

ANNEX XX

REFERRED TO IN ARTICLE 10.1

GOVERNMENT PROCUREMENT

APPENDIX 1: ENTITIES AT
CENTRAL GOVERNMENT LEVEL

APPENDIX 2: ENTITIES AT SUB-
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APPENDIX 3: OTHER COVERED
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REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

ENTITIES AT CENTRAL GOVERNMENT LEVEL

SECTION I

MALAYSIA

Thresholds:

Chapter 10 (Government Procurement) of the Agreement applies to the entities of central government listed in this Section where the value of the procurement is estimated to equal or exceed the following relevant thresholds:

Goods	1,500,000 SDR From the beginning of the first year to the end of the fourth year following entry into force of the Agreement;
	800,000 SDR From the beginning of the fifth year to the end of the seventh year following entry into force of the Agreement; and
	130,000 SDR From the beginning of the eighth year following entry into force of the Agreement and thereafter.
Services	2,000,000 SDR From the beginning of the first year to the end of the fourth year following entry into force of the Agreement;
	1,000,000 SDR From the beginning of the fifth year to the end of the seventh year following entry into force of the Agreement;
	500,000 SDR From the beginning of the eighth year to the end of the ninth year following entry into force of the Agreement; and

130,000 SDR
From the beginning of the 10th year following entry into force of the Agreement and thereafter.

Construction Services	63,000,000 SDR From the beginning of the first year to the end of the fifth year following entry into force of the Agreement; 50,000,000 SDR From the beginning of the sixth year to the end of the 10 th year following entry into force of the Agreement;
	40,000,000 SDR From the beginning of the 11 th year to the end of the 15 th year following entry into force of the Agreement;
	30,000,000 SDR From the beginning of the 16 th year to the end of the 20 th year following entry into force of the Agreement; and
	14,000,000 SDR From the beginning of the 21 st year following entry into force of the Agreement and thereafter.

List of Entities (Note 1):

1. Ministry of Agriculture and Food Security (*Kementerian Pertanian dan Keterjaminan Makanan*) (Note 2)
 - (a) All divisions
 - (b) Department of Agriculture (*Jabatan Pertanian*)
 - (c) Department of Fisheries Malaysia (*Jabatan Perikanan Malaysia*)
 - (d) Department of Veterinary Services (*Jabatan Perkhidmatan Veterinar*)
 - (e) Department of Malaysian Quarantine and Inspection Services (*Jabatan Perkhidmatan Kuarantin dan Pemeriksaan Malaysia*)
2. Ministry of Communications (*Kementerian Komunikasi*)
 - (a) All divisions
 - (b) Department of Broadcasting Malaysia (*Jabatan Penyiaran Malaysia*)
 - (c) Department of Information Malaysia (*Jabatan Penerangan Malaysia*)

- (d) Institute of Broadcasting and Information Tun Abdul Razak (*Institut Penyiaran dan Penerangan Tun Abdul Razak*)
3. Ministry of Defence (*Kementerian Pertahanan*) (Note 3)
 - (a) All divisions
 - (b) Judge Advocate General Department (*Jabatan Ketua Hakim Peguam*)
 - (c) Malaysian Armed Forces Veteran Affairs Department (*Jabatan Hal Ehwal Veteran Angkatan Tentera Malaysia*)
 4. Ministry of Domestic Trade and Cost of Living (*Kementerian Perdagangan Dalam Negeri dan Kos Sara Hidup*)
 - (a) All divisions
 5. Ministry of Economy (*Kementerian Ekonomi*)
 - (a) All divisions
 6. Ministry of Education (*Kementerian Pendidikan*) (Note 4)
 - (a) All divisions
 - (b) State Education Departments (*Jabatan Pendidikan Negeri*)
 7. Ministry of Finance (*Kementerian Kewangan*)
 - (a) Federal Treasury of Malaysia (*Perbendaharaan Malaysia*) (Note 5)
 - (b) Property Valuation and Services Department (*Jabatan Penilaian dan Perkhidmatan Harta*)
 - (c) Royal Malaysian Customs Department (*Jabatan Kastam Diraja Malaysia*)
 8. Ministry of Foreign Affairs (*Kementerian Luar Negeri*)
 - (a) All divisions
 - (b) Institute of Diplomacy and Foreign Relations (*Institut Diplomasi dan Hubungan Luar Negeri*)

South-East Asia Regional Centre for Counter-Terrorism (*Pusat Serantau Asia Tenggara bagi Mencegah Keganasan*)
 9. Ministry of Health (*Kementerian Kesihatan*)
 - (a) All divisions (Note 6)
 - (b) Children's Dental Centre and Dental Training College Malaysia (*Pusat Pergigian Kanak-kanak dan Kolej Latihan Pergigian Malaysia*)

- (c) Clinical Research Centre (*Pusat Penyelidikan Klinikal*)
 - (d) Institute for Health Behavioral Research (*Institut Penyelidikan Tingkahlaku Kesihatan*)
 - (e) Institute for Health Management (*Institut Pengurusan Kesihatan*)
 - (f) Institute for Health System Research (*Institut Penyelidikan Sistem Kesihatan*)
 - (g) Institute for Medical Research (*Institut Penyelidikan Perubatan*)
 - (h) Institute for Respiratory Medicine (*Institut Perubatan Respiratori*)
 - (i) Institute of Public Health (*Institut Kesihatan Umum*)
 - (j) National Blood Centre (*Pusat Darah Negara*)
 - (k) National Cancer Institute (*Institut Kanser Negara*)
 - (l) National Leprosy Control Centre (*Pusat Kawalan Kusta Negara*)
 - (m) National Pharmaceutical Regulatory Agency (*Agensi Regulatori Farmasi Negara*)
10. Ministry of Higher Education (*Kementerian Pendidikan Tinggi*) (Note 7)
- (a) All divisions
 - (b) Department of Polytechnic Education and Community College (*Jabatan Pendidikan Politeknik dan Kolej Komuniti*)
11. Ministry of Home Affairs (*Kementerian Dalam Negeri*)
- (a) All divisions (Note 8(a) and Note 8(b))
 - (b) National Anti-Drugs Agency (*Agensi Antidadah Kebangsaan*) (Note 8(b))
 - (c) National Registration Department (*Jabatan Pendaftaran Negara*) (Note 8(b))
 - (d) Volunteers Department of Malaysia (*Jabatan Sukarelawan Malaysia*)
 - (e) Registry of Societies Malaysia (*Jabatan Pendaftaran Pertubuhan*)
12. Ministry of Human Resources (*Kementerian Sumber Manusia*)
- (a) All divisions
 - (b) Department of Labour Peninsular Malaysia (*Jabatan Tenaga Kerja Semenanjung Malaysia*)
 - (c) Department of Labour Sabah (*Jabatan Tenaga Kerja Sabah*)

- (d) Department of Labour Sarawak (*Jabatan Tenaga Kerja Sarawak*)
 - (e) Department of Occupational Safety and Health (*Jabatan Keselamatan dan Kesihatan Pekerjaan*)
 - (f) Department of Manpower (*Jabatan Tenaga Manusia*)
 - (g) Department of Skills Development (*Jabatan Pembangunan Kemahiran*)
 - (h) Industrial Court (*Mahkamah Perusahaan Malaysia*)
 - (i) Department of Trade Union Affairs (*Jabatan Hal Ehwal Kesatuan Sekerja*)
 - (j) Department of Industrial Relations (*Jabatan Perhubungan Perusahaan Malaysia*)
13. Ministry of Investment, Trade and Industry (*Kementerian Pelaburan, Perdagangan Dan Industri*)
- (a) All divisions
 - (b) Department of Standards Malaysia (*Jabatan Standard Malaysia*)
14. Ministry of Housing and Local Government (*Kementerian Perumahan dan Kerajaan Tempatan*) (Note 9)
- (a) All divisions
 - (b) Local Government Department (*Jabatan Kerajaan Tempatan*)
 - (c) National Housing Department (*Jabatan Perumahan Negara*)
 - (d) National Landscape Department (*Jabatan Landskap Negara*)
 - (e) National Solid Waste Management Department (*Jabatan Pengurusan Sisa Pepejal Negara*)
 - (f) Tribunal for Homebuyer Claims and Strata Management (*Tribunal Perumahan dan Pengurusan Strata*)
 - (g) *Institut Latihan Perumahan dan Kerajaan Tempatan*
15. Ministry of National Unity (*Kementerian Perpaduan Negara*)
- (a) Department of Museum Malaysia (*Jabatan Muzium Malaysia*)
 - (b) National Library of Malaysia (*Perpustakaan Negara Malaysia*)
 - (c) National Archives of Malaysia (*Arkib Negara Malaysia*)

16. Ministry of Natural Resources and Environmental Sustainability (*Kementerian Sumber Asli, dan Kelestarian Alam*)

- (a) All divisions
- (b) Department of Biosafety (*Jabatan Biokeselamatan*)
- (c) Department of Environment (*Jabatan Alam Sekitar*)
- (d) Department of Wildlife and National Parks (*Jabatan Perlindungan Hidupan Liar dan Taman Negara*)
- (e) Forestry Department Peninsular Malaysia (*Jabatan Perhutanan Semenanjung Malaysia*)
- (f) National Institute of Land and Survey (*Institut Tanah dan Ukur Negara*)
- (g) Malaysian Meteorological Department (*Jabatan Meteorologi Malaysia*)

17. Ministry of Plantation and Commodities (*Kementerian Perladangan dan Komoditi*)

- (a) All divisions

18. Ministry of Rural and Regional Development (*Kementerian Kemajuan Desa dan Wilayah*) (Note 10)

- (a) All divisions
- (b) Institute for Rural Advancement (*Institut Kemajuan Desa*)

19. Ministry of Science, Technology and Innovation (*Kementerian Sains, Teknologi dan Inovasi*)

- (a) All divisions
- (b) Department of Chemistry Malaysia (*Jabatan Kimia Malaysia*)

20. Ministry of Tourism, Arts and Culture (*Kementerian Pelancongan, Seni dan Budaya*)

- (a) All divisions
- (b) Department of National Heritage (*Jabatan Warisan Negara*)
- (c) *Istana Budaya*
- (d) National Department for Culture and Arts (*Jabatan Kebudayaan dan Kesenian Negara*)

