

Government Procurement Chapter

Mercosur's market access offer

ARGENTINA

APPENDIX I

Annex 1 Central Government Entities

List of Argentina

This Chapter applies to the procurement carried out by the Argentine entities listed in this Annex 1, where the value of the procurement estimated in conformity with Article 4 (Valuation of Contracts), equals or exceeds the following thresholds:

For Goods and Services

- From the date of entry into force of this Agreement to the end of the 5th year after its entry into force: SDR 800,000.
- From the 6th year to the end of the 10th year after entry into force of this Agreement: SDR 500,000.
- From the 11th year to the end of the 15th year after entry into force of this Agreement: SDR 300,000.
- From the 16th year after the entry into force of this Agreement onwards: SDR 130,000

For Construction Services

- From the date of entry into force of this Agreement to the end of the 5th year after its entry into force: SDR 8,000,000.
- From the 6th year after the entry into force of this Agreement onwards: SDR 5,000,000.

This Chapter applies to the Argentine government entities listed below:

1. Central Administration

- Presidencia de la Nación (excluding Agencia Federal de Inteligencia)
- Jefatura de Gabinete de Ministros
- Ministerio del Interior, Obras Públicas y Vivienda
- Ministerio de Relaciones Exteriores y Culto
- Ministerio de Justicia y Derechos Humanos
- Ministerio de Seguridad
- Ministerio de Defensa
- Ministerio de Hacienda
- Ministerio de Producción y Trabajo
- Ministerio de Transporte
- Ministerio de Educación, Cultura, Ciencia y Tecnología.
- Ministerio de Salud y Desarrollo Social
- Ministerio de Agricultura, Ganadería y Pesca

2. Decentralized agencies

- Sindicatura General de la Nación
- Instituto Nacional del Agua

- Dirección Nacional del Registro Nacional de las Personas
- Dirección Nacional de Migraciones
- Tribunal de Tasaciones de la Nación
- Instituto Nacional de Asuntos Indígenas
- Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo
- Centro Internacional para la Promoción de los Derechos Humanos
- Comisión Nacional de Valores
- Superintendencia de Seguros de la Nación
- Superintendencia de Servicios de Salud
- Tribunal Fiscal de la Nación
- Unidad de Información Financiera
- Instituto Nacional de Tecnología Industrial
- Instituto Nacional de la Propiedad Industrial
- Instituto Nacional de Tecnología Agropecuaria
- Instituto Nacional de Investigación y Desarrollo Pesquero
- Instituto Nacional de Vitivinicultura
- Instituto Nacional de Semillas
- Servicio Nacional de Sanidad y Calidad Agroalimentaria
- Instituto Nacional de Promoción Turística
- Dirección Nacional de Vialidad
- Comisión Nacional de Regulación del Transporte
- Organismo Regulador del Sistema Nacional de Aeropuertos
- Administración Nacional de Aviación Civil
- Junta de Investigación de Accidentes de Aviación Civil
- Servicio Geológico Minero Argentino
- Ente Nacional Regulador del Gas
- Ente Nacional Regulador de la Electricidad
- Ente Nacional de Comunicaciones
- Comisión Nacional de Evaluación y Acreditación Universitaria (CONEAU)
- Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET)
- Biblioteca Nacional “Dr. Mariano Moreno”
- Instituto Nacional del Teatro
- Fondo Nacional de las Artes
- Superintendencia de Riesgos del Trabajo
- Instituto Nacional Central Único Coordinador de Ablación e Implante
- Administración Nacional de Laboratorios e Institutos de Salud Dr. Carlos Malbrán
- Instituto Nacional de Rehabilitación Psicosfísica del Sur Dr. Juan Otimio Tesone
- Administración de Parques Nacionales
- Instituto Nacional de Asociativismo y Economía Social
- Teatro Nacional Cervantes
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3. Social Security Institutions

- Caja de Retiros, Jubilaciones y Pensiones de la Policía Federal Argentina
- Instituto de Ayuda Financiera para pago de Retiros y Pensiones Militares
- Administración Nacional de la Seguridad Social

4. National Universities

- Universidad de Buenos Aires
- Universidad Nacional de Catamarca
- Universidad Nacional del Centro de la Provincia de Buenos Aires
- Universidad Nacional de Comahue
- Universidad Nacional de Córdoba
- Universidad Nacional de Cuyo
- Universidad Nacional de Entre Ríos
- Universidad Nacional de Formosa
- Universidad Nacional de San Martín
- Universidad Nacional de General Sarmiento
- Universidad Nacional de Jujuy
- Universidad Nacional de La Matanza
- Universidad Nacional de La Pampa
- Universidad Nacional de La Plata
- Universidad Nacional del Litoral
- Universidad Nacional de Lomas de Zamora
- Universidad Nacional de Luján
- Universidad Nacional de Mar del Plata
- Universidad Nacional de Misiones
- Universidad Nacional del Nordeste
- Universidad Nacional de la Patagonia San Juan Bosco
- Universidad Nacional de Quilmes
- Universidad Nacional de Río Cuarto
- Universidad Nacional de Rosario
- Universidad Nacional de Salta
- Universidad Nacional de San Juan
- Universidad Nacional de San Luis
- Universidad Nacional de Santiago del Estero
- Universidad Nacional del Sur
- Universidad Tecnológica Nacional
- Universidad Nacional de Tucumán
- Universidad Nacional de la Rioja
- Universidad Nacional de Lanús
- Universidad Nacional Tres de Febrero
- Universidad Nacional de Villa María
- Universidad Nacional de la Patagonia Austral

- Universidad Nacional de las Artes
- Universidad Nacional de Chilecito
- Universidad Nacional del Noroeste de la Provincia de Buenos Aires
- Universidad Nacional de Río Negro
- Universidad Nacional del Chaco Austral
- Universidad Nacional de Villa Mercedes
- Universidad Nacional de Avellaneda
- Universidad Nacional del Oeste
- Universidad Nacional de Tierra del Fuego, Antártida e Islas del Atlántico Sur
- Universidad Nacional de Moreno
- Universidad Nacional Arturo Jauretche
- Universidad Nacional de José Clemente Paz
- Universidad Nacional de Hurlingham
- Universidad Nacional del Alto Uruguay
- Universidad Nacional de Rafaela
- Universidad de la Defensa Nacional
- Universidad Nacional San Antonio de Areco
- Universidad Nacional Guillermo Brown
- Universidad Pedagógica Nacional
- Universidad Nacional Raúl Scalabrini Ortiz
- Universidad Nacional de Comechingones

Note to Argentina's list of entities

The following purchases expressed in the Harmonized System (HS) nomenclature are excluded from this Agreement:

Ministerio de Defensa and Ministerio de Seguridad:

- 61, 62 y 4203: clothes and accessories.
- 64: footwear.
- 650610: only bulletproof helmets excluded.
- 6307.90.90: bulletproof vests.
- Military equipment.

