reference to FSC 58 and transportation equipment)
8814 Services incidental to forestry and logging, including forest management
883 Services incidental to mining, including drilling and field services
633 Repair services of personal and household goods
8861 to 8864, and 8866 Repair services incidental to metal products, machinery and equipment
874 Building-cleaning services
876 Packaging services
7512 Commercial courier services (including multi-modal)
7523 Electronic mail
7523 Voice mail
7523 On-line information and data base retrieval
7523 Electronic data interchange (EDI)
7523 Enhanced/value-added facsimile services, including store and forward, store and retrieve
Code and protocol conversion

843  On-line information and/or data processing (including transaction processing)

940  Sewage and refuse disposal, sanitation and similar services

641  Hotel and similar accommodation services

642/3 Food and beverage serving services

7471 Travel agency and tour operator services
NOTES:

1. The General Notes apply to this Annex.

2. This offer is subject to the terms and conditions set out in the Canadian offer on trade in services.

3. Canada's offer in telecommunications is limited to enhanced or value added services for the supply of which the underlying telecommunications facilities are leased from providers of public telecommunications transport networks.

4. The Canadian offer does not include the following:
   * management and operation contracts of certain government or privately-owned facilities used for government purposes, including federally-funded research and development;
   * coin minting;
   * public utilities;
   * architectural and engineering related to airfield, communications and missile facilities;
   * shipbuilding and repair and related architectural and engineering services;
   * all services, with reference to those goods purchased by the Department of National Defence, the Royal Canadian Mounted Police and the Canadian Coast Guard which are not identified as subject to coverage by this agreement;
   * services procured in support of military forces located overseas;
   * printing and publishing services; and,
   * procurement of transportation services that form a part of, or are incidental to, a procurement contract.
ANNEX 5

Construction Services

CANADA

Canada offers to include in this "Construction Services" Annex, Federal entities listed under Annex 1 and Federal enterprises listed under Annex 3. The inclusion of "Construction Services" for sub-central entities under Annex 2 and sub-central enterprises under Annex 3 are to be specified initially on or before 15 April 1994 with the final list to be provided within eighteen months after the conclusion of the new government procurement agreement.

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.

List of contracts for services which are subject to the obligations of this Agreement, except as otherwise provided:

- All services contained in Division 51 CPC.

NOTES:

1. Notwithstanding anything in this Agreement, this Agreement does not apply to procurements in respect of:

   (a) Dredging; and

   (b) Construction contracts tendered on behalf of the Departments of Transport.

2. The General Notes apply to this Annex.
1. Notwithstanding anything in these Annexes, the Agreement does not apply to procurements in respect of:

   (a) shipbuilding and repair;

   (b) urban rail and urban transportation equipment, systems, components and materials incorporated therein as well as all project related materials of iron or steel;

   (c) contracts respecting FSC 58 (communications, detection and coherent radiation equipment);

   (d) set-asides for small and minority businesses;

   (e) agricultural products made in furtherance of agricultural support programs or human feeding programs;

   (f) national security exemptions include oil purchases related to any strategic reserve requirements; and,

   (g) national security exceptions including procurements made in support of safeguarding nuclear materials or technology.

2. Procurement in terms of Canadian coverage is defined as contractual transactions to acquire property or services for the direct benefit or use of the government. The procurement process is the process that begins after an entity has decided on its requirement and continues through to and including contract award. It does not include non-contractual agreements or any form of government assistance, including but not limited to, cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and government provision of goods and services, given to individuals, firms, private institutions, and sub-central governments. It does not include procurements made with a view to commercial resale or made by one entity or enterprise from another entity or enterprise of Canada.

3. Any exclusion that is related either specifically or generally to Federal or sub-central entities or enterprises in Annex 1, Annex 2 or Annex 3 will also apply to any successor entity or entities, enterprise or enterprises, in such a manner as to maintain the value of this offer.

4. Until such time as there is a mutually agreed list of services to be covered by all Parties, a service listed in Annex 4 is covered with respect to a particular Party only to the extent that such Party has provided reciprocal access to that service.

5. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that contract.

6. The offer by Canada, with respect to goods and services (including construction) in Annexes 2 and 3, is subject to negotiation of mutually acceptable commitments (including thresholds) with
other Parties, with initial commitments to be specified on or before 15 April 1994 and specific commitments to be confirmed within eighteen months after the conclusion of the new Government Procurement Agreement.

7. The Agreement shall not apply to contracts under an international agreement and intended for the joint implementation or exploitation of a project.

8. For the European Union, Canada’s offer excludes procurements of FSC 70, 74 and 36 until such time as reciprocal access is provided.

9. For the European Union, this Agreement shall not apply to contracts awarded by entities in Annexes 1 and 2 in connection with activities in the field of drinking water, energy, transport or telecommunications.