

*Serviços Municipalizados de Transporte do Barreiro.*

*Serviços Municipalizados de Transporte de Aveiro.*

*Serviços Municipalizados de Transporte de Braga.*

*Serviços Municipalizados de Transporte de Coimbra.*

*Serviços Municipalizados de Transporte de Portalegre.*

UNITED KINGDOM

*Entities providing bus services to the public pursuant to the London Regional Transport Act 1984.*

*Glasgow Underground.*

*Greater Manchester Rapid Transit Company.*

*Docklands Light Railway.*

*London Underground Ltd.*

*British Railways Board.*

*Tyne and Wear Metro.*

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# ANNEX VIII

## CONTRACTING ENTITIES IN THE FIELD OF AIRPORT FACILITIES

### BELGIUM

Régie des voies aériennes set up pursuant to the arrêté-loi du 20 novembre 1946 portant création de la régie des voies aériennes amended by arrêté royal du 5 octobre 1970 portant refonte du statut de la régie des voies aériennes.

### DENMARK

Airports operating on the basis of an authorization pursuant to § 55, stk. 1, lov om Luftfart, jf. lovbekendtgørelse nr. 406 af 11. september 1985.

### GERMANY

Airports as defined in Article 38 Absatz 2 no of the Luftverkehrs-Abbauordnung vom 19. März 1979, as last amended by the Verordnung vom 21. Juli 1986.

### GREECE

Airports operating pursuant to law 517/1931 setting up the civil aviation service (Υπηρεσία Πολιτικής Αεροπορίας (ΥΠΑ)).

International airports operating pursuant to presidential decree 647/1981.

### SPAIN

Airports managed by Aeropuertos Nacionales operating pursuant to the Real Decreto 278/1982 de 15 de octubre de 1982.

### FRANCE

Aéroport de Paris operating pursuant to titre V, articles L 251-1 à 252-1 du code de l'aviation civile.

Aéroport de Bâle — Mulhouse, set up pursuant to the convention franco-suisse du 4 juillet 1949.

Airports as defined in article L 270-1, code de l'aviation civile.

Airports operating pursuant to the cahier de charges type d'une concession d'aéroport, décret du 6 mai 1955.

Airports operating on the basis of a convention d'exploitation pursuant to article L/221, code de l'aviation civile.

### IRELAND

Airports of Dublin, Cork and Shannon managed by Aer Rianna — Irish Airports.

Airports operating on the basis of a Public use License granted, pursuant to the Air Navigation and Transport Act No 23 1936, the Transport Fuel and Power Transfer of Departmental, Administration and Ministerial Functions Order 1959 (SI No 125 of 1959) and the Air Navigation (Aerodromes and Visual Ground Aids) Order 1970 (SI No 291 of 1970).

### ITALY

Civil Stat. airports (aerodromi civili istituiti dallo Stato referred to in Article 692 of the Codice della navigazione, Regio Decreto 30 marzo 1942, n. 327.

Entities operating airport facilities on the basis of a concession granted pursuant to Article 694 of the Codice della navigazione, Regio Decreto 30 marzo 1942, n. 327.

### LUXEMBOURG

Aéroport de Findel.

### NETHERLANDS

Airports operating pursuant to Articles 18 and following of the Luchtvaartwet of 15 January 1958, amended on 7 June 1978.

PORTUGAL

Airports managed by *Aeroportos de Navegação Aérea (ANA)*, EP pursuant to *Decreto-Lei nº 246/79*.

*Aeroporto do Funchal* and *Aeroporto de Porto Santo*, regionalized pursuant to the *Decreto-Lei nº 284/81*.

UNITED KINGDOM

Airports managed by *British Airports Authority plc*

Airports which are *public limited companies (plc)* pursuant to the *Airports Act 1986*.

