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AGREEMENT

between the European Community and the Swiss Confederation on certain aspects of government procurement

(OJ L 114, 30.4.2002, p. 430)

Amended by:

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		No	page	date
► <u>M1</u>	Decision No 1/2011 of the Joint Committee established under the Agreement between the European Community and the Swiss Confederation of 21 October 2011	L 97	1	3.4.2012



AGREEMENT

between the European Community and the Swiss Confederation on certain aspects of government procurement

The EUROPEAN COMMUNITY (hereinafter ‘the Community’),

of the one part, and

The SWISS CONFEDERATION (hereinafter ‘Switzerland’),

of the other part,

hereinafter referred to as ‘the Parties’,

CONSIDERING the Parties' efforts and commitments to liberalise their respective public procurement markets, notably through the Government Procurement Agreement (GPA) concluded in Marrakesh on 15 April 1994, which entered into force on 1 January 1996, and through the adoption of national rules providing for effective market opening in the field of government procurement through progressive liberalisation,

CONSIDERING the exchange of letters of 25 March and 5 May 1994 between the European Commission and the Swiss Federal Office for Foreign Economic Affairs,

CONSIDERING the Agreement concluded on 22 July 1972 between Switzerland and the Community,

DESIROUS to improve and broaden the scope of their respective Annexes to Appendix I of the GPA,

DESIROUS also to pursue liberalisation efforts among themselves by granting access to procurement of products, works and services by their respective telecommunications and railway operators, entities active in the field of energy other than electricity, and private utilities which operate on the basis of special or exclusive rights granted by a competent state authority and are active in the sectors of drinking water, electricity, urban transport, airports and maritime or inland ports,

HAVE AGREED AS FOLLOWS:

CHAPTER 1

BROADENING THE SCOPE OF THE GOVERNMENT PROCUREMENT AGREEMENT CONCLUDED WITHIN THE FRAMEWORK OF THE WORLD TRADE ORGANISATION

Article 1

Obligations of the Community

1. In order to supplement and broaden the scope of its commitments vis-à-vis Switzerland under the Government Procurement Agreement (GPA) signed on 15 April 1994 within the framework of the World Trade Organisation (WTO), the Community undertakes to amend its Annexes and General Notes to Appendix I of the GPA as follows:

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delete the reference to Switzerland in the first indent of General Note No 2, so as to allow Swiss suppliers and service providers to challenge, pursuant to Article XX, the award of contracts by Community entities listed in Annex 2, paragraph 2.

2. The Community shall notify the WTO Secretariat of this amendment within one month after the entry into force of this Agreement.

*Article 2***Obligations of Switzerland**

1. In order to supplement and broaden the scope of its commitments vis-à-vis the Community under the GPA, Switzerland undertakes to amend its Annexes and General Notes to Appendix I of the GPA as follows:

Insert in Annex 2, under 'List of entities', the following new point after point 2:

'3. Authorities and public bodies at district and municipality level.'

2. Switzerland shall notify the WTO Secretariat of this amendment within one month from the entry into force of this Agreement.

CHAPTER II

PROCUREMENT BY TELECOMMUNICATIONS AND RAILWAY OPERATORS AND BY CERTAIN UTILITIES*Article 3***Objectives, definitions and scope**

1. The aim of this Agreement is to secure reciprocal, transparent and non-discriminatory access of the Parties' suppliers and service providers to purchases of products and services, including construction services, by telecommunications operators, railway operators, entities active in the field of energy other than electricity and private utilities of both Parties.

2. For the purposes of this Chapter:

- (a) 'telecommunications operators' (hereinafter referred to as 'TOs') shall mean entities which provide or operate public telecommunications networks or provide one or more public telecommunications services and which either are public authorities or public undertakings or operate on the basis of special or exclusive rights granted by a competent authority of one of the Parties;
- (b) 'public telecommunications network' shall mean the telecommunications infrastructure available to the public which enables signals to be conveyed between defined network termination points by wire, microwave, optical means or other electromagnetic means;

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- (c) 'public telecommunications services' shall mean services the provision of which consists wholly or partly in the transmission and routing of signals on the public telecommunications network by means of telecommunications processes, with the exception of radio broadcasting and television;
- (d) 'railway operators' (hereinafter referred to as 'ROs') shall mean contracting entities which either are public authorities or public undertakings or operate on the basis of special or exclusive rights granted by a competent authority of one of the Parties and which have as one of their activities the operation of networks providing a service to the public in the field of transport by railway;
- (e) 'entities active in the field of energy other than electricity' shall mean contracting entities which either are public authorities or public undertakings or operate on the basis of special or exclusive rights granted by a competent authority of one of the Parties and which have as one of their activities any of those referred to in i) and ii) below or any combination thereof:
 - (i) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of gas or heat or the supply of gas or heat to such networks; or
 - (ii) the exploitation of a geographical area for the purpose of exploring for or extracting oil, gas, coal or other solid fuels;
- (f) 'private utilities' shall mean contracting entities which are not covered by the GPA but operate on the basis of special or exclusive rights granted by a competent authority of one of the Parties and which have as one of their activities any of those referred to in i) to v) below or any combination thereof:
 - (i) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of drinking water or the supply of drinking water to such networks;
 - (ii) the provision or operation of fixed networks intended to provide a service to the public in connection with the production, transport or distribution of electricity or the supply of electricity to such networks;
 - (iii) the provision of airport or other terminal facilities to carriers by air;
 - (iv) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
 - (v) the operation of networks providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable.

3. This Agreement applies to any law, regulation or practice regarding procurement by the Parties' TOs, ROs, entities active in the field of energy other than electricity and private utilities (hereinafter referred to as 'Covered Entities') as defined in this Article and specified in Annexes I to IV and to the award of all procurement contracts by such Covered Entities.

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4. Articles 5 and 6 shall apply to contracts, or series of contracts, the estimated value of which, excluding VAT, is not less than:

(a) when awarded by TOs:

(i) EUR 600 000 or its equivalent in SDRs, as regards supplies and services;

(ii) EUR 5 000 000 or its equivalent in SDRs, as regards works;

(b) when awarded by ROs and entities active in the field of energy other than electricity:

(i) EUR 400 000 or its equivalent in SDRs, as regards supplies and services;

(ii) EUR 5 000 000 or its equivalent in SDRs, as regards works;

(c) when awarded by private utilities:

(i) SDR 400 000 or its equivalent in euro, as regards supplies and services;

(ii) SDR 5 000 000 or its equivalent in euro, as regards works.

The conversion of euro in SDRs shall be in accordance with the procedures established in the Government Procurement Agreement (GPA).

5. This Chapter shall not apply to contracts, awarded by TOs, for purchases intended exclusively to enable them to provide one or more telecommunications services where other entities are free to offer the same services in the same geographical area and under substantially the same conditions. Each Party shall promptly inform the other Party about such contracts. This provision shall apply under the same conditions also to contracts awarded by ROs, entities active in the field of energy other than electricity and private utilities as soon as these sectors have been liberalised.

6. With regard to services, including construction services, this Agreement shall apply to those listed in Annexes VI and VII to this Agreement.

7. This Agreement shall not apply to Covered Entities where they fulfil the conditions laid down in Articles 2(4), 2(5), 3, 6(1), 7(1), 9(1), 10, 11, 12 and 13(1) of Directive 93/38/EEC, as last amended by Directive 98/4/EC (OJ L 101, 4.4.1998, p. 1) for the Community and in Annexes VI and VIII for Switzerland.

This Agreement shall not apply to contracts awarded by ROs where such contracts concern the purchase or lease of products in order to re-finance supply contracts awarded in accordance with the provisions of this Agreement.

Article 4

Procurement procedures

1. The parties shall ensure that the procurement procedures and practices for the award of contracts followed by their Covered Entities comply with the principles of non-discrimination, transparency and fairness. Such procedures and practices shall at least meet the following conditions:

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- (a) calls for competition shall be made by publication of a tender notice, an indicative notice or a notice on the existence of a qualification system. These notices, or a summary of the important elements thereof, shall be published in at least one of the official languages of the GPA at national level in the case of Switzerland, on the one hand, and at Community level, on the other hand. They shall contain all necessary information about the intended procurement, including where applicable the type of award procedure being followed;
- (b) time-limits shall be adequate to allow suppliers or service providers to prepare and submit tenders;
- (c) tender documentation shall contain all information necessary, notably technical specifications and selection and award criteria, to enable tenderers to submit eligible tenders. Tender documentation shall be forwarded to suppliers or service providers upon request;
- (d) selection criteria shall be non-discriminatory. Qualification system applied by Covered Entities must be based on pre-defined and non-discriminatory criteria and the procedure and conditions for participation shall be made available upon request;
- (e) award criteria may be either the most economically advantageous tender, involving specific evaluation criteria such as delivery or completion date, cost-effectiveness, quality, technical merit, after-sales service, commitments with regard to spare parts, price, etc., or the lowest price only.

2. The Parties shall also ensure that their Covered Entities define the technical specifications set out in the tender documentation in terms of performance rather than design or descriptive characteristics. Such specifications shall be based on international standards, where they exist, otherwise on national technical regulations, recognised national standards or recognised building codes. Any technical specifications adopted or applied with a view to, or with the effect of, creating unnecessary obstacles to procurement by a Party's Covered Entity of products or services from the other Party and to related trade between the Parties shall be prohibited.

*Article 5***Challenge procedures**

1. The Parties must provide non-discriminatory, timely, transparent and effective procedures enabling suppliers or service providers to challenge alleged breaches of the Agreement arising in the context of procurements in which they have, or have had, an interest. The challenge procedures laid down in Annex V shall apply.
2. The Parties must ensure that their respective Covered Entities retain documentation relating to procurement procedures covered by this Chapter for at least three years.
3. The Parties must ensure that decisions taken by bodies responsible for challenge procedures are properly enforced.



