Annex 13

Referred to in Chapter 17 (Government Procurement)

GOVERNMENT PROCUREMENT

PART 1

LIST OF AUSTRALIA

Section 1

Central Government Entities

**Thresholds**

Unless otherwise specified, Chapter 17 (Government Procurement) covers procurement by entities listed in this Section, subject to the following thresholds:

(a) for procurement of goods and services, 130,000 SDR; and

(b) for procurement of construction services, 5,000,000 SDR.

**Procuring Entities**

Administrative Appeals Tribunal

Attorney-General’s Department

Australian Aged Care Quality Agency

Australian Bureau of Statistics

Australian Centre for International Agricultural Research

Australian Crime Commission

Australian Customs and Border Protection Service

Australian Electoral Commission

Australian Federal Police

Australian Institute of Criminology

Australian Law Reform Commission

Australian National Audit Office

Australian Office of Financial Management (AOFM)

Australian Public Service Commission

Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)

Australian Research Council

Australian Taxation Office

Australian Trade Commission (Austrade)

Australian Transaction Reports and Analysis Centre (AUSTRAC)

Bureau of Meteorology

Commonwealth Grants Commission

ComSuper

CrimTrac Agency

Defence Materiel Organisation

Department of Agriculture

Department of Communications

Department of Defence

Department of Education

Department of Employment

Department of Environment

Department of Finance

Department of Foreign Affairs and Trade

Department of Health

Department of Human Services

Department of Immigration and Border Protection

Department of Industry

Department of Infrastructure and Regional Development

Department of Parliamentary Services

Department of Social Services

Department of the House of Representatives

Department of the Prime Minister and Cabinet

Department of the Senate

Department of the Treasury

Department of Veterans’ Affairs

Fair Work Commission

Family Court and Federal Circuit Court

Federal Court of Australia

Geoscience Australia

Inspector-General of Taxation

IP Australia

Migration Review Tribunal and Refugee Review Tribunal

National Archives of Australia

National Blood Authority

National Capital Authority

National Competition Council

Office of Parliamentary Counsel

Office of the Australian Accounting Standards Board

Office of the Australian Information Commissioner

Office of the Commonwealth Ombudsman

Office of the Director of Public Prosecutions

Office of the Fair Work Ombudsman

Office of the Inspector-General of Intelligence and Security

Office of the Official Secretary to the Governor-General

Productivity Commission

Professional Services Review Scheme

Royal Australian Mint

Safe Work Australia

Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)

Workplace Gender Equality Agency

**Notes to Section 1**

1. Chapter 17 (Government Procurement) covers only those entities specifically listed in this Schedule.

2. Chapter 17 (Government Procurement) does not cover the procurement of motor vehicles by any entity listed in this Section.

3. Department of Defence and Defence Materiel Organisation

(a) Chapter 17 (Government Procurement) does not cover Department of Defence and Defence Materiel Organisation procurement of the following goods due to paragraph 1 of Article 17.20 (Government Procurement – Exceptions):

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| |  |  | | --- | --- | |  | Approximately equivalent to: | |  |  | | Weapons | FSC 10 | | Fire Control Equipment | FSC 12 | | Ammunition and Explosives | FSC 13 | | Guided Missiles | FSC 14 | | Aircraft and Airframe Structural Components | FSC 15 | | Aircraft Components and Accessories | FSC 16 | | Aircraft Launching, Landing, and Ground Handling Equipment | FSC 17 | | Space Vehicles | FSC 18 | | Ships, Small Craft, Pontoons and Floating Docks | FSC 19 | | Ship and Marine Equipment | FSC 20 | | Ground Effect Vehicles, Motor Vehicles, Trailers, and Cycles | FSC 23 | | Engines, Turbines, and Components | FSC 28 | | Engines Accessories | FSC 29 | | Bearings | FSC 31 | | Water Purification and Sewage Treatment Equipment | FSC 46 | | Valves | FSC 48 | | Maintenance and Repair Shop Equipment | FSC 49 | | Prefabricated Structures and Scaffolding | FSC 54 | | Communication, Detection, and Coherent Radiation Equipment | FSC 58 | | Electrical and Electronic Equipment Components | FSC 59 | | Fiber Optics Materials, Components, Assemblies, and Accessories | FSC 60 | | Electric Wire, and Power and Distribution Equipment | FSC 61 | | Alarm, Signal and Security Detection Systems | FSC 63 | | Instruments and Laboratory Equipment | FSC 66 | | Specialty Metals | No Code | |

Note: Whether a good is included within the scope of this Note shall be determined solely according to the descriptions provided in the left column above. U.S. Federal Supply Codes are provided for reference purposes only. (For a complete listing of the United States Federal Supply Codes, to which the Australian categories are approximately equivalent, see http://www.fbo.gov).

