

ORGANIZACIÓN MUNDIAL DEL COMERCIO

RESTRICTED

GPA/W/273

23 de septiembre de 2003

(03-5024)

Comité de Contratación Pública

Original: inglés

MODIFICACIONES PROPUESTAS POR EL JAPÓN AL APÉNDICE I

Notificación del Japón de conformidad con el párrafo 6 a) del artículo XXIV¹ del ACP

El 12 de septiembre de 2003 se recibió de la Misión Permanente del Japón la siguiente notificación, con el ruego de que se distribuyese a las partes en el Acuerdo sobre Contratación Pública.

1. De conformidad con el párrafo 6 a) del artículo XXIV del Acuerdo sobre Contratación Pública de la OMC, el Gobierno del Japón desea notificar al Comité de Contratación Pública la siguiente modificación de carácter puramente formal en relación con el Anexo 3 del Apéndice I del Acuerdo (véase el documento WT/Let/446):

- añádase "- Japan Nuclear Energy Safety Organization" después de "- National Printing Bureau" en el grupo B de la lista de entidades y de la lista de entidades que contratan los servicios indicados en el Anexo 4.

2. La anterior modificación, que no altera el alcance mutuamente convenido previsto en el Acuerdo, es resultado de los siguientes cambios orgánicos relativos a una entidad de la administración central que figura en el Anexo 1:

- 1) En virtud del proceso de reforma de la administración central del Japón, parte de las actividades desempeñadas por determinadas subdivisiones internas de la "Nuclear and Industrial Safety Agency" (Agencia de Seguridad Nuclear e Industrial, organismo autónomo del Ministerio de Economía, Comercio e Industria, incluida en el Anexo 1), pasarán a ser competencia de la "Japan Nuclear Energy Safety Organization" (Organización Japonesa de Seguridad en materia de Energía Nuclear). Con arreglo a la Ley de Seguridad de la Energía Nuclear del Japón (Ley Nº 179 de 18 de diciembre de 2002) y a las correspondientes ordenanzas, este cambio orgánico surtirá efecto a partir del 1º de octubre de 2003. Se creará la entidad "Japan Nuclear Energy Safety

¹ En el párrafo 6 a) del artículo XXIV se establece lo siguiente: "Las rectificaciones, las transferencias de entidades de un Anexo a otro o, en casos excepcionales, las enmiendas de otro tipo que afecten a los Apéndices I a IV serán notificadas al Comité, y en la notificación se facilitará información en cuanto a las probables consecuencias del cambio en el alcance mutuamente convenido previsto en el Acuerdo. Las rectificaciones, transferencias o enmiendas de otro tipo de carácter puramente formal o menores surtirán efecto a condición de que en un plazo de 30 días no se presente objeción a ellas. De no ser así, el Presidente del Comité convocará prontamente una reunión del Comité. El Comité examinará la propuesta y las posibles demandas de arreglos compensatorios, con el fin de mantener un equilibrio de derechos y obligaciones y un nivel comparable del alcance mutuamente convenido previsto en el presente Acuerdo antes de la notificación de que se trate. En caso de que no se llegue a un acuerdo, podrá llevarse adelante la cuestión con arreglo a las disposiciones del artículo XXII."

Organization" como institución administrativa autónoma y jurídicamente independiente del Gobierno, que desempeñará las funciones transferidas de manera eficiente y eficaz.

- 2) Como quiera que esta nueva organización no figura entre las entidades de la administración central sujetas a la Ley de Cuentas, ni su función está prevista en la Ley Orgánica del Gobierno Nacional ni en la Ley por la que se establece la Oficina del Gobierno, el Japón ha decidido añadirla al Anexo 3, en relación tanto con los suministros como con los servicios (al grupo B de la lista de entidades y a la lista de entidades que contratan los servicios que se detallan en el Anexo 4). De ese modo, el Acuerdo se aplicará a la entidad "Japan Nuclear Energy Safety Organization" con los mismos valores de umbral y condiciones establecidos en el Anexo 1 para las entidades de la administración central.
 - 3) Desde el 1º de octubre de 2003 la nueva entidad utilizará normas contables para aplicar los valores de umbral y los procedimientos pertinentes en el marco del Acuerdo. Los procedimientos de impugnación previstos en el artículo XX del Acuerdo se aplicarán a las contrataciones efectuadas por esta entidad, que estará sometida al control del Ministerio de Economía, Comercio e Industria.
3. En el anexo A ("Attachment A"²) se incluye, en texto de color rojo y subrayado, la modificación propuesta del Anexo 3 del Apéndice I. En el anexo B ("Attachment B"²) puede verse cómo quedará el Anexo 3 del Apéndice I una vez introducida la modificación prevista.

² Los "Attachments" A y B existen únicamente en inglés.

ATTACHMENT A

JAPAN

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

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Supplies (cont'd)

- | | |
|---|---|
| <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 <p>2. Group B</p> <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 | <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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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
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization

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

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Services (cont'd)

- 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
 - 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
2. Group B
- National Archives of Japan
 - Communications Research Laboratory
 - National Research Institute of Fire and Disaster
 - National Research Institute of Brewing

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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
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization

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.

ATTACHMENT B

JAPAN

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

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Supplies (cont'd)

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Supplies (cont'd)

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Threshold:

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450 thousand SDR

Other services: 130 thousand SDR

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

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- 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
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- Japan Environmental Corporation
- Japan International Cooperation Agency
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- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Teito Rapid Transit Authority (a)
- Japan Tobacco Inc. (g)
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- East Japan Railway Company (a)(g)
- Central Japan Railway Company (a)(g)
- West Japan Railway Company (a)(g)
- Shikoku Railway Company (a)(g)
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- Japan Freight Railway Company (a)(g)
- Nippon Telegraph and Telephone Co. (f)(g)
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- Japan Consumers Information Center

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 - National Youth Houses
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- 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
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- National Statistics Center
- Japan Mint
- National Printing Bureau
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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.