Ministerio de Seguridad:

- 8702, 8703, 8704 y 8705: vehicles.
- 8903: only boats are excluded.

Ministerio de Salud y Desarrollo Social:

- 2005, 0402, 1006, 1902: canned food, milk, rice and noodles.
- 9018.19, 9018.20, 9018.4, 9018.50.90, 9018.90.91, 9018.90.92, 9018.90.99, 9021.2, 9021.31, 9021.40.00, 9021.90.89: medical instruments and devices

Annex 2
Sub central Government Entities

Argentina shall initiate internal consultation proceedings with its provincial governments and the government of the Autonomous City of Buenos Aires, with a view to committing a satisfactory level of coverage at sub-central level. Consultations shall be conducted with the aim of engaging all the entities under such sub-central governments. Coverage shall be considered satisfactory if it encompasses sub-central governments which generate at least 65 % of its national GDP¹.

Argentina shall conclude these consultations no later than two years after entry into force of the Agreement and shall immediately notify the European Union of the results of such consultations.

Provided the satisfactory coverage set out under paragraph 1 has been achieved, the Association Council shall adopt a decision to modify Annex 2.

If consultations at sub-central level do not lead to a satisfactory outcome within the stipulated timing, the EU and Argentina shall consult with a view to assessing the consequences on the Chapter.

¹ For the purposes of calculation of satisfactory coverage, the national GDP of the year of the entry into force of the agreement will be used as reference, as calculated by the National Institute of Statistics and Census (INDEC) of Argentina.

Annex 3
Other Entities

This Agreement does not cover government procurement carried out by other entities of Argentina.

Annex 4

Goods

This Agreement covers all government procurement of goods carried out by Argentine entities listed in Annex 1, with the exception of the goods that correspond to the Harmonized System (HS) listed below.

- 8528: Computer screens and projectors, and television receivers' devices.
- 9403: Office furniture.
- 8415: Machines and devices for air conditioning.
- 940130: Office chairs.
- 4802: Paper and Cardboard.
- 3215: Printing Inks, writing or drawings inks and other inks.
- 4901: Books, brochures and similar printed materials.

Annex 5 *Services*

This Agreement covers all government procurement of services listed below, carried out by Argentine entities listed in Annex 1.

1. BUSINESS SERVICES

A. Professional Services

b. Accounting, auditing and bookkeeping services	862
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B. Computer and Related Services

a. Consultancy services related to the installation of computer hardware	841
b. Software implementation services	842
c. Data processing services	843
d. Data base services	844
e. Other	845+849

F. Other business services

a. Advertising services	871
b. Market research and public opinion polling services	864
c. Management consulting service	865
d. Services related to man. consulting	866
e. Technical testing and analysis services	8676
h. Mining-related services	883+5115
m. Related scientific and technical consulting services	8675
n. Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment)	633+ 8861-8866
o. Services provided for the cleaning of buildings	874
p. Photographic services (excluding specialty photography services and motion picture processing services (CPC 87504 and 87506))	875
q. Packaging services	876
r. Publishing and printing	88442
s. Services provided in assemblies or conventions	87909*

The (*) indicates that the service specified is a component of a more aggregated CPC item specified elsewhere in this classification list.

2. COMMUNICATION SERVICES

B. Courier services	7512
C. <u>Telecommunication services</u> : Does not include the provision of satellite facilities to gestational artificial satellites in the fixed satellite services.	
a. Telephone services	7521
b. Packet-switched data transmission services	7523**
c. Circuit-switched data transmission services	7523**
d. Telex services	7523**
e. Telegraph services	7522
f. Facsimile services	7521**+7529**
g. Private leased circuit services	7522**+7523**
h. Electronic mail	7523**
i. Voice mail	7523**
j. On-line information and data base retrieval	7523**
k. electronic data interchange (EDI)	7523**
l. enhanced/value-added facsimile services, incl. store and forward, store and retrieve	7523**
m. code and protocol conversion	n.a.
n. on-line information and/or data processing (incl. transaction processing)	843**
o. other	

The (**) indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance (e.g. voice mail is only a component of CPC item 7523).

6. ENVIRONMENTAL SERVICES

A. Sewage services	9401
B. Refuse disposal services	9402
C. Sanitation and similar services	9403

9. TOURISM AND TRAVEL RELATED SERVICES

A. Hotels and restaurants (including catering services)	641-643
B. Travel agencies and group travel services	7471
C. Tourist guides services	7472

Annex 6

Construction Services

1. CONSTRUCTION SERVICES

All services listed in Division 51 of the Provisional Central Product Classification (CPC).

2. WORKS CONCESSIONS

When awarded by entities listed in Annex 1 and subject to the thresholds applicable to construction services contracts as specified in Annex 1, the only articles of this Chapter that shall apply to works concessions contracts are Article 6 (General Principles) and Article 11 (Offsets). For the purpose of this paragraph, works concessions contracts means any contractual agreement the main objective of which is to undertake the construction or rehabilitation of physical infrastructure, plants, buildings, facilities, or other government-owned works, and under which a procuring entity grants to a supplier, through a contract and for a specified period of time, the temporary ownership or the right to control, operate and demand payment for the use of those works for the duration of the contract.

Note to Annex 6:

For procurement contracts of goods in connection with a contract of construction services, including works concessions contracts, Argentina reserves the right to apply price preferences according to its national legislation for the following goods, expressed in the Harmonized System (HS) nomenclature, for the following transitional periods:

- HS 8410 and HS 8504: from the entry into force of the agreement until the end of the 9th year after entry into force; as of the 10th year after entry into force of the agreement no price preference shall be applied;
- HS 8414 and HS 8428: from the entry into force of the agreement until the end of the 4th year after entry into force; as of the 5th year after entry into force of the agreement no price preference shall be applied.

Annex 7

General Notes

The following general notes apply to all government procurement covered by this Chapter:

1. This Chapter does not apply to public procurement programs aimed at favouring Micro, Small and Medium Enterprises through price preferences and the right to improve the original tender offer², provided that access to such programs is equally available to EU enterprises registered as micro, small and medium enterprises in Argentina. For greater certainty, EU enterprises can register as micro, small and medium enterprises in Argentina in accordance with the requirements set out in the relevant applicable laws.
2. This Chapter does not apply to pre-commercial government procurement aimed at promoting the development of innovative solutions for public sector needs, for up to 215 million SDR, annually. Pre-commercial government procurement includes the product idea, solution design, prototyping, original development and validation/testing of a limited set of first products.