CHAPTER III

GENERAL AND FINAL PROVISIONS

*Article 6***Non-discrimination**

1. The Parties shall ensure that, in their procedures and practices for the award of procurement contracts above the value thresholds laid down in Article 3(4), Covered Entities established in their respective territories do not:

- (a) treat products, services, suppliers and service providers of the other Party less favourably than
 - (i) domestic products, services, suppliers and service providers; or
 - (ii) third-country products, services, suppliers and service providers;
- (b) treat a locally-established supplier or service provider less favourably than another locally-established supplier or service provider on the basis of the degree of affiliation to, ownership of or control by natural or legal persons from the other Party;
- (c) discriminate against a locally-established supplier or service provider on the basis of the fact that the product or service being supplied originates from the other Party;
- (d) prescribe offsets in the qualification and selection of products, services, suppliers or service providers, or in the evaluation of tenders and award of contracts.

2. The Parties undertake to refrain from requiring either the competent authorities or the Covered Entities to act in a discriminatory manner, either directly or indirectly. An illustrative list of areas where such discrimination is possible is set out in Annex X.

3. In their procedures and practices for the award of procurement contracts below the value thresholds laid down in Article 3(4), the Parties undertake to encourage their Covered Entities to treat the suppliers and service providers of the other Party in accordance with the provisions of paragraph 1. The Parties agree that, not later than five years after the entry into force of this Agreement, the conditions and implementation of this provision will be reviewed in the light of experience acquired in their mutual relations. To that end, the Joint Committee will draw up lists of situations in which the principle established in this Article 6 is applied.

4. The principles set out in paragraph 1, notably in a), no i), and in paragraphs 2 and 3 shall be without prejudice to measures made necessary by the particular integration process of the Community and the establishment and functioning of its internal market, as well as by the development of the Swiss domestic market. Likewise, these principles, notably those set out in a), no ii), shall be without prejudice to preferential treatment granted under existing or future regional economic integration agreements. However, the application of this provision must not jeopardise the administration of this Agreement. The measures to which this paragraph applies are listed in Annex IX; either Party may notify other measures covered by this paragraph. Consultations by the Joint Committee shall take place at the request of either Party with a view to ensuring that this Agreement continues to be implemented satisfactorily.

▼B*Article 7***Information exchange**

1. To the extent necessary to ensure effective implementation of Chapter II, the Parties shall inform each other of planned changes to their relevant legislation falling or likely to fall within the scope of this Agreement (proposals for directives, draft laws and orders and draft amendments to the *Concordat intercantonal*).
2. The Parties shall also inform each other about any other issue relevant to the interpretation and application of this Agreement.
3. The Parties shall communicate to each other the names and addresses of ‘contact points’ responsible for providing information on the rules of law falling within the scope of this Agreement and of the GPA, including at local level.

*Article 8***Monitoring authority**

1. The implementation of this Agreement shall be monitored, within each Party, by an independent authority. This authority shall be competent to receive any complaint or grievance concerning the application of this Agreement and shall act promptly and effectively.
2. Not later than two years after the entry into force of this Agreement, the authority shall also be competent to initiate proceedings or take administrative or judicial action against Covered Entities in the event of a breach of this Agreement in the context of a procurement procedure.

*Article 9***Urgent measures**

1. If a Party considers that the other Party has failed to comply with its obligations under this Agreement or that a law, regulation or practice of the other Party substantially reduces or threatens to reduce substantially the benefits accruing to it under this Agreement, and the Parties are unable to agree promptly on appropriate compensation or other remedial action, the adversely affected Party may, without prejudice to its other rights and obligations under international law, suspend partly or completely, as appropriate, the application of this Agreement. It shall immediately notify the other Party of any such suspension. The adversely affected Party may also terminate the Agreement in accordance with Article 18(3).
2. The scope and duration of such measures shall be limited to what is necessary in order to remedy the situation and to secure, if necessary, a fair balance of rights and obligations under this Agreement.

▼B*Article 10***Settlement of disputes**

Each Contracting Party may bring a matter under dispute which concerns the interpretation or application of this Agreement to the Joint Committee, which shall endeavour to settle the dispute. The Joint Committee shall be provided with all relevant information for an in depth examination of the situation with a view to finding an acceptable solution. To that end, the Joint Committee shall be required to examine all possibilities for maintaining the good functioning of this Agreement.

*Article 11***Joint Committee**

1. A Joint Committee is hereby established. It shall ensure the effective implementation and operation of this Agreement. To that end, it shall carry out exchanges of views and information and constitute the forum for consultations between the Parties.

2. The Joint Committee shall consist of representatives of the Parties and shall act by mutual consent. It shall adopt its rules of procedure and may establish working groups to assist it in carrying out its tasks.

3. In order to ensure the effective operation of this Agreement, the Joint Committee shall meet at least once a year or at the request of either Party.

4. The Joint Committee shall regularly examine the Annexes to this Agreement. The Joint Committee may amend them at the request of either Party.

*Article 12***Information technology**

1. The Parties shall cooperate with a view to ensuring that the type of procurement information, notably in tender notices and documentation, held on their respective databases is comparable in terms of quality and accessibility. Likewise, they shall cooperate with a view to ensuring that the type of information exchanged through their respective electronic means between interested parties for the purposes of public procurement is comparable in terms of quality and accessibility.

2. Paying due attention to issues of interoperability and interconnectivity, and after having agreed that the type of procurement information referred to in paragraph 1 is comparable, the Parties shall take all the necessary measures to ensure that suppliers and service providers of the other Party have access to relevant procurement information, such as tender notices, held on their respective databases. They shall also afford suppliers and service providers of the other Party access to their respective electronic procurement systems, such as electronic tendering systems. The Parties shall also comply with Article XXIV(8) of the GPA.

▼B*Article 13***Implementation**

1. The Parties shall take all the necessary measures, whether general or specific, to ensure that they fulfil their obligations under this Agreement.
2. They shall refrain from any action that could jeopardise attainment of the objectives of this Agreement.

*Article 14***Revision**

The Parties shall review the functioning of this Agreement not later than three years from the date of its entry into force with the aim of improving its operation, if necessary.

*Article 15***Relationship with WTO agreements**

This Agreement does not affect the rights and obligations of the Parties under agreements concluded under the auspices of the WTO.

*Article 16***Scope of territorial application**

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of Switzerland.

*Article 17***Annexes**

The annexes to this Agreement shall form an integral part thereof.

*Article 18***Entry into force and duration**

1. This Agreement shall be ratified or approved by the Parties according to the procedures applicable to them. It shall enter into force on the first day of the second month following the last notification of deposit of the instruments of ratification or approval of all seven of the following agreements:

- agreement on certain aspects of government procurement;
- agreement on the free movement of persons;
- agreement on air transport;
- agreement on the carriage of goods and passengers by rail and road;

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- agreement on trade in agricultural products;
- agreement on mutual recognition in relation to conformity assessment;
- agreement on scientific and technological cooperation.

2. This Agreement is concluded for an initial period of seven years. It shall be renewed for an indefinite period unless the Community or Switzerland notifies the other Party to the contrary before the expiry of the initial period. In the event of such notification, the provisions of paragraph 4 shall apply.

3. The Community or Switzerland may terminate this Agreement by notifying the other Party of its decision. In the event of such notification, the provisions of paragraph 4 shall apply.

4. The seven agreements referred to in paragraph 1 shall cease to apply six months after the receipt of notification of non-renewal referred to in paragraph 2 or of termination referred to in paragraph 3.

Hecho en Luxemburgo, el veintiuno de junio de mil novecientos noventa y nueve. El presente Acuerdo se establecer por duplicado en lenguas alemana, danesa, española, finesa, francesa, griega, inglesa, italiana, neerlandesa, portuguesa y sueca y cada uno de estos textos será auténtico.

Udfærdiget i Luxembourg, den enogtyvende juni nitten hundrede og nioghalvfems. Denne aftale er udfærdiget i to eksemplarer på dansk, engelsk, finsk, fransk, græsk, italiensk, nederlandsk, portugisisk, spansk, svensk og tysk, idet hver af disse tekster har samme gyldighed.

Geschehen zu Luxemburg am einundzwanzigsten Juni neunzehnhundertneunundneunzig. Dieses Abkommen ist in zwei Urschriften in dänischer, deutscher, englischer, finnischer, französischer, griechischer, italienischer, niederländischer, portugiesischer, spanischer und schwedischer Sprache abgefaßt, wobei jeder Wortlaut gleichermaßen verbindlich ist.

Έγινε στο Λουξεμβούργο, στις είκοσι μία Ιουνίου χίλια εννιακόσια ενενήντα εννέα. Η παρούσα συμφωνία καταρτίζεται εις διπλούν στα αγγλικά, τα γαλλικά, τα γερμανικά, τα δανικά, τα ελληνικά, τα ισπανικά, τα ιταλικά, τα ολλανδικά, τα πορτογαλικά, τα σουηδικά και τα φινλανδικά, καθένα από τα κείμενα αυτά είναι αυθεντικό.

Done at Luxembourg on the twenty-first day of June in the year one thousand and ninety-nine. This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

Fait à Luxembourg, le vingt-et-un juin mil neuf cent quatre-vingt dix-neuf. Le présent accord est établi, en double exemplaire, en langues allemande, anglaise, danoise, espagnole, finnoise, française, grecque, italienne, néerlandaise, portugaise et suédoise, chacun de ces textes faisant également foi.

Fatto a Lussemburgo, addì ventuno giugno millenovecentonovantanove. Il presente Accordo è redatto, in duplice copia, in lingua danese, finlandese, francese, greca, inglese, italiana, olandese, portoghese, spagnola, svedese e tedesca; ognuno di questi testi fa ugualmente fede.

Gedaan te Luxemburg, de eenentwintigste juni negentienhonderd negenenneentig. Deze overeenkomst is opgesteld in tweevoud in de Deense, de Duitse, de Engelse, de Finse, de Franse, de Griekse, de Italiaanse, de Nederlandse, de Portugese, de Spaanse en de Zweedse taal, zijnde alle teksten gelijkelijk authentiek.