21. Ministry of Transport (*Kementerian Pengangkutan*)

- (a) All divisions

- (b) Marine Department of Malaysia (*Jabatan Laut Malaysia*)
 - (c) Road Transport Department (*Jabatan Pengangkutan Jalan*)
22. Ministry of Women, Family and Community Development (*Kementerian Pembangunan Wanita, Keluarga dan Masyarakat*)
- (a) All divisions
 - (b) Department of Women's Development (*Jabatan Pembangunan Wanita*)
 - (c) Social Institute of Malaysia (*Institut Sosial Malaysia*)
23. Ministry of Works (*Kementerian Kerja Raya*)
- (a) All divisions
 - (b) Public Works Department of Malaysia (*Jabatan Kerja Raya Malaysia*)
(Note 11)
24. Ministry of Youth and Sports (*Kementerian Belia dan Sukan*)
- (a) All divisions
 - (b) National Youth and Sports Department (*Jabatan Belia dan Sukan Negara*)
 - (c) Malaysia Sports Commissioner Office (*Pejabat Pesuruhjaya Sukan Malaysia*)
 - (d) Registrar of Youth Societies Office (*Pejabat Pendaftar Pertubuhan Belia*)
25. Prime Minister's Department (*Jabatan Perdana Menteri*)
- (a) Ceremonial and International Conference Secretariat Division (*Bahagian Istiadat dan Urus Setia Persidangan Antarabangsa*)
 - (b) Public Complaints Bureau (*Biro Pengaduan Awam*)
 - (c) Judicial and Legal Training Institute (*Institut Latihan Kehakiman dan Perundangan*)
 - (d) Department of the Federal Territories (*Jabatan Wilayah Persekutuan*)
 - (e) Office of the Chief Registrar Federal Court of Malaysia (*Pejabat Ketua Pendaftar Mahkamah Persekutuan Malaysia*)
 - (f) Malaysia Civil Defence Force (*Angkatan Pertahanan Awam Malaysia*)
(Note 12)
 - (g) Legal Affairs Division (*Bahagian Hal Ehwal Undang-Undang*)

26. Ministry of Entrepreneur and Cooperatives Development (*Kementerian Pembangunan Usahawan dan Koperasi*)

(a) All divisions

27. Ministry of Energy Transition and Water Transformation (*Kementerian Peralihan Tenaga dan Transformasi Air*)

(a) All divisions

(b) National Hydraulic Research Institute of Malaysia (*Institut Penyelidikan Hidraulik Kebangsaan Malaysia*)

28. Ministry of Digital (*Kementerian Digital*)

(a) All divisions

Notes to Appendix 1

1. Chapter 10 (Government Procurement) shall cover only the entities listed under each Ministry and Prime Minister's Department (*Jabatan Perdana Menteri*) including the subordinates of the listed entities, unless otherwise specified. Those subordinates that have separate legal status are not covered.

2. Ministry of Agriculture and Food Security (*Kementerian Pertanian dan Keterjaminan Makanan*): Chapter 10 (Government Procurement) shall not cover:

(a) any procurement and distribution of inputs for agro-food production in Malaysia; and

(b) any procurement in relation to Malaysian Agriculture, Horticulture Agro-Tourism Expo and National Farmers, Breeders and Fishermen's Day.

3. Ministry of Defence (*Kementerian Pertahanan*):

(a) Chapter 10 (Government Procurement) shall cover the procurement of goods and services described in *United States Federal Supply Code* (FSC) classification (Version August 1998) listed below:

<i>FSC</i>	<i>Description</i>
22	Railway Equipment
23	Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles
24	Tractors
25	Vehicular Equipment Components
26	Tires and Tubes
29	Engine Accessories
30	Mechanical Power Transmission Equipment
31	Bearings
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
42	Fire Fighting, Rescue and Safety Equipment
43	Pumps and Compressors
44	Furnace, Steam Plant and Drying Equipment
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
53	Hardware and Abrasives
54	Prefabricated Structures and Scaffolding
55	Lumber, Millwork, Plywood and Veneer
56	Construction and Building Materials
61	Electric Wire, and Power and Distribution Equipment
62	Lighting, Fixtures and Lamps
63	Alarm, Signal and Security Detection Systems
65	Medical, Dental and Veterinary Equipment and Supplies
67	Photographic Equipment
68	Chemicals and Chemical Products
69	Training Aids and Devices
70	General Purpose Automatic Data Processing Equipment, Software, Supplies and Support Equipment
71	Furniture
72	Household and Commercial Furnishings and Appliances
73	Food Preparation and Serving Equipment
74	Office Machines, Text Processing Systems and Visible Record Equipment
75	Office Supplies and Devices
76	Books, Maps and other Publications
77	Musical Instruments, Phonographs and Home-Type Radios
78	Recreational and Athletic Equipment
79	Cleaning Equipment and Supplies
80	Brushes, Paints, Sealers and Adhesives
81	Containers, Packaging and Packing Supplies
83	Textiles, Leather, Furs, Apparel and Shoe Findings, Tents and Flags
84	Clothing, Individual Equipment, and Insignia
85	Toiletries
87	Agricultural Supplies
88	Live Animals
91	Fuels, Lubricants, Oils and Waxes
93	Non-metallic Fabricated Materials
94	Non-metallic Crude Materials
95	Metal Bars, Sheets and Shapes
96	Ores, Minerals, and their Primary Products
99	Miscellaneous

4. Ministry of Education (*Kementerian Pendidikan*):
 - (a) For greater certainty, all primary and secondary schools are covered.
 - (b) Chapter 10 (Government Procurement) shall not cover:
 - (i) Examinations Syndicate (*Lembaga Peperiksaan*);
 - (ii) Matriculation College;
 - (iii) Institute of Teacher Education; and
 - (iv) procurement in relations to uniforms, text books, and milk and food programmes for preschool and school children.
5. Ministry of Finance (*Kementerian Kewangan*): For greater certainty, all divisions under Federal Treasury of Malaysia (*Perbendaharaan Malaysia*) are covered, except Government Investment Companies Division (*Bahagian Syarikat Pelaburan Kerajaan*).
6. Ministry of Health (*Kementerian Kesihatan*): For greater certainty, government hospitals and clinics are covered.
7. Ministry of Higher Education (*Kementerian Pendidikan Tinggi*): For greater certainty, community colleges and polytechnics are covered.
8. Ministry of Home Affairs (*Kementerian Dalam Negeri*): Chapter 10 (Government Procurement) shall not cover:
 - (a) Regulatory and Enforcement Division (*Bahagian Penguatkuasaan dan Kawalan*); and
 - (b) Any procurement that has security considerations determined by the Ministry.
9. Ministry of Housing and Local Government (*Kementerian Perumahan dan Kerajaan Tempatan*): Chapter 10 (Government Procurement) shall not cover procurement in relation to People's Housing Programme (*Program Perumahan Rakyat*).
10. Ministry of Rural and Regional Development (*Kementerian Kemajuan Desa dan Wilayah*): Chapter 10 (Government Procurement) shall not cover procurement in relation to Rural Electricity Supply Program (*Program Bekalan Elektrik Luar Bandar*), Village Street Lighting Program (*Program Pemasangan Lampu Jalan Kampung*) and Rural Water Supply Program (*Program Bekalan Air Luar Bandar*).
11. Ministry of Works (*Kementerian Kerja Raya*): Chapter 10 (Government Procurement) shall not cover Security Works Branch, Public Works Department Malaysia (*Cawangan Kerja Keselamatan, Jabatan Kerja Raya Malaysia*).
12. Prime Minister's Department (*Jabatan Perdana Menteri*): Chapter 10 (Government Procurement) shall not cover any procurement that has security considerations determined by the Department.

SECTION II

EFTA STATES

Chapter 10 (Government Procurement) of the Agreement applies to the entities of central government listed in this Section where the value of the procurement equals or exceeds:

GOODS

Specified in Appendix 4

Threshold SDR 130,000

SERVICES

Specified in Appendix 5

Threshold SDR 130,000

CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold SDR 5,000,000

A. Iceland

All central government entities, including ministries and sub-entities.

Indicative list of central government entities

Forsætisráðuneytið – Prime Minister’s Office

Utanríkisráðuneytið – Ministry for Foreign Affairs

Menningar- og viðskiptaráðuneytið – Ministry of Culture and Business Affairs

Mennta- og barnamálaráðuneytið – Ministry of Education and Children

Fjármála- og efnahagsráðuneytið – Ministry of Finance and Economic Affairs

Matvælaráðuneytið – Ministry of Food, Agriculture and Fisheries

Heilbrigðisráðuneytið – Ministry of Health

Háskóla-, iðnaðar- og nýsköpunarráðuneytið – Ministry of Higher Education, Science and Innovation

Innviðaráðuneytið – Ministry of Infrastructure

Dómsmálaráðuneytið – Ministry of Justice

Félags- og vinnumarkaðsráðuneytið – Ministry of Social Affairs and Labour

Umhverfis-, orku- og loftlagsráðuneytið – Ministry of Environment, Energy and Climate

The entities in charge of government procurement are the following bodies:

1. *Fjársýsla ríkisins* (Financial Management Authority) for all of governmental agencies and ministries in Iceland.
2. FSRE (Government Property Agency) for public works and buildings.
3. Vegagerdin (IRCA – Icelandic Road and Coastal Administration) for roads and transportation.
4. Landspítali (Landspítali – University Hospital) for health care products.

Notes to Appendix 1

1. *Central government* entities also cover any subordinate entity of any central government entity provided that such entity does not have separate legal personality.
2. Agencies *and* institutions subordinate to these ministries.

B. Liechtenstein

List of Entities:

1. Government of the Principality of Liechtenstein¹
2. Courts of the Principality of Liechtenstein
3. Parliament of the Principality of Liechtenstein

Note to Appendix 1

Central government entities cover also any subordinate entity of any central government entity provided it does not have a separate legal personality.

C. Norway

All Central Government Entities.

An indicative list of central government entities is as follows:

Note to Appendix 1

Central government entities cover also any subordinated entity of any central government entity, provided that such entity does not have separate legal personality.

Indicative list of central government entities:

<i>Statsministerens kontor</i>	Office of the Prime Minister
<i>Arbeids- og inkluderingsdepartementet</i>	Ministry of Labour and Social Inclusion
<i>Barne- og familidepartementet</i>	Ministry of Children and Families
<i>Digitaliserings- og forvaltningsdepartementet</i>	Ministry of Digitalisation and Public Governance
<i>Finansdepartementet</i>	Ministry of Finance
<i>Forsvarsdepartementet</i>	Ministry of Defence

¹ Government of the Principality of Liechtenstein encompasses the whole national administration, including the Liechtenstein High School (Liechtensteinisches Gymnasium), immigration services, prison services, as well as the National Police.

