

# ORGANIZACIÓN MUNDIAL DEL COMERCIO

RESTRICTED

**GPA/W/145**

29 de agosto de 2001

(01-4149)

**Comité de Contratación Pública**

Original: inglés

## **MODIFICACIONES DEL APÉNDICE I DEL JAPÓN**

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

Se ha recibido de la Misión Permanente del Japón la siguiente comunicación con fecha 23 de agosto de 2001, con el ruego de que se distribuya a las Partes en el Acuerdo sobre Contratación Pública.

1. De conformidad con el párrafo 6 b) del artículo XXIV del Acuerdo de la OMC sobre Contratación Pública, el Gobierno del Japón desea notificar al Comité de Contratación Pública la siguiente modificación en relación con el anexo 3 del apéndice I del Acuerdo:

- supresión de "- Central Japan Railway Company (a)" de la Lista de entidades; y
- supresión de "- Central Japan Railway Company (a)(g)" de la Lista de entidades que contratan los servicios especificados en el anexo 4.

2. Esa modificación se basa en el hecho de que el 15 de junio de 2001 la Dieta aprobó la Modificación de la Ley sobre las Compañías de Ferrocarriles de Pasajeros y la Compañía de Ferrocarriles de Carga del Japón (denominada en adelante "la Ley modificada"), que se promulgó el 22 de junio de 2001. El Gobierno del Japón ha venido manteniendo un control efectivo sobre la Compañía de Ferrocarriles del Centro del Japón (denominada en adelante "la Compañía") en el marco de la Ley sobre las Compañías de Ferrocarriles de Pasajeros y la Compañía de Ferrocarriles de Carga del Japón (denominada en adelante "la Ley"). A partir de la fecha de entrada en vigor de la Ley modificada, no se aplicará ya la Ley a la Compañía y quedará eliminada efectivamente la intervención o la influencia del Gobierno sobre ella.

---

<sup>1</sup> En el párrafo 6 b) del artículo XXIV se establece lo siguiente: "En caso de que una Parte desee, en ejercicio de su derecho, retirar una entidad del apéndice I, por haberse eliminado efectivamente el control o la influencia del gobierno sobre ella, dicha Parte lo notificará al Comité. La modificación de que se trate surtirá efecto el día siguiente a aquél en que finalice la siguiente reunión del Comité, siempre que ésta no se celebre antes de transcurridos 30 días desde la fecha de la notificación y que no se haya formulado ninguna objeción. En caso de que se formule una objeción, podrá llevarse adelante la cuestión con arreglo al procedimiento de consultas y solución de diferencias establecido en el artículo XXII. Al examinar la propuesta modificación del apéndice I y los eventuales arreglos compensatorios consiguientes, se tendrán debidamente en cuenta los efectos de apertura del mercado de la eliminación del control o la influencia del gobierno."

3. La Ley modificada entrará en vigor, a más tardar, seis meses después de la fecha de su promulgación (es decir, a más tardar, el 21 de diciembre de 2001). El Gobierno del Japón informará al Comité de la fecha de entrada en vigor de la Ley modificada a su debido tiempo. Hasta esa fecha, la Compañía contratará bienes y servicios según las disposiciones del Acuerdo. Posteriormente, su contratación se basará en los principios de mercado.

4. Para más información, antes de la próxima reunión de octubre del Comité se presentarán los documentos en los que se explicará la transición de la Compañía a empresa privada en virtud de la Ley modificada.

5. En consecuencia, habrá que modificar las páginas 1/4 a 4/4 del anexo 3 del apéndice I del Japón, en el documento WT/Let/330, de fecha 1º de marzo de 2000, y también en el anexo A del presente documento (versión subrayada). En el anexo B figuran las páginas pertinentes del sistema de hojas amovibles tal y como quedarán una vez aceptadas las presentes modificaciones.<sup>2</sup>

---

<sup>2</sup> Ambos anexos existen únicamente en inglés.

## ATTACHMENT A

### JAPAN

(Authentic in the English language only)

### ANNEX 3

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

#### Supplies

*Threshold:*

130 thousand SDR

*List of Entities:*

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

~~1 March 2000 (WT/Let/330)~~

APPENDIX I	JAPAN	ANNEX 3	Page 2/4
------------	-------	---------	----------

***Supplies (cont'd)***

- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- Association for Welfare of the Mentally and Physically Handicapped
- Japan Racing Association
- Mutual Aid Association of Agriculture, Forestry and Fishery Corporation Personnel
- The National Association of Racing
- Farmers' Pension Fund
- Japan Keirin Association
- Japan External Trade Organization
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Japan Institute of Labour
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- Corporation for Advanced Transport and Technology (e)
- The Promotion and Mutual Aid Corporation for Private Schools of Japan
- Organization for Workers' Retirement Allowance Mutual Aid

