

## ANNEX 10

### GOVERNMENT PROCUREMENT

#### PART 1

##### Relevant provisions of the GPA referred to in Article 10.2

Article I (Definitions)

Article II (Scope and Coverage)

Article III (Security and General Exceptions)

Article IV (General Principles)

Article VI (Information on the Procurement System)

Article VII (Notices)

Article VIII (Conditions for Participation)

Article IX (Qualification of Suppliers)

Article X (Technical Specifications and Tender Documentation)

Article XI (Time-Periods)

Article XII (Negotiation)

Article XIII (Limited Tendering)

Article XIV (Electronic Auctions)

Article XV (Treatment of Tenders and Awarding of Contracts)

Paragraphs 1 to 3 of Article XVI (Transparency of Procurement Information)

Article XVII (Disclosure of Information)

Article XVIII (Domestic Review Procedures)

## PART 2

### Scope of application

#### SECTION A

##### United Kingdom

In accordance with Articles 10.2 and 10.3, Chapter 10 applies, in addition to the procurement covered by the annexes of the United Kingdom to Appendix I to the GPA, to the procurement covered by this Section other than procurement by the entities set out in paragraph 1 which are subject to the rules specified in Note (b) to that paragraph.

The Notes in Annexes 1 to 7 of the United Kingdom to Appendix I to the GPA also apply to the procurement covered by this Section, unless otherwise provided for in this Section.

#### 1. Sub-central government authorities

Local administrative units as defined by the UK Statistics Authority in accordance with the Statistics and Registration Service Act 2007, with a population of between 200,000 and 499,999 inhabitants

Procurement of goods and services as set out in Annexes 4 and 5 of the United Kingdom to Appendix I to the GPA, and in paragraphs 3 and 4 of this Section by the entities referred to in the previous sentence equal to or above the following thresholds:

- (i) 200,000 SDR for procurement of goods and services
- (ii) 400,000 SDR for procurement of goods and services listed in paragraph 3 of this Section

Notes to paragraph 1:

- (a) The number of inhabitants of a local administrative unit is determined through the data maintained by the UK Statistics Authority, or any authority acting on its behalf and will be published by the Government of the United Kingdom on a website.
- (b) The commitment with regard to procurement covered by this paragraph, applies solely to the application of the general principles as set out in paragraphs 1 and 2 of Article IV of the GPA, as well as to the application of provisions relating to the access to domestic review procedures in Article XVIII of the GPA and Articles 10.3 to 10.12.

2. Bodies governed by public law that are hospitals or universities

Procurement of goods and services as set out in Annexes 4 to 6 of the United Kingdom to Appendix I to the GPA, and in paragraphs 3 and 4 of this Section, by bodies governed by public law, as defined in paragraph 2.a of Annex 2 of the United Kingdom to Appendix I to the GPA, that are hospitals or universities provided that the value of those procurements equals or exceeds the following thresholds:

- (i) 200,000 SDR for procurement of goods and services
- (ii) 5,000,000 SDR for procurement of construction services (CPC 51)

The bodies governed by public law that are hospitals or universities and qualify as covered entities are described for the United Kingdom by category in the following indicative list:

- (1) Universities and colleges financed for the most part by other contracting authorities
- (2) Research Councils
- (3) National Health Service Strategic Health Authorities

### 3. Procurement of railway-related goods and services

- (a) Procurement of railway facilities (CPV 3494) by utilities whose procurement is covered by the Utilities Contracts Regulations 2016 and the Utilities Contracts (Scotland) Regulations 2016 which are contracting authorities covered by Annexes 1 and 2 of the United Kingdom to Appendix I to the GPA or public undertakings as defined in Annex 3 of the United Kingdom to Appendix I to the GPA, and which provide or operate networks providing a service to the public in the field of transport by railways
- (b) Procurement of goods falling under CPV 3462 by utilities whose procurement is covered by the Utilities Contracts Regulations 2016 and the Utilities Contracts (Scotland) Regulations 2016 which are contracting authorities covered by Annexes 1 and 2 of the United Kingdom to Appendix I to the GPA or public undertakings as defined in Annex 3 of the United Kingdom to Appendix I to the GPA, and which provide or operate networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable
- (c) Indicative lists of utilities referred to in subparagraphs (a) and (b) are provided for in Annex 3 of the United Kingdom to Appendix I to the GPA
- (d) The commitments referred to in subparagraphs (a) and (b) apply if the value of the procurement is equal to or above the following thresholds:
  - (i) 400,000 SDR for procurement of goods and services
  - (ii) 5,000,000 SDR for procurement of construction services (CPC 51)