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Feito no Luxemburgo, em vinte e um de Junho de mil novecentos e noventa e nove. O presente Acordo é estabelecido em exemplar duplo, nas línguas alemã, inglesa, dinamarquesa, espanhola, finlandesa, francesa, grega, italiana, neerlandesa, portuguesa e sueca, fazendo igualmente fé qualquer dos textos.

Tehty Luxemburgissa kahdentenäkymmenentenäensimmäisenä päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäyhdeksän. Tämä sopimus on laadittu kahtena kappaleena englannin, espanjan, hollannin, italian, kreikan, portugalin, ranskan, ruotsin, saksan, suomen ja tanskan kielellä, ja jokainen teksti on yhtä todistusvoimainen.

Utfärdat i Luxemburg den tjugoförsta juni nittonhundranittionio itvå exemplar på det danska, engelska, finska, franska, grekiska, italienska, nederländska, portugisiska, spanska, svenska och tyska språket, vilka samtliga texter är lika giltiga.

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar




Por la Confederación Suiza

For Det Schweiziske Edsforbund

Für die Schweizerische Eidgenossenschaft

Για την Ελβετική Συνομοσπονδία

For the Swiss Confederation

Pour la Confédération suisse

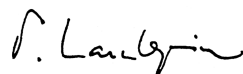
Per la Confederazione svizzera

Voor de Zwitserse Bondsstaat

Pela Confederação Suíça

Sveitsin valaliiton puolesta

På Schweiziska edsförbundets vägnar




▼B*ANNEX I*

(referred to in Articles (3)(1) and (2)(a) to (c) and (5) of the Agreement)

TELECOMMUNICATIONS OPERATORS COVERED**▼M1****Annex I A — Union**

Telecommunications operators are no longer covered by the Agreement.

▼B**Annexe I B — Switzerland**

Specification of the entities active in the field of telecommunications as referred to in Articles (3)(1) and (2)(a) to (c) of the Agreement

Entities providing a public telecommunications service under a concession within the meaning of Article 66, first indent, of the Federal Law on Telecommunications of 30 April 1997.

For example: Swisscom.

▼ B*ANNEXE II**(referred to in Articles (3)(1) and (2)(d) and (5) of the Agreement)***RAILWAY OPERATORS COVERED****▼ M1****Annex II A — Union****Belgium**

- SNCB Holding/NMBS Holding
- Société nationale des Chemins de fer belges/Nationale Maatschappij der Belgische Spoorwegen
- Infrabel

Bulgaria

- Национална компания ‘Железопътна инфраструктура’
- ‘Български държавни железници’ ЕАД
- ‘БДЖ — Пътнически превози’ ЕООД
- ‘БДЖ — Тягов подвижен състав (Локомотиви)’ ЕООД
- ‘БДЖ — Товарни превози’ ЕООД
- ‘Българска Железопътна Компания’ АД
- ‘Булмаркет — ДМ’ ООД

Czech Republic

All contracting entities which supply services in the field of rail services defined in Section 4, paragraph 1, point (f) of Act No 137/2006 Coll. on Public Contracts, as amended

For example:

- ČD Cargo, a.s.
- České dráhy, a.s.
- Správa železniční dopravní cesty, státní organizace

Denmark

- DSB
- DSB S-tog A/S
- Metroselskabet I/S

Germany

- Deutsche Bahn AG
- Other undertakings providing railway services to the public pursuant to Article 2(1) of the Allgemeines Eisenbahngesetz of 27 December 1993, as last amended on 26 February 2008

▼ M1**Estonia**

- Entities operating pursuant to Article 10(3) of the Public Procurement Act (RT I 21.2.2007, 15, 76) and Article 14 of the Competition Act (RT I 2001, 56 332)
- AS Eesti Raudtee
- AS Elektriraudtee

Ireland

- Iarnród Éireann [Irish Rail]
- Railway Procurement Agency

Greece

- ‘Οργανισμός Σιδηροδρόμων Ελλάδος Α.Ε.’ (‘Ο.Σ.Ε. Α.Ε.’), pursuant to Law No 2671/98
- ‘ΕΡΓΟΣΕ Α.Ε.’ pursuant to Law No 2366/95

Spain

- Ente público Administración de Infraestructuras Ferroviarias (ADIF)
- Red Nacional de los Ferrocarriles Españoles (RENFE)
- Ferrocarriles de Vía Estrecha (FEVE)
- Ferrocarrils de la Generalitat de Catalunya (FGC)
- Eusko Trenbideak (Bilbao)
- Ferrocarrils de la Generalitat Valenciana (FGV)
- Serveis Ferroviaris de Mallorca (Ferrocarriles de Mallorca)
- Ferrocarril de Soler
- Funicular de Bulnes

France

- Société nationale des chemins de fer français and other rail networks open to the public, referred to in Loi d’orientation des transports intérieurs No 82-1153 of 30 December 1982, Title II, Chapter 1
- Réseau ferré de France, State-owned company set up by Loi No 97-135 of 13 February 1997

Italy

- Ferrovie dello Stato SpA including le Società partecipate
- Entities, companies and undertakings providing railway services on the basis of a concession pursuant to Article 10 of Regio Decreto No 1447 of 9 May 1912, approving the consolidated text of the laws on ‘le ferrovie concesse all’industria privata, le tramvie a trazione meccanica e gli automobili’
- Entities, companies and undertakings providing railway services on the basis of a concession pursuant to Article 4 of Legge No 410 of 4 June 1949 — Concorso dello Stato per la priattivazione dei pubblici servizi di trasporto in concessione

▼ M1

- Entities, companies and undertakings or local authorities providing railway services on the basis of a concession pursuant to Article 14 of Legge No 1221 of 2 August 1952 — Provvedimenti per l'esercizio ed il potenziamento di ferrovie e di altre linee di trasporto in regime di concessione
- Entities, companies and undertakings providing public transport services, pursuant to Articles 8 and 9 of the decreto legislativo No 422 of 19 November 1997 — Conferimento alle regioni ed agli enti locali di funzioni e compiti in materia di trasporto pubblico locale, a norma dell'articolo 4, comma 4, della L. 15 marzo 1997, n. 9 — as modified by decreto legislativo No 400 of 20 September 1999, and by Article 45 of the Legge No 166 of 1 August 2002

Cyprus**Latvia**

- Valsts akciju sabiedrība 'Latvijas dzelzceļš' and other enterprises providing railway services and making purchases in accordance with the Law 'Par iepirkumu sabiedrisko pakalpojumu sniedzēju vajadzībām'
- Valsts akciju sabiedrība 'Pasažieru vilciens'

Lithuania

- Akcinė bendrovė 'Lietuvos geležinkeliai'
- Other entities in compliance with the requirements of Article 70 (1, 2) of the Law on Public Procurement of the Republic of Lithuania (Official Gazette, No 84-2000, 1996; No 4-102, 2006) and operating in the field of railway services in accordance with the Code of Railway Transport of the Republic of Lithuania (Official Gazette, No 72-2489, 2004)

Luxembourg

- Chemins de fer luxembourgeois (CFL)

Hungary

- Entities providing rail transport services to the public pursuant to Articles 162-163 of 2003. évi CXXIX. törvény a közbeszerzésekről and 2005. évi CLXXXIII. törvény a vasúti közlekedésről and on the basis of an authorisation pursuant to 45/2006. (VII. 11.) GKM rendelet a vasúti társaságok működésének engedélyezéséről

For example:

- Magyar Államvasutak (MÁV)

Malta**Netherlands**

Procuring entities in the field of railway services. For example:

- Nederlandse Spoorwegen
- ProRail

Austria

- Österreichische Bundesbahn

▼ M1

- Schieneninfrastrukturfinanzierungs-Gesellschaft mbH
- Entities authorised to provide transport services pursuant to Eisenbahngesetz, BGBl. No 60/1957, as amended

Poland

Entities providing rail transport services, operating on the basis of ustawa o komercjalizacji, restrukturyzacji i prywatyzacji przedsiębiorstwa państwowego 'Polskie Koleje Państwowe' z dnia 8 września 2000 r.; including among others:

- PKP Intercity Sp. z o.o.
- PKP Przewozy Regionalne Sp. z o.o.
- PKP Polskie Linie Kolejowe S.A.
- 'Koleje Mazowieckie — KM' Sp. z o.o.
- PKP Szybka Kolej Miejska w Trójmieście Sp. z o.o.
- PKP Warszawska Kolej Dojazdowa Sp. z o.o.

Portugal

- CP — Caminhos de Ferro de Portugal, E.P., pursuant to Decreto-Lei No 109/77 of 23 March 1977
- REFER, E.P., pursuant to Decreto-Lei No 104/97 of 29 April 1997
- RAVE, S.A., pursuant to Decreto-Lei No 323-H/2000 of 19 December 2000
- Fertagus, S.A., pursuant to Decreto-Lei 78/2005, of 13 April 2005
- Public authorities and public undertakings providing railway services pursuant to Lei No 10/90 of 17 March 1990
- Private undertakings providing railway services pursuant to Lei No 10/90 of 17 March 1990, where they hold special or exclusive rights

Romania

- Compania Națională Căi Ferate — CFR
- Societatea Națională de Transport Feroviar de Marfă 'CFR — Marfă'
- Societatea Națională de Transport Feroviar de Călători 'CFR — Călători'

Slovenia

Mat. Št.	Naziv	Poštna Št	Kraj
5142733	Slovenske železnice, d. o. o.	1000	Ljubljana

Slovakia

- Entities operating railways and cable ways and facilities related thereto pursuant to Act No 258/1993 Coll. in the wording of Acts No 152/1997 Coll. and No 259/2001 Coll.

▼ M1

- Entities which are carriers providing for railway transport to the public under Act No 164/1996 Coll. in the wording of Acts No 58/1997 Coll., No 260/2001 Coll., No 416/2001 Coll. and No 114/2004 Coll. and on the basis of governmental decree No 662 of 7 July 2004

For example:

- Železnice Slovenskej republiky, a.s.
- Železničná spoločnosť Slovensko, a.s.