<i>Helse- og omsorgsdepartementet</i>	Ministry of Health and Care Services
<i>Justis- og beredskapsdepartementet</i>	Ministry of Justice and Public Security
<i>Klima- og miljødepartementet</i>	Ministry of Climate and Environment
<i>Kommunal- og distriktsdepartementet</i>	Ministry of Local Government and Regional Development
<i>Kultur- og likestillingsdepartementet</i>	Ministry of Culture and Equality
<i>Kunnskapsdepartementet</i>	Ministry of Education and Research
<i>Landbruks- og matdepartementet</i>	Ministry of Agriculture and Food
<i>Nærings- og fiskeridepartementet</i>	Ministry of Trade, Industry and Fisheries
<i>Energidepartementet</i>	Ministry of Energy
<i>Samferdselsdepartementet</i>	Ministry of Transport and Communication
<i>Utenriksdepartementet</i>	Ministry of Foreign Affairs

Agencies and Institutions subordinate to these ministries.

<i>Domstolene</i>	The Courts of Law
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D. Switzerland

All centralised and decentralised authorities or administrative units of the Swiss Confederation under Swiss public law.

I. List of centralised and decentralised units of the Federal Administration, in accordance with the Federal Act of 21 March 1997 on the Organisation of the Government and the Administration and the relevant ordinance^{2, 3}:

Indicative list of central government entities:

FRENCH	ENGLISH
<p>1. Chancellerie fédérale (ChF):</p> <p><i>Chancellerie fédérale (ChF) Préposé fédéral à la protection des données et à la transparence (PFPDT)</i></p>	<p>1. Federal Chancellery (FCh):</p> <p>Federal Chancellery (FCh) Federal Data Protection and Information Commissioner (FDPIC)</p>
<p>2. Département fédéral des affaires étrangères (DFAE):</p> <ul style="list-style-type: none">- <i>Secrétariat général (SG-DFAE)</i>- <i>Secrétariat d'Etat (SEE)</i>- <i>Direction du droit international public (DDIP)</i>- <i>Direction du développement et de la coopération (DDC)</i>- <i>Direction des ressources (DR)</i>- <i>Direction consulaire (DC)</i>	<p>2. Federal Department of Foreign Affairs (FDFA):</p> <ul style="list-style-type: none">- General Secretariat (GS-FDFA)- State Secretariat (STS)- Directorate of Public International Law (DIL)- Swiss Agency for Development Cooperation (SDC)- Directorate of Corporate Resources (DCR)- Consular Directorate (CD)

² RS 172.010 and RS 172.010.1
https://www.fedlex.admin.ch/eli/cc/1997/2022_2022_2022/fr and
<https://www.fedlex.admin.ch/eli/cc/1999/170/fr>

³ Except for “Caisse fédérale de pensions” (PUBLICA) / Swiss Federal Pension Fund “(PUBLICA) under Département fédéral des finances (DFF) / Federal Department of Finance (FDF).

3. **Département fédéral de l'intérieur (DFI):**

- Secrétariat général (SG-DFI)
- Bureau fédéral de l'égalité entre femmes et hommes (BFEG)
- Office fédéral de la culture (OFC)
- Archives fédérales suisses (AFS)
- Office fédéral de météorologie et de climatologie (MétéoSuisse)
- Office fédéral de la santé publique (OFSP)
- Office fédéral de la statistique (OFS)
- Office fédéral des assurances sociales (OFAS)
- Office fédéral de la sécurité alimentaire et des affaires vétérinaires (OSAV)
- Musée national suisse (MNS)
- Pro Helvetia
- Swissmedic, Institut suisse des produits thérapeutiques
- Compenswiss (fonds de compensation (AVS/AI/IPG))

4. **Département fédéral de la justice et police (DFJP):**

- Secrétariat général (SG-DFJP)
- Office fédéral de la justice (OFJ)
- Office fédéral de la police (fedpol)
- Secrétariat d'Etat aux migrations (SEM)
- Institut fédéral de métrologie (METAS)
- Service Surveillance de la correspondance par poste et télécommunication (SCPT)
- Commission nationale de prévention de la torture
- Institut suisse de droit comparé (ISDC)
- Institut Fédéral de la Propriété Intellectuelle (IPI)
- Autorité fédérale de surveillance en matière de révision (ASR)

3. **Federal Department of Home Affairs (FDHA):**

- General Secretariat (GS-FDHA)
- Federal Office for Gender Equality (FOGE)
- Federal Office of Culture (FOC)
- Swiss Federal Archives (SFA)
- Federal Office of Meteorology and Climatology (MeteoSwiss)
- Federal Office of Public Health (FOPH)
- Federal Statistical Office (FSO)
- Federal Social Insurance Office (FSIO)
- Federal Food Safety and Veterinary Office FSVO
- Swiss National Museum (SNM)
- Pro Helvetia
- Swissmedic, Swiss Agency for Therapeutic Products
- Swiss Federal Social Security Funds (OAI/II/IC)

4. **Federal Department of Justice and Police (FDJP):**

- General Secretariat (GS-FDJP)
- Federal Office of Justice (FOJ)
- Federal Office of Police (fedpol)
- State Secretariat for Migration (SEM)
- Federal Institute of Metrology (METAS)
- Post and Telecommunications Surveillance Service
- National Commission for the Prevention of Torture
- Swiss Institute of Comparative Law (SICL)
- Federal Institute of Intellectual Property (IIP)
- Federal Audit Oversight Authority (FAOA)

5. **Département fédéral de la défense, de la protection de la population et des sports (DDPS):**

- *Secrétariat général (SG-DDPS)*
- *Secrétariat d'État à la politique de sécurité (SEPOS)*
Service de renseignement de la Confédération (SRC)
- *Office de l'auditeur en chef (OAC)*

- *Groupement Défense*
 - (a) *Etat-major de l'armée (EM A)*
 - (b) *Commandement des opérations (Cdmt Op)*
 - (c) *Base logistique de l'armée (BLA)*
 - (d) *Base d'aide au commandement (BAC)*
 - (e) *Commandement de l'Instruction (Cmdt Instr)*
- *Office fédéral de l'armement (armasuisse)*
- *Office fédéral de la topographie (swisstopo)*
- *Office fédéral de la protection de population (OFPP)*
- *Office fédéral du sport (OFSP)*
- *The National Cyber Security Centre*
Autorité de surveillance indépendante des activités de renseignement

5. **Federal Department of Defence, Civil Protection and Sport (DDPS):**

- General Secretariat (GS-DDPS)
- State Secretariat for Security Policy (SEPOS)
Federal Intelligence Service (FIS)
- Office of the Armed Forces Attorney General (OAFAG)
- Defence Sector
 - (a) Armed Forces Staff (AFS)
 - (b) Joint Operations Command (JOC)
 - (c) Armed Forces Logistics Organisation (AFLO)
 - (d) Command Support Organisation (AFCSO)
 - (e) Training and Education Command (TEC)
- Federal Office for Defence Procurement (armasuisse)
- Federal Office of Topography (swisstopo)
- Federal Office for Civil Protection (FOCP)
- Federal Office of Sport (FOSPO)
- The National Cyber Security Centre
Independent Oversight Authority for Intelligence Activities

6. **Département fédéral des finances (DFD):**

- *Secrétariat général (SG-DFD)*
- *Secrétariat d'Etat aux questions financières internationales (SFI)*
- *Administration fédérale des finances (AFF)*
- *Office fédéral du personnel (OFPER)*
- *Administration fédérale des contributions (AFC)*
- *Office fédéral de la douane et de la sécurité aux frontières (OFDF)*
- *Office fédéral de l'informatique et de la télécommunication (OFIT)*

- *Office fédéral des constructions et de la logistique (OFCL)*
- *Contrôle fédéral des finances (CDF)*
- *Autorité fédérale de surveillance des marchés financiers (FINMA)*
- *Caisse fédérale de pensions (PUBLICA)*

6. **Federal Department of Finance (FDF):**

- General Secretariat (SG-DFD)
- State Secretariat for International Financial Matters (SFI)
- Federal Finance Administration (FFA)
- Federal Office of Personnel (FOPER)
- Federal Tax Administration (FTA)
- Federal Office for Customs and Boarder Security (FOCBS)
- Federal Office of Information Technology, Systems and Telecommunication (FOITT)
- Federal Office for Buildings and Logistics (FOBL)
- Swiss Federal Audit Office (SFAO)
- Swiss Financial Market Supervisory Authority (FINMA)
- Swiss Federal Pension Fund (PUBLICA)

7. **Département fédéral de l'économie,
de la formation et de la recherche
DEFR:**

- *Secrétariat général (SG-DFE)*
- *Surveillance des prix (SPR)*
- *Secrétariat d'État à l'économie (SECO)*
- *Secrétariat d'Etat à la formation, à la recherche et à l'innovation SEFRI*
- *Domaine des écoles polytechniques (domaine des EPF)*
- *Ecole polytechnique fédérale de Zurich (EPFZ)*
- *Ecole polytechnique fédérale de Lausanne (EPFL)*
- *Institut Paul Scherrer (PSI)*
- *Institut fédéral de recherches sur la forêt, la neige et le paysage (WSL)*
- *Laboratoire fédéral d'essai des matériaux et de recherche (EMPA)*
- *Institut fédéral pour l'aménagement, l'épuration et la protection des eaux (EAWAG)*
- *Office fédéral de l'agriculture (OFAG)*
- *Office fédéral pour l'approvisionnement économique du pays (OFAE)*
- *Office fédéral du logement (OFL)*
- *Office fédéral du service civil (CIVI)*
- *Suisse tourisme (ST)*
- *Société suisse de crédit hôtelier (SCH)*
- *Assurance suisse contre les risques à l'exportation (ASRE)*
- *Institut fédéral des hautes études en formation professionnelle (IFFP)*
- *Agence suisse pour l'encouragement à l'innovation (Innosuisse)*
- *Swiss Investment Fund for Emerging markets (SIFEM SA)*

7. **Federal Department of Economic
Affairs, Education and Research
EAER:**

- *General Secretariat (SG-DFE)*
- *Price Supervision (PRS)*
- *State Secretariat for Economic Affairs (SECO)*
- *State Secretariat for Education, Research and Innovation SERI*
- *Domain of the Swiss Federal Institutes of Technology (ETH Domain)*
- *Federal Institute of Technology Zurich (ETHZ)*
- *Federal Institute of Technology Lausanne (EPFL)*
- *Paul Scherrer Institute (PSI)*
- *Institute for Snow and Avalanche Research (WSL)*
- *Swiss Federal Laboratories for Materials Testing and Research (EMPA)*
- *Swiss Federal Institute of Aquatic Science and Technology (EAWAG)*
- *Federal Office for Agriculture (FOAG)*
- *Federal Office for National Economic Supply (FONES)*
- *Federal Office for Housing (FHO)*
- *Federal office for civil service (FOCS)*
- *Swiss Tourism (ST)*
- *Swiss Association for Hotel Credit (SAH)*
- *Swiss Export Risk Insurance (SERV)*
- *Swiss Federal Institute for Vocational Education and Training (SFIVET)*
- *Swiss Innovation Agency (Innosuisse)*
- *Swiss Investment Fund for Emerging Markets (SIFEM SA)*