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ANNEX IX

CONTRACTING ENTITIES IN THE FIELD OF MARITIME OR INLAND PORT OR OTHER  
TERMINAL FACILITIES

BELGIUM

*Société anonyme du canal et des installations maritimes de Bruxelles.*

*Port autonome de Liège.*

*Port autonome de Namur.*

*Port autonome de Charleroi.*

*Port de la ville de Gand.*

*La Compagnie des installations maritimes de Bruges — Maatschappij der Brugse haveninrichtingen.*

*Société intercommunale de la rive gauche de l'Escaut — Intercommunale maatschappij van de linker Scheldeoever (Port d'Anvers).*

*Port de Nieuwpoort.*

*Port d'Ostende.*

DENMARK

Ports as defined in Article 1, I to III of the bekendtgørelse nr. 604 af 16. december 1985 om hvilke boerne der er omfattet af lov om trafikboerne, jf. lov nr. 239 af 12. maj 1976 om trafikboerne.

GERMANY

Seaports owned totally or partially by territorial authorities (Länder, Kreise, Gemeinden).

Inland ports subject to the Hafenanordnung pursuant to the Wassergesetz der Länder.

GREECE

Piraeus port (Πορτανισμός Αιχμής Πειραιώς) set up pursuant to Emergency Law 1559/1950 and Law 1630/1951.

Thessaloniki port (Πορτανισμός Αιχμής Θεσσαλονίκης) set up pursuant to decree N.A. 2251/1953.

Other ports governed by presidential decree 649/1977 (N.A. 649/1977) Εξορκισμός, οργάνωση λειτουργίας, διοικητικός έλεγχος λιμένων. (supervision, organization of functioning and administrative control).

SPAIN

Porto de Huelva set up pursuant to the Decreto de 2 de octubre de 1969, nº 2380/69. Puertos y Faros. Otorga Régimen de Estatuto de Autonomía al Puerto de Huelva.

Porto de Barcelona set up pursuant to the Decreto de 25 de agosto de 1978, nº 2407/78. Puertos y Faros. Otorga al de Barcelona Régimen de Estatuto de Autonomía.

Porto de Bilbao set up pursuant to the Decreto de 25 de agosto de 1978, nº 2048/78. Puertos y Faros. Otorga al de Bilbao Régimen de Estatuto de Autonomía.

Porto de Valencia set up pursuant to the Decreto de 25 de agosto de 1978, nº 2409/78. Puertos y Faros. Otorga al de Valencia Régimen de Estatuto de Autonomía.

Junta de Puertos operating pursuant to the Ley 27/68 de 20 de junio de 1968; Puertos y Faros. Junta de Puertos y Estatutos de Autonomía and to the Decreto de 9 de abril de 1970, nº 1350/70. Junta de Puertos. Reglamento.

Ports managed by the Comisión Administrativa de Grupos de Puertos, operating pursuant to the Ley 27/68 de 20 de junio de 1968, Decreto 1958/78 de 23 de junio de 1978 and Decreto 571/81 de 6 de mayo de 1981.

Ports listed in the Real Decreto 989/82 de 14 de mayo de 1982. Puertos. Clasificación de los de interés general.

## FRANCE

*Port autonome de Paris* set up pursuant to loi 68/917 du 24 octobre 1968 relative au port autonome de Paris.

*Port autonome de Strasbourg* set up pursuant to the convention du 20 mai 1923 entre l'État et la ville de Strasbourg relative à la constitution du port rhénan de Strasbourg et à l'exécution de travaux d'extension de ce port, approved by the loi du 26 avril 1924.

Other inland waterway ports set-up or managed pursuant to article 6 (navigation intérieure) of the décret 69-140 du 6 février 1969 relatif aux concessions d'embarcadere public dans les ports maritimes.

*Ports autonomes* operating pursuant to articles L 111-1 et suivants of the code des ports maritimes.

*Ports non autonomes* operating pursuant to articles R 121-1 et suivants of the code des ports maritimes.

Ports managed by regional authorities (départements) or operating pursuant to a concession granted by the regional authorities (départements) pursuant to article 6 of the loi 86-663 du 22 juillet 1983 complétant la loi 83-8 du 7 janvier 1983 relative à la répartition de compétences entre les communes, départements et l'État.

## IRELAND

Ports operating pursuant to the Harbours Acts 1946 to 1976.

