

ORGANISATION MONDIALE DU COMMERCE

RESTRICTED

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18 août 2004

(04-3455)

Comité des marchés publics

Original: anglais

MODIFICATIONS PROPOSÉES DE L'APPENDICE I CONCERNANT LE JAPON

Communication du Japon au titre de l'article XXIV:6 a)¹ de l'Accord sur les marchés publics

La communication ci-après, datée du 16 août 2004 et adressée par la délégation du Japon, est distribuée aux Parties à l'Accord sur les marchés publics.

1. Conformément à l'article XXIV, paragraphe 6 a) de l'Accord sur les marchés publics, le gouvernement japonais souhaite notifier au Comité des marchés publics les modifications de pure forme ci-après se rapportant à l'Annexe 3 de l'Appendice I de l'Accord:

- Ajouter les six entités suivantes au groupe B de la "Liste des entités" et de la "Liste des entités qui passent des marchés portant sur des services spécifiés à l'Annexe 4", respectivement:
 - National University Corporation
 - Inter-University Research Institute Corporation
 - Institute of National Colleges of Technology, Japan
 - National Institution for Academic Degrees and University Evaluation
 - Center for National University Finance and Management
 - National Institute of Multimedia Education.

2. Les modifications susmentionnées découlent des changements organisationnels suivants:

- 1) Dans le cadre de la réforme du gouvernement central japonais, les "national universities" (universités nationales) ainsi que les "national colleges" (collèges nationaux), l'"Inter-University Research Institute" (Institut de recherche

¹ L'article XXIV:6 a) dispose ce qui suit: *Rectifications ou modifications* a) Les rectifications, les transferts d'une entité d'une annexe à une autre ou, dans des cas exceptionnels, les autres modifications se rapportant aux Appendices I à IV seront notifiés au Comité, accompagnés de renseignements concernant les conséquences probables du changement pour le champ d'application mutuellement convenu du présent accord. S'ils sont de pure forme ou mineurs, les rectifications, transferts ou autres modifications prendront effet à la condition qu'aucune objection n'y ait été faite dans un délai de 30 jours. Dans les autres cas, le Président du Comité convoquera le Comité dans les moindres délais. Le Comité examinera la proposition et toute demande d'ajustements compensatoires, afin de préserver l'équilibre des droits et des obligations et de maintenir le champ d'application mutuellement convenu du présent accord à un niveau comparable à son niveau antérieur à la notification. S'il n'est pas possible d'arriver à un accord, la question pourra être traitée ensuite selon les dispositions de l'article XXII.

interuniversités), les "National Colleges of Technology" (collèges nationaux de technologie), la "National Institution for Academic Degrees and University Evaluation" (Institution nationale des diplômes universitaires et de l'évaluation universitaire), et le "Center for National University Finance" (Centre pour le financement des universités nationales), qui étaient toutes des organisations rattachées au Ministère de l'éducation, de la culture, des sports et de la technologie, ont été réorganisées en tant qu'organismes juridiquement indépendants. Au titre des lois et ordonnances pertinentes, ce changement organisationnel est entré en vigueur le 1^{er} avril 2004.

- 2) Ces organisations étaient couvertes par l'Accord en tant qu'organisations rattachées au Ministère de l'éducation, de la culture, des sports et de la technologie à l'Annexe 1 du Japon. Comme ces nouvelles organisations ne font pas partie des entités du gouvernement central visées par la Loi sur les comptes de la nation et qu'elles ne sont assujetties ni à la Loi d'organisation des pouvoirs publics, ni à la Loi instituant le Bureau du cabinet, ces six organisations sont ajoutées au groupe B de l'Annexe 3. De cette façon, l'Accord s'applique à ces organisations avec les mêmes valeurs de seuils et conditions que celles qui sont prévues à l'Annexe 1 pour les entités du gouvernement central.
- 3) Depuis avril 2004, ces organisations ont des règles comptables pour appliquer pleinement les valeurs de seuil et procédures appropriées au titre de l'Accord. Ces organisations relèvent du Ministère de l'éducation, de la culture, des sports et de la technologie.

3. Ces modifications proposées n'altèrent pas le niveau du champ d'application mutuellement convenu de l'Accord. La pièce jointe A indique les modifications que le Japon propose d'apporter aux pages 3/5 et 5/5 de l'Annexe 3 de l'Appendice I. La pièce B reprend les pages 3/5 et 5/5 de l'Annexe 3 de l'Appendice I telles qu'elles se présenteront après les modifications.²

² Les pièces jointes A et B sont en anglais seulement.