Every three years after the entry into force of the Agreement, the amount set forth in the preceding paragraph shall be subject to review by the Government Procurement Sub-Committee, regarding the possibility to update such amount after appropriate reassessment by the Parties. In this context, Argentina will inform the EU about the pre-commercial government procurement carried out during that period.

3. This Chapter does not apply to concessions of services.
4. Notwithstanding the provisions set forth in Article 14.4, Argentina may exclude a supplier if:
 - a) there is a confirmed indictment against the supplier for crimes against property, or against the Public Administration, or against public faith or for crimes set forth in the Inter-American Convention against Corruption.
 - b) the supplier is (i) an agent or official of Argentine public sector, or (ii) an enterprise in which such agent or official has sufficient participation so as to control the company's decision-making process.
5. Argentina reserves the possibility of awarding contracts by means other than open or selective tendering procedures in the following cases:
 - a) procurement undertaken for the repair of machinery, vehicles, equipment or engines whose disarmament, transfer or prior examination is essential to determine the necessary repair and the adoption of another contracting procedure will prove to be more expensive. This exception may not be used for common maintenance repairs of such items.
 - b) government procurement undertaken between jurisdictions and entities of the national government, or between such jurisdictions and entities and

² When a procurement is carried out under the Private-Public Partnership regime, Argentina also reserves the right to apply comparative advantages.

provincial or municipal entities or entities of the Government of the Autonomous City of Buenos Aires, as well as with enterprises in which Argentina has majority participation, provided that the purpose of the procurement is the provision of security, logistics or health services.

- c) government procurement undertaken between jurisdictions and entities of the national government and national universities.
 - d) for complementary works that are essential for the execution of an ongoing public work (construction services), which could not have been foreseen in the original project nor could be included in the respective contract. The value of contracts awarded for the complementary works shall not exceed the limits set forth in the national legislation, which shall in no case exceed 50% of the value of the main contract.
6. Government procurement carried out outside the territory of the Party, for consumption outside the territory of that Party, is excluded from the application of the present Chapter.
7. Notwithstanding the provisions set forth in Article 11 (Offsets), when the entities listed in Annex 1 carry out government procurement covered by this Chapter, Argentina may seek or impose, in accordance with its national legislation, any type of offset for up to 40% of the value of the procurement, including that the awarded supplier purchases local goods and services related to the object of the procurement.

From the 8th year to the end of the 15th year after the entry into force of the Agreement, Argentina may only seek or impose offsets for up to 20% of the value of the procurement. When a procurement is carried out under the Private-Public Partnership regime, this limit will increase up to 35% of the value of the procurement.

The limitations set forth in the paragraphs above shall not apply to procurements undertaken by the Ministerio de Seguridad and Ministerio de Defensa.

From the 16th year after the entry into force of the Agreement offsets shall not be applied to any covered procurement.

Offsets shall be indicated in the notice of intended procurement and must be specified in the tender documentation.

8. Notwithstanding Article 13, paragraph 1, for procurement entities covered under Annex 1, Argentina may apply a transitional period of up to 18 months from the date of the entry into force of this Agreement. Those entities shall, during such transitional period, provide their notices of intended procurement through links in a gateway electronic site that is accessible free of charge.

APPENDIX II
MEDIA FOR PUBLICATION OF PROCUREMENT INFORMATION

ARGENTINA

- www.boletinoficial.gob.ar

**APPENDIX III
MEDIA FOR PUBLICATION OF NOTICES³**

ARGENTINA

- www.boletinoficial.gob.ar
- www.comprar.gob.ar
- www.contratar.gob.ar
- www.argentina.gob.ar/jefatura/ppp

³ Notwithstanding Article 13, paragraph 1, for procurement entities covered under Annex 1, Argentina may apply a transitional period of up to 18 months from the date of the entry into force of this Agreement. Those entities shall, during such transitional period, provide their notices of intended procurement through links in a gateway electronic site that is accessible free of charge.

BRAZIL

APPENDIX I

Annex 1 Central Government Entities

List of Brazil

Unless otherwise specified, this Chapter applies to the entities listed below, including their respective related agencies⁴, where the value of the procurement equals or exceeds:

For Goods and Services

- From the date of entry into force of this Agreement to the end of the 5th year after its entry into force: SDR 330.000.
- From the 6th year to the end of the 10th year after entry into force of this Agreement: SDR 269.000.
- From the 11th year to the end of the 15th year after entry into force of this Agreement: SDR 216.000.
- From the 16th year after the entry into force of this Agreement onwards: SDR 130.000

For Construction Services

- From the date of entry into force of this Agreement to the end of the 5th year after its entry into force: SDR 8.000.000.
- From the 6th year after the entry into force of this Agreement onwards: SDR 5.000.000.

1. Poder Executivo

- Presidência da República
- Vice-Presidência da República
- Advocacia-Geral da União
- Casa Civil da Presidência da República
- Controladoria-Geral da União
- Gabinete de Segurança Institucional da Presidência da República
- Ministério da Agricultura, Pecuária e Abastecimento
- Ministério da Cidadania
- Ministério da Ciência, Tecnologia, Inovações e Comunicações
- Ministério da Defesa
- Ministério do Desenvolvimento Regional
- Ministério da Economia
- Ministério da Educação
- Ministério da Infraestrutura
- Ministério da Justiça e Segurança Pública

⁴ For greater certainty, “related agencies” comprises all subordinate bodies and agencies of public law with separate legal personality within the structure of the entities listed in this Annex.

- Ministério do Meio Ambiente
- Ministério de Minas e Energia
- Ministério da Mulher, Família e Direitos Humanos
- Ministério das Relações Exteriores
- Ministério da Saúde
- Ministério do Turismo
- Secretaria de Governo da Presidência da República
- Secretaria-Geral da Presidência da República
- Ministério Público da União
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2. Poder Judiciário

- Supremo Tribunal Federal – STF
- Justiça Federal (Tribunais Regionais Federais)
- Superior Tribunal de Justiça – STJ
- Superior Tribunal de Justiça Militar – STM
- Tribunal Superior Eleitoral – TSE
- Justiça Eleitoral (Tribunais Regionais Eleitorais)
- Tribunal Superior do Trabalho
- Justiça do Trabalho (Tribunais Regionais do Trabalho)
- Justiça do Distrito Federal e dos Territórios