Finland

- VR-Yhtymä Oy/VR-Group Ab/VR Group Ltd

Sweden

- Public entities operating railway services in accordance with järnvägslagen (2004:519) and järnvägsförordningen (2004:526)
- Regional and local public entities operating regional or local railway communications pursuant to lagen (1997:734) om ansvar för viss kollektiv persontrafik
- Private entities operating railway services pursuant to an authorisation granted under förordningen (1996:734) om statens spåranläggningar, where such permission complies with Article 2(3) of the Directive 2004/17/EC

United Kingdom

- Network Rail plc
- Eurotunnel plc
- Northern Ireland Transport Holding Company
- Northern Ireland Railways Company Limited
- Providers of rail services which operate on the basis of special or exclusive rights granted by the Department of Transport or any other competent authority

▼ B**Annexe II B — Switzerland**

Specification of railway operators as referred to in Articles (3)(1) and (2)(d) of the Agreement

Chemins de fer fédéraux (CFF) ⁽¹⁾

Entities within the meaning of Articles 1(2) and 2(1) of the ‘Loi fédérale sur les chemins de fer’ of 20 December 1957, where they operate public transport services by standard- or narrow-gauge railway ⁽¹⁾.

For example: BLS, MthB, Chemin de fer du Jura, RhB, FO, GFM.

⁽¹⁾ Except for holdings and undertakings which are not directly active in the transport sector.

▼B*ANNEX III**(referred to in Articles (3)(1) and (2)(e) and (5) of the Agreement)***ENTITIES ACTIVE IN THE FIELD OF ENERGY****▼M1****Annex III A — Union****(a) Transport or distribution of gas or heat***Belgium*

— DISTRIGAZ

— Local authorities and associations of local authorities, for this part of their activities

— Fluxys

Bulgaria

Entities licensed for production or transport of heat pursuant to Article 39(1) of the Закона за енергетиката (обн., ДВ, бр.107/09.12.2003):

— АЕЦ Козлодуй — ЕАД

— Брикел — ЕАД

— ‘Бул Еко Енергия’ ЕООД

— ‘ГЕРРАД’ АД

— Девен АД

— ТЕЦ ‘Марица 3’ — АД

— ‘Топлина електроенергия газ екология’ ООД

— Топлофикация Бургас — ЕАД

— Топлофикация Варна — ЕАД

— Топлофикация Велико Търново — ЕАД

— Топлофикация Враца — ЕАД

— Топлофикация Габрово — ЕАД

— Топлофикация Казанлък — ЕАД

— Топлофикация Лозница — ЕАД

— Топлофикация Перник — ЕАД

— ЕВН България Топлофикация — Пловдив — ЕАД

— Топлофикация Плевен — ЕАД

— Топлофикация Правец — ЕАД

— Топлофикация Разград — ЕАД

— Топлофикация Русе — ЕАД

— Топлофикация Сливен — ЕАД

▼ **M1**

- Топлофикация София — ЕАД
- Топлофикация Шумен — ЕАД
- Топлофикация Ямбол — ЕАД

Entities licensed for transport, distribution, public delivery or supply by the end supplier of gas pursuant to Article 39(1) of the Закона за енергетиката (обн., ДВ, бр.107/09.12.2003):

- Булгаргаз ЕАД
- Булгартрансгаз ЕАД
- Балкангаз 2000 АД
- Бургасгаз ЕАД
- Варнагаз АД
- Велбъждгаз АД
- Газо-енергийно дружество-Елин Пелин ООД
- Газинженеринг ООД
- Газоснабдяване Асеновград АД
- Газоснабдяване Бургас ЕАД
- Газоснабдяване Враца ЕАД
- Газоснабдяване Нова Загора АД
- Газоснабдяване Нови Пазар АД
- Газоснабдяване Попово АД
- Газоснабдяване Първомай АД
- Газоснабдяване Разград АД
- Газоснабдяване Русе ЕАД
- Газоснабдяване Стара Загора ООД
- Добруджа газ АД
- Дунавгаз АД
- Каварна газ ООД
- Камено-газ ЕООД
- Кнежа газ ООД
- Кожухгаз АД
- Комекес АД
- Консорциум Варна Про Енерджи ООД
- Костинбродгаз ООД
- Ловечгаз 96 АД
- Монтанагаз АД
- Овергаз Инк. АД
- Павгаз АД
- Плевенгаз АД
- Правецгаз 1 АД
- Примагаз АД

▼ M1

- Промислено газоснабдяване ООД
- Раховецгаз 96 АД
- Рилагаз АД
- Севлиевогаз-2000 АД
- Сигагаз АД
- Ситигагаз България АД
- Софиягаз ЕАД
- Трансгаз Енд Трейд АД
- Хебросгаз АД
- Централ газ АД
- Черноморска технологична компания АД
- Ямболгаз 92 АД

Czech Republic

All contracting entities which supply services in the gas sector and heat sector defined in Section 4, paragraph 1, points (a) and (b) of Act No 137/2006 Coll. on Public Contracts, as amended

For example:

- NET4GAS, s.r.o.
- Pražská plynárenská, a.s.
- Severomoravská plynárenská, a.s.
- Plzeňská teplárenská, a.s.
- Pražská teplárenská a.s.

Denmark

- Entities distributing gas or heat on the basis of an authorisation pursuant to § 4 of lov om varmemforsyning, see Consolidation Act No 347 of 17 July 2005
- Entities transporting gas on the basis of a licence pursuant to § 10 of lov om naturgasforsyning, see Consolidation Act No 1116 of 8 May 2006
- Entities transporting gas on the basis of an authorisation pursuant to bekendtgørelse nr. 361 om rørledningsanlæg på dansk kontinentalsokkelområde til transport af kulbrinter of 25 April 2006
- Energinet Danmark or subsidiary companies fully owned by Energinet Danmark according to lov om Energinet Danmark § 2, stk. 2 og 3, see Act No 1384 of 20 December 2004

Germany

Local authorities, public law bodies or associations of public law bodies or State undertakings, supplying energy to other undertakings, operating an energy supply network or having power of disposal to an energy supply network by virtue of ownership pursuant to Article 3(18) of the Gesetz über die Elektrizitäts- und Gasversorgung (Energiewirtschaftsgesetz) of 24 April 1998, as last amended on 9 December 2006

▼ **M1***Estonia*

- Entities operating pursuant to Article 10(3) of the Public Procurement Act (RT I 21.2.2007, 15, 76) and Article 14 of the Competition Act (RT I 2001, 56 332)
- AS Kohtla-Järve Soojus
- AS Kuressaare Soojus
- AS Võru Soojus

Ireland

- Bord Gáis Éireann
- Other entities that may be licensed to undertake the activity of natural gas distribution or transmission by the Commission for Energy Regulation pursuant to the provisions of the Gas Acts 1976 to 2002
- Entities licensed under the Electricity Regulation Act 1999 which, as operators of ‘Combined Heat and Power Plants’, are engaged in the distribution of heat

Greece

- ‘Δημόσια Επιχείρηση Αερίου (Δ.Ε.Π.Α.) Α.Ε.’, which transports and distributes gas in accordance with Law No 2364/95, as amended by Laws No 2528/97, No 2593/98 and No 2773/99
- Διαχειριστής Εθνικού Συστήματος Φυσικού Αερίου (ΔΕΣΦΑ) Α.Ε.

Spain

- Enagas, S.A.
- Bahía de Bizkaia Gas, S.L.
- Gasoducto Al Andalus, S.A.
- Gasoducto de Extremadura, S.A.
- Infraestructuras Gasistas de Navarra, S.A.
- Regasificadora del Noroeste, S.A.
- Sociedad de Gas de Euskadi, S.A.
- Transportista Regional de Gas, S.A.
- Unión Fenosa de Gas, S.A.
- Bilbogas, S.A.
- Compañía Española de Gas, S.A.
- Distribución y Comercialización de Gas de Extremadura, S.A.
- Distribuidora Regional de Gas, S.A.
- Donostigas, S.A.
- Gas Alicante, S.A.
- Gas Andalucía, S.A.
- Gas Aragón, S.A.
- Gas Asturias, S.A.
- Gas Castilla — La Mancha, S.A.

▼ **M1**

- Gas Directo, S.A.
- Gas Figueres, S.A.
- Gas Galicia SDG, S.A.
- Gas Hernani, S.A.
- Gas Natural de Cantabria, S.A.
- Gas Natural de Castilla y León, S.A.
- Gas Natural SDG, S.A.
- Gas Natural de Alava, S.A.
- Gas Natural de La Coruña, S.A.
- Gas Natural de Murcia SDG, S.A.
- Gas Navarra, S.A.
- Gas Pasaia, S.A.
- Gas Rioja, S.A.
- Gas y Servicios Mérida, S.L.
- Gesa Gas, S.A.
- Meridional de Gas, S.A.U.
- Sociedad del Gas Euskadi, S.A.
- Tolosa Gas, S.A.

