

# ORGANIZACIÓN MUNDIAL DEL COMERCIO

RESTRICTED

GPA/MOD/JPN/8

18 de agosto de 2004

(04-3455)

Comité de Contratación Pública

Original: inglés

## ENMIENDAS PROPUESTAS POR EL JAPÓN AL APÉNDICE I

### Comunicación del Japón de conformidad con el párrafo 6 a) del artículo XXIV<sup>1</sup> del ACP

La siguiente comunicación de la delegación del Japón, de fecha 16 de agosto de 2004, se distribuye 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, el Gobierno del Japón desea notificar al Comité de Contratación Pública las siguientes enmiendas de carácter puramente formal en relación con el Anexo 3 del Apéndice I del Acuerdo sobre Contratación Pública:

- Añádase al Grupo B de la "Lista de entidades" y la "Lista de entidades que contratan los servicios indicados en el Anexo 4" las seis entidades siguientes:
  - National University Corporation
  - Inter-University Research Institute Corporation
  - Institute of National Colleges of Technology, Japan
  - National Institution for Academic Degrees and University Evaluation
  - Center for National University Finance and Management
  - National Institute of Multimedia Education.

2. Las enmiendas mencionadas *supra* obedecen a los siguientes cambios orgánicos:

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<sup>1</sup> El párrafo 6 a) del artículo XXIV ("Rectificaciones o enmiendas") establece lo siguiente: *Rectificaciones o enmiendas* a) 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.

- 1) En el proceso de reforma del Gobierno central del Japón, las "Universidades Nacionales" junto a los "Colegios Nacionales" y las entidades "Inter-University Research Institute", "National Colleges of Technology", "National Institution for Academic Degrees and University Evaluation" y "Center for National University Finance", que eran organizaciones adscritas al Ministerio de Educación, Cultura, Deportes y Tecnología, quedan reorganizadas respectivamente para constituir entidades jurídicamente independientes del Gobierno. En virtud de las leyes y los reglamentos pertinentes, este cambio orgánico surtió efecto el 1º de abril de 2004.
  - 2) Esas organizaciones han quedado comprendidas en el ámbito de aplicación del Acuerdo como organizaciones adscritas al Ministerio de Educación, Cultura, Deportes y Tecnología en el Anexo 1 del Japón. Dado que estas nuevas organizaciones no figuran entre las entidades del Gobierno central sujetas a la Ley de Cuentas del Estado y no están previstas en la Ley Orgánica del Gobierno Nacional ni en la Ley por la que se establece el Consejo de Ministros, las seis organizaciones se añaden al Grupo B del Anexo 3. De este modo, el Acuerdo se aplica a estas organizaciones con los mismos umbrales y condiciones estipulados en el Anexo 1 para las entidades del Gobierno central.
  - 3) A partir del 1º de abril de 2004, estas organizaciones dispondrán de normas de contabilidad para aplicar plenamente los umbrales y procedimientos pertinentes de conformidad con el Acuerdo. Estas organizaciones estarán bajo el control del Ministerio de Educación, Cultura, Deportes y Tecnología.
3. Estas modificaciones no alteran el nivel del alcance mutuamente convenido previsto en el Acuerdo. En el Anexo A se incluye un resumen de las enmiendas propuestas por el Japón de las páginas 3/5 y 5/5 del Anexo 3 del Apéndice I. En el Anexo B se indica cómo quedarían las páginas 3/5 y 5/5 del Anexo 3 del Apéndice I una vez introducidas las enmiendas propuestas.<sup>2</sup>

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<sup>2</sup> Los Anexos A y B existen solamente en inglés.

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## ATTACHMENT A

### *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
- National Hospital Organization
- National University Corporation
- Inter-University Research Institute Corporation
- Institute of National Colleges of Technology, Japan
- National Institution for Academic Degrees and University Evaluation
- Center for National University Finance and Management
- National Institute of Multimedia Education

### *Services*

#### *Threshold:*

#### *Construction services:*

4,500 thousand SDR for Japan Post in Group A  
15,000 thousand SDR for all other 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)
- Narita International Airport Corporation
- 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 Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- 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
- Tokyo Metro Co. Ltd. (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
- National Consumers Affairs Center of Japan

*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
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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.

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