3. Poder Legislativo

- Câmara dos Deputados
- Senado Federal
- Tribunal de Contas da União

Notes to Annex 1

- a) The following entities are not included in Annex 1: INCRA (Instituto Nacional de Colonização e Reforma Agrária); ANATER (Agencia Nacional de Assistência Técnica e Extensão Rural); AEB (Agência Espacial Brasileira); CNEN (Comissão Nacional de Energia Nuclear); e INPI (Instituto Nacional da Propriedade Industrial).
- b) When procured by Presidência da República, Ministério das Relações Exteriores and Ministério da Justiça e Segurança Pública, this Chapter does not apply to services related to information technology such as the development and maintenance of software used in the encryption of communications, storage and maintenance of databases containing personal information of Brazilian citizens, resulting from requests for documents and/or passport; development and maintenance of computer programs responsible for the process of preparation of documents issued by the diplomatic service to Brazilian citizens; passport book production (CPC 32610); and services related to the activities of boundaries demarcation.
- c) When procured by Ministério da Defesa e Ministério da Educação, this Chapter does not apply to the following codes of the Nomenclatura Comum do Mercosul (NCM): 61051000 (“knitted cotton shirts for men”), 61061000 (“shirts, blouses, chemisiers blouses, knitted, for women, made of cotton”), 61091000 (“shirts,

including knitted interiors, made of cotton”), 61099000 (“shirts, including knitted interiors, made from other textile material”), 61102000 (“sweaters, pullovers, cardigans, vests and similar items, knitted, made of cotton”), 62034200 (“suits, sets, jackets, pants, overalls, cargo-shorts and shorts (except bathing shorts), for men, made of cotton”), 62052000 (“cotton shirts for men”).

- d) When procured by Ministério da Educação, Ministério da Saúde and their respective related agencies, Brazil reserves the right of using limited tendering for the procurement of goods supplied by a body or entity that integrates the Public Administration, as defined by Decree-Law 200 of February 25, 1967, and which has been created for this specific purpose, before the entry into force of law 8.666/93, under the condition that the contracted price is compatible with the market price.

Annex 2
Sub central Government Entities

Brazil shall initiate internal consultation proceedings with its Federal District, state and municipal governments, with a view to committing a satisfactory level of coverage at sub-central level. Consultations shall be conducted with the aim of engaging all the entities under Federal District, state and municipal governments. Coverage shall be considered satisfactory if it encompasses sub-central governments which generate at least 65 % of its national GDP⁵.

Brazil shall conclude these consultations no later than two years after entry into force of the Agreement and shall immediately notify the EU of the results of such consultations.

Provided the satisfactory coverage set out under paragraph 1 has been achieved, the Association Council shall adopt a decision to modify Annex 2.

If consultations at subcentral level do not lead to a satisfactory outcome within the stipulated timing, the EU and Brazil shall consult with a view to assessing the consequences on the Chapter.

⁵ For the purposes of calculation of satisfactory coverage, the national GDP of the year of the entry into force of the agreement will be used as reference, as calculated by the Brazilian Institute of Geography and Statistics.

Annex 3
Other Entities

This Chapter does not cover procurement carried out by other entities of Brazil.

Annex 4 *Goods*

Unless otherwise specified, this Chapter covers all procurement of goods carried out by the entities listed in Annex 1, with the exception of the goods listed below, in the Brazilian procurement classification CATMAT (Catálogo de Materiais).

3695 06786	Specialized woodworking equipment
3710	Equipment for preparation of soil
3720	Harvesting equipment
3740 11339	Spray equipment
3805	Equipment for for excavation and earthmoving
3810	Cranes and excavators
3820	Equipment for mining, rock and earth drilling and related equipment
3825	Road clearing and cleaning equipment
3830	Accessories for trucks and tractors
3895 06670	Equipment for asphalt compacting
4120 13768	Air conditioners
6670	Scales
6810	Chemicals
6820	Dyes
6830	Gases, compressed and liquified
6840	Pesticides and disinfectants
6850	Miscellaneous chemical specialties
8820 47643	Live animals, not bred for food

Annex 5
Services

Unless otherwise specified, this Chapter covers the procurement carried out by the entities listed in Annex 1 of the following services. The services listed below are identified in accordance with the document MTN.GNS/W/120, July 10 1991, from the WTO, and the Provisional Central Product Classification United Nations Statistical Papers, Series M, number 77.

SECTORS AND SUBSECTORS	CORRESPONDENCE ON CPC
1. Business Services	<u>Section B</u>
A. Professional Services	
d. Architectural services	8671 - Architectural services
e. Engineering services	8672 - Engineering services
f. Integrated engineering services	8673 - Integrated engineering services
g. Urban planning and landscape architectural services	8674 - Urban planning and landscape architectural services
B. Other Business Services	
b. Market research and public opinion polling services.	864 – Market research and public opinion polling services.
c. Management consulting services.	865 – Management consulting services.
d. Services related to management consulting.	86601 - Project management services other than for construction
e. Technical testing and analysis services.	8676 – Technical testing and analysis services.
f. Services incidental to agriculture, hunting and forestry.	881 – Services incidental to agriculture, hunting and forestry.
	8811 – Services incidental to agriculture.
	8812 – Services incidental to animal husbandry.
	8813 – Services incidental to hunting.
	8814 – Services incidental to forestry and logging.
g. Services incidental to fishing.	882 – Services incidental to fishing
o. Building-cleaning services.	8740 – Building-cleaning services.
q. Packaging services.	8760 – Packaging services.
s. Convention services.	87909 – Convention services
6. Environmental Services	
A. Sewage services	9401 – Sewage services

Notes do Annex 5

- a) Brazil reserves the right of using limited tendering for the procurement of services supplied by a body or entity that integrates the Public Administration, as defined by Decree-Law 200 of February 25, 1967, and which has been created for this specific purpose, before the entry into force of law 8.666/93, under the condition that the contracted price is compatible with the market price.

Annex 6
Construction Services

1 CONSTRUCTION SERVICES

All services listed in Division 51 of the Provisional Central Product Classification (CPC).

2 WORKS CONCESSIONS

When awarded by entities listed in Annex 1 and subject to the thresholds applicable to construction services contracts as specified in Annex 1, the only articles of this Chapter that shall apply to works concessions contracts are Article 6 (General Principles) and Article 11 (Offsets). For the purpose of this paragraph, works concessions contracts means any contractual agreement the main objective of which is to undertake the construction or rehabilitation of physical infrastructure, plants, buildings, facilities, or other government-owned works, and under which a procuring entity grants to a supplier, through a contract and for a specified period of time, the temporary ownership or the right to control, operate and demand payment for the use of those works for the duration of the contract.

Annex 7
General Notes

Unless otherwise specified, the following general notes apply to this Chapter.

