

WORLD TRADE ORGANIZATION

RESTRICTED

GPA/W/186
15 March 2002

(02-1344)

Committee on Government Procurement

Original: English

PROPOSED MODIFICATIONS TO APPENDIX I OF JAPAN

Notifications from Japan under Article XXIV: 6(a)

The following notification from the Permanent Mission of Japan was received on 4 March 2002, with the request that it be circulated to the Parties of the Agreement on Government Procurement.

Pursuant to Article XXIV, paragraph 6(a) of the WTO Agreement on Government Procurement, the Government of Japan wishes to notify the Committee on Government Procurement of the following rectification of a purely formal nature with regard to Annex 3 of Appendix I of the Agreement:

- add "- Labor Management Organization for USFJ¹ Employees" after "- National Institute for Environmental Studies" in Group B in the "List of Entities"; and

- add "- Labor Management Organization for USFJ Employees " after "- National Institute for Environmental Studies" in Group B in the "List of Entities which procure the services, specified in Annex 4".

The above rectification is the result of the following organizational change relating to a central government entity in Annex 1. It does not alter the level of the mutually agreed coverage provided in the Agreement.

1. In the process of Japan's central government reform (cf. GPA/W/129 and GPA/W/137), part of the undertakings which have been operated by internal sub-divisions of the Defense Facilities Administrative Agency (an independent organization of the Defense Agency in Annex 1) are to be conducted by the Labor Management Organization for USFJ Employees. Under the Law Concerning the Labor Management Organization for USFJ Employees (Law No. 217 of 12 December 1999) and the relevant ordinances, this organizational change shall be implemented as of 1 April 2002. The Labor Management Organization for USFJ Employees shall be established as an Independent Administrative Institution (IAI), legally independent from the government, to perform transferred undertakings efficiently and effectively. (The outline of this entity is attached hereto.)

¹ US Forces, Japan

2. Since this new organization does not fall under the central government entities covered by the Accounts Law and is not provided for in the National Government Organization Law and the Law establishing the Cabinet Office, Japan has decided to add this entity to Annex 3 regarding both supplies and services (under Group B in the "List of Entities" and the "List of Entities which procure the services, specified in Annex 4" of Annex 3). In this way, the Agreement can apply to it with the same thresholds and conditions as stipulated in Annex 1 for central government entities. In light of the work assigned to it, this entity is unlikely to procure munitions. Hence, Japan has decided not to apply the same limitation as that provided in Note 4 to Annex 1.

3. This entity will have its accounting rules to implement the relevant thresholds and procedures under the Agreement. These accounting rules will apply as of 1 April 2002. The challenge procedures, as provided for in Article XX in the Agreement, will apply to the procurement conducted by this entity, which will fall under the control of the Cabinet Office.

4. The above-mentioned rectification is consistent with the relevant rectification notified by Japan (GPA/W/129, dated 19 March 2001), which became effective on 5 September 2001 (WT/Let/400).²

² Japan will notify the Committee of similar rectifications to Annex 3 concerning the other two IAIs, which are to be established in July 2002 and April 2003 respectively.

Attachment

**Outline of the Labor Management Organization for USFJ Employees
(to be established as of 1 April 2002)**

(a) Purpose

To secure the workforce necessary for USFJ (US Forces, Japan) by performing work relating to hiring, furnishing, labor management, wage and the welfare of USFJ employees.

(b) Scope of the Work

- (1) Work relating to the implementation of hiring, furnishing, etc.;
- (2) Work relating to the payment of wages;
- (3) Work relating to the welfare of employees; and
- (4) Works entrusted to this organization by the central government (medical examination, vocational training, etc.).

(c) Organization

Head Office: Tokyo

Branch Offices: Misawa, Yokota, Yokosuka, Zama, Fuji, Kure, Iwakuni, Sasebo, Naha and Koza

(d) Relations with the central government

The competent ministry for this organization is the Cabinet Office.

The organization carries out its work in coordination with the Defense Facilities Administrative Agency (an independent organization of the Defense Agency).

APPENDIX I	JAPAN	ANNEX 3	Page 1/5
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ATTACHMENT A

ANNEX 3

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

Supplies

Threshold:

130 thousand SDR

List of Entities:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environment Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Teito Rapid Transit Authority (a)
- Japan Tobacco Inc.
- Hokkaido Railway Company (a)
- East Japan Railway Company (a)
- Central Japan Railway Company (a)
- West Japan Railway Company (a)
- Shikoku Railway Company (a)
- Kyushu Railway Company (a)
- Japan Freight Railway Company (a)
- Nippon Telegraph and Telephone Co. (f)
- Northern Territories Issue Association
- Japan Consumers Information Center
- Japan Atomic Energy Research Institute (b)
- RIKEN (The Institute of Physical and Chemical Research) (b)
- Pollution-Related Health Damage Compensation Association
- Fund for the Promotion and Development of the Amami Islands
- Japan Foundation
- The Japan Scholarship Foundation

~~5 September 2001 (WT/Let/400)~~

APPENDIX I	JAPAN	ANNEX 3	Page 2/5
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Supplies (cont'd)