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ATTACHMENT A

Supplies (cont'd)

- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
- Civil Engineering Research Institute of Hokkaido
- Marine Technical College
- National Institute for Sea Training
- Schools for Seafarers Training
- Civil Aviation College
- National Institute for Environmental Studies
- Labor Management Organization for USFJ Employees
- National Agency for Vehicle Inspection
- National Statistics Center
- Japan Mint
- National Printing Bureau
- Japan Nuclear Energy Safety Organization
- National Hospital Organization
- National University Corporation
- Inter-University Research Institute Corporation
- Institute of National Colleges of Technology, Japan
- National Institution for Academic Degrees and University Evaluation
- Center for National University Finance and Management
- National Institute of Multimedia Education

Services

Threshold:

Construction services:

4,500 thousand SDR for Japan Post in Group A
15,000 thousand SDR for all other entities in Group A
4,500 thousand SDR for entities in Group B

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

Other services: 130 thousand SDR

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

1. Group A

- Water Resources Development Public Corporation
- Japan Regional Development Corporation
- Japan Green Resources Corporation
- Japan National Oil Corporation (c)
- Japan Railway Construction Public Corporation (a) (d)
- Narita International Airport Corporation
- Japan Highway Public Corporation
- Metropolitan Expressway Public Corporation
- Hanshin Expressway Public Corporation
- Honshu-Shikoku Bridge Authority
- Urban Development Corporation (a)
- Japan Science and Technology Corporation
- Japan Nuclear Cycle Development Institute (b)
- Japan Environmental Safety Corporation
- Japan International Cooperation Agency
- Social Welfare and Medical Service Corporation
- Government Pension Investment Fund
- Agriculture and Livestock Industries Corporation
- Japan Oil, Gas and Metals National Corporation (c)
- Japan Small and Medium Enterprise Corporation
- Japan Post
- Japan Labour Health and Welfare Organization
- Employment and Human Resources Development Organization of Japan
- Okinawa Development Finance Corporation
- National Life Finance Corporation
- Agriculture, Forestry and Fisheries Finance Corporation
- Japan Finance Corporation for Small Business
- Housing Loan Corporation
- Japan Finance Corporation for Municipal Enterprises
- Development Bank of Japan
- Japan Bank for International Cooperation
- Tokyo Metro Co. Ltd. (a)
- Japan Tobacco Inc. (g)
- Hokkaido Railway Company (a)(g)
- East Japan Railway Company (a)(g)
- Central Japan Railway Company (a)(g)
- West Japan Railway Company (a)(g)
- Shikoku Railway Company (a)(g)
- Kyushu Railway Company (a)(g)
- Japan Freight Railway Company (a)(g)
- Nippon Telegraph and Telephone Co. (f)(g)
- Northern Territories Issue Association
- National Consumers Affairs Center of Japan

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Services (cont'd)

- Fisheries Research Agency
- Research Institute of Economy, Trade and Industry
- National Center for Industrial Property Information
- Nippon Export and Investment Insurance
- National Institute of Advanced Industrial Science and Technology
- National Institute of Technology and Evaluation
- Public Works Research Institute
- Building Research Institute
- National Traffic Safety and Environment Laboratory
- National Maritime Research Institute
- Port and Airport Research Institute
- Electronic Navigation Research Institute
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Notes to Annex 3

1. Products and services procured with a view to resale or with a view to use in the production of goods for sale are not included.

2. This Agreement shall not apply to contracts to be awarded to co-operatives or associations in accordance with laws and regulations existing at the time of the entry into force of this Agreement for Japan.
3. This Agreement shall not apply to contracts which the entities in Group A award for purposes of their daily profit-making activities which are exposed to competitive forces in markets. This note shall not be used in a manner which circumvents the provisions of this Agreement.
4. Notes to specific entities:
 - (a) Procurement related to operational safety of transportation is not included.
 - (b) Procurement which could lead to the disclosure of information incompatible with the purpose of the Treaty on the Non-Proliferation of Nuclear Weapons or with international agreements on intellectual property rights is not included. Procurement for safety-related activities aiming at utilization and management of radioactive materials and responding to emergencies of nuclear installation is not included.
 - (c) Procurement related to geological and geophysical survey is not included.
 - (d) Procurement of advertising services, construction services and real estate services is not included.
 - (e) Procurement of ships to be jointly owned with private companies is not included.
 - (f) Procurement of public electrical telecommunications equipment and of services related to operational safety of telecommunications is not included.
 - (g) Procurement of the services specified in Annex 4, other than construction services, is not included.

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ATTACHMENT B

Supplies (cont'd)

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- Civil Engineering Research Institute of Hokkaido
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