8. **Département fédéral de l'environnement, des transports, de l'énergie et de la communication (DETEC):**

- *Secrétariat général (SG-DETEC)*
- *Office fédéral des transports (OFT)*
- *Office fédéral de l'aviation civile (OFAC)*
- *Office fédéral de l'énergie (OFEN)*
- *Office fédéral des routes (OFROU)*
- *Office fédéral de la communication (OFCOM)*
- *Office fédéral de l'environnement (OFEV)*
- *Office fédéral du développement territorial (ARE)*
- *Inspection fédérale de la sécurité nucléaire (IFSN)*
- *Fonds de désaffectation et Fonds de gestion pour les installations nucléaires*
- *Service suisse d'attribution des sillons*

8. **Federal Department of the Environment, Transport, Energy and Communications (DETEC):**

- General Secretariat (GS-DETEC)
- Federal Office of Transport (FOT)
- Federal Office of Civil Aviation (FOCA)
- Swiss Federal Office of Energy (SFOE)
- Federal Roads Office (FEDRO)
- Federal Office of Communications (OFCOM)
- Federal Office for the Environment (FOENV)
- Federal Office for Spatial Development (ARE)
- Swiss Federal Nuclear Safety Inspectorate (ENSI)
- Decommissioning Fund for Nuclear Facilities and Waste Disposal Fund for Nuclear Power Plants
- Swiss capacity allocation body

Notes to Appendix I

The list includes also extra parliamentary commissions.

I. Entities pertaining to the federal judicial authorities and federal criminal prosecution authorities:

1. Federal Supreme Court
2. Federal Criminal Court
3. Federal Administrative Court
4. Federal Patent Court
5. Office of the Attorney General of the Confederation (OAG)

II. Entities pertaining to the Federal Assembly:

1. National Council
 2. Council of States
 3. Parliamentary Services
-

APPENDIX 2 TO ANNEX XX

REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

ENTITIES AT SUB-CENTRAL GOVERNMENT LEVEL

SECTION I

MALAYSIA

None.

SECTION II

EFTA STATES

Chapter 10 (Government Procurement) of the Agreement applies to the entities of the sub-central level of government listed in this Section where the value of the procurement equals or exceeds:

GOODS

Specified in Appendix 4

Threshold SDR 200,000

SERVICES

Specified in Appendix 5

Threshold SDR 200,000

CONSTRUCTION SERVICES

Specified in Appendix 6

Threshold SDR 5,000,000

A. Iceland

None.

B. Liechtenstein

None.

C. Norway

List of Entities

1. All sub-central government entities operating at the regional (counties) or local (municipalities) level.
2. All bodies governed by public law⁴.
3. All associations formed by one or several of the entities covered by the preceding paragraphs 1 and 2.
4. An indicative list of procuring entities which are bodies governed by public law is attached.

Indicative list of Procuring Entities which are Bodies Governed by Public Law:

1. Bodies:

<i>Enova SF</i>	Enova SF
<i>Garantiinstituttet for eksportkreditt, GIEK</i>	The Norwegian Guarantee Institute
<i>Helse Sør-Øst RHF</i>	South-Eastern Norway Regional Health Authority
<i>Helse Vest RHF</i>	Western Norway Regional Health Authority
<i>Helse Midt-Norge RHF</i>	Central Norway Regional Health Authority
<i>Helse Nord RHF</i>	Northern Norway Regional Health Authority

⁴ A body is considered to be governed by public law when it:

- (a) is established for the specific purpose of meeting needs in the general interest, not having a commercial or industrial character;
- (b) has legal personality; and
- (c) is financed for the most part by the State, or regional or local authorities, or other bodies governed by public law, or is subject to management supervision by those bodies, or has an administrative, managerial or supervisory board more than half of whose members are appointed by the State, regional or local authorities, or other bodies governed by public law.

<i>Innovasjon Norge</i>	Innovation Norway
<i>Norsk Rikskringkasting, NRK</i>	The Norwegian Broadcasting Corporation
<i>Universitetssenteret på Svalbard AS</i>	The University Centre in Svalbard
<i>Uninett AS</i>	Uninett, The Norwegian Research Network
<i>Simula Research Laboratory AS</i>	Simula Research Laboratory AS
<i>Norsk samfunnsvitenskapelig datatjeneste AS (NSD)</i>	Norwegian Social Science Data services AS (NSD)

2. Categories:

- *Statsbanker (State Banks)*
- *Publicly owned and operated museums*

Explanatory note

For greater certainty, entities at sub-central level also include public hospitals and public schools primary level and above and institutions of the tertiary level (i.e. universities and college of higher education), as far as they are not covered at central level in Appendix 1.

D. Switzerland

List of Entities⁵

Any centralised or decentralised authority or administrative unit at cantonal level under public cantonal law

List of Swiss cantons

Appenzell Rhodes Intérieures
Appenzell Rhodes Extérieures
Argovie
Bâle Ville
Bâle Campagne
Berne
Fribourg
Glaris
Genève
Grisons
Jura
Neuchâtel

⁵ For contracts of the Cantons referring to defense products, acting for the federal defense department, see derogations.

Lucerne
Schaffhouse
Schwyz
Soleure
St Gall
Tessin
Thurgovie
Vaud
Valais
Nidwald
Obwald
Uri
Zoug
Zurich

Note to Appendix 2

By way of clarification, the notion of a decentralised unit at level covers bodies under public law established at cantonal level of a non-commercial or industrial nature.

Explanatory note

For greater certainty, entities at cantonal level also include public hospitals and schools of the upper secondary level (i.e. Baccalaureate schools and vocational education and training schools) and institutions of the tertiary level (i.e. universities and college of higher education), as far as they are not covered at central level in Appendix 1 (federal polytechnics).

APPENDIX 3 TO ANNEX XX

REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

OTHER COVERED ENTITIES

SECTION I

MALAYSIA

None.

SECTION II

EFTA STATES

None.

APPENDIX 4 TO ANNEX XX

REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

GOODS

SECTION I

MALAYSIA

Chapter 10 (Government Procurement) of the Agreement applies to all goods, as described in the United Nation Central Product Classification (CPC) Version 2.1, 2015, procured by the entities listed in Appendix 1, unless otherwise specified in Chapter 10 (Government Procurement) and subject to Appendix 10 and the Notes to the respective Appendices.

Notes to Appendix 4:

1. Chapter 10 (Government Procurement) shall not cover the procurement of:

<i>CPC Code</i>	<i>Description</i>
01	Products of agriculture, horticulture and market gardening
04	Fish and other fishing products
17	Electricity, town gas, steam and hot water
18	Natural water
21	Meat, fish, fruits, vegetables, oils and fats
22	Dairy products and egg products
23	Grain mill products, starches and starch products; other food products
24	Beverages

SECTION II

EFTA STATES

A. Iceland

1. Unless otherwise specified in Chapter 10 (Government Procurement), the Agreement applies to all goods procured by entities listed in Appendices 1 to 3.

2. For procurement by the Ministry of Defence, its subordinated entities and entities in the field of security, Chapter 10 (Government Procurement) of the Agreement only applies to the following goods that are described in the Chapters of the CCC (Customs Co-operation Council)/Brussels nomenclature specified below:

Chapter 25: Salt; sulphur; earths and stone; plastering materials, lime, and cement

Chapter 26: Metallic ores, slag, and ash

Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes, except:
ex 27.10: special engine fuels

Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes, except:
ex 28.09 : explosives
ex 28.13 : explosives
ex 28.14 : tear gas
ex 28.28 : explosives
ex 28.32 : explosives
ex 28.39 : explosives
ex 28.50 : toxic products
ex 28.51 : toxic products
ex 28.54 : explosives

Chapter 29: Organic chemicals, except:
ex 29.03 : explosives
ex 29.04 : explosives
ex 29.07 : explosives
ex 29.08 : explosives
ex 29.11 : explosives
ex 29.12 : explosives
ex 29.13 : toxic products
ex 29.14 : toxic products
ex 29.15 : toxic products
ex 29.21 : toxic products
ex 29.22 : toxic products
ex 29.23 : toxic products

- ex 29.26 : explosives
- ex 29.27 : toxic products
- ex 29.29 : explosives
- Chapter 30: Pharmaceutical products
- Chapter 31: Fertilizers
- Chapter 32: Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes, putty, fillers and stoppings, inks
- Chapter 33: Essential oils and resinoids; perfumery, cosmetics, and toilet preparations
- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"
- Chapter 35: Albuminoidal substances; glues; enzymes
- Chapter 37: Photographic and cinematographic goods
- Chapter 38: Miscellaneous chemical products, except:
ex 38.19 toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof, except:
ex 39.03 explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof, except:
ex 40.11 bullet-proof tyres
- Chapter 41: Raw hides and skins (other than fur skins) and leather
- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
- Chapter 43: Fur skins and artificial fur; manufactures thereof
- Chapter 44: Wood and articles of wood; wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw of esparto and of other plaiting materials; basketware and wickerwork
- Chapter 47: Paper-making material
- Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans

- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof
- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof, except:
ex 82.05: tools
ex 82.07: tools, parts
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances; parts thereof, except:
ex 84.06 : engines
ex 84.08 : other engines
ex 84.45 : machinery
ex 84.53: automatic data-processing machines
ex 84.55: parts of machines under heading 84.53
ex 84.59: nuclear reactors
- Chapter 85: Electrical machinery and equipment; parts thereof, except:
ex 85.13: telecommunication equipment

- ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof, except:
 - ex 86.02: armoured locomotives, electric
 - ex 86.03: other armoured locomotives
 - ex 86.05: armoured wagons
 - ex 86.06: repair wagons
 - ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof, except:
 - ex 87.01 : tractors
 - ex 87.02 : military vehicles
 - ex 87.03 : breakdown lorries
 - ex 87.08: tanks and other armoured vehicles
 - ex 87.09: motorcycles
 - ex 87.14: trailers
- Chapter 89: Ships, boats and floating structures, except:
 - ex 89.01A warships
- Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof, except:
 - ex 90.05 : binoculars
 - ex 90.13 : miscellaneous instruments, lasers
 - ex 90.14: telemeters
 - ex 90.28: electrical and electronic measuring instruments
 - ex 90.11 : microscopes
 - ex 90.17 : medical instruments
 - ex 90.18 : mechano-therapy appliances
 - ex 90.19: orthopaedic appliances
 - ex 90.20: X-ray apparatus
- Chapter 91: Manufacture of watches and clocks
- Chapter 92: Musical instruments; sound recorders or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles
- Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings, except:
 - ex 94.01A: aircraft seats
- Chapter 95: Articles and manufactures of carving or moulding material
- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 98: Miscellaneous manufactured articles

B. Liechtenstein

Unless otherwise specified in Chapter 10 (Government Procurement), the Agreement applies to all goods procured by entities listed in Appendices 1 to 3.

