



WORLD TRADE ORGANIZATION
ORGANISATION MONDIALE DU COMMERCE
ORGANIZACIÓN MUNDIAL DEL COMERCIO

Reference: WLI/100

30 June 2009

**AGREEMENT ON GOVERNMENT PROCUREMENT
DONE AT MARRAKESH ON 15 APRIL 1994**

**TRANSMISSION OF CERTIFIED TRUE COPY OF THE TERMS OF ACCESSION OF THE SEPARATE
CUSTOMS TERRITORY OF TAIWAN, KINMEN, PENGHU AND MATSU**

–
NOTIFICATION OF ACCESSION

I have the honour to furnish herewith a certified true copy of the Terms of Accession of the Separate Customs Territory of Taiwan, Kinmen, Penghu and Matsu to the above-mentioned Agreement.

I also have the honour to inform you that on 15 June 2009, I received from the Government of the Separate Customs Territory of Taiwan, Kinmen, Penghu and Matsu an instrument of accession to the above-mentioned Agreement.

In terms of paragraph 2 of its Article XXIV, the Agreement shall enter into force for the Separate Customs Territory of Taiwan, Kinmen, Penghu and Matsu on 15 July 2009.

This notification is furnished in accordance with paragraph 14 of Article XXIV of the Agreement.

Pascal Lamy
Director-General

09-3157

WT/Let/647

**TERMS OF ACCESSION OF THE SEPARATE CUSTOMS TERRITORY OF
TAIWAN, PENGHU, KINMEN AND MATSU**

APPENDIX I*

**THE SEPARATE CUSTOMS TERRITORY OF
TAIWAN, PENGHU, KINMEN AND MATSU**

(Authentic in the English Language only)

ANNEX 1

*Central Government Entities which Procure in Accordance
With the Provisions of this Agreement*

Thresholds: 130,000 SDRs - **Goods**
130,000 SDRs - **Services** covered in Annex 4
5,000,000 SDRs - **Construction** covered in Annex 5

List of entities:

1. Office of the President
2. Executive Yuan
3. Ministry of Interior (including its Central Taiwan Division and Second Division)
4. Ministry of Finance (including its Central Taiwan Division)
5. Ministry of Economic Affairs (including its Central Taiwan Division)
6. Ministry of Education (including its Central Taiwan Division)
7. Ministry of Justice (including its Central Taiwan Division)
8. Ministry of Transportation and Communications (including its Central Taiwan Division)
9. Mongolian & Tibetan Affairs Commission
10. Overseas Compatriot Affairs Commission

11. Directorate-General of Budget, Accounting and Statistics (including its Central Taiwan Division)
12. Department of Health (including its Central Taiwan Division)
13. Environmental Protection Administration (including its Central Taiwan Division)
14. Government Information Office (including its Central Taiwan Division)
15. Central Personnel Administration (including its Central Taiwan Division)
16. Mainland Affairs Council
17. Council of Labor Affairs (including its Central Taiwan Division)
18. Research, Development and Evaluation Commission (including its Central Taiwan Division)
19. Council for Economic Planning and Development
20. Council for Cultural Affairs
21. Veterans Affairs Commission
22. Council of Agriculture (including its Central Taiwan Division and Second Division)
23. Atomic Energy Council
24. National Youth Commission
25. National Science Council
26. Fair Trade Commission
27. Consumer Protection Commission
28. Public Construction Commission
29. Ministry of Foreign Affairs (excluding procurement for the direct purpose of providing foreign assistance)
30. Ministry of National Defense
31. National Palace Museum
32. Central Election Commission

* In English only. With respect to the list of entities, refer to the relevant documents governing the modalities of accession to the Agreement on Government Procurement.

Notes to Annex 1

1. The General Notes shall apply to this Annex.
2. The above central government entities, include all administrative units prescribed by the pertinent organization laws of such entities and entities transferred to the central government pursuant to the 28 October 1998 "Provisional Statute on the Reorganization of the Taiwan Provincial Government", in effect and as amended on 6 December 2000.