(b) for Australia, Chapter 17 (Government Procurement) does not cover the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120, due to paragraph 1 of Article 17.20 (Government Procurement – Exceptions). (For a complete listing of Common Classification System, see: <http://www.sice.oas.org/trade/nafta/chap-105.asp>).

(i) design, development, integration, test, evaluation, maintenance, repair, modification, rebuilding and installation of military systems and equipment (approximately equivalent to relevant parts of U.S. Product Service Codes A & J);

(ii) operation of Government-owned Facilities (approximately equivalent to U.S. Product Service Code M);

(iii) space services (AR, B4 & V3); and

(iv) services in support of military forces overseas.

(c) Chapter 17 (Government Procurement) does not cover the procurement of goods and services by, or on behalf of, the Australian Signals Directorate, the Defence Imagery and Geospatial Organisation, or the Defence Intelligence Organisation.

(d) in respect of Article 17.3 (Government Procurement - National Treatment and Non-Discrimination) the Australian Government reserves the right, pursuant to paragraph 1 of Article 17.20 (Government Procurement – Exceptions), to maintain the Australian industry capability program and its successor programs and policies.

Section 2

Sub-Central Government Entities

**Thresholds**

Unless otherwise specified, Chapter 17 (Government Procurement) covers procurement by entities listed in this Section, subject to the following thresholds:

(a) for procurement of goods and services, 355,000 SDR; and

(b) for procurement of construction services, 5,000,000 SDR.

**Procuring Entities and Notes to Section 2**

Chapter 17 (Government Procurement) covers only those entities specifically listed in this Schedule.

**Australian Capital Territory**

ACT Gambling and Racing Commission

ACT Insurance Authority

ACTION

ACT Auditor-General

Chief Minister and Treasury Directorate

Commerce and Works Directorate

Community Services Directorate

Cultural Facilities Corporation

Economic Development Directorate

Education and Training Directorate

Environment and Sustainable Development Directorate

Health Directorate

Housing ACT

Independent Competition and Regulatory Commission

Justice and Community Safety Directorate

Legal Aid Commission

Ombudsman of the ACT

Territory and Municipal Services Directorate

**Notes to Section 2**

1. For the entities listed for the Australian Capital Territory, Chapter 17 (Government Procurement) does not cover the procurement of health and welfare services, education services, utility services, or motor vehicles.

**New South Wales**

Commission for Children and Young People

Community Relations Commission

Department of Attorney General and Justice

Department of Education and Communities

Department of Family and Community Services

Department of Finance and Services

Department of Planning and Infrastructure

Department of Premier and Cabinet

Department of Trade and Investment, Regional Infrastructure and Services

Fire and Rescue NSW

Health Care Complaints Commission

Information and Privacy Commission (for the Information and Privacy Commission, Chapter 17 (Government Procurement) does not cover procurement related to the functions of the Privacy Commission)

Legal Aid NSW

Ministry for Police and Emergency Services

Ministry of Health

Motor Accidents Authority of NSW

New South Wales Crime Commission

New South Wales Electoral Commission

New South Wales Ombudsman

New South Wales Rural Fire Service

NSW Food Authority

NSW Rural Assistance Authority

Office of the Board of Studies

Office of the Director of Public Prosecutions NSW

Office of the Environment Protection Authority

Police Integrity Commission

Public Service Commission

State Emergency Service

Sydney Harbour Foreshore Authority

Sydney Olympic Park Authority

Transport for NSW (for Transport for NSW, Chapter 17 (Government Procurement) does not cover procurement related to the functions of The Transport Construction Authority, and The Country Rail Infrastructure Authority)

The Audit Office of New South Wales

The Treasury

WorkCover NSW

**Notes to Section 2**

1. For the entities listed for New South Wales, Chapter 17 (Government Procurement) does not cover the procurement of health and welfare services, education services, or motor vehicles.