C. Norway

1. Unless otherwise specified in Chapter 10 (Government Procurement), the Agreement applies to all goods procured by the entities listed in Appendices 1 to 3.

2. For procurement by the Ministry of Defence, its subordinated entities and entities in the field of security Chapter 10 (Government Procurement) of the Agreement only applies to the following goods that are described in the Chapters of the CCC (Customs Co-operation Council)/Brussels nomenclature specified below:

Chapter 25: Salt; sulphur, earths and stone; plastering materials, lime and cement

Chapter 26: Metallic ores, slag and ash

Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes, except:
ex 27.10: special engine fuels

Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare earth metals, of radio-active elements and of isotopes, except:
ex 28.09 : explosives
ex 28.13 : explosives
ex 28.14 : tear gas
ex 28.28 : explosives
ex 28.32 : explosives
ex 28.39 : explosives
ex 28.50 : toxic products
ex 28.51 : toxic products
ex 28.54 : explosives

Chapter 29: Organic chemicals, except:
ex 29.03 : explosives
ex 29.04 : explosives
ex 29.07 : explosives
ex 29.08 : explosives
ex 29.11 : explosives
ex 29.12 : explosives
ex 29.13 : toxic products
ex 29.14 : toxic products
ex 29.15 : toxic products
ex 29.21 : toxic products
ex 29.22 : toxic products
ex 29.23 : toxic products

- ex 29.26 : explosives
- ex 29.27 : toxic products
- ex 29.29 : explosives

- Chapter 30: Pharmaceutical products

- Chapter 31: Fertilizers

- Chapter 32: Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes, putty, fillers and stoppings, inks

- Chapter 33: Essential oils and resinoids; perfumery, cosmetics and toilet preparations

- Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes"

- Chapter 35: Albuminoidal substances; glues; enzymes

- Chapter 37: Photographic and cinematographic goods

- Chapter 38: Miscellaneous chemical products, except:
ex 38.19 toxic products

- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof, except:
ex 39.03 explosives

- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof, except:
ex 40.11 bullet-proof tyres

- Chapter 41: Raw hides and skins (other than fur skins) and leather

- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)

- Chapter 43: Fur skins and artificial fur; manufactures thereof

- Chapter 44: Wood and articles of wood; wood charcoal

- Chapter 45: Cork and articles of cork

- Chapter 46: Manufactures of straw of esparto and of other plaiting materials; basketware and wickerwork

- Chapter 47: Paper-making material

- Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard

- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans

- Chapter 65: Headgear and parts thereof
- Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof
- Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair
- Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials
- Chapter 69: Ceramic products
- Chapter 70: Glass and glassware
- Chapter 71: Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery
- Chapter 73: Iron and steel and articles thereof
- Chapter 74: Copper and articles thereof
- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 77: Magnesium and beryllium and articles thereof
- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals employed in metallurgy and articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof, except:
ex 82.05: tools
ex 82.07: tools, parts
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances; parts thereof, except:
ex 84.06 : engines
ex 84.08 : other engines
ex 84.45 : machinery
ex 84.53: automatic data-processing machines
ex 84.55: parts of machines under heading 84.53
ex 84.59: nuclear reactors
- Chapter 85: Electrical machinery and equipment; parts thereof, except:
ex 85.13: telecommunication equipment

- ex 85.15: transmission apparatus
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof, except:
- ex 86.02: armoured locomotives, electric
 - ex 86.03: other armoured locomotives
 - ex 86.05: armoured wagons
 - ex 86.06: repair wagons
 - ex 86.07: wagons
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof, except:
- ex 87.01 : tractors
 - ex 87.02 : military vehicles
 - ex 87.03 : breakdown lorries
 - ex 87.08: tanks and other armoured vehicles
 - ex 87.09: motorcycles
 - ex 87.14: trailers
- Chapter 89: Ships, boats and floating structures, except:
- ex 89.01A warships
- Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof, except:
- ex 90.05 : binoculars
 - ex 90.13 : miscellaneous instruments, lasers
 - ex 90.14: telemeters
 - ex 90.28: electrical and electronic measuring instruments
 - ex 90.11 : microscopes
 - ex 90.17 : medical instruments
 - ex 90.18 : mechano-therapy appliances
 - ex 90.19: orthopaedic appliances
 - ex 90.20: X-ray apparatus
- Chapter 91: Manufacture of watches and clocks
- Chapter 92: Musical instruments; sound recorders or reproducers; television image and sound recorders or reproducers; parts and accessories of such articles
- Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings, except:
- ex 94.01A: aircraft seats
- Chapter 95: Articles and manufactures of carving or moulding material
- Chapter 96: Brooms, brushes, powder-puffs and sieves
- Chapter 98: Miscellaneous manufactured articles

D. Switzerland

1. Unless otherwise specified in Chapter 10 (Government Procurement), the Agreement applies to all goods procured by the entities listed in Appendices 1 to 3.

2. For procurement by entities of the Federal Department of Defence, Civil protection and Sport⁶ and by other entities responsible for defence and security, such as the Federal Customs Administration with regard to the equipment for border guards and customs officials in Appendix 1, Chapter 10 (Government Procurement) of the Agreement only applies to the following list of supplies and equipment (HS Codes)⁷:

Chapter 25: Salt, sulphur; earths and stone; plastering materials, lime and cement

Chapter 26: Ores, slag and ash

Chapter 27: Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes

Chapter 28: Inorganic chemicals; organic and inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes

Chapter 29: Organic chemicals

Chapter 30: Pharmaceutical products

Chapter 31: Fertilisers

Chapter 32: Tanning or dyeing extracts; tannins and their derivatives; pigments and other colouring matter; paints and varnishes; putty and other mastics inks

Chapter 33: Essential oils and resinoids; perfumery, cosmetic or toilet preparations

Chapter 34: Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, "dental waxes" and dental preparations with a basis of plaster

Chapter 35: Albuminoidal substances; modified starches; glues; enzymes

⁶ With the exception of the Federal Office of Topography (swissstopo) and the Federal Office of Sport (FOSPO).

⁷ The tariff headings listed by Switzerland are those of the Harmonized System as defined in the International Convention of 14 June 1983 on the Harmonized Commodity Description and Coding System. This Convention entered into force in Switzerland on 1 January 1988 (SR 0.632.11).

- Chapter 36: Explosives, pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations;
- Chapter 37: Photographic or cinematographic goods
- Chapter 38: Miscellaneous chemical products;
- Chapter 39: Plastics and articles thereof
- Chapter 40: Rubber and articles thereof
- Chapter 41: Raw hides and skins (other than furskins) and leather
- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)
- Chapter 43: Furskins and artificial fur; manufactures thereof
- Chapter 44: Wood and articles of wood; wood charcoal
- Chapter 45: Cork and articles of cork
- Chapter 46: Manufactures of straw, of esparto or of other plaiting materials; basket ware and wickerwork
- Chapter 47: Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper or paperboard
- Chapter 48: Paper and paperboard; articles of paper pulp, of paper or of paperboard
- Chapter 49: Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans
- Chapter 50: Silk
- Chapter 51: Wool, fine or coarse animal hair; horsehair yarn and woven fabric
- Chapter 52: Cotton
- Chapter 53: Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn
- Chapter 54: Man-made filaments; strip and the like of man-made textile materials, except:
54.07: Woven fabrics of synthetic filament yarn
54.08: Woven fabrics of artificial filament yarn
- Chapter 55: Man-made staple fibres, except:

55.11- 55.16:

Yarn and woven fabrics of man-made or synthetic staple fibres

Chapter 56: Wadding, felt and nonwovens; special yarns; twine, cordage, ropes and cables and articles thereof, except:

56.08: Knotted netting of twine, cordage or rope; made up fishing nets and other made up nets, of textile materials

Chapter 57: Carpets and other textile floor coverings

Chapter 58: Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery

Chapter 60: Knitted or crocheted fabrics

Chapter 61: Articles of apparel and clothing accessories, knitted or crocheted

Chapter 62: Articles of apparel and clothing accessories, not knitted or crocheted

Chapter 63: Other made up textile articles; sets; worn clothing and worn textile articles; rags

Chapter 64: Footwear, gaiters and the like; parts of such articles

Chapter 65: Headgear and parts thereof

Chapter 66: Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops and parts thereof

Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair

Chapter 68: Articles of stone, plaster, cement, asbestos, mica or similar materials

Chapter 69: Ceramic products

Chapter 70: Glass and glassware

Chapter 71: Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metals and articles thereof; imitation jewellery; coin

Chapter 72: Iron and steel

Chapter 73: Articles of iron or steel

Chapter 74: Copper and articles thereof

- Chapter 75: Nickel and articles thereof
- Chapter 76: Aluminium and articles thereof
- Chapter 78: Lead and articles thereof
- Chapter 79: Zinc and articles thereof
- Chapter 80: Tin and articles thereof
- Chapter 81: Other base metals; cermets; articles thereof
- Chapter 82: Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof except:
84.71: Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included
- Chapter 85: Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles of which only:
85.10: Shavers, hair clippers and hair-removing appliances,
85.16: Electric instantaneous or storage water heaters and immersion heaters, etc.
85.37: Boards, panels, consoles, desks, cabinets and other bases, etc.
85.38: Parts suitable for use solely or principally with the apparatus of heading 85.35, 85.36 or 85.37, etc.
85.39: Electric filament or discharge lamps, etc.
85.40: Thermionic, cold cathode or photo-cathode valves and tubes, etc;
- Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds
- Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts and accessories thereof except:
87.05: Special purpose motor vehicles, other than those principally designed for the transport of persons or goods (for example, breakdown lorries, crane lorries, fire fighting vehicles, concrete-

mixer lorries, road sweeper lorries, spraying lorries, mobile workshops, mobile radiological units)

87.08: Parts and accessories of the motor vehicles of headings 87.01 to 87.05

87.10: Tanks and other armoured fighting vehicles, motorised, whether or not fitted with weapons, and parts of such vehicles

Chapter 89: Ships, boats and floating structures

Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof except:

90.14: Direction finding compasses; other navigational instruments and appliances

90.15: Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders

90.27: Instruments and apparatus for physical or chemical analysis, etc.