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| <ul style="list-style-type: none"> - Japan Arts Council - Japan Society for the Promotion of Science - University of the Air Foundation - National Stadium and School Health Center of Japan - Social Insurance Medical Fee Payment Fund - Association for Welfare of the Mentally and Physically Handicapped - Japan Racing Association - Mutual Aid Association of Agriculture, Forestry and Fishery Corporation Personnel - The National Association of Racing - Farmers' Pension Fund - Japan Keirin Association - Japan External Trade Organization - Japan Motorcycle Racing Organization - New Energy and Industrial Technology Development Organization - Japan National Tourist Organization - Japan Institute of Labour - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen - Corporation for Advanced Transport and Technology (e) - The Promotion and Mutual Aid Corporation for Private Schools of Japan - Organization for Workers' Retirement Allowance Mutual Aid | <ul style="list-style-type: none"> - National Science Museum - National Institute for Materials Science - National Research Institute for Earth Science and Disaster Prevention - National Aerospace Laboratory of Japan - National Institute of Radiological Sciences - National Museum of Art - National Museum - National Research Institute for Cultural Properties - National Center for Teachers' Development - National Institute of Health and Nutrition - National Institute of Industrial Safety - National Institute of Industrial Health - Center for Food Quality, Labeling and Consumer Services - National Center for Seeds and Seedlings - National Livestock Breeding Center - Fertilizer and Feed Inspection Station - Agricultural Chemicals Inspection Station - National Farmers Academy - Forest Tree Breeding Center - National Salmon Resources Center - National Fisheries University - National Agricultural Research Organization - National Institute of Agrobiological Sciences - National Institute for Agro-Environmental Sciences - National Institute for Rural Engineering - National Food Research Institute - 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 - 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 |
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2. Group B
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| <ul style="list-style-type: none"> - National Archives of Japan - Communications Research Laboratory - National Research Institute of Fire and Disaster - National Research Institute of Brewing - National Center for University Entrance Examinations - National Institute of Special Education - National Olympics Memorial Youth Center - National Women's Education Center - National Youth Houses - National Children's Centers - The National Institute for Japanese Language |
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APPENDIX I	JAPAN	ANNEX 3	Page 3/5
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Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees

Services

Threshold:

Construction services:

15,000 thousand SDR for entities in Group A
4,500 thousand SDR for entities in Group B

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:

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation

- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Teito Rapid Transit Authority (a)
- Japan Tobacco Inc. (g)
- Hokkaido Railway Company (a)(g)
- East Japan Railway Company (a)(g)
- Central Japan Railway Company (a)(g)
- West Japan Railway Company (a)(g)
- Shikoku Railway Company (a)(g)
- Kyushu Railway Company (a)(g)
- Japan Freight Railway Company (a)(g)
- Nippon Telegraph and Telephone Co. (f)(g)
- Northern Territories Issue Association
- Japan Consumers Information Center

APPENDIX I	JAPAN	ANNEX 3	Page 4/5
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Services (cont'd)

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| <ul style="list-style-type: none"> - Japan Atomic Energy Research Institute (b) - RIKEN (The Institute of Physical and Chemical Research) (b) - Pollution-Related Health Damage Compensation Association - Fund for the Promotion and Development of the Amami Islands - Japan Foundation - The Japan Scholarship Foundation - Japan Arts Council - Japan Society for the Promotion of Science - University of the Air Foundation - National Stadium and School Health Center of Japan - Social Insurance Medical Fee Payment Fund - Association for Welfare of the Mentally and Physically Handicapped - Japan Racing Association - Mutual Aid Association of Agriculture, Forestry and Fishery Corporation Personnel - The National Association of Racing - Farmers' Pension Fund - Japan Keirin Association - Japan External Trade Organization - Japan Motorcycle Racing Organization - New Energy and Industrial Technology Development Organization - Japan National Tourist Organization - Japan Institute of Labour - Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen - Corporation for Advanced Transport and Technology (e) - The Promotion and Mutual Aid Corporation for Private Schools of Japan - Organization for Workers' Retirement Allowance Mutual Aid | <ul style="list-style-type: none"> - National Center for University Entrance Examinations - National Institute of Special Education - National Olympics Memorial Youth Center - National Women's Education Center - National Youth Houses - National Children's Centers - The National Institute for Japanese Language - National Science Museum - National Institute for Materials Science - National Research Institute for Earth Science and Disaster Prevention - National Aerospace Laboratory of Japan - National Institute of Radiological Sciences - National Museum of Art - National Museum - National Research Institute for Cultural Properties - National Center for Teachers' Development - National Institute of Health and Nutrition - National Institute of Industrial Safety - National Institute of Industrial Health - Center for Food Quality, Labeling and Consumer Services - National Center for Seeds and Seedlings - National Livestock Breeding Center - Fertilizer and Feed Inspection Station - Agricultural Chemicals Inspection Station - National Farmers Academy - Forest Tree Breeding Center - National Salmon Resources Center - National Fisheries University - National Agricultural Research Organization - National Institute of Agrobiological Sciences - National Institute for Agro-Environmental Sciences - National Institute for Rural Engineering - National Food Research Institute - Japan International Research Center for Agricultural Sciences - Forestry and Forest Products Research Institute |
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2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing

APPENDIX I	JAPAN	ANNEX 3	Page 5/5
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Services (cont'd)

- Fisheries Research Agency
- Research Institute of Economy, Trade and Industry
- National Center for Industrial Property Information
- 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
- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees

Notes to Annex 3

1. 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.
2. 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.
3. This Agreement shall not apply to contracts which the 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 this Agreement.

4. Notes to specific 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 utilization 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.
- (f) Procurement of public electrical telecommunications equipment and of services related to operational safety of telecommunications is not included.
- (g) Procurement of the services specified in Annex 4, other than construction services, is not included.

APPENDIX I	JAPAN	ANNEX 3	Page 1/5
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ATTACHMENT B

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- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
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- Japan Small and Medium Enterprise Corporation
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- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
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- Teito Rapid Transit Authority (a)
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APPENDIX I	JAPAN	ANNEX 3	Page 2/5
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APPENDIX I	JAPAN	ANNEX 3	Page 3/5
------------	-------	---------	----------

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APPENDIX I	JAPAN	ANNEX 3	Page 4/5
------------	-------	---------	----------

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APPENDIX I	JAPAN	ANNEX 3	Page 5/5
------------	-------	---------	----------

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