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

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation

***Services***

***Threshold:***

***Construction services:*** 15,000 thousand SDR

Architectural, engineering and other technical services covered by this Agreement:  
450 thousand SDR

***Other services:*** 130 thousand SDR

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

*Services (cont'd)*

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>- Japan Finance Corporation for Small Business</li> <li>- Housing Loan Corporation</li> <li>- Japan Finance Corporation for Municipal Enterprises</li> <li>- Development Bank of Japan</li> <li>- Japan Bank for International Cooperation</li> <li>- Teito Rapid Transit Authority (a)</li> <li>- Japan Tobacco Inc. (g)</li> <li>- Hokkaido Railway Company (a)(g)</li> <li>- East Japan Railway Company (a)(g)</li> <li>- <del>Central Japan Railway Company (a)(g)</del></li> <li>- West Japan Railway Company (a)(g)</li> <li>- Shikoku Railway Company (a)(g)</li> <li>- Kyushu Railway Company (a)(g)</li> <li>- Japan Freight Railway Company (a)(g)</li> <li>- Nippon Telegraph and Telephone Co. (f)(g)</li> <li>- Northern Territories Issue Association</li> <li>- Japan Consumers Information Center</li> <li>- Japan Atomic Energy Research Institute (b)</li> <li>- RIKEN (The Institute of Physical and Chemical Research) (b)</li> <li>- Pollution-Related Health Damage Compensation Association</li> <li>- Fund for the Promotion and Development of the Amami Islands</li> <li>- Japan Foundation</li> <li>- The Japan Scholarship Foundation</li> <li>- National Education Center</li> <li>- Japan Arts Council</li> <li>- Japan Society for the Promotion of Science</li> <li>- University of the Air Foundation</li> <li>- National Stadium and School Health Center of Japan</li> <li>- Social Insurance Medical Fee Payment Fund</li> <li>- Association for Welfare of the Mentally and Physically Handicapped</li> <li>- Japan Racing Association</li> </ul> | <ul style="list-style-type: none"> <li>- Mutual Aid Association of Agriculture, Forestry and Fishery Corporation Personnel</li> <li>- The National Association of Racing</li> <li>- Farmers' Pension Fund</li> <li>- Japan Keirin Association</li> <li>- Japan External Trade Organization</li> <li>- Japan Motorcycle Racing Organization</li> <li>- New Energy and Industrial Technology Development Organization</li> <li>- Japan National Tourist Organization</li> <li>- Japan Institute of Labour</li> <li>- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen</li> <li>- Corporation for Advanced Transport and Technology (e)</li> <li>- The Promotion and Mutual Aid Corporation for Private Schools of Japan</li> <li>- Organization for Workers' Retirement Allowance Mutual Aid</li> </ul> |
|---|--|

*Notes to Annex 3*

1. Products and services procured with a view to resale or with a view to use in the production of goods for sale are not included.
2. This Agreement shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement for Japan.
3. This Agreement shall not apply to contracts which the entities award for purposes of their daily profit-making activities which are exposed to competitive forces in markets. This note shall not be used in a manner which circumvents the provisions of this Agreement.

*Notes to Annex 3 (cont'd)*

4. Notes to specific entities:

- (a) Procurement related to operational safety of transportation is not included.
- (b) Procurement which could lead to the disclosure of information incompatible with the purpose of the Treaty on the Non-Proliferation of Nuclear Weapons or with international agreements on intellectual property rights is not included. Procurement for safety-related activities aiming at utilization and management of radioactive materials and responding to emergencies of nuclear installation is not included.
- (c) Procurement related to geological and geophysical survey is not included.
- (d) Procurement of advertising services, construction services and real estate services is not included.
- (e) Procurement of ships to be jointly owned with private companies is not included.
- (f) Procurement of public electrical telecommunications equipment and of services related to operational safety of telecommunications is not included.
- (g) Procurement of the services specified in Annex 4, other than construction services, is not included.