1. This Chapter does not apply to:
 - a. Procurement made outside the territory of a party, for consumption outside the territory of that party;
 - b. Contracting related to the delegation of services, such as authorizations, permits and concessions, except for the concessions of works which are covered under point 2 of annex 6;
 - c. Public procurement of goods and services purchased under food and nutritional security and school feeding programs that support family farmers or family farming cooperatives carrying specific registration, according to national legislation;
 - d. procurement related to public private technological partnerships involving products and inputs of the strategic list of the Unified Health System (SUS).
2. Under previous justification, and as long as the conditions and their assessment are non-discriminatory and indicated in the notice of intended procurement and clearly defined in the procurement documents, the prohibition set forth in Article 11 (Offsets) shall not apply to procurement conducted by the following entities until the end of the 8th year from the entry into force of this Agreement: Ministry of Defense, Ministry of Health, Ministry of Mines and Energy, Ministry of Science, Technology, Innovation and Communication, Ministry of Transports, Ports and Civil Aviation.
 - e. For greater certainty and provided that intellectual property rights are respected, offsets include development of scientific and technological capacity. For this modality of offset and for licensing of technology, the time period of paragraph 2 will be of 15 years, and will apply to the following entities: Ministry of Defense, Ministry of Health, Ministry of Mines and Energy, Ministry of Science, Technology, Innovation and Communication, Ministry of Transports, Ports and Civil Aviation, Ministry of Environment and Ministry of Regional Development.
3. Brazil reserves the right of applying margins of preference of up to 10% in prices, as well as set-aside policies of up to 25% of the object of the procurement, in favor of its Micro and Small Enterprises (MSEs).
4. Brazil reserves the right of conducting a limited tendering procedure in the procurement of goods and services from nonprofit institutions dedicated to social assistance, public services or social services of public interest.
5. Brazil reserves the right of, in addition to the provisions set forth in Article 20, 1, (e), conducting limited tendering with the same developer of the prototype for the subsequent purchases of the good or service, for up to 950 million SDR, annually. The amount set forth in this paragraph shall be subject to review by the government procurement subcommittee, every three years after the entry into force of the agreement, regarding the possibility to update such amount after appropriate reassessment by the Parties. In this context, Brazil will inform the EU about the purchases carried out under the conditions set forth in this paragraph during that period.

6. Article 13, paragraph 2 shall be enforced by Brazil only 3 years from the entry into force of this chapter/agreement.

APPENDIX II
MEDIA FOR PUBLICATION OF PROCUREMENT INFORMATION

BRAZIL

- www.planalto.gov.br
- www.comprasgovernamentais.gov.br
- <https://www3.comprasnet.gov.br/sicaf-web/index.jsf>

**APPENDIX III
MEDIA FOR PUBLICATION OF NOTICES**

BRAZIL

- www.comprasgovernamentais.gov.br
- www.projetocrescer.gov.br
- www.epl.gov.br/logistica-brasil

PARAGUAY

APPENDIX I

Note on the application of Appendix I between the European Union and Paraguay

Application of Appendix I of Paraguay (market access) shall be subject to receipt by the European Union within three years after entry into force of the Agreement of a written notification by Paraguay stating the consent of Paraguay to apply the said Appendix no later than three years following the entry into force of the Agreement.

Annex 1
Central Government Entities

This Chapter applies to the procurement carried out by the Paraguayan entities listed in this Annex 1, where the value of the procurement estimated in conformity with Article 4 (Valuation of Contracts), equals or exceeds the following thresholds:

For Goods and Services

- From the date of entry into force of this Agreement until the end of the 10th year after its entry into force: SDR 1.067.568.
- From the 11th year until the end of the 15th year after the entry into force of this Agreement: SDR 850.000.
- From the 16th year until the end of the 18th year after the entry into force of this Agreement: SDR 650.000.
- From the 19th year after the entry into force of this Agreement onwards: SDR 580.000.

For Construction Services

Excluded.

This Chapter applies to the Paraguayan government entities listed below:

POSITIVE LIST OF ENTITIES

A) CENTRAL ADMINISTRATION

1. Ministerio de Relaciones Exteriores (MRE)
2. Ministerio de Justicia (MJ)
3. Ministerio de Trabajo, Empleo y Seguridad Social (MTESS)
4. Ministerio de Industria y Comercio (MIC)
5. Ministerio de la Mujer (Min. Mujer)
6. Ministerio de Hacienda (MH)
7. Vicepresidencia de la República (VPR)
8. Ministerio de Desarrollo Social (MDS)
9. Ministerio del Ambiente y Desarrollo Sostenible (MADES)
10. Secretaría Nacional por los Derechos Humanos de las Personas con Discapacidad (SENADIS)
11. Secretaría Nacional de la Juventud (SNJ)
12. Auditoría General del Poder Ejecutivo
13. Consejo Nacional de Ciencia y Tecnología (CONACYT)
14. Dirección General de Estadísticas, Encuestas y Censo (DGEEC)
15. Escribanía Mayor de Gobierno
16. Procuraduría General de la República (PGR)
17. Secretaría de la Función Pública (SFP)
18. Secretaría de Políticas Lingüísticas (SPL)
19. Secretaría de Prevención de Lavado de Dinero (SEPRELAD)

20. Secretaría Nacional Anticorrupción (SENAC)
21. Secretaría Nacional Antidrogas (SENAD)
22. Secretaría Nacional de Turismo (SENATUR)
23. Ministerio de Tecnologías de la Información y Comunicación
24. Ministerio de la Niñez y la Adolescencia
25. Secretaría de Repatriados

B) LEGISLATIVE POWER

1. Congreso Nacional

C) JUDICIAL POWER

1. Ministerio Público
2. Consejo de la Magistratura
3. Jurado de Enjuiciamiento de Magistrados
4. Ministerio de la Defensa Pública

D) AUTONOMOUS AND AUTARCHIC ENTITIES

1. Instituto Nacional de Tecnología, Normalización y Metrología (INTN)
2. Instituto Nacional de Desarrollo Rural y de la Tierra (INDERT)
3. Instituto Paraguayo del Indígena (INDI)
4. Comisión Nacional de Valores (CNV)
5. Dirección de Beneficencia y Ayuda Social (DIBEN)
6. Dirección Nacional de Correos del Paraguay (DINACOPA)
7. Dirección Nacional de Aduanas (DNA)
8. Dirección Nacional de Propiedad Intelectual (DINAPI)
9. Instituto Paraguayo de Tecnología Agraria (IPTA)
10. Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE)
11. Fondo Nacional de la Cultura y las Artes (FONDEC)
12. Instituto Forestal Nacional (INFONA)
13. Instituto Paraguayo de Artesanía (IPA)
14. Agencia Nacional de Evaluación y Acreditación de la Educación Superior (ANEAES)
15. Agencia Nacional de Tránsito y Seguridad Vial (ANTSV)
16. Autoridad Reguladora Radiológica y Nuclear (ARRN)
17. Comisión Nacional de Competencia (CONACOM)
18. Consejo Nacional de Educación Superior (CONES)
19. Dirección Nacional de Transporte (DINATRAN)
20. Secretaría de Defensa del Consumidor y el Usuario (SEDECO)
21. Secretaría Nacional de Cultura
22. Defensoría del Pueblo
23. Comisión Nacional de Prevención contra la Tortura y Otros Tratos
24. Defensoría del Pueblo