3. The Agreement shall not apply to the procurement by the Ministry of Foreign Affairs relating to the construction of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu's overseas representative offices, liaison offices and other missions.

4. This Agreement does not apply to the procurement by the National Space Organization of the National Science Council for five years from its entry into force for the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

5. This Agreement will generally apply to procurement by the Ministry of National Defense of the following Federal Supply Classification (FSC) categories subject to the decision of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu Government under the provisions of paragraph 1 of Article XXIII.

2510 Vehicular Cab, Body, and Frame Structural Components

2520 Vehicular Power Transmission Components

2540 Vehicular Furniture and Accessories

2590 Miscellaneous Vehicular Components

2610 Tire and Tubes, Pneumatic, Except Aircraft

2910 Engine Fuel System Components, Non-aircraft

2920 Engine Electrical System Components, Non-aircraft

2930 Engine Cooling System Components, Non-aircraft

2940 Engine Air and Oil Filters, Strainers, and Cleaners, Non-aircraft

2990 Miscellaneous Engine Accessories, Non-aircraft

3020 Gears, Pulleys, Sprockets, and Transmission Chain

3416 Lathes

3417 Milling Machines

3510 Laundry and Dry Cleaning Equipment

4110 Refrigeration Equipment

4230 Decontaminating and Impregnating Equipment

4520 Space Heating Equipment and Domestic Water Heaters

4940 Miscellaneous Maintenance and Repair Shop Specialized Equipment

5110 Hand Tools, Edged, Non-powered

5120 Hand Tools, Non-edged, Non-powered

5305 Screws

5306 Bolts

5307 Studs

5310 Nuts and Washers

5315 Nails, Keys, and Pins
5320 Rivets
5325 Fastening Devices
5330 Packing and Gasket Materials
5335 Metal Screening
5340 Miscellaneous Hardware
5345 Disks and Stones, Abrasive
5350 Abrasive Materials
5355 Knobs and Pointers
5360 Coil, Flat and Wire Springs
5365 Rings, Shims and Spacers
5410 Prefabricated and Portable Buildings
5411 Rigid Wall Shelters
5420 Bridges, Fixed and Floating
5430 Storage Tanks
5440 Scaffolding Equipment and Concrete Forms
5445 Prefabricated Tower Structures
5450 Miscellaneous Prefabricated Structures
5520 Millwork
5530 Plywood and Veneer
5610 Mineral Construction Materials, Bulk
5620 Building Glass, Tile, Brick, and Block
5630 Pipe and Conduit, Non-metallic
5640 Wallboard, Building Paper, and Thermal Insulation Materials
5650 Roofing and Siding Materials
5660 Fencing, Fences, and Gates
5670 Building Components, Prefabricated
5680 Miscellaneous Construction Materials
6220 Electric Vehicular Lights and Fixtures
6505 Drugs, Biologicals and Official Reagents
6510 Surgical Dressing Materials
6515 Medical and Surgical Instruments, Equipment and Supplies
7030 Automatic Data Processing Software
7050 ADP Components
7105 Household Furniture
7110 Office Furniture
7125 Cabinets, Lockers, Bins, and Shelving
7195 Miscellaneous Furniture and Fixtures