90.30: Oscilloscopes, etc.

Chapter 91: Clocks and watches and parts thereof

Chapter 92: Musical instruments, parts and accessories of such articles

Chapter 94: Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings

Chapter 95: Toys, games and sports requisites; parts and accessories thereof

Chapter 96: Miscellaneous manufactured articles

Chapter 97: Works of art, collectors' pieces and antiques

APPENDIX 5 TO ANNEX XX

REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

SERVICES

SECTION I

MALAYSIA:

Chapter 10 (Government Procurement) applies to services listed below, as described in the United Nations Central Product Classification (CPC) 2015 (Version 2.1) procured by the entities listed in Appendix 1, unless otherwise specified in Chapter 10 (Government Procurement) and subject to Appendix 10 and the Notes to the respective Appendices.

<i>CPC Code</i>	<i>Description</i>
61	Wholesale trade services (except 61197 - Wholesale trade services, except on a fee or contract basis, of electricity; 61198 - Wholesale trade services, except on a fee or contract basis, of water; 61297 - Wholesale trade services on a fee or contract basis, of electricity; 61298 - Wholesale trade services on a fee or contract basis, of water)
62	Retail trade services
64	Passenger transport services (except 6425 - Space transport services of passengers; 64113 - Mixed mode urban and suburban transportation services of passengers; 6413 - Sightseeing transportation services; 6424 - Air transport services of passengers)
65	Freight transport services (except 65116 - Road transport services of letters and parcels; 65124 - Railway transport services of letters and parcels; 65311 - Air transport services of letters and parcels; 6532 - Space transport services of freight)
66	Rental services of transport vehicles with operators (except 66031 - Rental services of passenger aircraft with operator)
67	Supporting transport services (except 6764 - Supporting services for space transport; 679 - Other supporting transport services; 67440 - Towing services for commercial and private vehicles)

- 73 Leasing or rental services without operator (except 7329 - Leasing or rental services concerning other goods n.e.c.; 733 - Licensing services for the right to use intellectual property and similar products; 73111 - Leasing or rental services concerning cars and light vans without operator; 73117 - Leasing or rental services concerning containers; 73270 - Leasing or rental services concerning do-it-yourself machinery and equipment)
- 822 Accounting, auditing and book-keeping services
- 823 Tax consultancy and preparation services
- 8311 Management consulting and management services (except 83112 - Financial management consulting services)
- 8312 Business consulting services
- 8319 Other management services, except construction project management services
- 832 Architectural services, urban and land planning and landscape architectural services (except 83214 - Historical restoration architectural services)
- 833 Engineering services
- 834 Scientific and other technical services (except 8343 - Weather forecasting and meteorological services; and 83444 - Technical inspection services of road transport vehicles)
- 835 Veterinary services
- 8361 Advertising services
- 837 Market research and public opinion polls
- 838 Photography services and photographic processing services
- 8395 Translation and interpretation services
- 841 Telephony and other telecommunications services
- 842 Internet telecommunications services
- 8451 Library Services
- 851 Employment services
- 853 Cleaning services (except 8534 - Specialized cleaning services)
- 854 Packaging services
- 871 Maintenance and repair services of fabricated metal products, machinery and equipment (except 8713 - Maintenance and repair services of computers and peripheral equipment; 87143 - Maintenance and repair services of trailers, semi-trailers and other motor vehicles n.e.c.; 87153 - Maintenance and repair service of telecommunication equipment and apparatus; 87157 - Maintenance and repair service of elevators and escalators; and 87159 - Maintenance and repair services of other equipment)

872	Repair services of other goods
88	Manufacturing services on physical inputs owned by others (except 8843 - Pharmaceutical product manufacturing services; 8874 - Computer, electronic and optical product manufacturing services; 8890 - Other manufacturing services)
891	Publishing, printing and reproduction services (except 89123 - Reproduction services of recorded media, on a fee or contract basis)
92	Education services
93	Human health and social care services
95	Services of membership organizations (except 9591 - Religious services)
965	Sports and recreational sports services (except 96590 - Other sports and recreational sports services)
9662	Support services related to sports and recreation
971	Washing, cleaning and dyeing services
972	Beauty and physical well-being services
98	Domestic services
99	Services provided by extraterritorial organizations and bodies

Notes to Appendix 5:

1. Chapter 10 (Government Procurement) shall not cover procurement of cabotage services for the shipment of goods from any port or place in Malaysia to another port or place in Malaysia; or from any port or place in Malaysia to any place in the exclusive economic zone or *vice versa*, that form a part of, or are incidental to a procurement contract.
2. Chapter 10 (Government Procurement) shall not cover plasma fractionation services.

SECTION II

EFTA STATES

A. Iceland

Chapter 10 (Government Procurement) of the Agreement applies to the following services which are identified in accordance with the United Nations Provisional Central Product Classification (CPC) as contained in document MTN.GNS/W/120, procured by the entities listed in Appendices 1 to 3, with the exceptions specified in the Notes to this Appendix:

<i>Subject</i>	<i>CPC Reference No.</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 8730
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752
Financial services	Ex 81, 812, 814
(a) Insurance services	
(b) Banking and investments services	
Computer and related services	84
Accounting, auditing and bookkeeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866
Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services	867
Advertising services	871
Building-cleaning services and property management services	874, 822
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

Notes to Appendix 5

1. Covered services do not include services which entities have to procure from another entity pursuant to an exclusive right established by a published domestic law, regulation or administrative provision.

2. Banking and investment services under financial services on the list above do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, and central bank services.

3. Management consulting services on the list above do not include arbitration and conciliation services.

B. Liechtenstein

Chapter 10 (Government Procurement) of the Agreement applies to the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC Prov.) as contained in document MTN.GNS/W/120, procured by the entities listed in Appendices 1 to 3:

<i>Subject</i>	<i>CPC Prov. Reference No.</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304 73 (except 7321)
Air transport services of passengers and freight, except transport of mail	71235, 7321
Transport of mail by land, except rail, and by air	752
Telecommunications services	ex 81
Financial services	812, 814
(a) Insurance services	
(b) Banking and investment services ⁸	84
Computer and related services	862
Accounting, auditing and bookkeeping services	864
Market research and public opinion polling services	865, 866 ⁹
Management consulting services and related services	867
Architectural services; engineering services	

⁸ Except contracts for financial services in connection with the issue, sale, purchase, or transfer of securities or other financial instruments, and central bank services.

⁹ Except arbitration and conciliation services.

and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical consulting services; technical testing and analysis services	871
Advertising services	874, 82201-82206
Building-cleaning services and property management services	88442
Publishing and printing services on a fee or contract basis	94
Sewage and refuse disposal; sanitation and similar services	

Note to Appendix 5

Covered services shall not include services, which entities have to procure from another entity pursuant to an exclusive right established by a published domestic law, regulation or administrative provision.

C. Norway

Chapter 10 (Government Procurement) of the Agreement applies to the following services which are identified in accordance with the United Nations Provisional Central Product Classification (CPC) as contained in document MTN.GNS/W/120, procured by the entities listed in Appendices 1 to 3, with the exceptions specified in the Notes to this Appendix:

<i>Subject</i>	<i>CPC Reference No.</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Telecommunications services	752
Financial services	Ex 81, 812, 814
(a) Insurance services	
(b) Banking and investments services	
Computer and related services	84

Accounting, auditing and bookkeeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866
Architectural services; engineering services and integrate engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services	867
Advertising services	871
Building-cleaning services and property management services	874, 822
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

Notes to Appendix 5

1. Covered services do not include services which entities have to procure from another entity pursuant to an exclusive right established by a published domestic law, regulation or administrative provision.
2. Banking and investment services under financial services on the list above do not include financial services in connection with issue, sale, purchase and transfer of securities or other financial instruments, and central bank services.
3. Management consulting services on the list above do not include arbitration and conciliation services.

D. Switzerland

Chapter 10 (Government Procurement) of the Agreement applies to the following services in accordance with the United Nations Provisional Central Product Classification (CPC Prov.) as contained in document MTN.GNS/W/120 that are procured by the entities listed in Appendices 1 to 3, with the exceptions specified in the notes to this Appendix.

<i>Subject</i>	<i>CPC prov. Reference No.</i>
Maintenance and repair services	6112, 6122, 633, 886

Hotel and other similar accommodation services	641
Food and beverage serving services to be consumed on site	642, 643
Land transport services, including armoured services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
Air transport services of passengers and freight, except transport of mail	73 (except 7321)
Transport of mail by land, except rail, and by air	71235, 7321
Travel agency and tour operator services	7471
Telecommunications services	752
Financial services	ex. 81, 812 and 814
(a) Insurance services	
(b) Banking and investments services ¹⁰	
Real estate services on a fee or contract basis	822
Leasing or rental services concerning machinery and equipment without operator	83106-83109
Leasing or rental services concerning personal and household goods	ex. 832
Computer and related services	84
Legal advisory services on home country law and international law	ex 861
Accounting, auditing and bookkeeping services	862
Taxation services	863
Market research and public opinion polling services	864

¹⁰ Except contracts for financial services in connection with the issue, purchase, sale or transfer of securities or other financial instruments, and central bank services.

Management consulting services and related services	865, 866 ¹¹
Architectural services; engineering services integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services	867
Advertising services	871
Building-cleaning services and property management services	874, 82201 - 82206
Packaging services	876
Consulting services relating to forestry	ex. 8814
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal; sanitation and similar services	94

Notes to Appendix 5

1. Without prejudicing the commitments undertaken by Switzerland under Chapter 7 (Trade in Services) of the Agreement, the commitments with regard to services in the Agreement are subject to restrictions and conditions regarding market access and national treatment specified in the list of commitments undertaken by Switzerland under Chapter 7 (Trade in Services) of the Agreement.

Chapter 10 (Government Procurement) of the Agreement shall not apply to contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

¹¹ Except arbitration and conciliation services.

