

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/MOD/JPN/11

17 September 2004

(04-3912)

Committee on Government Procurement

Original: English

PROPOSED MODIFICATIONS TO APPENDIX I OF JAPAN

Communication from Japan pursuant to Article XXIV:6(a)¹ of the GPA

The following communication, dated 14 September 2004, from the Delegation of Japan is being circulated to the Parties to the Agreement on Government Procurement.

1. Pursuant to Article XXIV, paragraph 6(a) of the Agreement on Government Procurement, the Government of Japan wishes to notify the Committee on Government Procurement the following modification of a purely formal nature relating to Annex 1 of Appendix I of the Agreement on Government Procurement:

- (a) Delete Ministry of Public Management, Home Affairs, Posts and Telecommunications from “List of Entities” and “List of Entities which procure the services, specified in Annex 4”;
- (b) Add Ministry of Internal Affairs and Communications to “List of Entities” and “List of Entities which procure the services, specified in Annex 4”.

2. The above modification is simply the result of renaming of Ministry of Public Management, Home Affairs, Posts and Telecommunications as of September 7, 2004. Thus, the proposed modification does not alter the level of the mutually agreed coverage provided under the Agreement.

3. Attachment A provides a summary of the modification proposed by Japan to pages 1/3 and 2/3 of Annex 1 of Appendix I. Attachment B indicates how pages 1/3 and 2/3 of Annex 1 of Appendix I would appear after the proposed modification has been made.²

¹ Article XXIV:6(a) reads as follows: *Rectifications or Modifications* (a) Rectifications, transfers of an entity from one Annex to another or, in exceptional cases, other modifications relating to Appendices I through IV shall be notified to the Committee, along with information as to the likely consequences of the change for the mutually agreed coverage provided in this Agreement. If the rectifications, transfers or other modifications are of a purely formal or minor nature, they shall become effective provided there is no objection within 30 days. In other cases, the Chairman of the Committee shall promptly convene a meeting of the Committee. The Committee shall consider the proposal and any claim for compensatory adjustments, with a view to maintaining a balance of rights and obligations and a comparable level of mutually agreed coverage provided in this Agreement prior to such notification. In the event of agreement not being reached, the matter may be pursued in accordance with the provisions contained in Article XXII.

² Attachments A and B are in English only.

ATTACHMENT A

JAPAN

(Authentic in the English language only)

ANNEX 1

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

Supplies

Threshold:

130 thousand SDR

List of Entities:

All entities covered by the Accounts Law as follows:

- House of Representatives
- House of Councillors
- Supreme Court
- Board of Audit
- Cabinet
- National Personnel Authority
- Cabinet Office
- Imperial Household Agency
- National Public Safety Commission (National Police Agency)
- Defense Agency
- Financial Services Agency
- ~~Ministry of Public Management, Home Affairs, Posts and Telecommunications~~ 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 and Transport
- Ministry of Environment

Services

Threshold:

Construction services: 4,500 thousand SDR

Architectural, engineering and other technical services covered by this Agreement:
450 thousand SDR

Other services: 130 thousand SDR

List of Entities which procure the services, specified in Annex 4:

All entities covered by the Accounts Law as follows:

- House of Representatives
- House of Councillors
- Supreme Court
- Board of Audit
- Cabinet
- National Personnel Authority
- Cabinet Office
- Imperial Household Agency
- National Public Safety Commission (National Police Agency)

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Services (cont'd)

- Defense Agency
- Financial Services Agency
- ~~Ministry of Public Management, Home Affairs, Posts and Telecommunications~~
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 and Transport
- Ministry of Environment

Notes to Annex 1

1. Entities covered by the Accounts Law include all their internal sub-divisions, independent organs, attached organizations and other organizations and local branch offices provided for in the National Government Organization Law and the Law establishing the Cabinet Office.
2. Products and services procured with a view to resale or with a view to use in the production of goods for sale are not included.
3. This Agreement 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 for Japan.
4. This Agreement will generally apply to procurement by the Defence Agency of the following Federal Supply Classification (FSC) categories subject to the Japanese Government determinations under the provisions of Article XXIII, paragraph 1:

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

ATTACHMENT B

JAPAN

(Authentic in the English language only)

ANNEX 1

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

Supplies

Threshold:

130 thousand SDR

List of Entities:

All entities covered by the Accounts Law as follows:

- House of Representatives
- House of Councillors
- Supreme Court
- Board of Audit
- Cabinet
- National Personnel Authority
- Cabinet Office
- Imperial Household Agency
- National Public Safety Commission (National Police Agency)
- Defense Agency
- Financial Services 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 and Transport
- Ministry of Environment

Services

Threshold:

Construction services: 4,500 thousand SDR

Architectural, engineering and other technical services covered by this Agreement:
450 thousand SDR

Other services: 130 thousand SDR

List of Entities which procure the services, specified in Annex 4:

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- Imperial Household Agency
- National Public Safety Commission (National Police Agency)

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Services (cont'd)

	FSC	Description
- Defense Agency	22	Railway Equipment
- Financial Services Agency	24	Tractors
- Ministry of Internal Affairs and Communications	32	Woodworking Machinery and Equipment
- Ministry of Justice	34	Metalworking Machinery
- Ministry of Foreign Affairs	35	Service and Trade Equipment
- Ministry of Finance	36	Special Industry Machinery
- Ministry of Education, Culture, Sports, Science and Technology	37	Agricultural Machinery and Equipment
- Ministry of Health, Labour and Welfare	38	Construction, Mining, Excavating, and Highway Maintenance Equipment
- Ministry of Agriculture, Forestry and Fisheries	39	Materials Handling Equipment
- Ministry of Economy, Trade and Industry	40	Rope, Cable, Chain, and Fittings
- Ministry of Land, Infrastructure and Transport	41	Refrigeration, Air Conditioning, and Air Circulating Equipment
- Ministry of Environment	43	Pumps and Compressors

Notes to Annex 1

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|---|------|--|
| 1. Entities covered by the Accounts Law include all their internal sub-divisions, independent organs, attached organizations and other organizations and local branch offices provided for in the National Government Organization Law and the Law establishing the Cabinet Office. | 45 | Plumbing, Heating and Sanitation Equipment |
| 2. Products and services procured with a view to resale or with a view to use in the production of goods for sale are not included. | 46 | Water Purification and Sewage Treatment Equipment |
| 3. This Agreement 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 for Japan. | 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 |
| 4. This Agreement will generally apply to procurement by the Defence Agency of the following Federal Supply Classification (FSC) categories subject to the Japanese Government determinations under the provisions of Article XXIII, paragraph 1: | | |