Note to paragraph 3:

CPV refers to the Common Procurement Vocabulary of the United Kingdom, as defined by Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV), last amended by Commission Regulation (EC) No 213/2008 of 28 November 2007.

CPV 3494 (Railway equipment) comprises:

34941 Rails and accessories	349411 Rods
	349412 Track rails
	349413 Tramline
	349415 Crossheads
	349416 Crossovers
	349418 Railway points
34942 Signalling equipment	349421 Signal posts
	349422 Signalling boxes
34943 Train-monitoring system	
34944 Points heating system	
34945 Track-alignment machinery	

34946	Railway-track construction materials and supplies	349461	Railway-track construction materials	3494611	Rails	
		349462	Railway-track construction supplies	3494612	Railway materials	34946121 Fishplates and sole plates 34946122 Check rails
34947	Sleepers and parts of sleepers	349471	Sleepers	3494622	Switch blades, crossing frogs, point rods and crossing pieces	34946221 Switch blades 34946222 Crossing frogs 34946223 Point rods 34946224 Crossing pieces
				3494623	Rail clips, bedplates and ties	34946231 Rail clips 34946232 Bedplates and ties
				3494624	Chairs and chair wedges	
				349472	Parts of sleepers	

CPV 3462 (Rolling stock) comprises:

34621	Railway maintenance or service vehicles, and railway freight wagons	346211	Railway freight wagons
		346212	Railway maintenance or service vehicles
34622	Railway and tramway passenger coaches, and trolleybuses	346221	Tramway passenger coaches
		346222	Railway passenger coaches
		346223	Trolleybuses
		346224	Railway carriages
		346225	Luggage vans and special-purpose vans

#### 4. Services

Procurement of the following services, in addition to the services listed under Annex 5 of the United Kingdom to Appendix I to the GPA:

- (a) for entities covered under Annex 1 of the United Kingdom to Appendix I to the GPA:
  - Food serving services and Beverage serving services (CPC 642, 643)
  - Telecommunications related services (CPC 754)
  - Photographic services (CPC 87501 to 87503, 87505, 87507, 87509)
  - Packaging services (CPC 876)
  - Other business services (CPC 87901, 87903, 87905 to 87907)
  
- (b) for entities covered under Point 1 of Annex 2 of the United Kingdom to Appendix I to the GPA or under paragraph 1 of this Section:
  - Beverage serving services (CPC 643)
  - General management consulting services (CPC 86501)
  - Financial management consulting services (except business tax) (CPC 86502)
  - Marketing management consulting services (CPC 86503)
  - Human resources management consulting services (CPC 86504)
  - Production management consulting services (CPC 86505)
  - Other management consulting services (CPC 86509)
  
- (c) for all covered entities:
  - Real estate services on a fee or contract basis (CPC 8220)



Note to paragraph 4:

Food serving services (CPC 642) and beverage serving services (CPC 643) contracts are covered by the national treatment regime for the suppliers and service providers of Japan, provided that their value equals or exceeds GBP 663,540 when they are awarded by procuring entities covered under Annexes 1 and 2 of the United Kingdom to Appendix I to the GPA or under paragraph 1 of this Section, and that their value equals or exceeds GBP 884,720 when they are awarded by procuring entities covered under Annex 3 of the United Kingdom to Appendix I to the GPA.

## SECTION B

### Japan

In accordance with Articles 10.2 and 10.3, Chapter 10 applies, in addition to the procurement covered by Japan's annexes to Appendix I to the GPA, to the procurement covered by this Section other than procurement by the entities set out in paragraph 2 which are subject to special rules specified in that paragraph.

The Notes in Japan's Annexes 1 to 7 to Appendix I to the GPA also apply to the procurement covered by this Section, unless otherwise provided for in this Section.