7210 Household Furnishings
7220 Floor Coverings
7230 Draperies, Awnings, and Shades
7240 Household and Commercial Utility Containers
7290 Miscellaneous Household and Commercial Furnishings and Appliances
7310 Food Cooking, Baking, and Serving Equipment
7320 Kitchen Equipment and Appliances
7330 Kitchen Hand Tools and Utensils
7340 Cutlery and Flatware
7350 Tableware
7360 Sets, Kits, Outfits, and Modules, Food Preparation and Serving
7520 Office Devices and Accessories
7530 Stationery and Record Forms
7910 Floor Polishers and Vacuum Cleaning Equipment
7920 Brooms, Brushes, Mops, and Sponges
7930 Cleaning and Polishing Compounds and Preparations
8105 Bags and Sacks
8110 Drums and Cans
9150 Oils and Greases: Cutting, Lubricating, and Hydraulic
9310 Paper and Paperboard
9320 Rubber Fabricated Materials
9330 Plastics Fabricated Materials
9340 Glass Fabricated Materials
9350 Refractories and Fire Surfacing Materials
9390 Miscellaneous Fabricated Non-metallic Materials
9410 Crude Grades of Plant Materials
9420 Fibres: Vegetable, Animal, and Synthetic
9430 Miscellaneous Crude Animal Products, Inedible
9440 Miscellaneous Crude Agricultural and Forestry Products
9450 Non-metallic Scrap, Except Textile
9610 Ores
9620 Minerals, Natural and Synthetic
9630 Additive Metal Materials and Master Alloys
9640 Iron and Steel Primary and Semifinished Products
9650 Nonferrous Base Metal Refinery and Intermediate Forms
9660 Precious Metals Primary Forms
9670 Iron and Steel Scrap
9680 Nonferrous Metal Scrap

- 9905 Signs, Advertising Displays, and Identification Plates
- 9910 Jewelry
- 9915 Collectors and/or Historical Items
- 9920 Smokers' Articles and Matches
- 9925 Ecclesiastical Equipment, Furnishings, and Supplies
- 9930 Memorials; Cemeterial and Mortuary Equipment and supplies
- 9999 Miscellaneous Items

ANNEX 2

Sub-Central Government Entities which Procure in Accordance With the Provisions of this Agreement

| | | | |
|--------------------|-----------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Thresholds:</i> | 200,000 SDRs | - | Goods |
| | 200,000 SDRs | - | Services covered in Annex 4 |
| | 15,000,000 SDRs | - | Construction covered in Annex 5 |
| | | | (For the first year from the effective date of the Agreement to the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu) |
| | 10,000,000 SDRs | | (For the second year from the effective date of the Agreement to the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu) |
| | 5,000,000 SDRs | | (From the third year onwards after the effective date of the Agreement to the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu) |

List of entities:

- I. Taiwan Provincial Government
 1. Secretariat, Taiwan Provincial Government
 2. Petition Screening Committee, Taiwan Provincial Government
 3. Regulation Committee, Taiwan Provincial Government

- II. Taipei City Government
 1. Department of Civil Affairs
 2. Department of Finance
 3. Department of Education
 4. Department of Economic Development
 5. Public Works Department
 6. Department of Transportation
 7. Department of Social Welfare
 8. Department of Labor

9. Taipei City Police Department
10. Department of Health
11. Department of Environmental Protection
12. Department of Urban Development
13. Taipei City Fire Department
14. Department of Land Administration
15. Department of Urban Development
16. Department of Information and Tourism
17. Department of Military Service
18. Secretariat
19. Department of Budget, Accounting and Statistics
20. Department of Personnel
21. Department of Anti-Corruption
22. Commission of Research, Development and Evaluation
23. Commission of Urban Planning
24. Commission for Examining Petitions and Appeals
25. Commission of Laws and Regulations
26. Department of Rapid Transit Systems
27. Department of Civil Servant Development
28. Xinyi District Office
29. Songshan District Office
30. Daan District Office
31. Zhongshan District Office
32. Zhongzheng District Office
33. Datong District Office
34. Wanhua District Office
35. Wenshan District Office
36. Nangang District Office
37. Neihu District Office
38. Shilin District Office
39. Beitou District Office

