



WORLD TRADE ORGANIZATION  
ORGANISATION MONDIALE DU COMMERCE  
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Référence: WLI/100

23 novembre 2004

**ACCORD SUR LES MARCHÉS PUBLICS  
FAIT À MARRAKECH LE 15 AVRIL 1994**

**CERTIFICATION DE MODIFICATIONS APPORTÉES À L'ACCORD**

**ENVOI DE COPIES CERTIFIÉES CONFORMES DE PAGES DE REMPLACEMENT  
DU SYSTÈME À FEUILLETS MOBILES POUR LES APPENDICES CONTENANT  
LES MODIFICATIONS CERTIFIÉES APPORTÉES À L'ACCORD**

**Révision**

J'ai l'honneur de vous faire parvenir ci-joint des copies certifiées conformes des pages de remplacement 1/5 à 3/5 de l'Annexe 1 et 1/2 de l'Annexe 3 de l'Appendice I contenant les modifications certifiées. Le présent document et les pages jointes en annexe remplacent le document WT/Let/482.

Ces modifications concernent les **États-Unis** et ont pris effet le **1<sup>er</sup> octobre 2004**.

Supachai Panitchpakdi  
Directeur général

**ACCORD SUR LES MARCHÉS PUBLICS  
FAIT À MARRAKECH LE 15 AVRIL 1994**

**CERTIFICATION DE MODIFICATIONS APPORTÉES À L'ACCORD**

Il est certifié par la présente que les modifications apportées aux Annexes 1 et 3 de l'Appendice I de l'Accord sur les marchés publics (1994), concernant les **États-Unis**, qui ont été notifiées au Comité des marchés publics (GPA/W/153 et GPA/MOD/USA/1) conformément aux procédures prévues à l'article XXIV:6, ont pris effet le **1<sup>er</sup> octobre 2004** (à l'exception de la modification proposée concernant l'"Uranium Enrichment Corporation" figurant à l'Annexe 1 de l'Appendice I, pour laquelle il y a encore une objection).

Conformément à la Décision du Comité des marchés publics adoptée le 4 juin 1996 concernant l'établissement d'un système à feuillets mobiles ayant valeur juridique pour mettre périodiquement à jour les Appendices de l'Accord sur les marchés publics (GPA/M/2) et les procédures relatives aux modifications du système à feuillets mobiles (GPA/M/5), ces modifications sont contenues dans les pages de remplacement ci-jointes du système à feuillets mobiles. En conséquence, les pages ci-jointes remplacent les pages 1/5 à 3/5 de l'Annexe 1 et 1/2 de l'Annexe 3 de l'Appendice I des **États-Unis** dans le système à feuillets mobiles pour les Appendices conformément aux décisions susmentionnées.

La présente notification est présentée conformément au paragraphe 14 de l'article XXIV de l'Accord.

La présente certification est déposée auprès du Directeur général de l'Organisation mondiale du commerce, qui en remettra, dans les moindres délais, une copie certifiée conforme à chaque partie à l'Accord sur les marchés publics. Elle sera enregistrée conformément aux dispositions de l'article 102 de la Charte des Nations Unies.

Fait à Genève le vingt octobre deux mille quatre.

Supachai Panitchpakdi

Copie certifiée conforme:

Directeur général

**UNITED STATES**

(Authentic in the English language only)

**ANNEX 1**

*Central Government Entities which Procure in Accordance  
With the Provisions of this Agreement*

*Threshold:* 130,000 SDRs for supplies and services  
5 million SDRs for construction

*List of Entities:*

1. Department of Agriculture (not including procurement of agricultural products made in furtherance of agricultural support programmes or human feeding programmes)
2. Department of Commerce (not including shipbuilding activities of NOAA, as excluded in Annex 4)
3. Department of Education
4. Department of Health and Human Services
5. Department of Housing and Urban Development
6. Department of the Interior (including the Bureau of Reclamation)
7. Department of Justice
8. Department of Labor
9. Department of State
10. United States Agency for International Development (not including procurement for the direct purpose of providing foreign assistance)
11. Department of the Treasury
12. Department of Transportation (not including procurement by the Federal Aviation Administration, and pursuant to Article XXIII)
13. Department of Energy (pursuant to Article XXIII, national security exceptions include procurements made in support of safeguarding nuclear materials or technology and entered into under the authority of the Atomic Energy Act, and oil purchases related to the Strategic Petroleum Reserve)
14. General Services Administration (except Federal Supply Groups 51 and 52 and Federal Supply Class 7340)
15. National Aeronautics and Space Administration
16. The Department of Veterans Affairs
17. Environmental Protection Agency
18. National Science Foundation
19. Executive Office of the President
20. Farm Credit Administration
21. National Credit Union Administration
22. Merit Systems Protection Board
23. The Corporation for National and Community Service