APPENDIX 6 TO ANNEX XX

REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

CONSTRUCTION SERVICES

SECTION I

MALAYSIA

Chapter 10 (Government Procurement) of the Agreement applies to all construction services, as described in the *United Nations Central Product Classification (CPC) 2015 (Version 2.1)*, 53 and 54 procured by the entities listed in Appendix 1, unless otherwise specified in Chapter 10 (Government Procurement) and subject to Appendix 10 and the Notes to the respective Sections.

Notes to Appendix 6:

1. Chapter 10 (Government Procurement) shall not cover the procurement of:

<i>CPC Code</i>	<i>Description</i>
53269	Other constructions for manufacturing;
53290	Other civil engineering works
541	General construction services of buildings
542	General construction services of civil engineering works
54619	Other electrical installation services

2. Chapter 10 (Government Procurement) shall not cover procurement of dredging services.

3. Chapter 10 (Government Procurement) shall not cover construction services that is carried out to maintain or improve the existing slope (hillside surfacing) conditions through periodic maintenance; or to reconstruct or improve existing slopes or construct new slopes due to natural disaster, flood, landslide ground subsidence and other emergency and unforeseen circumstances.

SECTION II

EFTA STATES

A. Iceland

List of Division 51, CPC [Prov.]:

All services listed in Division 51.

B. Liechtenstein

List of Division 51, CPC Prov.:

Pre-erection work at construction sites 511

General construction work for buildings 512

General construction work for civil engineering 513

Installation and assembly work 514

Special trade construction work 515

Installation work 516

Building completion and finishing work 517

Other 518

C. Norway

List of Division 51, CPC [Prov.]:

All services listed in Division 51.

D. Switzerland

List of Division 51, CPC Prov.:

Pre-erection work at construction sites 511

General construction work for buildings 512

General construction work for civil engineering 513

Installation and assembly work 514

Special trade construction work 515

Installation work	516
Building completion and finishing work	517
Other	518

Notes to Appendix 6

Without prejudicing the commitments undertaken by Switzerland under Chapter 7 (Trade in Services) of the Agreement, the commitments with regard to services in the Agreement are subject to restrictions and conditions regarding market access and national treatment specified in Annex XIII (Schedules of Specific Commitments) Appendix 5 undertaken by Switzerland in Chapter 7 (Trade in Services) of the Agreement.

APPENDIX 7 TO ANNEX XX

REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

MEANS OF PUBLICATION

SECTION I

MALAYSIA

Legislation

- Government Procurement Procedures, Ministry of Finance Malaysia:
www.treasury.gov.my

Jurisprudence

- None

Notices of procurement

- MyProcurement portal: www.myprocurement.treasury.gov.my

SECTION II

EFTA STATES

A. Iceland

Legislation

- Stjórnartíðindi (The Government Gazette) <http://www.stjornartidindi.is>

Jurisprudence

- Hæstaréttardómar (Supreme Court Report) <http://www.haestirettur.is>

Notices of procurement

- Official website of the State Trading Centre (Ríkiskaup): www.rikiskaup.is/english/
- All Icelandic EEA contract announcements are published in English via SIMAP on the Tender Electronics daily web: <http://ted.europa.eu>
- Official Journal of the European Union: http://europa.eu.int/eur-lex/en/search/search_oj.html

Thresholds

- https://www.wto.org/english/tratop_e/gproc_e/notnat_e.htm#threshold

B. Liechtenstein

Legislation

- Landesgesetzblatt (Liechtenstein Law Gazette): www.gesetze.li

Jurisprudence

- Liechtensteinische Entscheidsammlung: www.gerichtsentscheidungen.li

Notices of procurement

- Electronic Gazette: www.amtsblatt.llv.li; Liechtensteiner Vaterland (Newspaper)
- All Liechtenstein GPA and EEA Contracts are also published in English on the Tender Electronics daily web: <http://ted.europa.eu>

Thresholds

- https://www.wto.org/english/tratop_e/gproc_e/notnat_e.htm#threshold

C. Norway

Legislation and Jurisprudence

- Norsk Lovtidend (Norwegian Law Gazette) www.lovdata.no

Notices of procurement

- Doffin – Database for offentlige innkjøp (Database for public procurement): www.doffin.no
- All Norwegian GPA and EEA Contracts are also published in English on the Tender Electronics daily web: <http://ted.europa.eu>

Thresholds

- https://www.wto.org/english/tratop_e/gproc_e/notnat_e.htm#threshold

D. Switzerland

Legislation

- Compendium of Federal laws, Compendiums of Cantonal laws (26). See also: www.simap.ch

Jurisprudence

- Decisions of the Swiss Federal Court, Jurisprudence of the administrative authorities of the Confederation and every Canton (26). See also: www.simap.ch
- Special instructions from the procuring entities such as General business conditions, etc. are published on the appropriate homepages of the procuring entities concerned. See also: www.simap.ch

Notices of Procurement

- Entities at central level: Swiss procurement information system (www.simap.ch)
- Entities at sub-territorial level and utilities: Swiss procurement information system (www.simap.ch) and/or Official publications of every Swiss Canton (26)

Thresholds

- https://www.wto.org/english/tratop_e/gproc_e/notnat_e.htm#threshold

E. EFTA (Paragraph 4 (l) of Article 10.10 (Notices))

- Coverage of FTAs <https://www.efta.int/trade-relations/free-trade-network>
-

APPENDIX 8 TO ANNEX XX

REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

TIME PERIODS

General Minimum Time Limit

1. A procuring entity that uses selective tendering shall establish that the final date for the submission of requests for participation shall not, in principle, be less than 25 days from the date of publication of the notice of intended procurement. Where a state of urgency duly substantiated by the procuring entity renders this time-period impractical, the time-period may be reduced to not less than ten days.

2. Except as provided for in paragraphs 3 and 4, a procuring entity shall establish that the final date for submission of tenders shall not be less than 40 days from the date on which:

- (a) in case of open tendering, the notice of intended procurement is published;
or
- (b) in the case of selective tendering, the entity notifies suppliers that they will be invited to submit tenders.

Possibilities for Reducing the General Time Limits

3. A procuring entity may reduce the time-period for tendering established in accordance with paragraph 2 by five days for each one of the following circumstances:

- (a) the notice of intended procurement is published by electronic means;
- (b) all the tender documentation is made available by electronic means from the date of the publication of the notice of intended procurement; and
- (c) the entity accepts tenders by electronic means.

4. Under the following circumstances, entities may establish a time period for tendering that is shorter than the periods referred to in paragraph 2, provided that such time period is sufficiently long to enable suppliers to prepare and submit responsive tenders and is in no case less than ten days prior to the final date for the submission of tenders:

- (a) where a notice of planned procurement has been published at least 40 days and not more than 12 months in advance of the publication of the notice of intended procurement;
- (b) where the procuring entity, for any contract awarded at the same time or over a given period to one or more suppliers under the same procurement, indicates in an initial notice of intended procurement that subsequent notices will provide time limits for tendering based on this paragraph;

- (c) where a procuring entity purchases commercial goods or services, or any combination thereof, it may reduce the time-period for tendering established in accordance with paragraph 2 as stipulated by respective party¹², provided that it publishes by electronic means, at the same time, both the notice of intended procurement and the tender documentation. In addition, where the entity accepts tenders for commercial goods or services by electronic means, it may reduce the time-period established in accordance with paragraph 2 to not less than ten days; and
- (d) where a state of urgency duly substantiated by the procuring entity renders the periods specified in paragraph 2 impracticable.

5. Where a procuring entity covered under Appendices 2 or 3 to this Annex has selected all or a limited number of qualified suppliers, the time period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of an agreement, the time period shall not be less than ten days.

¹² For the EFTA States it is understood that the time period is not less than 13 days. For Malaysia it is understood that the time period is not less than ten days.

APPENDIX 9 TO ANNEX XX

REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

VALUE OF THRESHOLDS

Thresholds

SECTION I

MALAYSIA

1. The threshold shall be adjusted in every even-numbered year with each adjustment taking effect on 1 January, beginning on 1 January of the first even numbered year after the date of entry into force of the Agreement.
2. Every two years, Malaysia shall calculate and publish the value of the thresholds under this Chapter expressed in Malaysia Ringgit (RM). These calculations shall be based on the conversion rates published by the International Monetary Fund in its monthly International Financial Statistics.
3. The conversion rates shall be the average of the daily values of the Malaysian Ringgit in terms of the Special Drawing Rights (SDR) over the two-year period preceding October 1 of the year before the adjusted thresholds to take effect and rounded to the nearest Malaysian Ringgit.
4. Malaysia shall notify the other Parties of the current thresholds in Malaysian Ringgit immediately after the Agreement enters into force, and the adjusted thresholds in Malaysian Ringgit thereafter in a timely manner.
5. Malaysia shall consult the other Parties if a major change in Malaysian Ringgit relative to the SDR or to the national currency of another Party were to create a significant problem with regard to the application of Chapter 10 (Government Procurement).

SECTION II

EFTA STATES

1. Each EFTA State shall calculate and convert the value of the thresholds into its own national currency using the conversion rates of its respective national bank. The conversion rates shall be the average of the values of the respective national currency in terms of the SDR over the two-year period preceding 1 October or 1 November of the year prior to the thresholds becoming effective. The conversion rate shall apply from 1 January of the following year.
 2. The value of the newly calculated thresholds shall be made available, in its respective currency, by each EFTA State, before the respective thresholds take effect.
 3. If a major change in a national currency vis-à-vis the SDR during a year were to create a significant problem with regard to the application of Chapter 10 (Government Procurement), the EFTA States concerned shall consult the other Parties on the matter.
-

APPENDIX 10 TO ANNEX XX

REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

ADDITIONAL NOTES

SECTION I

MALAYSIA

Unless otherwise specified, the following Additional Notes shall apply without exception to Chapter 10 (Government Procurement), including to all Appendices of this Annex.

1. Chapter ~~xx~~10 (Government Procurement) shall not apply to:
 - a) any procurement by and for Istana Negara;
 - b) any procurement in relation to rural development programmes in rural areas with less than 10,000 residents and poverty eradication programmes for households earning below Malaysia's Poverty Line Income;
 - c) any Public Private Partnership (PPP) contractual arrangements including build-operate- transfer (BOT) and public work concessions;
 - d) any measures for the development, conservation or preservation of local handicraft, national treasures and national heritage;
 - e) any procurement for religious purposes, including that form a part of, or incidental to a procurement contract;
 - f) any procurement for research and development;
 - g) any procurement in relation to national celebration events except for construction services;
 - h) any procurement in relation to waste management including construction services; and
 - i) any procurement in relation to public utilities including construction services.

