

WORLD TRADE ORGANIZATION

RESTRICTED

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Committee on Government Procurement

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ACCESSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE AGREEMENT ON GOVERNMENT PROCUREMENT

Communication from the People's Republic of China

Revised Offer

The following communication, dated 9 July 2010, is being circulated at the request of the Delegation of the People's Republic of China.

REVISED GPA ACCESSION OFFER OF CHINA OF 9 JULY 2010

THE PEOPLE'S REPUBLIC OF CHINA*

ANNEX 1

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

Thresholds:

Supplies:	500,000 SDRs for the 1 st and 2 nd year after implementation 400,000 SDRs for the 3 rd year 300,000 SDRs for the 4 th year 200,000 SDRs from the 5 th year
Services:	500,000 SDRs for the 1 st and 2 nd year after implementation 400,000 SDRs for the 3 rd year 300,000 SDRs for the 4 th year 200,000 SDRs from the 5 th year
Construction:	100,000,000 SDRs for the 1 st year after implementation 80,000,000 SDRs for the 2 nd year 50,000,000 SDRs for the 3 rd year 30,000,000 SDRs for the 4 th year 15,000,000 SDRs from the 5 th year

List of Entities:

I. MINISTRIES AND COMMISSIONS UNDER THE STATE COUNCIL

1. Ministry of Foreign Affairs
2. National Development and Reform Commission
3. Ministry of Education
4. Ministry of Science and Technology
5. Ministry of Industry and Information Technology
6. State Ethnic Affairs Commission
7. Ministry of Public Security
8. Ministry of State Security
9. Ministry of Supervision
10. Ministry of Civil Affairs
11. Ministry of Justice
12. Ministry of Finance
13. Ministry of Human Resources and Social Security
14. Ministry of Land and Resources
15. Ministry of Environmental Protection
16. Ministry of Housing and Urban-Rural Development
17. Ministry of Transport
18. Ministry of Railways

* *Secretariat note:* In English only.

19. Ministry of Water Resources
20. Ministry of Agriculture
21. Ministry of Commerce
22. Ministry of Culture
23. Ministry of Health
24. National Population and Family Planning Commission
25. People's Bank of China
26. National Audit Office

II. SPECIAL ORGANIZATION DIRECTLY UNDER THE STATE COUNCIL

27. State-owned Assets Supervision and Administration Commission of the state council

III. ORGANIZATIONS DIRECTLY UNDER THE STATE COUNCIL

28. General Administration of Customs
29. State Administration of Taxation
30. State Administration for Industry and Commerce
31. General Administration of Quality Supervision, Inspection and Quarantine
32. State Administration of Radio, Film and Television
33. General Administration of Press and Publication (National Copyright Administration)
34. General Administration of Sport
35. State Administration of Work Safety
36. National Bureau of Statistics
37. State Forestry Administration
38. State Intellectual Property Office
39. National Tourism Administration
40. State Administration for Religious Affairs
41. Counselors' Office of the State Council
42. Government Offices Administration of the State Council

IV. OFFICES

43. Overseas Chinese Affairs Office of the State Council
44. Hong Kong and Macao Affairs Office of the State Council
45. Legislative Affairs Office of the State Council
46. Research Office of the State Council

V. ADMINISTRATIONS AND BUREAUS UNDER THE MINISTRIES AND COMMISSIONS

47. State Administration of Grain
48. National Bureau of Energy
49. State Administration of Science, Technology and Industry for National Defense
50. State Tobacco Monopoly Administration
51. State Administration of Foreign Experts Affairs
52. State Bureau of Civil Servants
53. State Oceanic Administration
54. State Bureau of Surveying and Mapping
55. Civil Aviation Administration of China
56. State Post Bureau
57. State Administration of Cultural Heritage
58. State Food and Drug Administration

59. State Administration of Traditional Chinese Medicine
60. State Administration of Foreign Exchange
61. State Administration of Coal Mine Safety

Notes to Annex 1

1. The conditions specified in the General Notes shall apply to this Annex.
2. This Agreement shall only apply to the above-mentioned central government entities proper and their administrative agencies located in Beijing except those agencies involving national security.
3. As regards the above-mentioned central government entities, the supplies procured shall be classified as in the United Nations Central Product Classification, but subject to the decisions of the Chinese Government under the provision of paragraph 1 of Article XXIII. The supplies subject to exception of relevant entities will be specified in the revised offers in the future.

ANNEX 2

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

ANNEX 3

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

Thresholds:

Supplies:	900,000 SDRs for the 1 st and 2 nd year after implementation 800,000 SDRs for the 3 rd year 700,000 SDRs for the 4 th year 600,000 SDRs from the 5 th year
Services:	900,000 SDRs for the 1 st and 2 nd year after implementation 800,000 SDRs for the 3 rd year 700,000 SDRs for the 4 th year 600,000 SDRs from the 5 th year
Construction:	200,000,000 SDRs for the 1 st year after implementation 180,000,000 SDRs for the 2 nd year 150,000,000 SDRs for the 3 rd year 130,000,000 SDRs for the 4 th year 100,000,000 SDRs from the 5 th year

List of Entities:

1. Xinhua News Agency
2. Chinese Academy of Sciences
3. Chinese Academy of Social Sciences
4. Chinese Academy of Engineering
5. Development Research Center of the State Council
6. China National School of Administration
7. China Earthquake Administration
8. China Meteorological Administration
9. China Banking Regulatory Commission
10. China Securities Regulatory Commission
11. China Insurance Regulatory Commission
12. State Electricity Regulatory Commission
13. National Council for Social Security Fund
14. National Natural Science Foundation