III. Kaohsiung City Government

1. Bureau of Civil Affairs
2. Bureau of Finance
3. Bureau of Education
4. Department of Economic Development

5. Bureau of Public Works
6. Bureau of Social Affairs
7. Bureau of Labor Affairs
8. Bureau of Police
9. Bureau of Health
10. Bureau of Environmental Sanitation
11. Bureau of Mass Rapid Transit
12. Kaohsiung Fire Department
13. Department of Land Administration
14. Bureau of Urban Development
15. Department of Information
16. Department of Military Service
17. Research and Development Commission
18. Commission of Rules and Regulations
19. Commission for Examining Petitions and Appeals
20. Secretariat
21. Department of Budget, Accounting and Statistics
22. Department of Personnel
23. Department of Anti-Corruption
24. Bureau of Human Resource Development
25. Urban Planning Committee
26. Yanchem District Office
27. Kushan District Office
28. Zuoying District Office
29. Nanzih District Office
30. Sanmin District Office
31. Sinsing District Office
32. Cianjin District Office
33. Lingya District Office
34. Cianjhen District Office
35. Cijin District Office
36. Siaogang District Office

Notes to Annex 2

1. The General Notes shall apply to this Annex.

2. The above sub-central government entities include all administrative units prescribed by the pertinent organization laws of such entities.

ANNEX 3

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

| | | | |
|--------------------|-----------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Thresholds:</i> | 400,000 SDRs | - | Goods |
| | 400,000 SDR | - | Services covered in Annex 4 |
| | 15,000,000 SDRs | - | Construction covered in Annex 5 |
| | | | (For the first year from the effective date of the Agreement to the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu) |
| | 10,000,000 SDRs | | |
| | | | (For the second year from the effective date of the Agreement to the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu) |
| | 5,000,000 SDRs | | |
| | | | (From the third year onwards after the effective date of the Agreement to the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu) |

List of Entities:

1. Taiwan Power Company
2. Chinese Petroleum Corporation, Taiwan
3. Taiwan Sugar Corporation
4. National Taiwan University
5. National Chengchi University
6. National Taiwan Normal University
7. National Tsing Hua University
8. National Chung Hsing University
9. National Cheng Kung University
10. National Chiao Tung University
11. National Central University
12. National Sun Yat-Sen University
13. National Chung Cheng University
14. National Open University
15. National Taiwan Ocean University
16. National Kaohsiung Normal University

17. National Changhwa University of Education
18. National Dong Hwa University
19. National Yang Ming University
20. National Taiwan University of Science & Technology
21. Taipei National University of the Arts
22. National Taiwan Sport University
23. National Yunlin University of Science & Technology
24. National Pingtung University of Science & Technology
25. National Taiwan University of Arts
26. National Taipei College of Nursing
27. National Kaohsiung First University of Science & Technology
28. Taipei University of Education
29. National Hsinchu University of Education
30. National Taichung University
31. National Chiayi University
32. National University of Tainan
33. National PingTung University of Education
34. National Dong Hwa University (Meilun Campus)
35. National Taitung University
36. National Teipei University of Technology
37. National Kaohsiung University of Applied Sciences
38. National Formosa University
39. National Taipei College of Business
40. National Taichung Institute of Technology
41. National Kaohsiung Marine University
42. National Ilan University
43. National Pingtung Institute of Commerce
44. National Chin-Yi University of Technology
45. Central Trust of China (for procurement on its own account) (has been merged with Bank of Taiwan)
46. China Engraving & Printing Works
47. The Central Mint of China
48. Taiwan Water Supply Corporation
49. Second Office of Ministry of Economic Affairs (for procurement on its own account)
50. National Taiwan University Hospital
51. National Cheng Kung University Hospital
52. Veterans General Hospital-Taipei
53. Veterans General Hospital-Taichung

54. Veterans General Hospital-Kaohsiung
55. Taiwan Railway Administration
56. Keelung Harbour Bureau
57. Taichung Harbour Bureau
58. Kaohsiung Harbour Bureau
59. Hualien Harbour Bureau
60. Bureau of Taipei Feitsui Reservoir Administration
61. Taipei Water Department
62. Central Police University

Notes to Annex 3

1. The General Notes shall apply to this Annex.
2. With regard to the procurement by Central Trust of China and the Second Office of Ministry of Economic Affairs for entities listed in Annexes 1, 2 and 3, the coverages and thresholds for such entities thereunder shall apply.
3. The Agreement shall not apply to the procurement by China Engraving & Printing Works of banknote printing press (intaglio) (HS. No. 8443).