1. Procurement in relation to Japan's Annex 2 to Appendix I to the GPA (the Sub-Central Government Entities)

In addition to procurement by the entities listed in Japan's Annex 2 to Appendix I to the GPA:

- (a) Procurement by Kumamoto-shi of goods and services specified in Japan's Annexes 4 to 6 to Appendix I to the GPA. The thresholds for the procurement are those set out in Japan's Annex 2 to Appendix I to the GPA.
- (b) Procurement of goods and services specified in Japan's Annexes 4 to 6 to Appendix I to the GPA by the local independent administrative agencies. The thresholds for the procurement are as those set out in Japan's Annex 2 to Appendix I to the GPA.

Note to subparagraph (b)

In order to ensure the implementation of commitments by the local independent administrative agencies in this subparagraph, the Government of Japan, in tandem with local governments, shall take measures under the laws and regulations of Japan.

For the purpose of this subparagraph, "local independent administrative agency" means a local independent administrative agency which is covered by the Local Independent Administrative Agency Act (Law No. 118 of 2003), and established by a single entity listed in Japan's Annex 2 to Appendix I to the GPA or Kumamoto-shi under the Act.

For reference purposes, the list of local independent administrative agencies covered by this subparagraph as of 1 February 2018 is as follows:

- (1) Hokkaido Research Organization
- (2) Sapporo Medical University
- (3) Aomori Prefectural Industrial Technology Research Center
- (4) Aomori University of Health and Welfare
- (5) Iwate Industrial Research Institute
- (6) Iwate Prefectural University
- (7) Miyagi Children's Hospital
- (8) Miyagi Prefectural Hospital Organization
- (9) Miyagi University
- (10) Akita International University
- (11) Akita Prefectural Organization on Development and Disability
- (12) Akita Prefectural Hospital Organization
- (13) Akita Prefectural University
- (14) Yamagata Prefectural Public University Corporation
- (15) Yamagata Prefectural University of Health Sciences
- (16) Fukushima Medical University
- (17) The University of Aizu
- (18) Tochigi Cancer Center
- (19) Saitama Prefectural University
- (20) Tokyo Metropolitan Geriatric Hospital and Institute of Gerontology
- (21) Tokyo Metropolitan Industrial Technology Research Institute
- (22) Tokyo Metropolitan University
- (23) Kanagawa Institute of Industrial Science and Technology
- (24) Kanagawa Prefectural Hospital Organization
- (25) Niigata College of Nursing

- (26) University of Niigata Prefecture
- (27) Toyama Prefectural University
- (28) Ishikawa Prefectural Public University Corporation
- (29) Fukui Prefectural University
- (30) Yamanashi Prefectural Hospital Organization
- (31) Yamanashi Prefectural University
- (32) Nagano Prefectural Hospital Organization
- (33) Gifu College of Nursing
- (34) Gifu Prefectural General Medical Center
- (35) Gifu Prefectural Gero Hospital
- (36) Gifu Prefectural Tajimi Hospital
- (37) Shizuoka Prefectural Hospital Organization
- (38) Shizuoka Prefectural University Corporation
- (39) Shizuoka University of Art and Culture
- (40) Aichi Public University Corporation
- (41) Mie Prefectural College of Nursing
- (42) Mie Prefectural General Medical Center
- (43) The University of Shiga Prefecture
- (44) Kyoto Prefectural Public University Corporation
- (45) Osaka Prefectural Hospital Organization
- (46) Osaka Prefecture University
- (47) Research Institute of Environment, Agriculture and Fisheries, Osaka Prefecture
- (48) University of Hyogo
- (49) Nara Medical University
- (50) Nara Prefectural Hospital Organization
- (51) Nara Prefectural University
- (52) Wakayama Medical University
- (53) Tottori Institute of Industrial Technology
- (54) The University of Shimane
- (55) Okayama Prefectural University
- (56) Okayama Psychiatric Medical center
- (57) Prefectural University of Hiroshima
- (58) Yamaguchi Prefectural Hospital Organization