E) FINANCIAL ENTITIES

1. Banco Nacional de Fomento (BNF)
2. Crédito Agrícola de Habilitación (CAH)
3. Fondo Ganadero (FG)
4. Agencia Financiera de Desarrollo (AFD)

5. Caja de Préstamos del Ministerio de Defensa Nacional
6. Instituto Nacional de Cooperativismo (INCOOP)

F) Contraloría General de la República

G) PUBLIC ENTITIES OF SOCIAL SECURITY

1. Caja de Jubilaciones y Pensiones del Personal de la ANDE
2. Caja de Jubilaciones y Pensiones del Personal Municipal
3. Caja de Seguridad Social de Empleados y Obreros Ferroviarios

H) UNIVERSITIES

1. Universidad Nacional de Canindeyú
2. Universidad Nacional de Concepción
3. Universidad Nacional de Itapúa
4. Universidad Nacional de Pilar

Annex 2
Sub central Government Entities

DEPARTMENTAL GOVERNMENTS

1. Gobernación del Departamento de Concepción
2. Gobernación del Departamento de San Pedro
3. Gobernación del Departamento de Cordillera
4. Gobernación del Departamento de Guairá
5. Gobernación del Departamento de Caaguazú
6. Gobernación del Departamento de Caazapá
7. Gobernación del Departamento de Itapúa
8. Gobernación del Departamento de Misiones
9. Gobernación del Departamento de Paraguari
10. Gobernación del Departamento de Alto Paraná
11. Gobernación del Departamento de Central
12. Gobernación del Departamento de Ñeembucú
13. Gobernación del Departamento de Amambay
14. Gobernación del Departamento de Canindeyú
15. Gobernación del Departamento de Boquerón
16. Gobernación del Departamento de Presidente Hayes
17. Gobernación del Departamento de Alto Paraguay

Annex 3
Other Entities

- Excluded.

Annex 4
Goods

NEGATIVE LIST OF GOODS

HS Nomenclature 2017	Description
02.02	Meat of bovine animals, frozen
02.03	Meat of swine, fresh, chilled or frozen.
04	Dairy produce; birds' eggs; natural honey; edible products of animal origin not elsewhere specified or included.
15.15	Other fixed vegetable fats and oils (including jojoba oil) and their fractions, whether or not refined, but not chemically modified.
15.16	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised whether or not refined, but not further prepared.
1517.10.00	Margarine, excluding liquid margarine
1601.00.00	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products
17.01	Cane or beet sugar and chemically pure sucrose, in solid form
19.02	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagna, gnocchi, ravioli, cannelloni; couscous, whether or not prepared.
19.04	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included.
19.05	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products.
2008.11.00	Ground-nuts
20.09	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter.
2101.20.20	Of maté
2201.10.00	Mineral waters and aerated waters
2804.30.00	Nitrogen
2804.40.00	Oxygen
30	Pharmaceutical products
32.08	Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers, dispersed or dissolved in a non-aqueous medium; solutions as defined in Note 4 to this Chapter.
32.09	Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers, dispersed or dissolved in an aqueous medium.

32.14	Glaziers' putty, grafting putty, resin cements, caulking compounds and other mastics; painters' fillings; non-refractory surfacing preparations for façades, indoor walls, floors, ceilings or the like.
32.15	Printing ink, writing or drawing ink and other inks, whether or not concentrated or solid.
34.01	Soap; organic surface-active products and preparations for use as soap, in the form of bars, cakes, molded pieces or shapes, whether or not containing soap; organic surface-active products and preparations for washing the skin, in the form of liquid or cream and put up for retail sale, whether or not containing soap; paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent.
39.17	Tubes, pipes and hoses, and fittings therefor (for example, joints, elbows, flanges), of plastics.
39.23	Articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastics.
39.25	Builders' ware of plastics, not elsewhere specified or included.
3926.10.00	Office or school supplies
4011.40.00	Of a kind used on motorcycles
44.18	Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes.
48.19	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres; box files, letter trays, and similar articles, of paper or paperboard of a kind used in offices, shops or the like.
48.20	Registers, account books, note books, order books, receipt books, letter pads, memorandum pads, diaries and similar articles, exercise books, blotting-pads, binders (loose-leaf or other), folders, file covers, manifold business forms, interleaved carbon sets and other articles of stationery, of paper or paperboard; albums for samples or for collections and book covers, of paper or paperboard.
48.21	Paper or paperboard labels of all kinds, whether or not printed.
49.01	Printed books, brochures, leaflets and similar printed matter, whether or not in single sheets.
49.11	Other printed matter, including printed pictures and photographs.
61	Articles of apparel and clothing accessories, knitted or crocheted
63.02	Bed linen, table linen, toilet linen and kitchen linen.
70.07	Safety glass, consisting of toughened (tempered) or laminated glass
72.14	Other bars and rods of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, but including those twisted after rolling.
72.15	Other bars and rods of iron or non-alloy steel.
72.16	Angles, shapes and sections of iron or non-alloy steel.
72.17	Wire of iron or non-alloy steel.
73.05	Other tubes and pipes (for example, welded, riveted or similarly closed), having circular cross-sections, the external diameter of which exceeds 406.4 mm, of iron or steel