France

- Gaz de France, set up and operating pursuant to Loi No 46-628 sur la nationalisation de l'électricité et du gaz of 8 April 1946, as amended
- GRT Gaz, manager of the gas transport network
- Entities distributing gas, mentioned in Article 23 of Loi No 46-628 sur la nationalisation de l'électricité et du gaz of 8 April 1946, as amended (mixed economy distribution companies, régies or similar services composed of regional or local authorities) (for example: Gaz de Bordeaux, Gaz de Strasbourg)
- Local authorities or associations of local authorities, distributing heat

Italy

- SNAM Rete Gas SpA, S.G.M. e EDISON T. e S. transporting gas
- Entities distributing gas governed by the consolidated text of the laws on the direct assumption of control of public services by local authorities and provinces, approved by Regio Decreto No 2578 of 15 October 1925 and by D.P.R. No 902 of 4 October 1986 and by Articles 14 and 15 of Decreto Legislativo No 164 of 23 May 2000
- Entities distributing heat to the public as referred to in Article 10 of Legge No 308 of 29 May 1982 — Norme sul contenimento dei consumi energetici, lo sviluppo delle fonti rinnovabili di energia, l'esercizio di centrali elettriche alimentate con combustibili diversi dagli idrocarburi

▼ **M1**

- Local authorities or associations of local authorities, distributing heat to the public
- Società di trasporto regionale, whose tariff has been approved by the Autorità per l'energia elettrica ed il gas

*Cyprus**Latvia*

- AS 'Latvijas gāze'
- Public entities of local governments supplying heat to the public

Lithuania

- Akcinė bendrovė 'Lietuvos dujos'
- Other entities in compliance with the requirements of Article 70 (1, 2) of the Law on Public Procurement of the Republic of Lithuania (Official Gazette, No 84-2000, 1996; No 4-102, 2006) and executing gas transportation, distribution or supply activity pursuant to the Law on Natural Gas of the Republic of Lithuania (Official Gazette, No 89-2743, 2000; No 43-1626, 2007)
- Entities in compliance with the requirements of Article 70 (1, 2) of the Law on Public Procurement of the Republic of Lithuania (Official Gazette, No 84-2000, 1996; No 4-102, 2006) and executing heat supply activity pursuant to the Law on Heat of the Republic of Lithuania (Official Gazette, No 51-2254, 2003, No 130-5259, 2007)

Luxembourg

- Société de transport de gaz SOTEG S.A.
- Gaswierk Esch-Uelzecht S.A.
- Service industriel de la Ville de Dudelange
- Service industriel de la Ville de Luxembourg
- Local authorities or associations formed by those local authorities responsible for the distribution of heat

Hungary

- Entities transporting or distributing gas pursuant to Articles 162-163 of 2003. évi CXXIX. törvény a közbeszerzésekről and on the basis of an authorisation pursuant to 2003. évi XLII. törvény a földgázellátásról
- Entities transporting or distributing heat pursuant to Articles 162-163 of 2003. évi CXXIX. törvény a közbeszerzésekről and on the basis of an authorisation pursuant to 2005. évi XVIII. törvény a távhőszolgáltatásról

Malta

- Korporazzjoni Enemalta (Enemalta Corporation)

Netherlands

- Entities producing, transporting or distributing gas on the basis of a licence (vergunning) granted by the municipal authorities pursuant to the Gemeentewet. For example: NV Nederlandse Gasunie
- Municipal or provincial authorities transporting or distributing gas pursuant to the Gemeentewet or the Provinciewet

▼ M1

- Local authorities or associations of local authorities distributing heat to the public

Austria

- Entities authorised to transport or distribute gas pursuant to the Energiewirtschaftsgesetz, dRGBL. I, pp. 1451-1935, or the Gaswirtschaftsgesetz, BGBl. I No 121/2000, as amended
- Entities authorised to transport or distribute heat pursuant to the Gewerbeordnung, BGBl. No 194/1994, as amended

Poland

Energy companies within the meaning of ustawa z dnia 10 kwietnia 1997 r. Prawo energetyczne, including among others:

- Dolnośląska Spółka Gazownictwa Sp. z o.o. we Wrocławiu
- Europol Gaz S.A Warszawa
- Gdańskie Przedsiębiorstwo Energetyki Ciepłej Sp. z o.o.
- Górnośląska Spółka Gazownictwa Sp. z o.o., Zabrze
- Karpacka Spółka Gazownictwa Sp. z o.o. w Tarnowie
- Komunalne Przedsiębiorstwo Energetyki Ciepłej Sp. z o.o., Karczew
- Mazowiecka Spółka Gazownictwa Sp. z o.o. Warszawa
- Miejskie Przedsiębiorstwo Energetyki Ciepłej S. A., Tarnów
- OPEC Grudziądz Sp. z o.o.
- Ostrowski Zakład Ciepłowniczy S.A., Ostrów Wielkopolski
- Pomorska Spółka Gazownictwa Sp. z o.o., Gdańsk
- Przedsiębiorstwo Energetyki Ciepłej — Gliwice Sp. z o.o.
- Przedsiębiorstwo Energetyki Ciepłej w Dąbrowie Górniczej S.A.
- Stołeczne Przedsiębiorstwo Energetyki Ciepłej S.A., Warszawa
- Wielkopolska Spółka Gazownictwa Sp. z o.o., Poznań
- Wojewódzkie Przedsiębiorstwo Energetyki Ciepłej w Legnicy S.A.
- Zakład Energetyki Ciepłej w Wołominie Sp. z o.o.
- Zespół Elektrociepłowni Bydgoszcz S.A.
- Zespół Elektrociepłowni Bytom S.A.
- Elektrociepłownia Zabrze S.A.
- Ciepłownia Łańcut Sp. z o.o.

Portugal

Entities that transport or distribute gas pursuant to:

- Decreto-Lei No 30/2006 of 15 February 2006, que estabelece os princípios gerais de organização e funcionamento do Sistema Nacional de Gás Natural (SNGN), bem como o exercício das actividades de recepção, armazenamento, transporte, distribuição e comercialização de gás natural

▼ **M1**

- Decreto-Lei No 140/2006 of 26 July 2006, que desenvolve os princípios gerais relativos à organização e funcionamento do SNGN, regulamentando o regime jurídico aplicável ao exercício daquelas actividades

Romania

- ‘Societatea Națională de Transport Gaze Naturale Transgaz — S.A. Medias’
- SC Distrigaz Sud S.A.
- E. ON Gaz România S.A.
- E.ON Gaz Distribuție S.A. — Societăți de distribuție locală

Slovenia

Entities transporting or distributing gas pursuant to the Energetski zakon (Uradni list RS, 79/99) and entities transporting or distributing heat pursuant to the following decisions issued by the municipalities:

Mat. Št.	Naziv	Poštna Št	Kraj
5226406	Javno podjetje Energetika Ljubljana d.o.o.	1000	Ljubljana
5796245	Podjetje Za Oskrbo Z Energijo Ogrevanje Piran d.o.o. Piran	6330	Piran
5926823	JEKO — IN, javno komunalno podjetje, d.o.o., Jesenice	4270	Jesenice
1954288	Geoplin plinovodi d.o.o.	1000	Ljubljana
5034477	Plinarna Maribor, družba za proizvodnjo, distribucijo energentov, trgovino in storitve d.d.	2000	Maribor
5705754	Petrol energetika d.o.o. Ravne na Koroškem	2390	Ravne na Koroškem
5789656	Javno podjetje Plinovod Sevnica	8290	Sevnica
5865379	Adriaplin podjetje za distribucijo zemeljskega plina d.o.o. Ljubljana	1000	Ljubljana
5872928	Mestni plinovodi distribucija plina d.o.o.	6000	Koper
5914531	Energetika Celje javno podjetje d.o.o.	3000	Celje
5015731	Javno komunalno podjetje Komunala Trbovlje d.o.o.	1420	Trbovlje
5067936	Komunala d.o.o. javno podjetje Murska Sobota	9000	Murska Sobota
5067804	Javno komunalno podjetje Komunala Kočevje d.o.o.	1330	Kočevje
1574558	Oks občinske komunalne storitve d.o.o. Šempeter pri Gorici	5290	Šempeter pri Gorici
1616846	Energetika Preddvor, energetsko podjetje d.o.o.	4205	Preddvor
5107199	Javno podjetje Toplotna oskrba, d.o.o.	2000	Maribor

▼ **M1**

Mat. št.	Naziv	Poštna št.	Kraj
5231787	Javno podjetje Komunalna energotika Nova Gorica d.o.o.	5000	Nova Gorica
5433215	Toplarna Železniki, proizvodnja in distribucija toplotne energije d.o.o.	4228	Železniki
5545897	Toplarna Hrastnik, javno podjetje za proizvodnjo, distribucijo in prodajo toplotne energije, d.o.o.	1430	Hrastnik
5615402	Spitt d.o.o. Zreče	3214	Zreče
5678170	Energetika Nazarje d.o.o.	3331	Nazarje
5967678	Javno podjetje Dom Nazarje, podjetje za oskrbo z energijo in vodo ter upravljanje z mestnimi napravami d.o.o.	3331	Nazarje
5075556	Loška komunala, oskrba z vodo in plinom, d.d. Škofja Loka	4220	Škofja Loka
5222109	Komunalno podjetje Velenje d.o.o. izvajanje komunalnih dejavnosti d.o.o.	3320	Velenje
5072107	Javno komunalno podjetje Slovenj Gradec d.o.o.	2380	Slovenj Gradec
5073162	Komunala Slovenska Bistrica, podjetje za komunalne in druge storitve, d.o.o.	2310	Slovenska Bistrica

Slovakia

- Entities providing for or operating, on the basis of an authorisation, the production, distribution, transport, storage and supply of gas to the public pursuant to Act No 656/2004 Coll.
- Entities providing for or operating, on the basis of an authorisation, the production, distribution and supply of heat to the public pursuant to Act No 657/2004 Coll.

For example:

- Slovenský plynárenský priemysel, a.s.

Finland

Public or other entities operating the gas transmission system and distribution systems under a licence pursuant to the maakaasumarkkinalaki/naturgasmarknadslagen (508/2000) as well as public or other entities supplying gas to these systems; Municipal entities or public enterprises producing, transporting or distributing heat or supplying heat to networks

Sweden

- Entities transporting or distributing gas or heat on the basis of a concession pursuant to lagen (1978:160) om vissa rörledningar

United Kingdom

- A public gas transporter as defined in Section 7(1) of the Gas Act 1986

▼ **M1**

- A person declared to be an undertaker for the supply of gas under Article 8 of the Gas (Northern Ireland) Order 1996
- A local authority which provides or operates a fixed network which provides or will provide a service to the public in connection with the production, transport or distribution of heat
- A person licensed under Section 6(1)(a) of the Electricity Act 1989 whose licence includes the provisions referred to in Section 10(3) of that Act

(b) Exploration for and extraction of oil and gas

*Belgium**Bulgaria*

Entities exploring or extracting oil or gas pursuant to the Закона за подземните богатства (обн., ДВ, бр.23/12.3.1999) or Закона за концесиите (обн., ДВ, бр. 36/02.5.2006):

- ‘Дайрект Петролеум България’ — ЕООД, София
- ‘Петреко-България’ — ЕООД, София
- ‘Проучване и добив на нефт и газ’ — АД, София
- ‘Мерлоуз Рисорсиз’ — ООД, Люксембург
- ‘Мерлоуз Рисорсиз САРЛ’, Люксембург
- ‘ОМВ (България) Извънтериториално проучване’ — ООД, Виена, Австрия
- ‘Джей Кей Екс България Лимитид’ — Лондон, Англия
- ‘Рамко България Лимитид’ — Абърдийн, Шотландия
- ‘Болкан Експлорърс (България) Лимитид’ — Дъблин, Ирландия
- ОАО ‘Башкиргеология’, Уфа, Руска федерация
- ‘Винтидж Петролеум България, Инк.’ — Кайманови острови

Czech Republic

All contracting entities in the sectors which exploit a specified geographical area for the purposes of exploring or extracting oil or gas (ruled by Section 4, paragraph 1, point (i) of Act No 137/2006 Coll. on Public Contracts, as amended)

For example:

- Moravské naftové doly, a.s.