- (59) Yamaguchi Prefectural Industrial Technology Institute
- (60) Yamaguchi Prefectural University
- (61) Tokushima Prefecture Naruto Hospital
- (62) Ehime Prefectural University of Health Sciences
- (63) Kochi Prefectural Public University Corporation
- (64) Fukuoka Prefectural University
- (65) Fukuoka Women's University
- (66) Kyushu Dental University
- (67) Saga-Ken Medical Centre Koseikan
- (68) Nagasaki Prefectural University Corporation
- (69) Prefectural University of Kumamoto
- (70) Oita Prefectural College of Arts and Culture
- (71) Oita University of Nursing and Health Sciences
- (72) Miyazaki Prefectural Nursing University
- (73) Osaka City Hospital Organization
- (74) Osaka City University
- (75) Nagoya City University
- (76) Kyoto City Hospital Organization
- (77) Kyoto City University of Arts
- (78) Kyoto Municipal Institute of Industrial Technology and Culture
- (79) Yokohama City University
- (80) Kobe City Hospital Organization
- (81) Kobe City University of Foreign Studies
- (82) The University of Kitakyushu
- (83) Sapporo City University
- (84) Fukuoka City Hospital Organization
- (85) Hiroshima City Hospital Organization
- (86) Hiroshima City University
- (87) Shizuoka City Shizuoka Hospital
- (88) Sakai City Hospital Organization
- (89) Okayama City General Medical Center

- (c) Notwithstanding Note 5 to Japan's Annex 2 to Appendix I to the GPA, for the purposes of Chapter 10, procurement related to the production, transport or distribution of electricity by the sub-central government entities listed in Japan's Annex 2 to Appendix I to the GPA and by Kumamoto-shi shall be covered. The thresholds for the procurement are those set out in Japan's Annex 2 to Appendix I to the GPA.

For reference purposes, the list of sub-central government entities who produce, transport or distribute electricity as of 1 February 2018 is as follows:

- (1) Hokkaido
- (2) Iwate-ken
- (3) Akita-ken
- (4) Yamagata-ken
- (5) Tochigi-ken
- (6) Gunma-ken
- (7) Tokyo-to
- (8) Kanagawa-ken
- (9) Niigata-ken
- (10) Toyama-ken
- (11) Yamanashi-ken
- (12) Nagano-ken
- (13) Mie-ken
- (14) Kyoto-fu
- (15) Hyogo-ken
- (16) Tottori-ken
- (17) Shimane-ken
- (18) Okayama-ken
- (19) Yamaguchi-ken
- (20) Tokushima-ken
- (21) Ehime-ken
- (22) Kochi-ken
- (23) Fukuoka-ken
- (24) Kumamoto-ken

- (25) Oita-ken
- (26) Miyazaki-ken
- (27) Yokohama-shi
- (28) Kitakyushu-shi

Note to paragraph 1:

Japan's Annex 2 to Appendix I to the GPA and this paragraph refer to 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) of Japan as of 1 February 2018.

## 2. Procurement by Core Cities

With regard to the procurements in the process of open tendering by Core Cities of Japan, suppliers of the United Kingdom shall be accorded treatment no less favourable than that accorded to locally established suppliers, including, if and where such exist, access to any review procedures available to locally established suppliers. Any obligations in Chapter 10 other than this paragraph do not apply to Core Cities of Japan.

Notes to paragraph 2:

- (a) "Core City" means a city defined by paragraph 1 of Article 252-22 of the Local Autonomy Law (Law No. 67 of 1947) of Japan.
- (b) For the purpose of this paragraph, "locally established supplier" means a supplier who is qualified with respect to the location of an establishment in accordance with Article 167-5-2 of the Cabinet Order of the Local Autonomy Law of Japan (Cabinet Order No. 16 of 1947).

- (c) The same thresholds and coverage of goods and services as those for the entities listed in Japan's Annex 2 to Appendix I to the GPA, including the Notes to that Annex, apply to procurement covered by this paragraph. However, procurement of goods and services related to the operational safety of transportation shall be open to suppliers of the United Kingdom.
- (d) This paragraph does not apply to the procurement of construction services (CPC 51).
- (e) For the purpose of this paragraph, "supplier of the United Kingdom" means, in case of a juridical person, a juridical person of the United Kingdom. In case where the supplier is a juridical person owned or controlled by a natural or juridical person of a third country or Japan, and that person would substantively benefit from this paragraph and undermine the attainment of the objectives of Chapter 10, Japan may deny the benefits of this paragraph to that supplier. For the purpose of this paragraph, the definitions contained in subparagraphs (l) to (n) of Article 8.2 apply.
- (f) This paragraph does not prevent Core Cities of Japan from establishing their policy plan to encourage local small and medium-sized enterprises to participate in procurement procedures.