ANNEX 4

Services

Of the Universal List of Services, as contained in document MTN.GNS/W/120, the following services are included (others being excluded):

| <i>GNS/W/120</i> | <i>CPC</i> | <i>Description</i> |
|------------------|------------|------------------------------------------------------------------------------------------------------------------------------------|
| 1.A.a. | 861** | Legal services (limited to qualified lawyers under the laws of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu) |
| 1.A.b. | 862** | Accounting, Auditing and Bookkeeping services |
| 1.A.c. | 863** | Taxation services (excluding income tax certification services) |
| 1.A.d. | 8671 | Architectural services |
| 1.A.e. | 8672 | Engineering services |
| 1.A.f. | 8673 | Integrated engineering services |
| 1.A.g. | 8674 | Urban planning and landscape architectural services |
| 1.B.a. | 841 | Consultancy services related to the installation of computer hardware |
| 1.B.b. | 842 | Software implementation services |
| 1.B.c. | 843 | Data processing services |
| 1.B.d. | 844 | Database services |

| <i>GNS/W/120</i> | <i>CPC</i> | <i>Description</i> |
|------------------|-----------------------------|----------------------------------------------------------------------------------------------|
| 1.B.e. | 845 | Maintenance and repair of office machinery and equipment including computers |
| | 849 | Other computer services |
| 1.D.b. | 82203**, 82205** | Services incidental to residential and non-residential buildings and land sales agents |
| 1.E.b. | 83104** | Leasing or rental services concerning aircraft without operator (excluding cabotage) |
| 1.E.d. | 83106-83109 | Leasing or rental services concerning other machinery and equipment without operator |
| 1.E.e. | 8320 | Leasing or rental services concerning personal and household goods |
| 1.F.a. | 871** | Advertising services (limited to TV or radio advertisements) |
| 1.F.b. | 864 | Market research and public opinion polling services |
| 1.F.c. | 865 | Management consulting services |
| 1.F.d. | 866** | Services relating to management consulting (excluding arbitration and conciliation services) |
| 1.F.e. | 8676 | Technical testing and analysis services |
| 1.F.f. | 88110**, 88120** 88140** | Consulting services incidental to Agriculture, Animal Husbandry and Forestry |
| 1.F.h. | 883, 5115 | Services incidental to mining |

| <i>GNS/W/120</i> | <i>CPC</i> | <i>Description</i> |
|------------------|----------------|---------------------------------------------------------------------------------------------------------------|
| 1.F.i. | 884**, 885 | Services incidental to manufacturing (excluding CPC 88442 publishing and printing on a fee or contract basis) |
| 1.F.m. | 8675 | Related scientific and technical consulting services |
| 1.F.n. | 633, 8861-8866 | Maintenance and repair of equipment (excluding maritime vessel, aircraft or other transport equipment) |
| 1.F.o. | 874 | Building-cleaning services |
| 1.F.p. | 875 | Photographic services |
| 1.F.q. | 876 | Packaging services |
| 1.F.t. | 87905 | Translation and interpretation services |
| 1.F.s. | 87909 | Convention services |
| 2.B. | 7512** | Land-based international courier services |
| 2.C.a. | 7521** | Voice telephone services |
| 2.C.b. | 7523** | Packet-switched data transmission services |
| 2.C.c. | 7523** | Circuit-switched data transmission services |
| 2.C.d. | 7523** | Telex services |
| 2.C.e. | 7522 | Telegraph services |
| 2.C.f. | 7521**, 7529** | Facsimile services |
| 2.C.g. | 7522**, 7523** | Private leased circuit services |