73.07	Tube or pipe fittings (for example, couplings, elbows, sleeves), of iron or steel.
73.08	Structures (excluding prefabricated buildings of heading 94.06) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frame-works, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel.
7309.00	Reservoirs, tanks, vats and similar containers for any material (other than compressed or liquefied gas), of iron or steel, of a capacity exceeding 300 l, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment.
7310	Tanks, casks, drums, cans, boxes and similar containers, for any material (other than compressed or liquefied gas), of iron or steel, of a capacity not exceeding 300 l, whether or not lined or heat insulated, but not fitted with mechanical or thermal equipment.
7311.00.00	Containers for compressed or liquefied gas, of iron or steel.
7313.00.00	Barbed wire of iron or steel; twisted hoop or single flat wire, barbed or not, and loosely twisted double wire, of a kind used for fencing, of iron or steel
73.14	Cloth (including endless bands), grill, netting and fencing, of iron or steel wire; expanded metal of iron or steel.
73.17.00	Nails, tacks, drawing pins, corrugated nails, staples (other than those of heading 83.05) and similar articles, of iron or steel, whether or not with heads of other material, but excluding such articles with heads of copper
8303.00.00	Boxes of flow, armored doors and chambers for vaults, chests and safety boxes and similar articles, of common metal.
83.11	Wire, rods, tubes, plates, electrodes and similar products, of base metal or of metal carbides, coated or cored with flux material, of a kind used for soldering, brazing, welding or deposition of metal or of metal carbides; wire and rods, of agglomerated base metal powder, used for metal spraying
8701.95.90	Tractors (other than tractors of heading 87.09. Other, of an engine power. Exceeding 130 kW.
8703.22	Other vehicles, with only spark-ignition internal combustion reciprocating piston engine. Of a cylinder capacity exceeding 1,000 cc but not exceeding 1,500 cc
8703.23	Other vehicles, with only spark-ignition internal combustion reciprocating piston engine. Of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc
8704.21.90	Motor vehicles for the transport of goods. Other, with compression-ignition internal combustion piston engine (diesel or semi-diesel). g.v.w. not exceeding 5 tonnes.
8704.22.90	Motor vehicles for the transport of goods. Other, with compression-ignition internal combustion piston engine (diesel or semi-diesel). g.v.w. exceeding 5 tonnes but not exceeding 20 tonnes.
8704.31.90	Motor vehicles for the transport of goods. Other, with spark-ignition internal combustion piston engine. g.v.w. not exceeding 5 tonnes.

8711.20.20	Motorcycles with a cylinder capacity greater than 125 cm ³ .
8711.20.10	Motorcycles with a cylinder capacity not exceeding 125 cm ³ .

*Annex 5
Services*

POSITIVE LIST OF SERVICES

SECTORS AND SUBSECTORS

OF THE CPC
Section B

1. SERVICES PROVIDED TO COMPANIES

B. Computer Services and related services	
a. Consulting services in Computer equipment installation	84100
b. System Analysis Services	84220
c. Data processing Services	843
d. Database services	844
C. Research and Development Services	
b. Research and development services of social sciences and humanities	852
F. Other services provided to companies	
b. Public Opinion Survey Services	86402
c. Management Consultants Services	865
d. Services related to those of administration consultants	866
h. Mining-related services	
883+5115	
n. Equipment maintenance and repair services (excluding ships, aircraft and other transport equipment) 663+8861-8866	
s. Services rendered on the occasion of assemblies or conventions	87909*

2. COMMUNICATIONS SERVICES

C. Telecommunications services

4. DISTRIBUTION SERVICES

B. Wholesale Trade Services	622
C. Retail Trade Services	631+632 6111 +6113+6121
D. Franchise Services	8929

7. FINANCIAL SERVICES

C. Reinsurance and Retrocession Services	81299*
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9. TOURISM SERVICES AND TRAVEL-RELATED SERVICES

A. Hotels and restaurants (including food supply services from outside by contract)	641-643
C. Tour guide Services	7472

Annex 6
Construction Services

- Excluded.

Annex 7
General Notes

1. In the National Public Tenders called by the institutions covered in the Paraguay Offer, the country reserves the right to apply support programs for national production and employment referring to the contracts that the State makes Paraguayan. With regard to support programs for production and national employment, Paraguay may:

A) apply a margin of price preferences of 20% (twenty percent), to products and services of national origin: i) in products, when labor, raw materials and inputs from Paraguay represent a percentage equal to or greater than 40% (forty percent); ii) in road works, constructions, maintenance services, transportation, insurance, consulting and others in general when the staff of the provider is more than 70% (seventy percent) of Paraguayan nationality.

This shall apply for 18 years as of entry into force of the Agreement.

B) use support programs to stimulate innovation and scientific and technological research, including offsets provided that their conditions and their assessment are non-discriminatory and indicated in the notice of intended procurement and clearly defined in the procurement documents.

This shall apply for 10 years as of entry into force of the Agreement.

2. This Chapter shall not apply when the subject matter of the bidding refers to national policies aimed at: education, services for public health included in programs approved by the Ministry of Health, food and nutritional security and school feeding programs, and family farming programs, according the national legislation.

3. Exceptions to the scope of application. This agreement does not apply to:

i. Purchases of “State owned” companies and any other public institution not listed in Annexes.

ii. Contracts for the delegation of services, such as authorizations, permits and concessions, including the concession of public works.

iii. Non-contractual agreements or any form of assistance provided by a party or by a State enterprise, including contracting under programs financed with loans from international financial organizations, donations, capital increases, tax incentives, subsidies, guarantees, agreements cooperation, public provision of goods and services, to people or governments at the regional, province or local level.

iv. Contracts signed for the sole purpose of rendering foreign assistance.

v. Public procurement made outside the territory of the Party, for consumption outside the territory of the Party.

vi. The acquisition of services of agencies or services of tax warehouses, services of liquidation and administration for regulated financial institutions, nor the services of sale and distribution of public debt.

vii. Public procurement undertaken among public entities, whether they are included or not in Annex 1, as long as the object of the contract is not subcontracted to a third person

that is not a public entity and provided that the object of the contract refers to logistics, social and educational goods and services.

APPENDIX II
MEDIA FOR PUBLICATION OF PROCUREMENT INFORMATION

Republic of Paraguay

www.contrataciones.gov.py

**APPENDIX III
MEDIA FOR PUBLICATION OF NOTICES**

Republic of Paraguay

www.contrataciones.gov.py

URUGUAY

APPENDIX I

Annex I: Central Government Entities

Thresholds for Goods and Services:

- From the date of entry into force of this Agreement until the end of the 10th year after its entry into force: SDR 211.951
- From the 11th year until the end of the 15th year after the entry into force of this Agreement: SDR 200.000
- From the 16th year after the entry into force of this Agreement onwards: SDR 130.000

Thresholds for construction services:

SDR 5.652.032 for the construction or public works services specified in Annex 6.

List of Uruguay

Unless otherwise specified in this Section, all entities / agencies that make up listed entities will be covered by this Agreement.