Denmark

Entities pursuant to:

- Lov om Danmarks undergrund, see Consolidation Act No 889 of 4 July 2007
- Lov om kontinentalsoklen, see Consolidation Act No 1101 of 18 November 2005

Germany

- Undertakings pursuant to the Bundesberggesetz of 13 August 1980, as last amended on 9 December 2006

▼ **M1***Estonia*

- Entities operating pursuant to Article 10(3) of the Public Procurement Act (RT I 21.2.2007, 15, 76) and Article 14 of the Competition Act (RT I 2001, 56 332)

Ireland

Entities granted an authorisation, licence, permit or concession to explore or extract oil and gas pursuant to the following legal provisions:

- Continental Shelf Act 1968
- Petroleum and Other Minerals Development Act 1960
- Licensing Terms for Offshore Oil and Gas Exploration and Development 1992
- Petroleum (Production) Act (NI) 1964

Greece

- ‘Ελληνικά Πετρέλαια Α.Ε.’, pursuant to Law No 2593/98 για την αναδιοργάνωση της Δ.Ε.Π. Α.Ε. και των θυγατρικών της εταιρειών, το καταστατικό αυτής και άλλες διατάξεις

Spain

- BG International Limited Quam, Asesores & Consultores, S.A.
- Cambria Europe, Inc.
- CNWL oil (España), S.A.
- Compañía de investigación y explotaciones petrolíferas, S.A.
- Conoco limited
- Eastern España, S.A.
- Enagas, S.A.
- España Canadá resources Inc.
- Fugro — Geoteam, S.A.
- Galioil, S.A.
- Hope petróleos, S.A.
- Locs oil compay of Spain, S.A.
- Medusa oil Ltd
- Murphy Spain oil company
- Onempm España, S.A.
- Petroleum oil and gas España, S.A.
- Repsol Investigaciones petrolíferas, S.A.
- Sociedad de hidrocarburos de Euskadi, S.A.
- Taurus petroleum, AN
- Teredo oil limited
- Unión Fenosa gas exploración y producción, S.A.
- Wintersahl, AG
- YCI España, L.C.
- Other entities that operate pursuant to ‘Ley 34/1998, de 7 de octubre, del Sector de hidrocarburos’ and its implementing legislation

▼ **M1***France*

- Entities responsible for the exploration and extraction of oil or gas pursuant to the code minier and its implementing rules, particularly Décret No 95-427 of 19 april 1995 and Décret No 2006-648 of 2 June 2006 relatif aux titres miniers et aux titres de stockage souterrain

Italy

Entities granted an authorisation, permit, licence or concession to explore or extract oil and gas or to store natural gas underground pursuant to the following legislative provisions:

- Legge No 136 of 10 February 1953
- Legge No 6 of 11 January 1957, as amended by Legge No 613 of 21 July 1967
- Legge No 9 of 9 January 1991
- Decreto Legislativo No 625 of 25 November 1996
- Legge No 170 of 26 April 1974, as amended by the Decreto Legislativo No 164 of 23 May 2000

*Cyprus**Latvia*

All companies which have received an appropriate licence and started to explore and extract oil or gas

Lithuania

- Public Limited Company ‘Geonafta’
- Lithuanian-Danish Private Limited Company ‘Minijos nafta’
- Joint Lithuanian-Swedish Private Limited Company ‘Genčių nafta’
- Private Limited Company ‘Geobaltic’
- Private Limited Company ‘Manifoldas’
- Other entities acting in compliance with the requirements of Article 70 (1, 2) of the Law on Public Procurement of the Republic of Lithuania (Official Gazette, No 84-2000, 1996; No 4-102, 2006) and operating in the sectors of exploration and extraction of oil or gas in accordance with the Law on Earth Entrails of the Republic of Lithuania (Official Gazette, No 53-1582, 1995; No 35-1164, 2001)

*Luxembourg**Hungary*

- Entities exploring or extracting oil or gas on the basis of an authorisation or concession pursuant to 1993. évi XLVIII. törvény a bányászatról

Malta

- The Petroleum (Production) Act (Cap. 156) and secondary legislation under this Act and the Continental Shelf Act (Cap. 194) and secondary legislation under this Act

Netherlands

- Entities pursuant to Mijnbouwwet (1 January 2003)

▼ **M1***Austria*

- Entities authorised to explore or extract oil or gas pursuant to the Mineralrohstoffgesetz, BGBl. I No 38/1999, as amended

Poland

Entities carrying out activities related to the prospection, exploration or extraction of gas, oil and its natural derivatives, brown coal, coal or other solid fuels on the basis of ustawa z dnia 4 lutego 1994 r. Prawo geologiczne i górnicze, including among others:

- Polskie Górnictwo Naftowe i Gazownictwo S.A.
- Petrobaltic S.A.
- Zakład Odmetanowienia Kopalń Sp. z o.o.
- Operator Gazociągów Przesyłowych Gaz-System Spółka Akcyjna

Portugal

Entities holding an authorisation, licence or concession contract for the exploration and extraction of oil and gas pursuant to:

- Decreto-Lei No 109/94 of 26 April 1994; Declaração de rectificação No 64/94 of 31 May 1994 and Portaria No 790/94 of 5 September 1994
- Despacho No 82/94 of 24 August 1994 and Despacho Conjunto No A-87/94-XII of 17 January 1994
- Aviso, D.R. III, No 167 of 21 July 1994 and Aviso, DR III No 60 of 12 March 2002

Romania

- Societatea Națională 'Romgaz' S.A. Medias
- S.C. PETROM S.A.

Slovenia

Entities active in the prospection and extraction of oil pursuant to the Zakon o rudarstvu (Uradni list RS, 56/99):

Mat. št.	Naziv	Poštna št	Kraj
1328255	Nafta Lendava	9220	Lendava

Slovakia

- Entities extracting gas on the basis of a permission granted pursuant to Act No 656/2004 Coll.
- Entities performing geological exploration or extraction of the oil beds on the basis of a mining permission granted pursuant to Act No 51/1988 Coll. in the wording of Acts No 499/1991 Coll., No 154/1995 Coll., No 58/1998 Coll., No 533/2004 Coll. and pursuant to Act No 214/2002 Coll.

*Finland**Sweden*

Entities holding a concession for the exploration or exploitation of oil or gas pursuant to minerallagen (1991:45) or which have been granted an authorisation pursuant to lagen (1966:314) om kontinentalsockeln

▼ **M1***United Kingdom*

- A person operating by virtue of a licence granted or having effect as if granted under the Petroleum Act 1998
- A person licensed under the Petroleum (Production) Act (Northern Ireland) 1964

(c) Exploration for and extraction of coal and other solid fuels

*Belgium**Bulgaria*

Entities exploring or extracting coal or other solid fuels pursuant to the Закона за подземните богатства (обн., ДВ, бр.23/12.3.1999) or Закона за концесиите (обн., ДВ, бр. 36/02.5.2006):

- ‘Балкан МК’ — ЕООД
- ‘Въгледобив Бобов дол’ — ЕООД
- ‘Въглища Перник’ — ООД
- ‘Геология и геотехника’ — ООД
- ‘Елшица-99’ — АД
- ‘Енемона’ — АД
- ‘Карбон Инвест’ — ООД
- ‘Каусто-голд’ — АД
- ‘Мес Ко ММ5’ — ЕООД
- ‘Мина Балкан — 2000’ — АД
- ‘Мина Бели брег’ — АД
- ‘Мина Открит въгледобив’ — АД
- ‘Мина Станянци’ — АД
- ‘Мина Черно море — Бургас’ — ЕАД
- ‘Мина Чукурово’ — АД
- ‘Мининвест’ — ООД
- ‘Мини Марица-изток’ — ЕАД
- ‘Минно дружество Белоградчик’ — АД
- ‘Рекоул’ — АД
- ‘Руен Холдинг’ — АД
- ‘Фундаментал’ — ЕООД

Czech Republic

All contracting entities in the sectors which exploit a specified geographical area for the purposes of exploring or extracting coal or other solid fuels (ruled by Section 4, paragraph 1, point (i) of Act No 137/2006 Coll. on Public Contracts, as amended)

For example:

- Czech Coal Services a.s.
- OKD, a.s.

▼ **M1**

— Severočeské doly a.s.

— Sokolovská uhelná, právní nástupce, a.s.

Denmark

— Entities exploring or extracting coal or other solid fuels pursuant to Consolidation Act No 784 of 21 June 2007

Germany

— Undertakings pursuant to the Bundesberggesetz of 13 August 1980, as last amended on 9 December 2006

Estonia

— AS Eesti Põlevkivi

Ireland

— Bord na Mona plc set up and operating pursuant to the Turf Development Act 1946 to 1998

Greece

— ‘Δημόσια Επιχείρηση Ηλεκτρισμού’, which prospects for and extracts coal and other solid fuels pursuant to the Mining Code of 1973, as amended by the law of 27 April 1976

Spain

— Alto Bierzo, S.A.

— Antracitas de Arlanza, S.A.

— Antracitas de Gillon, S.A.

— Antracitas de La Granja, S.A.

— Antracitas de Tineo, S.A.

— Campomanes Hermanos, S.A.