2. For the entities listed for New South Wales, Chapter 17 (Government Procurement) does not apply to procurements undertaken by a covered entity on behalf of a non-covered entity.

**Northern Territory**

Aboriginal Areas Protection Authority

Auditor-General’s Office

Central Australian Hospital Network

Department of Arts and Museums

Department of the Attorney-General and Justice

Department of Business

Department of Correctional Services

Department of Health

Department of Housing

Department of Land Resource Management

Department of Lands, Planning and the Environment

Department of Local Government

Department of Mines and Energy

Department of Primary Industry and Fisheries

Department of Regional Development and Women’s Policy

Department of Sport and Recreation

Department of Treasury and Finance

Department of the Chief Minister

Department of the Legislative Assembly

Health and Community Services Complaints Commission

Land Development Corporation

Museum and Art Galleries Board

Northern Territory Electoral Commission

Northern Territory Emergency Service

Northern Territory Employment and Training Authority

Northern Territory Fire and Rescue Service

Northern Territory Licensing Commission

Office of the Commissioner for Public Employment

Ombudsman’s Office

Parks and Wildlife Commission of the Northern Territory

Police Force of the Northern Territory

Racing Commission

Remuneration Tribunal

Strehlow Research Centre Board

Top End Hospital Network

Tourism NT

Utilities Commission of the Northern Territory

Work Health Authority

**Notes to Section 2**

1. For the entities listed for the Northern Territory, Chapter 17 (Government Procurement) does not cover set-asides on behalf of the Charles Darwin University pursuant to Partnership Agreements between the Northern Territory Government and Charles Darwin University.

**Queensland**

Entities declared to be departments pursuant to section 14 of the *Public Service Act 2008* (Qld)

Motor Accident Insurance Commission

Nominal Defendant

Public Service Commission

Public Trust Office

**Notes to Section 2**

1. For the entities listed for Queensland, Chapter 17 (Government Procurement) does not apply to procurements by covered entities on behalf of non-covered entities.

2. For the entities listed for Queensland, Chapter 17 (Government Procurement) does not apply to procurements undertaken by departments, or parts of departments, which deliver health, education, training and/or arts services.

3. For the entities listed for Queensland, Chapter 17 (Government Procurement) does not cover the procurement of health services, education services, training services, arts services, welfare services, government advertising and motor vehicles.

**South Australia**

Aboriginal Affairs and Reconciliation Division

Arts SA

Attorney-General’s Department

Auditor-General’s Department

Country Fire Service

Courts Administration Authority

Defence SA

Department for Communities and Social Inclusion

Department for Correctional Services

Department of Education and Child Development

Department of Environment, Water and Natural Resources

Department of Further Education, Employment, Science and Technology

Department of Health and Ageing

Department for Manufacturing, Innovation, Trade, Resources and Energy

Department of Planning, Transport and Infrastructure

Department of Primary Industries and Regions of South Australia

Department of the Premier and Cabinet

Department of Treasury and Finance

Electoral Commission SA

Environment Protection Authority

Independent Gambling Authority

Legal Services Commission

Office for State / Local Government Relations

Parliament of South Australia

South Australian Fire and Emergency Services Commission

South Australian Metropolitan Fire Services

South Australia Police

South Australian Tourism Commission

State Emergency Services

State Procurement Board

TAFE SA

**Notes to Section 2**

1. For the entities listed for South Australia, Chapter 17 (Government Procurement) does not cover the procurement of health and welfare services, education services, advertising services, or motor vehicles.

**Tasmania**

Department of Economic Development, Tourism and the Arts

Department of Education

Department of Health and Human Services

Department of Infrastructure, Energy and Resources

Department of Justice

Department of Police and Emergency Management

Department of Premier and Cabinet

Department of Primary Industries, Parks, Water and Environment

Department of Treasury and Finance

House of Assembly

Legislative Council

Legislature-General

Office of the Director of Public Prosecutions

Office of the Governor

Office of the Ombudsman

Tasmanian Audit Office

Tasmanian Health Organisation – North

Tasmanian Health Organisation – North West

Tasmanian Health Organisation – South

**Notes to Section 2**

1. For the entities listed for Tasmania, Chapter 17 (Government Procurement) does not cover the procurement of health and welfare services, education services, or advertising services.