## ATTACHMENT B

### JAPAN

(Authentic in the English language only)

### ANNEX 3

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

#### Supplies

*Threshold:*

130 thousand SDR

*List of Entities:*

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

APPENDIX I	JAPAN	ANNEX 3	Page 2/4
------------	-------	---------	----------

***Supplies (cont'd)***

- National Education Center
- Japan Arts Council
- Japan Society for the Promotion of Science
- University of the Air Foundation
- National Stadium and School Health Center of Japan
- Social Insurance Medical Fee Payment Fund
- Association for Welfare of the Mentally and Physically Handicapped
- Japan Racing Association
- Mutual Aid Association of Agriculture, Forestry and Fishery Corporation Personnel
- The National Association of Racing
- Farmers' Pension Fund
- Japan Keirin Association
- Japan External Trade Organization
- Japan Motorcycle Racing Organization
- New Energy and Industrial Technology Development Organization
- Japan National Tourist Organization
- Japan Institute of Labour
- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen
- Corporation for Advanced Transport and Technology (e)
- The Promotion and Mutual Aid Corporation for Private Schools of Japan
- Organization for Workers' Retirement Allowance Mutual Aid

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

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- New Tokyo International Airport Authority
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Pension Welfare Service Public Corporation
- Agriculture and Livestock Industries Corporation
- Metal Mining Agency of Japan (c)
- Japan Small and Medium Enterprise Corporation
- Postal Life Insurance Welfare Corporation
- Labour Welfare Corporation
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation

***Services***

***Threshold:***

***Construction services:*** 15,000 thousand SDR

Architectural, engineering and other technical services covered by this Agreement:  
450 thousand SDR

***Other services:*** 130 thousand SDR

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

*Services (cont'd)*

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>- Japan Finance Corporation for Small Business</li> <li>- Housing Loan Corporation</li> <li>- Japan Finance Corporation for Municipal Enterprises</li> <li>- Development Bank of Japan</li> <li>- Japan Bank for International Cooperation</li> <li>- Teito Rapid Transit Authority (a)</li> <li>- Japan Tobacco Inc. (g)</li> <li>- Hokkaido Railway Company (a)(g)</li> <li>- East Japan Railway Company (a)(g)</li> <li>- West Japan Railway Company (a)(g)</li> <li>- Shikoku Railway Company (a)(g)</li> <li>- Kyushu Railway Company (a)(g)</li> <li>- Japan Freight Railway Company (a)(g)</li> <li>- Nippon Telegraph and Telephone Co. (f)(g)</li> <li>- Northern Territories Issue Association</li> <li>- Japan Consumers Information Center</li> <li>- Japan Atomic Energy Research Institute (b)</li> <li>- RIKEN (The Institute of Physical and Chemical Research) (b)</li> <li>- Pollution-Related Health Damage Compensation Association</li> <li>- Fund for the Promotion and Development of the Amami Islands</li> <li>- Japan Foundation</li> <li>- The Japan Scholarship Foundation</li> <li>- National Education Center</li> <li>- Japan Arts Council</li> <li>- Japan Society for the Promotion of Science</li> <li>- University of the Air Foundation</li> <li>- National Stadium and School Health Center of Japan</li> <li>- Social Insurance Medical Fee Payment Fund</li> <li>- Association for Welfare of the Mentally and Physically Handicapped</li> <li>- Japan Racing Association</li> </ul> | <ul style="list-style-type: none"> <li>- Mutual Aid Association of Agriculture, Forestry and Fishery Corporation Personnel</li> <li>- The National Association of Racing</li> <li>- Farmers' Pension Fund</li> <li>- Japan Keirin Association</li> <li>- Japan External Trade Organization</li> <li>- Japan Motorcycle Racing Organization</li> <li>- New Energy and Industrial Technology Development Organization</li> <li>- Japan National Tourist Organization</li> <li>- Japan Institute of Labour</li> <li>- Mutual Aid Fund for Official Casualties and Retirement of Volunteer Firemen</li> <li>- Corporation for Advanced Transport and Technology (e)</li> <li>- The Promotion and Mutual Aid Corporation for Private Schools of Japan</li> <li>- Organization for Workers' Retirement Allowance Mutual Aid</li> </ul> |
|--|--|

*Notes to Annex 3*

1. Products and services procured with a view to resale or with a view to use in the production of goods for sale are not included.
2. This Agreement shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement for Japan.
3. This Agreement shall not apply to contracts which the entities award for purposes of their daily profit-making activities which are exposed to competitive forces in markets. This note shall not be used in a manner which circumvents the provisions of this Agreement.

*Notes to Annex 3 (cont'd)*

4. Notes to specific entities:

- (a) Procurement related to operational safety of transportation is not included.
  - (b) Procurement which could lead to the disclosure of information incompatible with the purpose of the Treaty on the Non-Proliferation of Nuclear Weapons or with international agreements on intellectual property rights is not included. Procurement for safety-related activities aiming at utilization and management of radioactive materials and responding to emergencies of nuclear installation is not included.
  - (c) Procurement related to geological and geophysical survey is not included.
  - (d) Procurement of advertising services, construction services and real estate services is not included.
  - (e) Procurement of ships to be jointly owned with private companies is not included.
  - (f) Procurement of public electrical telecommunications equipment and of services related to operational safety of telecommunications is not included.
  - (g) Procurement of the services specified in Annex 4, other than construction services, is not included.
-