— Carbones de Arlanza, S.A.

— Carbones de Linares, S.A.

— Carbones de Pedraforca, S.A.

— Carbones del Puerto, S.A.

— Carbones el Túnel, S.L.

— Carbones San Isidro y María, S.A.

— Carbonífera del Narcea, S.A.

— Compañía Minera Jove, S.A.

— Compañía General Minera de Teruel, S.A.

— Coto minero del Narcea, S.A.

— Coto minero del Sil, S.A.

— Empresa Nacional Carbonífera del Sur, S.A.

— Endesa, S.A.

— González y Díez, S.A.

— Hijos de Baldomero García, S.A.

— Hullas del Coto Cortés, S.A.

— Hullera Vasco-leonesa, S.A.

▼M1

- Hulleras del Norte, S.A.
- Industrial y Comercial Minera, S.A.
- La Carbonífera del Ebro, S.A.
- Lignitos de Meirama, S.A.
- Malaba, S.A.
- Mina Adelina, S.A.
- Mina Escobal, S.A.
- Mina La Camocha, S.A.
- Mina La Sierra, S.A.
- Mina Los Compadres, S.A.
- Minas de Navaleo, S.A.
- Minas del Principado, S.A.
- Minas de Valdeloso, S.A.
- Minas Escucha, S.A.
- Mina Mora primera bis, S.A.
- Minas y explotaciones industriales, S.A.
- Minas y ferrocarriles de Utrillas, S.A.
- Minera del Bajo Segre, S.A.
- Minera Martín Aznar, S.A.
- Minero Siderúrgica de Ponferrada, S.A.
- Muñoz Sole hermanos, S.A.
- Promotora de Minas de carbón, S.A.
- Sociedad Anónima Minera Catalano-aragonesa
- Sociedad minera Santa Bárbara, S.A.
- Unión Minera del Norte, S.A.
- Union Minera Ebro Segre, S.A.
- Viloría Hermanos, S.A.
- Virgilio Riesco, S.A.
- Other entities that operate pursuant to 'Ley 22/1973, de 21 de julio, de Minas' and its implementing legislation

France

- Entities exploring or extracting coal or other solid fuels pursuant to the code minier and its implementing rules, particularly Décret No 95-427 of 19 April 1995 and Décret No 2006-648 of 2 June 2006 relatif aux titres miniers et aux titres de stockage souterrain

Italy

- Carbosulcis SpA

▼ **M1***Cyprus**Latvia**Lithuania*

- Entities which comply with the requirements of Article 70 (1, 2) of the Law on Public Procurement of the Republic of Lithuania (Official Gazette, No 84-2000, 1996; No 4-102, 2006) and operating in the sectors of exploration and extraction of coal and other solid fuels in accordance with the Law on Earth Entrails of the Republic of Lithuania (Official Gazette, No 63-1582, 1995; No 35-1164, 2001)

*Luxembourg**Hungary*

- Entities exploring or extracting coal or other solid fuels on the basis of an authorisation or concession pursuant to 1993. évi XLVIII. törvény a bányászatról

*Malta**Netherlands*

- Entities pursuant to Mijnbouwwet (1 January 2003)

Austria

- Entities authorised to explore or extract coal or other solid fuels pursuant to the Mineralrohstoffgesetz, BGBl. I No 38/1999, as amended

Poland

Entities carrying out activities related to the prospection, exploration or extraction of oil and its natural derivatives, brown coal, coal or other solid fuels on the basis of ustawa z dnia 4 lutego 1994 r. Prawo geologiczne i górnicze, including among others:

- Kompania Węglowa S.A.
- Jastrzębska Spółka Węglowa S.A.
- Katowicki Holding Węglowy S.A.
- Kopalnia Węgla Kamiennego Sobieski Jaworzno III
- Lubelski Węgiel Bogdanka S.A.
- Kopalnia Węgla Kamiennego Budryk S.A.
- Kopalnia Węgla Kamiennego Kazimierz-Juliusz Spółka z o.o.
- Kopalnia Węgla Brunatnego Bełchatów S.A.
- Kopalnia Węgla Brunatnego Turów S.A.
- Kopalnia Węgla Brunatnego 'Konin' S.A.
- Kopalnia Węgla Brunatnego 'Sieniawa' S.A.
- Kopalnia Węgla Brunatnego 'Adamów' S.A. w Turku
- Kopalnia Węgla Brunatnego Konin w Kleczewie S.A.
- Południowy Koncern Węglowy S.A.

Portugal

- Empresa de Desenvolvimento Mineiro, SA, pursuant to Decretos-Lei No 90/90 and No 87/90, both of 16 March 1990

Romania

- Compania Națională a Huilei — S.A. Petroșani

▼ M1

- Societatea Națională a Lignitului Oltenia — S.A.
- Societatea Națională a Cărbunelui — S.A. Ploiești
- Societatea Comercială Minieră ‘Banat-Anina’ S.A.
- Compania Națională a Uraniului S.A. București
- Societatea Comercială Radioactiv Mineral Măgurele

Slovenia

Entities active in the prospection and extraction of coal pursuant to the Zakon o rudarstvu (Uradni list RS, 56/99):

Mat. št	Naziv	Poštna št	Kraj
5920850	RTH, Rudnik Trbovlje–Hrastnik, d.o.o.	1420	Trbovlje
5040361	Premogovnik Velenje	3320	Velenje

Slovakia

Entities performing geological exploration or extraction of coal deposits on the basis of a mining permission granted pursuant to Act No 51/1988 Coll. in the wording of Acts No 499/1991 Coll., No 154/1995 Coll., No 58/1998 Coll. and No 533/2004 Coll. and pursuant to Act No 214/2002 Coll.

Finland

Entities benefiting from a special concession for the exploration or extraction of solid fuels pursuant to the laki oikeudesta luovuttaa valtion kiinteistövarallisuutta/lagen om rätt att överlåta statlig fastighetsförmögenhet (973/2002)

Sweden

Entities benefiting from a concession for the exploration or extraction of coal or other solid fuels on the basis of a concession pursuant to mineral-lagen (1991:45) or lagen (1985:620) om vissa torvfyndigheter, or which have been granted an authorisation pursuant to lagen (1966:314) om kontinentalsockeln

United Kingdom

- Any licensed operator (within the meaning of the Coal Industry Act 1994)
- The Department of Enterprise, Trade and Investment (Northern Ireland)
- A person operating by virtue of a prospecting licence, a mining lease, a mining licence or a mining permission as defined by Section 57(1) of the Mineral Development Act (Northern Ireland) 1969

▼ B**Annex III B — Switzerland****(a) Transport or distribution of gas or heat**

Entities transporting or distributing gas pursuant to Article 2 of the ‘Loi fédérale sur les installations de transport par conduits de combustibles ou carburants liquides ou gazeux’ of 4 October 1963

Entities transporting or distributing heat on the basis of a cantonal concession

▼B

For example: SWISSGAS AG, Gaznat SA, Gasverbund Ostschweiz AG, REFUNA AG, Cadbar SA

(b) Exploration for and extraction of oil or gas

Entities exploring for and extracting oil or gas in accordance with the 'Concordat Intercantonal concernant la prospection et l'exploitaiton du pétrole entre les cantons de Zurich, Schwyz, Glaris, Zoug, Schaffhouse, Appenzell Rh.-Ext., Appenzell Rh.-Int., Saint-Gall, Argovie et Thurgovie' of 24 September 1955

For example: Seag AG

(c) Exploration for and extraction of coal or other solid fuels

No entities in Switzerland

▼B*ANNEX IV**(referred to in Articles (3)(1) and (2)(f) and (5) of the Agreement)***PRIVATE UTILITIES COVERED****▼M1****Annex IV A — Union****(a) Production, transport or distribution of drinking water***Belgium*

- Local authorities and associations of local authorities, for this part of their activities
- Société Wallonne des Eaux
- Vlaams Maatschappij voor Watervoorziening

Bulgaria

- ‘Тузлушка гора’ — ЕООД, Антоново
- ‘В И К — Батак’ — ЕООД, Батак
- ‘В и К — Белово’ — ЕООД, Белово
- ‘Водоснабдяване и канализация Берковица’ — ЕООД, Берковица
- ‘Водоснабдяване и канализация’ — ЕООД, Благоевград
- ‘В и К — Бебреш’ — ЕООД, Ботевград
- ‘Инфрастрой’ — ЕООД, Брацигово
- ‘Водоснабдяване’ — ЕООД, Брезник
- ‘Водоснабдяване и канализация’ — ЕАД, Бургас
- ‘Лукойл Нефтохим Бургас’ АД, Бургас
- ‘Бързийска вода’ — ЕООД, Бързия
- ‘Водоснабдяване и канализация’ — ООД, Варна
- ‘ВиК’ ООД, к.к. Златни пясъци
- ‘Водоснабдяване и канализация Йовковци’ — ООД, Велико Търново
- ‘Водоснабдяване, канализация и териториален водоинженеринг’ — ЕООД, Велинград
- ‘ВИК’ — ЕООД, Видин
- ‘Водоснабдяване и канализация’ — ООД, Враца
- ‘В И К’ — ООД, Габрово
- ‘В И К’ — ООД, Димитровград
- ‘Водоснабдяване и канализация’ — ЕООД, Добрич
- ‘Водоснабдяване и канализация — Дупница’ — ЕООД, Дупница
- ЧПСОВ, в.с. Елени
- ‘Водоснабдяване и канализация’ — ООД, Исперих
- ‘Аспарухов вал’ ЕООД, Кнежа