**Victoria**

Commissioner for Environmental Sustainability

Department of Education, Early Childhood and Development

Department of Environment and Primary Industries

Department of Health

Department of Human Services

Department of Justice

Department of Premier and Cabinet

Department of State Development, Business and Innovation

Department of Transport, Planning and Local Infrastructure

Department of Treasury and Finance

Independent Broad-based Anti-corruption Commission

Office of the Chief Commissioner of Police (Victoria Police)

Office of the Commission for Children and Young People

Office of the Essential Services Commission

Office of the Fire Services Levy Monitor

Office of the Legal Services Commissioner

Office of the Ombudsman

Office of the Privacy Commissioner

Office of Public Prosecutions

Office of the Road Safety Camera Commissioner

Office of the Taxi Service Commission

Office of the Victorian Commission for Gambling and Liquor Regulation

Office of the Victorian Responsible Gambling Foundation

State Services Authority

Victorian Auditor-General’s Office

Victorian Electoral Commission

Victorian Equal Opportunity and Human Rights Commission

Victorian Inspectorate

**Notes to Section 2**

1. For the entities listed for Victoria, Chapter 17 (Government Procurement) does not cover the procurement of motor vehicles.

2. For the entities listed for Victoria, Chapter 17 (Government Procurement) does not apply to procurements by covered entities on behalf of non-covered entities.

**Western Australia**

Botanic Gardens and Parks Authority

Corruption and Crime Commission (Western Australia)

Country High Schools Hostels Authority

Department of Agriculture and Food

Department for Child Protection

Department for Communities

Department of Commerce

Department of Corrective Services

Department of Culture and the Arts

Department of Education

Department of Education Services

Department of Environment and Conservation

Department of Fire and Emergency Services

Department of Finance

Department of Fisheries

Department of Health

Department of Housing

Department of Indigenous Affairs

Department of Local Government

Department of Mines and Petroleum

Department of Planning

Department of Racing, Gaming and Liquor

Department of Regional Development and Lands

Department of Sport and Recreation

Department of State Development

Department of Training and Workforce Development

Department of Treasury

Department of Water

Department of the Attorney General

Department of the Premier and Cabinet

Department of the Registrar Western Australian Industrial Relations Commission

Disability Services Commission

Equal Opportunity Commission

Gascoyne Development Commission

Goldfields Esperance Development Commission

Governor’s Establishment

Great Southern Development Commission

Heritage Council of Western Australia

Kimberley Development Commission

Law Reform Commission of Western Australia

Legislative Assembly

Legislative Council

Main Roads Western Australia

Mid West Development Commission

Minerals and Energy Research Institute of Western Australia

National Trust of Australia (WA)

Office of the Auditor General

Office of the Director of Public Prosecutions

Office of the Information Commissioner

Office of the Inspector of Custodial Services

Office of the Parliamentary Commissioner for Administrative Investigations

Parliamentary Services Department

Peel Development Commission

Pilbara Development Commission

Public Sector Commission

Public Transport Authority

Rottnest Island Authority

Rural Business Development Corporation

Salaries and Allowances Tribunal

School Curriculum and Standards Authority

Small Business Development Corporation

South West Development Commission

State Library of Western Australia

Swan River Trust

Western Australia Police

Western Australian Electoral Commission

Western Australian Land Information Authority (Landgate)

Western Australian Planning Commission

Western Australian Sports Centre Trust (trading as VenuesWest)

Western Australian Tourism Commission

Wheatbelt Development Commission

Zoological Parks Authority

Section 3

Other Covered Entities

**Thresholds**

Unless otherwise specified, Chapter 17 (Government Procurement) covers procurement by entities listed in this Section, subject to the following thresholds:

(a) for procurement of goods and services, 450,000 SDR; and

(b) for procurement of construction services, 5,000,000 SDR.