| <i>GNS/W/120</i> | <i>CPC</i> | <i>Description</i> |
|------------------|----------------|------------------------------------------------------------------------------------------|
| 2.C.h. | 7523** | Electronic mail |
| 2.C.i. | 7523** | Voice mail |
| 2.C.j. | 7523** | On-line information and data-base retrieval |
| 2.C.k. | 7523** | Electronic data interchange (EDI) |
| 2.C.l. | 7523** | Enhanced/value-added facsimile services including store and forward, store and retrieval |
| 2.C.m. | 7523** | Code and protocol conversion services |
| 2.C.n. | 843** | On-line information and/or data processing |
| 2.C.o. | 75213* | Cellular mobile phone services |
| 2.C.o. | 7523**, 75213* | Trunked radio services |
| 2.C.o. | 7523** | Mobile data services |
| 2.C.o. | 75291* | Radio paging services |
| 2.D.a. | 96112 | Motion picture or video tape production services |
| 2.D.a. | 96113 | Motion picture or video tape distribution services |
| 2.D.b. | 96121 | Motion picture projection |
| 2.D.b. | 96122 | Video-tape projection services |
| 6.A. | 9401 | Sewage services |
| 6.B. | 9402 | Refuse disposal services |

| <i>GNS/W/120</i> | <i>CPC</i> | <i>Description</i> |
|------------------|--------------|--------------------------------------------------------------------|
| 6.C. | 9403 | Sanitation and similar services |
| 6.D. | | Others: |
| | 9404 | - Cleaning services of exhaust gases |
| | 9405 | - Noise abatement services |
| | 9409 | - Other environmental protection services not elsewhere classified |
| 7.A. | 812**, 814** | Insurance services |
| 7.B | ex 81** | Banking and Investment Services |
| 9.A | 64110** | Hotel lodging services |
| 9.A | 642 | Food serving services |
| 9.B. | 7471 | Travel agencies and tour operators services |
| 11.C.a. | 8868** | Maintenance and repair of civil aircraft |
| 11.E.d. | 8868** | Maintenance and repair of rail transport equipment |
| 11.F.d. | 6112, 8867 | Maintenance and repair of road transport equipment |

Notes to Annex 4

1. The General Notes shall apply to this Annex.
2. The symbol of asterisk (*) indicates that the service specified is a component of a more aggregated CPC item. The symbol of double asterisks (**) indicates that the service

specified constitutes only a part of the total range of activities covered by the CPC concordance.

3. The offer in telecommunications is limited to enhanced/value-added services for the supply of which the underlying telecommunications facilities are leased from providers of public telecommunications transport networks.

4. This offer does not include:

- research and development;
- coin minting;
- all services, with reference to those goods purchased by the Ministry of National Defense which are not identified as subject to coverage by this Agreement.

5. The offer in banking and investment services does not include the following:

- (a) procurements for financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services;
- (b) acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt.

ANNEX 5

Construction Services

Definition:

A construction services contract is a contract which has as its objective the realization by whatever means of civil or building works, in the sense of Division 51 of the Central Product Classification.

List of construction services offered:

All services contained in Division 51 CPC.

Notes to Annex 5

The General Notes shall apply to this Annex.