Note to Annex 3

1. The conditions specified in the General Notes shall apply to this Annex.

ANNEX 4

Services

Of the Service Sectoral Classification list as contained in document MTN/GNS/W/120, the following services are included:

<i>GNS/W/120</i>	<i>CPC</i>	<i>Description</i>
1.A.d	8671	Architectural services
1.E.a	83103	Rental or leasing services relating to ships (without operators)
1.E.b	83104	Rental or leasing services relating to aircraft (without operators)
1.E.c	83101+83102+83105	Rental or leasing services relating to other transport equipment (without operators)
1.E.d	83106+83107+83108+83109	Rental or leasing services relating to other machinery and equipment (without operators)
1.E.e	832(CPC 83202 not included)	Other (leasing or rental services concerning video tape not included)
1.F.a	871	Advertising services
1.F.c	865	Management consulting services
1.F.n	633+8861+8862+8863 +8864+8865+8866	Maintenance and repair of equipment

Notes to Annex 4

1. The conditions specified in the General Notes shall apply to this Annex.
2. The offers regarding services shall be subject to the limitations and conditions specified in the commitments of China under GATS.

ANNEX 5

Construction Services

The following construction services in the sense of Division 51 of the United Nations Central Product Classification are offered (others being excluded):

<i>CPC</i>	<i>Description</i>
511	Pre-erection work at construction sites
5111	Site investigation work
5112	Demolition work
5113	Site formation and clearance work
5114	Excavating and earthmoving work
5115	Site preparation work for mining
5116	Scaffolding work
512	Construction work for buildings
5121	For one- and two-dwelling buildings
5122	For multi-dwelling buildings
5124	For commercial buildings(except airport terminals)
5125	For public entertainment buildings
5126	For hotel, restaurant and similar buildings
514	Assembly and erection of prefabricated construction
515	Special trade construction work
5153	Roofing and water proofing
5154	Concrete work
5155	Steel bending and erection
5156	Masonry work
5159	Other
516	Installation work
5161	Heating, ventilation and air conditioning work
5162	Water plumbing and drain laying work
5163	Gas fitting construction work
5164	Electrical work
5165	Insulation work (electrical Insulation services wiring, water, heat, sound)
5166	Fencing and railing construction work
5169	Other installation work
517	Building completion and finishing work
5171	Glazing work and window glass installation work
5172	Plastering work
5173	Painting work
5174	Floor and wall tiling work
5175	Other floor laying, wall covering and wall papering work
5176	Wood and metal joinery and carpentry work
5177	Interior fitting decoration work
5178	Ornamentation fitting work
5179	Other building completion and finishing work
518	Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator

Notes to Annex 5

1. The conditions specified in the General Notes shall apply to this Annex.
2. The offers regarding construction services shall be subject to the limitations and conditions specified in the commitments of China under GATS.

GENERAL NOTES

1. This Agreement shall not apply to:
 - (1) procurement of products and services for sale or resale;
 - (2) acquisition or rental of land, existing buildings, or other immovable property or the rights thereon;
 - (3) non-contractual agreements or any form of government assistance, including cooperative agreements, grants, loans, equity infusions, guarantees and fiscal incentives;
 - (4) procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions, or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities;
 - (5) public employment contracts;
 - (6) procurement for the specific purpose of providing international assistance;
 - (7) procurement conducted under the particular procedure or condition of an international organization, or condition of an international agreement relating to the stationing of troops or relating to the joint implementation by the signatory countries of a project;
 - (8) procurement conducted under the particular procedure or condition of an international organization, or funded by international grants, loans, or other assistance where the applicable procedure or condition would be inconsistent with this Agreement.

The note will be adjusted in light of the revision of the Agreement on Government Procurement upon its entry into force.

2. This Agreement shall not apply to:
 - (1) procurement of agricultural products made in furtherance of agricultural support programmes or human feeding programmes;
 - (2) procurement involving national security, national secrecy or other particular restrictions;
 - (3) procurement made by a covered entity on behalf of a non-covered entity;
 - (4) procurement made by entities in Annexes 1 to 3 in connection with activities in the field of drinking water, electricity, energy, transportation, telecommunications or postal services;
 - (5) procurement with the aim of supporting small and medium-sized enterprises and promoting development in minority and poverty-stricken areas;
 - (6) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time;

- (7) procurement for the purpose of strategic reserves and disaster relief;
- (8) procurement made by one entity or enterprise from another entity or enterprise in Annexes 1 to 3.

3. This Agreement shall not apply to procurement of services not covered by Annex 4 and construction services not covered by Annex 5 by entities whether or not listed in Annexes 1 to 3.

4. When a specific procurement may impair important national policy objectives, the Chinese Government may consider it necessary in singular procurement cases to deviate from the principle of national treatment in the Agreement.

5. Having regard to Article XVI of this Agreement and general policy considerations regarding development, the Chinese Government may require the incorporation of domestic contents, offset procurement or transfer of technology.

6. Until such time as China has accepted that the Parties concerned provide access for Chinese suppliers and service providers to their own markets, China will not extend the benefits of this Agreement to the suppliers and service providers of the Parties concerned. A service listed in Annex 4 and construction service in Annex 5 is covered with the respect to a particular Party only to the extent that such Party has provided reciprocal access to that service or construction service.

7. China shall implement the obligations of this Agreement five years after its accession to this Agreement. China retains its right to negotiate transitional measures regarding relevant obligations of this Agreement.