2. Malaysia reserves the right to adopt or maintain any measure that confers safeguards, provides preference or renders assistance, benefits or other forms of rights or interests to Bumiputera in relation to government procurement not covered by Chapter 10 (Government Procurement). For procurement covered by Chapter 10 (Government Procurement), Malaysia reserves the right to accord Bumiputera status to eligible companies and shall apply the following measures under the Bumiputera policy:

(a) set aside procurement of construction services contracts for Bumiputera up to 30 per cent of the total annual value of construction services contracts above the threshold from the date of entry into force of the Agreement for Malaysia; and

(b) price preferences for:

(i) **Category 1:**

Bumiputera suppliers providing goods and services originating from any Party, according to the following schedule:

Procurement Value	Percentage of price preference for Category 1
Above RM500,000 up to RM1,500,000	7%
Above RM1,500,000 up to RM5,000,000	5%
Above RM5,000,000 up to RM10,000,000	3%
Above RM10,000,000 up to RM15,000,000	2.5%
Above RM15,000,000	0

(ii) **Category 2:**

Bumiputera suppliers providing goods and services originating from non-Parties, according to the following schedule:

Procurement Value	Percentage of price preference for Category 2
Above RM500,000 up to RM1,500,000	3.5%
Above RM1,500,000 up to RM5,000,000	2.5%
Above RM5,000,000 up to RM10,000,000	1.5%
Above RM10,000,000 up to RM15,000,000	1.25%
Above RM15,000,000	0

(iii) **Category 3:**

Bumiputera manufacturers that produce goods, according to the following schedule:

Procurement Value	Percentage of price preference for Category 3
Up to RM10,000,000	10%
Above RM10,000,000 up to RM100,000,000	5%
Above RM100,000,000	3%

3. Procuring entities shall accord price preference for Category 2 to Malaysian suppliers (other than Bumiputera) and suppliers of other Parties providing goods and services originating from any Party.

4. Malaysia reserves the right to adopt or maintain any measure in relation to the procurement of items under Central Contract as described below:

(a) postal and courier services;

(b) envelopes;

- (c) environmentally friendly fire extinguisher including its related system;
 - (d) small arms ammunition and pyrotechnic devices;
 - (e) high density polyethylene fittings; and
 - (f) Microsoft products and services under Master Licensing Agreement.
5. For greater certainty, Chapter 10 (Government Procurement) shall not apply to:
- (a) any procurement made by a covered entity on behalf of a non-covered entity; and
 - (b) procurement funded by grants and sponsorship payments from persons not listed in this Annex.

SECTION II

EFTA STATES

A. Iceland

1. Chapter 10 (Government Procurement) of the Agreement shall not apply to:
 - (a) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
 - (b) contracts awarded to an entity which is itself a contracting authority within the meaning of the Public Procurement Act (Lög um opinber innkaup nr. 120/2016), on the basis of an exclusive right which it enjoys pursuant to domestic laws and regulations;
 - (c) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes; or
 - (d) procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, transport, telecommunications and the postal sector, unless covered under Appendix 3.

B. Liechtenstein

1. Chapter 10 (Government Procurement) of the Agreement shall not apply to:
 - (a) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes;
 - (b) the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
 - (c) procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, and transport sector, unless covered under Appendix 3; or
 - (d) fund placements of insured persons conducted by public entities or undertakings such as public insurance and pension's funds.
2. The provision on services, including construction services, in the context of procurement procedures according to Chapter 10 (Government Procurement) of the Agreement is subject to conditions and qualifications for market access and national treatment as required by Liechtenstein in conformity with its commitments under Chapter 7 (Trade in Services) of the Agreement.

C. Norway

1. Chapter 10 (Government Procurement) of the Agreement shall not apply to:
 - (a) procurement for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;
 - (b) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes, and/or
 - (c) procurement by procuring entities covered under Appendices 1 and 2 in connection with activities in the fields of drinking water, energy, transport and the postal sector, unless covered under Appendix 3.
2. Chapter 10 (Government Procurement] of the Agreement shall not apply to Svalbard.

D. Switzerland

1. Chapter 10 (Government Procurement] of the Agreement shall not apply to:
 - (a) procurement of goods and services which can only be acquired from organisations with special or exclusive rights granted as result of published legislative, regulatory or administrative provisions (e.g. for the purchase of drinking water or energy); or
 - (b) to the funding placements of funds of insured persons conducted by public organisations such as public insurance and pension funds.

Explanatory notes

1. Switzerland understands that subparagraph 2 (a) (ii) Article 10.1 (Scope and Coverage) of the Agreement does not cover procurement carried out by an internal contractor or by specific contractors with legal personality.

Switzerland understands that subparagraph 2 (a) (ii) Article 10.1 (Scope and Coverage) of the Agreement does not cover fund placements of insured persons conducted by public organisations such as public insurance and pension funds.

3. Regardless of their activities, centralised and decentralised administrative authorities and entities are only subject to Appendices 1 or 2. Regardless of their activities, public authorities or public undertakings under Appendix 3 are not subject to the rules under Appendices 1 and 2.

APPENDIX 11 TO ANNEX XX

REFERRED TO IN ARTICLE 10.1 (SCOPE AND COVERAGE)

TRANSITIONAL MEASURES

SECTION I

MALAYSIA

Thresholds

1. Transitional thresholds for goods, services and construction services:

(a) Appendix 1

Goods	1,500,000 SDR From the beginning of the first year to the end of the fourth year following entry into force of the Agreement;
	800,000 SDR From the beginning of the fifth year to the end of the seventh year following entry into force of the Agreement; and
	130,000 SDR From the beginning of the eighth year following entry into force of the Agreement and thereafter.
Services	2,000,000 SDR From the beginning of the first year to the end of the fourth year following entry into force of the Agreement;
	1,000,000 SDR From the beginning of the fifth year to the end of the seventh year following entry into force of the Agreement;
	500,000 SDR From the beginning of the eighth year to the end of the ninth year following entry into force of the Agreement; and

	130,000 SDR From the beginning of the 10 th year following entry into force of the Agreement and thereafter.
Construction Services	63,000,000 SDR From the beginning of the first year to the end of the fifth year following entry into force of the Agreement;
	50,000,000 SDR From the beginning of the sixth year to the end of the tenth year following entry into force of the Agreement;
	40,000,000 SDR From the beginning of the 11 th year to the end of the 15 th year following entry into force of the Agreement;
	30,000,000 SDR From the beginning of the 16 th year to the end of the 20 th year following entry into force of the Agreement; and
	14,000,000 SDR From the beginning of the 21 st year following entry into force of the Agreement and thereafter.

Economic Stimulus Package

2. Chapter 10 (Government Procurement) shall not apply to any procurement funded by an economic stimulus package in response to a severe nationwide economic crisis implemented within 25 years after the date of entry into force of the Agreement.

Domestic Review Procedures

3. Notwithstanding Article 10.24 (Domestic Review Procedures for Supplier Challenges), Malaysia may delay application of its obligations under that Article for three years after the date of entry into force of the Agreement. During this transitional period, Malaysia shall use existing internal administrative procedures to address complaints, provided that it complies with Article 10.4 (National Treatment and Non-Discrimination). Suppliers of any Party may submit complaints to the Ministry of Finance at the address below:

Under Secretary of Government Procurement Division
Government Procurement Division
Ministry of Finance
Ministry of Finance Complex

Precinct 2, 62592 Putrajaya
Malaysia
Email: reviewauthority@treasury.gov.my

Dispute Settlement Mechanism

4. Notwithstanding Chapter 15 (Dispute Settlement), Malaysia shall not be subject to dispute settlement with respect to its obligations under Chapter 10 (Government Procurement) for a period of five years from the date of entry into force of the Agreement for Malaysia. During this transitional period, Malaysia shall enter into consultations with any Party that raises concerns with Malaysia's implementation of these obligations.

Offsets

5. Notwithstanding Article 10.8 (Offsets), Malaysia may delay application of its obligations under that Article for a period of 12 years following the date of entry into force of the Agreement.

6. During the transitional period, offsets may be applied as follows:

- (a) to procurement with a value of more than RM50,000,000;
- (b) to procurement conducted by the procuring entities listed under:
 - (i) Ministry of Agriculture and Food Security (*Kementerian Pertanian dan Keterjaminan Makanan*);
 - (ii) Ministry of Communications (*Kementerian Komunikasi*);
 - (iii) Ministry of Digital (*Kementerian Digital*);
 - (iv) Ministry of Defence (*Kementerian Pertahanan*);
 - (v) Ministry of Economy (*Kementerian Ekonomi*);
 - (vi) Ministry of Finance (*Kementerian Kewangan*);
 - (vii) Ministry of Home Affairs (*Kementerian Dalam Negeri*);
 - (viii) Ministry of Natural Resources and Environmental Sustainability (*Kementerian Sumber Asli dan Kelestarian Alam*);
 - (ix) Ministry of Energy Transition and Water Transformation (*Kementerian Peralihan Tenaga dan Transformasi Air*);
 - (x) Ministry of Rural and Regional Development (*Kementerian Kemajuan Desa dan Wilayah*);
 - (xi) Ministry of Science, Technology and Innovations (*Kementerian Sains, Teknologi dan Inovasi*);
 - (xii) Ministry of Transport (*Kementerian Pengangkutan*);

- (xiii) Ministry of Housing and Local Government (*Kementerian Perumahan dan Kerajaan Tempatan*);
- (xiv) Ministry of Works (*Kementerian Kerja Raya*);
- (xv) Ministry of Youth and Sports (*Kementerian Belia dan Sukan*);
- (xvi) Prime Minister's Department (*Jabatan Perdana Menteri*);
- (xvii) Ministry of Education (*Kementerian Pendidikan*);
- (xviii) Ministry of Higher Education (*Kementerian Pengajian Tinggi*);
and
- (xix) Ministry of Health (*Kementerian Kesihatan*).

- (c) upon the date of entry into force of the Agreement, the procuring entities may impose offsets as set out in Malaysia's offsets policy with credit value up to 60 per cent equivalent to procurement contract value until the end of the fourth year;
- (d) the procuring entities will continue imposing offsets with credit value up to 40 per cent equivalent to procurement contract value until the end of the eighth year; and
- (e) the procuring entities will continue imposing offsets with credit value up to 20 per cent equivalent to procurement contract value until the end of the 12th year.

7. From the 13th year following the date of entry into force of the Agreement, the requirement for offsets will not be applied with regard to covered procurement.

8. Malaysia will ensure that its procuring entities clearly indicate the existence of any offsets requirements in the tender notices and specify the offsets programme required in the tender documentation.