**Procuring Entities**

Australian Communications and Media Authority

Australian Competition and Consumer Commission

Australian Financial Security Authority

Australian Fisheries Management Authority

Australian Human Rights Commission

Australian Institute of Health and Welfare

Australian Institute of Marine Science

Australian Maritime Safety Authority

Australian National Maritime Museum

Australian Nuclear Science and Technology Organisation

Australian Pesticides and Veterinary Medicines Authority

Australian Prudential Regulation Authority

Australian Securities and Investments Commission

Australian War Memorial

Comcare

Commonwealth Scientific and Industrial Research Organisation

Corporations and Markets Advisory Committee

Export Finance and Insurance Corporation

Grains Research and Development Corporation

Great Barrier Reef Marine Park Authority

National Gallery of Australia

National Museum of Australia

Reserve Bank of Australia

Sydney Harbour Federation Trust

The Director of National Parks

Tourism Australia

**Notes to Section 3**

1. For the entities listed in this Section, Chapter 17 (Government Procurement) covers only those entities listed in this Schedule.

2. For the entities listed in this Section, Chapter 17 (Government Procurement) does not cover the procurement of motor vehicles.

3. Chapter 17 (Government Procurement) does not cover procurement of telecommunications services by the Australian War Memorial.

Section 4

Goods

1. Chapter 17 (Government Procurement) applies to all goods procured by the entities listed in Sections 1 through 3, unless otherwise specified in Chapter 17 (Government Procurement), including Part 1 of this Annex.

2. Chapter 17 (Government Procurement) does not cover the procurement of blood and blood-related products, including plasma derived products.

Section 5

Services

1. Chapter 17 (Government Procurement) applies to all services procured by the entities listed in Sections 1 through 3, unless otherwise specified in Chapter 17 (Government Procurement), including Part 1 of this Annex.

2. Chapter 17 (Government Procurement) does not cover the procurement of:

(a) plasma fractionation services;

(b) government advertising services;

(c) health and welfare services;

(d) legal services;

(e) telecommunications;

(f) education services;

(g) financial services; and

(h) transport services.

Section 6

Construction Services

1. Chapter 17 (Government Procurement) applies to all construction services procured by the entities listed in Sections 1 through 3, unless otherwise specified in Chapter 17 (Government Procurement), including Part 1 of this Annex.

2. For the purposes of Article 17.9 (Government Procurement - Conditions for Participation) Australia requires, as a condition for participation in procurement of building and construction services, compliance with the National Code of Practice for the Construction Industry and related implementation guidelines at the central and sub-central government levels, and their successor policies and guidelines. In this respect Australia shall accord to the goods, services and suppliers of Japan, treatment no less favourable than the treatment it accords to its domestic goods, services and suppliers.

Section 7

General Notes

1. Unless otherwise specified herein, the following General Notes apply without exception to Chapter 17 (Government Procurement), including to all Sections of Part 1 of this Annex.

2. Chapter 17 (Government Procurement) does not apply to:

(a) any form of preference to benefit small and medium enterprises;

(b) measures to protect national treasures of artistic, historic, or archaeological value;

(c) measures for the health and welfare of Indigenous people;

(d) measures for the economic and social advancement of Indigenous people; and

(e) procurement of financial advisory and asset management services pertaining to reserves held, including for the purposes of funding retirement benefits, by any entity listed in Part 1 of this Annex.

Section 8

Value of Thresholds

1. The value of the thresholds set out in Sections 1 through 3 shall be adjusted at two-year intervals with each adjustment taking effect in January, beginning January 2016.

2. Australia shall calculate and convert the value of the thresholds into Australian Dollars using the conversion rates published by the International Monetary Fund in its monthly “International Financial Statistics”. Except where paragraph 3 applies, the conversion rates will be the average of the daily values of the Australian Dollar in terms of the Special Drawing Rights (SDR) over the two-year period preceding 1 October or 1 November of the year before the thresholds are to take effect.

3. In respect of thresholds for sub-central entities, Australia may set its thresholds to align with thresholds that apply to equivalent categories of procurement listed in Section 2 of Annex 15-A of the Australia-United States Free Trade Agreement, expressed in Australian Dollars.

4. Calculations for thresholds covered by this Part may be rounded to the nearest thousand Australian Dollars.

5. Australia shall notify Japan of the applicable value of thresholds in Australian Dollars and the period of its validity upon the entry into force of this Agreement and shall thereafter notify the value of the newly calculated thresholds in Australian Dollars in a timely manner.