GENERAL NOTES

1. For any particular Party whose threshold value listed for a certain coverage is higher than that listed by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, this Agreement applies only to those procurements above the higher one threshold value for such particular Party for the relevant coverage. (This note does not apply to bidders of the United States and Israel competing on goods, services and construction contracts tendered by entities identified in Annex 2.)
2. Until such time as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu has accepted that the Parties concerned provide access for the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu suppliers and service providers to their own markets, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu shall not extend the benefits of this Agreement to suppliers and service providers of the Parties concerned. A service listed in Annex 4 or construction service in Annex 5 is covered with respect to a particular Party only to the extent that such Party has provided reciprocal access to that service.
3. This Agreement shall not apply to any procurement made by a covered entity on behalf of a non-covered entity.
4. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any goods or service component of that contract.
5. This Agreement shall not apply to contracts:
 - for the acquisition or rental of land, existing buildings, other immovable property or concerning rights thereon;
 - for the acquisition, development, production or co-production of programme materials by broadcasters and contracts for broadcasting time;
 - contract of employment.
6. This Agreement shall not apply to:

- contracts awarded under an international agreement and intended for the joint implementation or exploitation of a project;
- contracts awarded under the particular procedure of an international organization;
- procurement made with a view to resale or to using in the production of supplies or services for sale;
- procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes;
- procurement of the following goods and services (including construction) relating to the electricity and transport projects.

Exclusions regarding electricity (goods)

| | |
|---------|---------------------------------------------------------------------------------------|
| HS 8402 | Steam or other vapour generating boilers |
| HS 8404 | Auxiliary plant for use with boilers |
| HS 8410 | Hydraulic turbines, water wheels, and regulators |
| HS 8501 | Electric motors and generators |
| HS 8502 | Electric generating sets |
| HS 8504 | Electrical transformers and converters |
| HS 8532 | Power capacitors |
| HS 8535 | Electrical switches, breakers, switch-gears (for a voltage exceeding 1,000 volts) |
| HS 8536 | Electrical switches, breakers, switch-gears (for a voltage not exceeding 1,000 volts) |
| HS 8537 | switch boards, controller panels |
| HS 8544 | Power cables (including optical fibre cables) |
| HS 9028 | Electricity supply meter |

- Notwithstanding the above, this Agreement shall apply to the procurement of HS codes 8402, 8404, 8410, 8501 (electric motors with capacity of 22 megawatts or greater, electric generators with capacity of 50 megawatts or greater)*, 850164, 8502, 8504 (electrical transformers and static converters, with capacity of 1 to 600 megawatts)*, and 8544 (cable related to telecommunications applications) for the goods and suppliers of the United States; the European Communities; Japan; Switzerland; Canada; Norway; Iceland; Hong Kong, China; Singapore; and Israel.

* Coverage to be effective two years from the date of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu's accession to the WTO.

- Notwithstanding the above, this Agreement shall apply to the procurement of HS codes 8402, 8404, 8410, 850164 and 8502 for the goods and suppliers of Korea.

Exclusions regarding electricity (services and constructions)

| | |
|-----------|----------------------------------------------|
| CPC 51340 | Power transmission line construction work |
| CPC 51360 | Power plant and substation construction work |

| | |
|-----------|------------------------------------------------------------------------------------------|
| CPC 51649 | Power transmission and distribution automation system construction work |
| CPC 52262 | Power plant construction engineering work |
| CPC 86724 | Power transmission, distribution and substation engineering design services |
| CPC 86725 | Power plant engineering design services) |
| CPC 86726 | Power transmission and distribution automation system engineering design services |
| CPC 86739 | Integrated engineering services for power transmission and distribution turnkey projects |

- Notwithstanding the above, this Agreement shall apply to the procurement of CPC codes 51340, 51360 and 51649 for the service providers of Korea; the European Communities; Japan; the United States; Switzerland; Canada; Norway; Iceland; Hong Kong, China; Singapore; and Israel.
- Notwithstanding the above, this Agreement shall apply to the procurement of CPC code 52262 for the service providers of Korea; the European Communities; the United States; Switzerland; Canada; Norway; Iceland; Hong Kong, China; Singapore; and Israel.
- Notwithstanding the above, this Agreement shall apply to the procurement of CPC codes 86724, 86725, 86726 and 86739 for the services providers of the United States; Canada; Korea; the European Communities; Japan; Switzerland; Norway; Iceland; Hong Kong, China; Singapore; and Israel.