Port of Dun Laoghaire operating pursuant to the State Harbours Act 1924.

Port of Rosslare Harbour operating pursuant to the Fingard and Rosslare Railways and Harbours Act 1899.

## ITALY

State ports and other ports managed by the Capitaneria di Porto pursuant to the Codice delle navigazione, Regio Decreto 30 marzo 1942, n. 32.

Autonomous ports (enti portuali) set up by special laws pursuant to Article 19 of the Codice della navigazione, Regio Decreto 30 marzo 1942, n. 327.

## LUXEMBOURG

*Port de Mertert* set up and operating pursuant to loi du 22 juillet 1963 relative à l'aménagement et à l'exploitation d'un port fluvial sur la Moselle.

## NETHERLANDS

*Havenbedrijven*, set up and operating pursuant to the Gemeentewet van 29 juni 1851.

*Havenschap Vlissingen*, set up by the wet van 10 september 1970 houdende een gemeenschappelijke regeling tot oprichting van het Havenschap Vlissingen.

*Havenschap Terneuzen*, set up by the wet van 8 april 1970 houdende een gemeenschappelijke regeling tot oprichting van het Havenschap Terneuzen.

*Havenschap Delfzijl*, set up by the wet van 31 juli 1957 houdende een gemeenschappelijke regeling tot oprichting van het Havenschap Delfzijl.

*Industrie- en havenschap Moerdijk*, set up by gemeenschappelijke regeling tot oprichting van het Industrie- en havenschap Moerdijk van 23 oktober 1970, approved by Koninklijke Besluit nr. 23 van 4 maart 1972.

## PORTUGAL

Porto do Lisboa set up pursuant to Decreto Real do 18 de Fevereiro de 1907 and operating pursuant to Decreto-Lei nº 36976 de 20 de Julho de 1948.

Porto do Douro e Leixões set up pursuant to Decreto-Lei nº 36977 de 20 de Julho de 1948.

Porto de Sines set up pursuant to Decreto-Lei nº 508/77 de 14 de Dezembro de 1977.

Portos de Setúbal, Aveiro, Figueira de Foz, Viana do Castelo, Portimão e Faro operating pursuant to the Decreto-Lei nº 37754 de 18 de Fevereiro de 1980.

## UNITED KINGDOM

Harbour Authorities within the meaning of Section 57 of the Harbours Act 1964 providing port facilities to carriers by sea or inland waterway.

3. 393 L 0038: Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ No L 199, 9.8.1993, p. 84).

(a) The following is added to Annex I 'PRODUCTION, TRANSPORT OR DISTRIBUTION OF DRINKING WATER':

'AUSTRIA

Entities of local authorities (*Gemeinden*) and associations of local authorities (*Gemeindeverbände*) producing, transporting or distributing drinking water pursuant to the *Wasserversorgungsgesetz* of the nine *Länder*.

FINLAND

Entities producing, transporting or distributing drinking water pursuant to Article 1 of *Lahti yleisistä vesi- ja viemäritaitoksista* (982/77) of 23 December 1977.

SWEDEN

Local authorities and municipal companies which produce, transport or distribute drinking water pursuant to *lagen (1970:244) om allmänna vatten- och avloppsanläggningar*;

(b) the following is added to Annex II 'PRODUCTION, TRANSPORT OR DISTRIBUTION OF ELECTRICITY':

'AUSTRIA

Entities producing, transporting or distributing electricity pursuant to the second *Verordnungs-lichungsgesetz* (BGBl. Nr. 81/1947), and the *Elektrizitätswirtschaftsgesetz* (BGBl. Nr. 260/1975), including the *Elektrizitätswirtschaftsgesetze* of the nine *Länder*.

FINLAND

Entities producing, transporting or distributing electricity on the basis of a concession pursuant to Article 27 of *Sähkölaki* (319/79) of 16 March 1979.