6. The Parties shall consult if a major change in a national currency relative to the SDR or to the national currency of the other Party were to create a significant problem with regard to the application of Chapter 17 (Government Procurement).

PART 2

LIST OF JAPAN

Section 1

Central Government Entities

1. Goods

(a) threshold: 100,000 SDR

(b) procuring entities: all entities covered by the Accounts Law (Law No. 35 of 1947) as follows:

House of Representatives

House of Councillors

Supreme Court

Board of Audit

Cabinet

Reconstruction Agency

National Personnel Authority

Cabinet Office

Imperial Household Agency

National Public Safety Commission (National Police Agency)

Financial Services Agency

Consumer Affairs Agency

Ministry of Internal Affairs and Communications

Ministry of Justice

Ministry of Foreign Affairs

Ministry of Finance

Ministry of Education, Culture, Sports, Science and Technology

Ministry of Health, Labour and Welfare

Ministry of Agriculture, Forestry and Fisheries

Ministry of Economy, Trade and Industry

Ministry of Land, Infrastructure, Transport and Tourism

Ministry of Environment

Ministry of Defense

2. Services

(a) threshold:

(i) construction services: 4,500,000 SDR

(ii) architectural, engineering and other technical services covered by Chapter 17 (Government Procurement): 450,000 SDR

(iii) other services: 100,000 SDR

(b) procuring entities: procuring entities set out in paragraph 1

Notes to Section 1:

1. The procuring entities set out in this Section include all their internal sub-divisions, independent organs, attached organisations and other organisations and local branch offices provided for in the National Government Organization Law (Law No. 120 of 1948) and the Law establishing the Cabinet Office (Law No. 89 of 1999).

2. Chapter 17 (Government Procurement) 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.

Section 2

Sub-Central Government Entities

1. Goods

(a) threshold: 200,000 SDR

(b) procuring entities: all prefectural governments entitled “To”, “Do”, “Fu” and “Ken”, and all designated cities entitled “Shitei-toshi”, covered by the Local Autonomy Law (Law No. 67 of 1947) as follows:

Hokkaido

Aomori-ken

Iwate-ken

Miyagi-ken

Akita-ken

Yamagata-ken

Fukushima-ken

Ibaraki-ken

Tochigi-ken

Gunma-ken

Saitama-ken

Chiba-ken

Tokyo-to

Kanagawa-ken

Niigata-ken

Toyama-ken

Ishikawa-ken

Fukui-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

Fukuoka-ken

Saga-ken

Nagasaki-ken

Kumamoto-ken

Oita-ken

Miyazaki-ken

Kagoshima-ken

Okinawa-ken

Osaka-shi

Nagoya-shi

Kyoto-shi

Yokohama-shi

Kobe-shi

Kitakyushu-shi

Sapporo-shi

Kawasaki-shi

Fukuoka-shi

Hiroshima-shi

Sendai-shi

Chiba-shi

2. Services

(a) threshold:

(i) construction services: 15,000,000 SDR

(ii) architectural, engineering and other technical services covered by Chapter 17 (Government Procurement): 1,500,000 SDR

(iii) other services: 200,000 SDR

(b) procuring entities: procuring entities set out in paragraph 1

Notes to Section 2:

1. The procuring entities set out in this Section include all internal sub-divisions, attached organisations and branch offices of their governors or mayors, committees and other organisations provided for in the Local Autonomy Law.

2. Chapter 17 (Government Procurement) 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.

3. Chapter 17 (Government Procurement) shall not apply to contracts which the procuring 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 Chapter 17 (Government Procurement).

4. Procurement related to operational safety of transportation is not included.

5. Procurement related to the production, transport or distribution of electricity is not included.

Section 3

All Other Entities

1. Goods

(a) threshold: 130,000 SDR

(b) procuring entities:

(i) Group A

Japan Water Agency

Japan Railway Construction, Transport and

Technology Agency (a)(d)(e)

Narita International Airport Corporation

East Nippon Expressway Company Limited

Central Nippon Expressway Company Limited

West Nippon Expressway Company Limited

Metropolitan Expressway Company Limited

Hanshin Expressway Company Limited

Honshu-Shikoku Bridge Expressway Company Limited

Japan Expressway Holding and Debt Repayment Agency

Urban Renaissance Agency

Japan Science and Technology Agency

Japan Atomic Energy Agency (b)