Exclusions regarding transport

| | |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HS 8601 | Rail locomotives, powered from an external source of electricity or by electric accumulators |
| HS 8603 | Self-propelled railway or trainway, coaches, vans and trucks, other than those of heading. |
| HS 8605 | Railway or trainway passenger coaches, not self-propelled, luggage van, post office coaches and other special purpose railway or trainway coaches, not self-propelled |
| HS 8607 | Parts of railway or trainway locomotives or rolling stock |
| HS 8608 | Railway or trainway track fixtures and fittings, mechanical (including electro-mechanical) signalling, safety or traffic control equipment for railways, roads, inland waterways, parking facility, port installations or airfields, parts of the foregoing |

- Notwithstanding the above, this Agreement shall apply to the procurement of HS code 8608 for the goods and suppliers of the United States; Canada; the European Communities; Japan; Switzerland; Norway; Iceland; Hong Kong, China; Singapore; and Israel, effective two years from the date of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu's accession to the WTO.
 - Notwithstanding the above, this Agreement shall apply to the procurement of HS code 8601, 8603, 8605 and 8607 for the goods and suppliers of Canada; the European Communities; Japan; Norway; Iceland; Hong Kong, China; Singapore; and Israel. For a period of 10 years from the date of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu's accession to the WTO, up to 50 per cent of the procurement amount can be used by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu for offset purposes.
7. Procurement does not include the acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, and sale and distribution services for government debt.
8. Procurement in terms of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu's coverage does not include non-contractual agreements or any form of government assistance, including, but not limited to, cooperative agreements, grants, loans, guarantees, fiscal incentives, and governmental provision of goods and services to persons or governmental authorities not specifically covered under the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu's Annexes to this Agreement.
9. The provision of services, including construction services, in the context of procurement procedures according to this Agreement is subject to the conditions and qualifications for market access and national treatment as will be required by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu in conformity with commitments under GATS.
10. When a specific procurement may impair important national policy objectives, the Government of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu may consider it necessary in particular procurement cases to deviate from the principle of national treatment of the Agreement. A decision to this effect will be made by the Executive Yuan. This Note shall only be applied to Finland, Norway and Sweden under the condition that they maintain the similar note to their Annexes.

11. This Agreement shall not apply to procurements in respect of national security exceptions including procurements made in support of safeguarding nuclear materials, radwaste management, or technology.

12. The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu will accede to the Agreement at the time it accedes to the WTO.

APPENDIX II

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION
OF NOTICES OF INTENDED PROCUREMENTS - PARAGRAPH 1
OF ARTICLE IX, AND OF POST-AWARD NOTICES –
PARAGRAPH 1 OF ARTICLE XVIII

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

Government Procurement Gazette
Government Procurement Information System (<http://web.pcc.gov.tw>)

APPENDIX III

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION ANNUALLY OF
INFORMATION ON PERMANENT LISTS OF QUALIFIED SUPPLIERS IN THE CASE
OF SELECTIVE TENDERING PROCEDURES - PARAGRAPH 9 OF ARTICLE IX

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

Government Procurement Gazette
Government Procurement Information System (<http://web.pcc.gov.tw>)

APPENDIX IV

PUBLICATIONS UTILIZED BY PARTIES FOR THE PUBLICATION OF LAWS,
REGULATIONS, JUDICIAL DECISIONS, ADMINISTRATIVE RULINGS OF GENERAL
APPLICATION AND ANY PROCEDURE REGARDING GOVERNMENT
PROCUREMENT COVERED BY THIS AGREEMENT – PARAGRAPH 1 OF ARTICLE
XIX

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

Government Gazette
Public Construction Commission (<http://www.pcc.gov.tw>)

Judicial decisions (<http://www.judicial.gov.tw>)

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Director-General