*1 October 2004 (WT/Let/482/Rev.1)*

24. Office of Thrift Supervision
25. Federal Housing Finance Board
26. National Labor Relations Board
27. National Mediation Board
28. Railroad Retirement Board
29. American Battle Monuments Commission
30. Federal Communications Commission
31. Federal Trade Commission
32. Securities and Exchange Commission
33. Office of Personnel Management
34. United States International Trade Commission
35. Export-Import Bank of the United States
36. Federal Mediation and Conciliation Service
37. Selective Service System
38. Smithsonian Institution
39. Federal Deposit Insurance Corporation
40. Consumer Product Safety Commission
41. Equal Employment Opportunity Commission
42. Federal Maritime Commission
43. National Transportation Safety Board
44. Nuclear Regulatory Commission
45. Overseas Private Investment Corporation
46. Broadcasting Board of Governors
47. Commission on Civil Rights
48. Commodity Futures Trading Commission
49. Peace Corps
50. National Archives and Records Administration
51. Advisory Commission on Intergovernmental Relations
52. African Development Foundation
53. Alaska Natural Gas Transportation System
54. Appalachian Regional Commission
55. Commission of Fine Arts
56. Delaware River Basin Commission
57. Federal Election Commission
58. Department of Homeland Security (except procurement by the Transportation Security Administration; and the national security considerations applicable to the Department of Defense are equally applicable to the U.S. Coast Guard.)
59. Federal Home Loan Mortgage Corporation
60. Federal Mine Safety and Health Review Commission
61. Federal Reserve System
62. Federal Retirement Thrift Investment Board
63. Holocaust Memorial Council
64. Inter-American Foundation
65. National Capital Planning Commission
66. National Commission on Libraries and Information Science
67. National Council on Disability
68. National Foundation on the Arts and the Humanities
69. Occupational Safety and Health Review Commission

70. Office of Government Ethics
71. Office of the Nuclear Waste Negotiator
72. Office of Special Counsel
73. Small Business Administration
74. Susquehanna River Basin Commission
75. Pennsylvania Avenue Development Corporation
76. Federal Crop Insurance Corporation
77. Federal Prison Industries, Inc.
78. Government National Mortgage Association
79. Uranium Enrichment Corporation
80. Department of Defense, including the Corps of Army Engineers

This Agreement will not apply to the following purchases of the Department of Defense:

- (a) Federal Supply Classification (FSC) 83 - all elements of this classification other than pins, needles, sewing kits, flagstaffs, flagpoles, and flagstaff trucks;
- (b) FSC 84 - all elements other than sub-class 8460 (luggage);
- (c) FSC 89 - all elements other than sub-class 8975 (tobacco products);
- (d) FSC 2310 - (buses only);
- (e) Speciality metals, defined as steels melted in steel manufacturing facilities located in the United States or its possessions, where the maximum alloy content exceeds one or more of the following limits, must be used in products purchased by DOD: (1) manganese, 1.65 per cent; silicon, 0.60 per cent; or copper, 0.06 per cent; or which contains more than 0.25 per cent of any of the following elements: aluminium, chromium, cobalt, columbium, niobium, nickel, titanium, tungsten, or vanadium; (2) metal alloys consisting of nickel, iron-nickel and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 per cent; (3) titanium and titanium alloys; or (4) zirconium base alloys;
- (f) FSC 19 and 20 - that part of these classifications defined as naval vessels or major components of the hull or superstructure thereof;
- (g) FSC 51 and 52;
- (h) Following FSC categories are not generally covered due to application of Article XXIII, paragraph 1: 10, 12, 13, 14, 15, 16, 17, 19, 20, 28, 31, 58, 59, 95.

This Agreement will generally apply to purchases of the following FSC categories subject to United States Government determinations under the provisions of Article XXIII, paragraph 1.

## ANNEX 3

*All Other Entities which Procure in Accordance  
With the Provisions of this Agreement*

*Threshold:* 400,000 SDRs for supplies and services (except as specified below)  
5 million SDRs for construction

*List of Entities:*

The following entities at the SDR equivalent of \$250,000 for supplies and services:

Tennessee Valley Authority

Power Marketing Administrations of the Department of Energy

- Bonneville Power Administration
- Western Area Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- St. Lawrence Seaway Development Corporation

The following entities are 400,000 SDRs for supplies and services:

The Port Authority of New York and New Jersey with the following exceptions:

- Maintenance, repair and operating materials and supplies (e.g., hardware, tools, lamps/lighting, plumbing);
- In exceptional cases, individual procurements may require certain regional production of goods if authorized by the Board of Directors;
- Procurements pursuant to multi-jurisdictional agreement (i.e., for contracts which have initially been awarded by other jurisdictions).

The Port of Baltimore (subject to the conditions specified for the state of New York in Annex 2)

The New York Power Authority (subject to the conditions specified for the state of New York in Annex 2)

Rural Utilities Service Financing:

- (1) waiver of Buy American restriction on financing for all power generation projects (restrictions on financing for telecommunication projects are excluded from the Agreement);
- (2) application of Code-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.