Japan Environmental Safety Corporation

Japan International Cooperation Agency

Welfare and Medical Service Agency

Government Pension Investment Fund

Agriculture and Livestock Industries Corporation

Japan Oil, Gas and Metals National Corporation (c)

Organization for Small & Medium

Enterprises and Regional Innovation, JAPAN

Japan Post Holdings Company Limited

Japan Post Company Limited

Japan Post Bank Company Limited

Japan Post Insurance Company Limited

Management Organization for Postal Savings and Postal Life Insurance

Japan Labour Health and Welfare Organization

Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers

Okinawa Development Finance Corporation

Japan Finance Corporation

Japan Bank for International Cooperation

Japan Housing Finance Agency

Japan Finance Organization for Municipalities

Development Bank of Japan Inc.

Tokyo Metro Co., Ltd. (a)

Northern Territories Issue Association

National Consumer Affairs Center of Japan

RIKEN (b)

Environmental Restoration and Conservation Agency

Fund for the Promotion and Development of the Amami Islands

Japan Foundation

Japan Student Services Organization

Japan Arts Council

Japan Society for the Promotion of Science

The Open University of Japan Foundation

Japan Sport Council

Health Insurance Claims Review & Reimbursement Services

National Center for Persons with Severe

Intellectual Disabilities, Nozominosono

Japan Racing Association

Mutual Aid Association of Agriculture,

Forestry and Fishery Corporation Personnel

The National Association of Racing

Farmers’ Pension Fund

JKA

Japan External Trade Organization

New Energy and Industrial Technology Development Organization

Japan Alcohol Corporation

Japan National Tourism Organization

The Japan Institute for Labour Policy and Training

The Promotion and Mutual Aid Corporation for Private Schools of Japan

Organization for Workers’ Retirement Allowance Mutual Aid

(ii) Group B

National Archives of Japan

National Institute of Information and Communications Technology

National Research Institute of Brewing

National Center for University Entrance Examinations

National Institute of Special Needs Education

National Institution for Youth Education

National Women’s Education Center

National Museum of Nature and Science

National Institute for Materials Science

National Research Institute for Earth Science and Disaster Prevention

National Institute of Radiological Sciences

National Museum of Art

National Institutes for Cultural Heritage

National Center for Teachers’ Development

National Institute of Health and Nutrition

National Institute of Occupational Safety and Health

Food and Agricultural Materials Inspection Center

National Center for Seeds and Seedlings

National Livestock Breeding Center

National Agriculture and Food Research Organization

National Fisheries University

National Institute of Agrobiological Sciences

National Institute for Agro-Environmental Sciences

Japan International Research Center for Agricultural Sciences

Forestry and Forest Products Research Institute

Fisheries Research Agency

Research Institute of Economy, Trade and Industry

National Center for Industrial Property Information and Training

Nippon Export and Investment Insurance

National Institute of Advanced Industrial Science and Technology

National Institute of Technology and Evaluation

Public Works Research Institute

Building Research Institute

Japan Health Insurance Association

Japan Pension Service

National Cancer Center

National Cerebral and Cardiovascular Center

National Center for Neurology and Psychiatry

National Center for Global Health and Medicine

National Center for Child Health and Development

National Center for Geriatrics and Gerontology

National Traffic Safety and Environment Laboratory

National Maritime Research Institute

Port and Airport Research Institute

Electronic Navigation Research Institute

Marine Technical Education Agency

National Institute for Sea Training

Civil Aviation College

National Institute for Environmental Studies

Labor Management Organization for USFJ Employees

National Agency of Vehicle Inspection

National Statistics Center

Japan Mint

National Printing Bureau

National Hospital Organization

National University Corporation

Inter-University Research Institute Corporation

Institute of National Colleges of Technology, Japan

National Institution for Academic Degrees and University Evaluation

Center for National University Finance and Management

2. Services

(a) threshold:

(i) construction services:

(A) 4,500,000 SDR for Japan Post Holdings Company Limited, Japan Post Company Limited, Japan Post Bank Company Limited, Japan Post Insurance Company Limited, and Management Organization for Postal Savings and Postal Life Insurance in Group A

(B) 15,000,000 SDR for all other entities in Group A

(C) 4,500,000 SDR for entities in Group B

(ii) architectural, engineering and other technical services covered by Chapter 17 (Government Procurement): 450,000 SDR

(iii) other services: 130,000 SDR

(b) procuring entities: procuring entities set out in paragraph 1

Notes to Section 3:

1. Chapter 17 (Government Procurement) 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.

2. Chapter 17 (Government Procurement) shall not apply to contracts which the procuring entities in Group A 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 Chapter 17 (Government Procurement).