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SWEDEN

Entities which transport or distribute electricity on the basis of a concession pursuant to *lagen (1902:71 s. 1) innefattande vissa bestämmelser om elektriska anläggningar*;

- (g) the following is added to Annex VII 'CONTRACTING ENTITIES IN THE FIELD OF URBAN RAILWAY, TRAMWAY, TROLLEY BUS OR BUS SERVICES':

**'AUSTRIA**

Entities providing transport services pursuant to the *Eisenbahngesetz 1957* (BGBl. Nr. 60/1957) and the *Kraftfahrlineingesetz 1952*, (BGBl. Nr. 84/1952).

**FINLAND**

Public or private entities operating bus services according to "*Laki (343/91) luovutustaivasta henkiloliikenteestä tielle*" and *Helsingin kaupungin liikennelaitos/Helsingfors stads trafikverk* (Helsinki Transport Board), which provides metro and tramway services to the public.

**SWEDEN**

Entities operating urban railway or tramway services according to *Lagen (1978:438) om huvudmannaskap för viss kollektiv persontrafik* and *Lagen (1990:1157) om järnvägsutöckerbet*. Public or private entities operating a trolley bus or bus service in accordance with the *Lagen (1978:438) om huvudmannaskap för viss kollektiv persontrafik* and *Lagen (1983:293) om yrkestrafik*;

- (h) the following is added to Annex VIII 'CONTRACTING ENTITIES IN THE FIELD OF AIRPORT FACILITIES':

**'AUSTRIA**

Ausro Control GmbH

Entities as defined in Articles 60 to 80 of the *Luftfahrtgesetz 1957* (BGBl. Nr. 233/1957).

**FINLAND**

Airports managed by "*Ilmailulaitos/Luftfartstverke*" pursuant to *Ilmailulaki (595/64)*.

**SWEDEN**

Publicly owned and operated airports in accordance with *Lagen (1957:297) om luftfart*.

Privately owned and operated airports with an exploitation permit under the act, where this permit corresponds to the criteria of Article 2 (3) of the Directive;

- (i) the following is added to Annex IX 'CONTRACTING ENTITIES IN THE FIELD OF MARITIME OR INLAND PORT OR OTHER TERMINAL FACILITIES':

**'AUSTRIA**

Inland ports owned totally or partially by *Länder* and/or *Gemeinden*.

**FINLAND**

Ports operating pursuant to *Laki kunnallisista satamajärjestyksistä ja liikennemaksuista (955/76)*.

Saimaa Canal (Saimaan kanavan hoitokunta).

**SWEDEN**

Ports and terminal facilities according to *Lagen (1983:293) om inrättande, utvidgning och avlysning av allmän farled och allmän hamn, ibi förordningen (1983:744) om trafiken på Göta kanal*;



GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF ARTICLE III OF  
APPENDIX I OF THE EC

General Notes and Derogations from the Provisions of Article III

1. The EC will not extend the benefits of this Agreement:

- as regards the award of contracts by entities listed in Annex 2 to the suppliers and service providers of Canada;
- as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA;
- as regards the award of contracts by entities listed in Annex 3 paragraph (a) (water) to the suppliers and service providers of Canada and the USA,
- (b) (electricity) to the suppliers and service providers of Canada, and Japan,
- (c) (airports) to the suppliers and service providers of Canada, Korea and the USA,
- (d) (ports) to the suppliers and service providers of Canada,
- (e) (urban transport) to the suppliers and service providers of Canada, Japan, Korea and the USA; to the suppliers and service providers of Israel, as regards bus services,

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

- to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.

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

- Israel, Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2 paragraph 2, until such time as the EC accepts that they have completed coverage of sub-central entities;
- Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium sized enterprises under the relevant provisions of EC law, until such time as the EC accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses;
- Israel, Japan and Korea in contesting that award of contracts by EC entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as the EC has accepted that the Parties concerned provide access for EC suppliers and service providers to their own markets, the EC will not extend the benefits of this Agreement to suppliers and service providers of:

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery, general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations), office machines, visible record equipment and ADP equipment);
- Canada, as regards procurement of FSG 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment;
- Korea and Israel as regards procurement by entities listed in Annex 3 paragraph (b), as regards procurement of HS Nos 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables); and for Israel, HS Nos. 8501, 8536 and 902830;