1. Presidencia de la República (1) (Presidency of the Republic)
2. Ministerio de Defensa Nacional (2) (Ministry of National Defense)
3. Ministerio del Interior (2) (Ministry of Interior)
4. Ministerio de Economía y Finanzas (Ministry of Economy and Finances)
5. Ministerio de Relaciones Exteriores (Ministry of Foreign Affairs)
6. Ministerio de Ganadería, Agricultura y Pesca (Ministry of livestock, farming and fishing)
7. Ministerio de Industria, Energía y Minería (Ministry of Energy and Mining Industry)
8. Ministerio de Turismo (Ministry of Tourism)
9. Ministerio de Transporte y Obras Públicas (Ministry of Transport and Construction services)
10. Ministerio de Educación y Cultura (Ministry of Education and Culture)

11. Ministerio de Salud Pública (Ministry of Public Health)
12. Ministerio de Trabajo y Seguridad Social (Ministry of Labor and Social Security)
13. Ministerio de Vivienda, Ordenamiento Territorial y Medioambiente (Ministry of housing, territorial planning and the environment)
14. Ministerio de Desarrollo Social (Development Ministry)
15. **Poder Legislativo (Legislative Branch)**

- Cámara de Senadores. (Chamber of Senators)
- Cámara de Representantes (House of Representatives).
- Asamblea General (General Assembly)
- Comisión Permanente (Permanent Commission)
- Comisión Administrativa (Administrative Commission)

16. Poder Judicial (Judicial Branch)

- Suprema Corte de Justicia (Supreme Court of Justice)
- Tribunales de Apelaciones (Courts of Appeals)
- Juzgados Letrados de Primera Instancia. (Trial Courts of First Instance)
- Juzgados de Paz Departamentales de la Capital (Departmental Courts of Peace of the Capital)
- Juzgados de Faltas (Fault Courts)
- Juzgados de Paz Departamentales del Interior (Departmental Courts of Peace of the Interior)
- Juzgados de Paz de las Ciudades, Villas o Pueblos del Interior (Courts of Peace of the Cities, Towns or Peoples of the Interior)
- Juzgados de Paz Rurales (Rural Peace Courts)

17-Corte Electoral. (Electoral Court)

18-Tribunal de Cuentas. (Court of Accounts)

19-Tribunal de lo Contencioso Administrativo (Administrative Litigation Court)

Uruguay's notes to its list of entities:

(1) The hiring of goods and services by the Presidency does not include those carried out by the Central Operative Unit of the Socio-Housing Integration Plan Together, regulated by law number 18829 of October 24, 2011

(2) Purchases made by the Ministry of Defense and by the Ministry of the Interior do not include purchases of strategic goods listed below: - armament

- nuclear war material
- fire control equipment
- ammunition and explosives
- missiles
- aircraft and components for aircraft
- equipment for takeoff, landing and ground handling of aircraft
- boats and maritime equipment

Neither are the procurement of goods made by the Ministry of Defense and the Ministry of the Interior covered by Section 2 (Food, Beverage and Tobacco, Textile and Clothing and Leather Products) of the Central Product Classifier (CPC) covered. Version 1.0. of the United Nations.

Annex 2
Subcentral Government Entities

Uruguay will initiate internal consultation proceedings with its departmental governments with a view to engaging a satisfactory level of coverage at sub-central level. Consultations will be conducted with the aim of engaging all the entities under the departmental government. Coverage will be considered satisfactory if it encompasses departmental governments which generate at least 65% of its national GDP.

Uruguay shall conclude these consultations no later than two years after the entry into force of the agreement and will notify the EU of the results of such consultations.

After the notification and upon acceptance of the European Union, the result of these consultations shall be incorporated to the Agreement following the relevant procedures set forth in the Agreement

Annex 3
Other Entities.

20-Autonomous entities

- 20.1-Administración Nacional de Educación Pública (ANEP) (1)**
- 20.2-Banco Central del Uruguay (BCU)**
- 20.3-Banco de la República Oriental del Uruguay (BROU)**
- 20.4-Banco de Seguros del Estado (BSE)**
- 20.5-Consejo Directivo Central (CODICEN)**
- 20.6-Instituto Nacional de Colonización (INC)**
- 20.7-Universidad de la República (UDELAR) (2)**
- 20.8-Universidad Tecnológica (UTEC)**

21- Decentralized services.

- 21.1-Administración Nacional de Correos (ANC)**
- 21.2-Instituto Uruguayo de Meteorología (INUMET)**

- (1) Purchases of the ANEP do not include those that are made to acquire, execute, repair goods or contract services for the maintenance and infrastructure improvements of teaching premises under its dependency.**
- (2) The purchases of the University of the Republic do not include those that are made to acquire, execute, repair goods or contract services for scientific research.**

Annex 4

Goods

This Agreement applies to all public procurement of goods acquired by entities included in the Uruguay List in Appendix I, unless otherwise specified in the Agreement, including its Annexes.

Annex 5
Services

This Agreement applies to all public procurement of services contracted by entities included in the Uruguay List in Appendix I, unless otherwise specified in the Agreement, including its Annexes.

Annex 6
Construction Services

This Agreement applies to all public procurement of construction or public works services carried out by the entities included in the Uruguay List in Appendix I, unless otherwise specified in the Agreement, including its Annexes.

Annex 7
General Notes

Unless otherwise stated, the following general notes apply without exception to this Agreement.

1. This Agreement does not apply to:

- (a) purchases of crude oil and its derivatives, basic oils, lubricant additives and their respective freight charges;
- (b) energy purchases;
- (c) purchases of livestock by selection, in the case of specimens with special characteristics;
- (d) the contracting of financial services;
- (e) contracts for the delegation of services, such as authorizations, permits and concessions, including the concession of public works; Y
- (f) the contracts made within the framework of the Public Procurement for Development Program and the law on family farming and artisanal fishing.

2. Notwithstanding any provision of this Agreement, in construction services contracts or public works, Uruguay may condition the granting of a margin of preference in the price of the offers in what corresponds, to the use of national labor, meaning as such, the Uruguayan workforce, according to the qualification criteria established in the national legislation.

This information will be indicated in the notice of intended procurement and clearly defined in the tender documentation

a) Exceptions to the scope of application

This Agreement does not apply to:

1-the acquisition of services of agencies or services of fiscal deposits, services of liquidation and administration for regulated financial institutions, nor the services of sale and distribution of public debt;

2-public procurement by an entity to another entity or company of the State of that Party, whether or not listed in Sections A, B and C of Annex I;

3-the hiring of non-profit institutions dedicated to social assistance, teaching, research and institutional development;

4-public procurement made outside the territory of the Party, for consumption outside the territory of the Party.

b) Exceptions to the public tender procedure

Entities may award contracts by other means than the open tender procedures, in any of the following circumstances:

in the case of construction services or public works when construction services additional to those originally contracted are required, that respond to unforeseen circumstances and that are necessary for the fulfillment of the objectives of the contract that originated them. However, the total value of the contracts awarded for such additional construction or public works services may not exceed fifty percent (50%) of the amount of the main contract;

when an entity requires consulting services related to aspects of a confidential nature, whose dissemination could reasonably be expected to compromise confidential information of the public sector, cause serious economic disturbances or, similarly, be contrary to the public interest.

APPENDIX II
Media for Publication of procurement information.

www.comprasestatales.gub.uy

APPENDIX III
Media for publication of notices.

www.comprasestatales.gub.uy