3. Notes to specific procuring entities:

(a) procurement related to operational safety of transportation is not included.

(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 utilisation and management of radioactive materials and responding to emergencies of nuclear installation is not included.

(c) procurement related to geological and geophysical survey is not included.

(d) procurement of advertising services, construction services and real estate services is not included.

(e) procurement of ships to be jointly owned with private companies is not included.

Section 4

Goods

Chapter 17 (Government Procurement) shall apply to all goods that are procured by the procuring entities set out in Sections 1 through 3. However, for procurement by the Ministry of Defense, only the following goods are included in the coverage of Chapter 17 (Government Procurement):

*Federal Supply Classification (FSC) Description*

22 Railway Equipment

24 Tractors

32 Woodworking 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

61 Electric Wire, and Power and Distribution Equipment

62 Lighting Fixtures and Lamps

65 Medical, Dental, and Veterinary Equipment and Supplies

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

Section 5

Services

Chapter 17 (Government Procurement) shall apply to all the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC) 1991, as well as document MTN.GNS/W/120 for Telecommunications services, that are procured by the procuring entities set out in Sections 1 through 3:

*(Provisional Central Product Classification (CPC), 1991)*

51 Construction work

6112 Maintenance and repair services of motor vehicles (Note 1)

6122 Maintenance and repair services of motorcycles and snowmobiles (Note 1)

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 (Note 2)

Telecommunications services

MTN.GNS/W/120

Corresponding CPC

2.C.h. - 7523 Electronic mail;

2.C.i. - 7521 Voice mail;

2.C.j. - 7523 On-line information and data base

retrieval;

2.C.k. - 7523 Electronic data interchange (EDI);

2.C.l. - 7529 Enhanced facsimile services;

2.C.m. - 7523 Code and protocol conversion; and

2.C.n. – 7523 On-line information and/or data

processing (including transaction processing)

84 Computer and related services

864 Market research and public opinion polling services

867 Architectural, engineering and other technical services (Note 3)

871 Advertising services

87304 Armoured car services

874 Building-cleaning services

88442 Publishing and printing services (Note 4)

886 Repair services incidental to metal products, machinery and equipment

94 Sewage and refuse disposal, sanitation and other environmental protection services

Notes to specific services of Section 5:

Note 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 procuring entities.

Note 2: Courier services are not included with respect to letters.

Note 3: Only 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.

For the purposes of this Part, the term “CPC” means the Provisional Central Product Classification (Statistical Paper Series M, No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

Note 4: Publishing and printing services are not included with respect to materials containing confidential information.

Section 6

Construction Services

Chapter 17 (Government Procurement) shall apply to all the following construction services that are procured by the procuring entities set out in Sections 1 through 3:

CPC 51 Construction work

Notes to Section 6:

1. A construction services contract is a contract which has as its objective the realisation by whatever means of civil or building works, in the sense of Division 51 of the Provisional Central Product Classification (CPC).

2. Procurement with regard to a construction project based on the Act on Promotion of Private Finance Initiative (Act No. 117 of 1999) as of 30 November 2011 is covered.

Section 7

General Note

Notwithstanding the Note 2 to Section 6, procurement with regard to a project within the scope of the Act on Promotion of Private Finance Initiative (Act No. 117 of 1999) as of 10 December 2010 is covered.

Section 8

Value of Thresholds

1. The value of thresholds set out in Sections 1 through 3 shall be calculated and converted into Yen in every even-numbered year, based on an average value of Yen in terms of SDRs in the most recent two-year period starting on 1 January of the year before the preceding year and ending on 31 December of the preceding year.

2. Japan shall notify Australia of such value of thresholds and the period of its validity upon the entry into force of this Agreement and then notify Australia of the value of the newly calculated thresholds no later than one month before the respective thresholds take effect.