3. Procurement in relation to Japan's Annex 3 to Appendix I to the GPA (Other Entities)

- (a) With regard to the procurement of goods and services by the entities listed in Group B of Japan's Annex 3 to Appendix I to the GPA, the following thresholds apply:
  - (i) 100,000 SDR for goods
  - (ii) 100,000 SDR for services specified in Japan's Annex 5 to Appendix I to the GPA other than architectural, engineering and other technical services related to construction services



(b) In addition to the procurement by entities listed in Group B of Japan's Annex 3 to Appendix I to the GPA, procurement of goods and services specified in Japan's Annexes 4 to 6 to Appendix I to the GPA by the following entities:

- (1) Agriculture, Forestry and Fisheries Credit Foundations
- (2) Information-technology Promotion Agency
- (3) Japan Community Health care Organization
- (4) National Agency for Automotive Safety and Victims' Aid
- (5) Organization for Environment Improvement around International Airport
- (6) Pharmaceuticals and Medical Devices Agency

Note to paragraph 3:

With regard to procurement of goods and services by the entities referred to in subparagraph (b), the thresholds set out in subparagraph (a) apply.

4. Procurement of goods and services related to the operational safety of transportation

Procurement of goods and services related to the operational safety of transportation by the entities listed in Japan's Annex 2 to Appendix I to the GPA covered by Note 4 to that Annex and the entities listed in Japan's Annex 3 to Appendix I to the GPA covered by Note 3.a. to that Annex (Hokkaido Railway Company, Japan Freight Railway Company, Japan Railway Construction, Transport and Technology Agency, Shikoku Railway Company and Tokyo Metro Co., Ltd.) shall be open to suppliers of the United Kingdom.

For the purpose of this paragraph, the thresholds for the procurement by the entities listed in Japan's Annex 2 to Appendix I to the GPA are those set out in that Annex, while the thresholds for the procurement of goods and services (other than construction services and architectural, engineering and other technical services) by the five entities referred to in the first sentence of this paragraph are 400,000 SDR.

## 5. Services

In addition to the services listed in Japan's Annex 5 to Appendix I to the GPA, Chapter 10 applies to the following services, which are identified in accordance with CPC:

(a) for procurement by entities listed in Japan's Annex 1 to Appendix I to the GPA:

754	Telecommunications related services
812	Insurance (including reinsurance) and pension fund services, except compulsory social security services
87201	Executive search services
87202	Placement services of office support personnel and other workers
87204	Supply services of domestic help personnel
87205	Supply services of other commercial or industrial workers
87206	Supply services of nursing personnel
87209	Supply services of other personnel
87501	Portrait photography services
87502	Advertising and related photography services
87503	Action photography services
87505	Photography processing services
87506	Motion picture processing services not related to the motion picture and television industries
87507	Restoration, copying and retouching services of photography
87509	Other photographic services
87901	Credit reporting services
87902	Collection agency services
87903	Telephone answering services
87905	Translation and interpretation services
87906	Mailing list compilation and mailing services
87907	Specialty design services

(b) for procurement by entities listed in Japan's Annex 2 to Appendix I to the GPA and Kumamoto-shi:

- 643 Beverage serving services
- 83106
- to 83108 Leasing or rental services concerning agricultural machinery and equipment without operator
- 83203 Leasing or rental services concerning furniture and other household appliances
- 83204 Leasing or rental services concerning pleasure and leisure equipment
- 83209 Leasing or rental services concerning other personal or household goods
- 86501 General management consulting services
- 86502 Financial management consulting services (except business tax)
- 86503 Marketing management consulting services
- 86504 Human resources management consulting services
- 86505 Production management consulting services
- 86509 Other management consulting services