▼ **M1**

- ‘В И К — Кресна’ — ЕООД, Кресна
- ‘Меден кладенец’ — ЕООД, Кубрат
- ‘ВИК’ — ООД, Кърджали
- ‘Водоснабдяване и канализация’ — ООД, Кюстендил
- ‘Водоснабдяване и канализация’ — ООД, Ловеч
- ‘В и К — Стримон’ — ЕООД, Микрево
- ‘Водоснабдяване и канализация’ — ООД, Монтана
- ‘Водоснабдяване и канализация — П’ — ЕООД, Панагюрище
- ‘Водоснабдяване и канализация’ — ООД, Перник
- ‘В И К’ — ЕООД, Петрич
- ‘Водоснабдяване, канализация и строителство’ — ЕООД, Пещера
- ‘Водоснабдяване и канализация’ — ЕООД, Плевен
- ‘Водоснабдяване и канализация’ — ЕООД, Пловдив
- ‘Водоснабдяване–Дунав’ — ЕООД, Разград
- ‘ВКТВ’ — ЕООД, Ракитово
- ЕТ ‘Ердуван Чакър’, Раковски
- ‘Водоснабдяване и канализация’ — ООД, Русе
- ‘Екопроект-С’ ООД, Русе
- ‘УВЕКС’ — ЕООД, Сандански
- ‘ВиК-Паничище’ ЕООД, Сапарева баня
- ‘Водоснабдяване и канализация’ — ЕАД, Свищов
- ‘Бяла’ — ЕООД, Севлиево
- ‘Водоснабдяване и канализация’ — ООД, Силистра
- ‘В и К’ — ООД, Сливен
- ‘Водоснабдяване и канализация’ — ЕООД, Смолян
- ‘Софийска вода’ — АД, София
- ‘Водоснабдяване и канализация’ — ЕООД, София
- ‘Стамболово’ — ЕООД, Стамболово
- ‘Водоснабдяване и канализация’ — ЕООД, Стара Загора
- ‘Водоснабдяване и канализация-С’ — ЕООД, Стрелча
- ‘Водоснабдяване и канализация — Тетевен’ — ЕООД, Тетевен
- ‘В и К — Стенето’ — ЕООД, Троян
- ‘Водоснабдяване и канализация’ — ООД, Търговище
- ‘Водоснабдяване и канализация’ — ЕООД, Хасково
- ‘Водоснабдяване и канализация’ — ООД, Шумен
- ‘Водоснабдяване и канализация’ — ЕООД, Ямбол

▼ **M1***Czech Republic*

All contracting entities which supply services in the water management industry defined in Section 4, paragraph 1, points (d) and (e) of Act No 137/2006 Sb. on Public Contracts

For example:

- Veolia Voda Česká Republika, a.s.
- Pražské vodovody a kanalizace, a.s.
- Severočeská vodárenská společnost a.s.
- Severomoravské vodovody a kanalizace Ostrava a.s.
- Ostravské vodárny a kanalizace a.s.

Denmark

- Entities supplying water as defined in § 3(3) of lov om vandforsyning m.v., see Consolidation Act No 71 of 17 January 2007

Germany

- Entities producing or distributing water pursuant to the Eigenbetriebsverordnungen or Eigenbetriebsgesetze of the *Länder* (public utility companies)
- Entities producing or distributing water pursuant to the Gesetze über die kommunale Gemeinschaftsarbeit oder Zusammenarbeit of the *Länder*
- Entities producing water pursuant to the Gesetz über Wasser- und Bodenverbände of 12 February 1991, as last amended on 15 May 2002
- Publicly-owned companies producing or distributing water pursuant to the Kommunalgesetze, in particular the Gemeindeverordnungen of the *Länder*
- Undertakings set up pursuant to the Aktiengesetz of 6 September 1965, as last amended on 5 January 2007, or the GmbH-Gesetz of 20 April 1892, as last amended on 10 November 2006, or having the legal status of a Kommanditgesellschaft (limited partnership), producing or distributing water on the basis of a special contract with regional or local authorities

Estonia

Entities operating pursuant to Article 10(3) of the Public Procurement Act (RT I 21.2.2007, 15, 76) and Article 14 of the Competition Act (RT I 2001, 56 332):

- AS Haapsalu Veevärk
- AS Kuressaare Veevärk
- AS Narva Vesi
- AS Paide Vesi
- AS Pärnu Vesi
- AS Tartu Veevärk

▼ **M1**

— AS Valga Vesi

— AS Võru Vesi

Ireland

Entities producing or distributing water pursuant to the Local Government [Sanitary Services] Act 1878 to 1964

Greece

— ‘Εταιρεία Υδρεύσεως και Αποχετεύσεως Πρωτεύουσας Α.Ε.’ (‘Ε.Υ.Δ.Α.Π.’ or ‘Ε.Υ.Δ.Α.Π. Α.Ε.’). The legal status of the company is governed by the provisions of Consolidated Law No 2190/1920, Law No 2414/1996 and additionally by the provisions of Law No 1068/80 and Law No 2744/1999

— ‘Εταιρεία Ύδρευσης και Αποχέτευσης Θεσσαλονίκης Α.Ε.’ (‘Ε.Υ.Α.Θ. Α.Ε.’) governed by the provisions of Law No 2937/2001 (Greek Official Gazette 169 Α’) and of Law No 2651/1998 (Greek Official Gazette 248 Α’)

— ‘Δημοτική Επιχείρηση Ύδρευσης και Αποχέτευσης Μείζονος Περιοχής Βόλου’ (‘ΔΕΥΑΜΒ’), which operates pursuant to Law No 890/1979

— ‘Δημοτικές Επιχειρήσεις Ύδρευσης — Αποχέτευσης’, (Water Supply and Sewerage Municipal Companies) which produce and distribute water pursuant to Law No 1069/80 of 23 August 1980

— ‘Σύνδεσμοι Ύδρευσης’, (Municipal and Community Water Supply Associations) which operate pursuant to Presidential Decree No 410/1995, in accordance with the Κώδικος Δήμων και Κοινοτήτων

— ‘Δήμοι και Κοινότητες’, (Municipalities and Communitites) which operate pursuant to Presidential Decree No 410/1995, in accordance with the Κώδικος Δήμων και Κοινοτήτων

Spain

— Mancomunidad de Canales de Taibilla

— Aigües de Barcelona S.A., y sociedades filiales

— Canal de Isabel II

— Agencia Andaluza del Agua

— Agencia Balear de Agua y de la Calidad Ambiental

— Other public entities which are part of or depend on the ‘Comunidades Autónomas’ and on the ‘Corporaciones locales’ and which are active in the field of drinking water distribution

— Other private entities enjoying special or exclusive rights granted by the ‘Corporaciones locales’ in the field of drinking water distribution

France

Regional or local authorities and public local bodies producing or distributing drinking water:

— Régies des eaux, (for example: régie des eaux de Grenoble, régie des eaux de Megève, régie municipale des eaux et de l’assainissement de Mont-de-Marsan, régie des eaux de Venelles)

▼ **M1**

- Water transport, delivery and production bodies (for example: syndicat des eaux d'Ile de France, syndicat départemental d'alimentation en eau potable de la Vendée, syndicat des eaux et de l'assainissement du Bas-Rhin, syndicat intercommunal des eaux de la région grenobloise, syndicat de l'eau du Var-est, syndicat des eaux et de l'assainissement du Bas-Rhin)

Italy

- Bodies responsible for managing the various stages of the water distribution service under the consolidated text of the laws on the direct assumption of control of public services by local authorities and provinces, approved by Regio Decreto No 2578 of 15 October 1925, D.P.R. No 902 of 4 October 1986 and Decreto Legislativo No 267 of 18 August 2000 setting out the consolidated text of the laws on the structure of local authorities, with particular reference to Articles 112 and 116
- Acquedotto Pugliese SpA (Decreto Legislativo No 141 of 11 May 1999)
- Ente acquedotti siciliani set up by Legge Regionale No 2/2 of 4 September 1979 and Legge Regionale No 81 of 9 August 1980, which was wound up by Legge Regionale No 9 of 31 May 2004 (Article 1)
- Ente sardo acquedotti e fognature set up by Legge No 9 of 5 July 1963 which became ESAF SpA in 2003 and was subsequently merged with ABBANOIA SpA ESAF was abolished on 29.7.2005 and wound up by Legge Regionale No 7 of 21 April 2005 (Article 5, comma 1) — Legge finanziaria 2005

Cyprus

- Τα Συμβούλια Υδατοπρομήθειας, distributing water in municipal and other areas pursuant to the περί Υδατοπρομήθειας Δημοτικών και Άλλων Περιοχών Νόμου, Κεφ. 350

Latvia

- SIA 'Rīgas ūdens' and other subjects of public and private law which produce, transmit and distribute drinking water to fixed system, and which make purchases in accordance with the law 'Par iepirkumu sabiedrisko pakalpojumu sniedzēju vajadzībām'

Lithuania

- Entities in compliance with the requirements of Article 70 (1, 2) of the Law on Public Procurement of the Republic of Lithuania (Official Gazette, No 84-2000, 1996; No 4-102, 2006) and executing drinking water production, transportation or distribution activities in accordance with the Law on Drinking Water and Waste Water Management of the Republic of Lithuania (Official Gazette, No 82-3260, 2006)

Luxembourg

- Departments of the local authorities responsible for water distribution
- Associations of local authorities producing or distributing water, set up pursuant to the loi concernant la création des syndicats de communes of 23 February 2001, as amended and supplemented by the Law of 23 December 1958 and by the Law of 29 July 1981, and pursuant to the loi ayant pour objet le renforcement de l'alimentation en eau potable du Grand-Duché du Luxembourg à partir du réservoir d'Esch-sur-Sûre of 31 July 1962

▼ **M1**

- Syndicat de communes pour la construction, l'exploitation et l'entretien de la conduite d'eau du Sud-Est — SESE
- Syndicat des Eaux du Barrage d'Esch-sur-Sûre — SEBES
- Syndicat intercommunal pour la distribution d'eau dans la région de l'Est — SIDERE
- Syndicat des Eaux du Sud — SES
- Syndicat des communes pour la construction, l'exploitation et l'entretien d'une distribution d'eau à Savelborn-Freckeisen
- Syndicat pour la distribution d'eau dans les communes de Bous, Dalheim, Remich, Stadtbredimus et Waldbredimus — R
- Syndicat de distribution d'eau des Ardennes — DEA
- Syndicat de communes pour la construction, l'exploitation et l'entretien d'une distribution d'eau dans les communes de Beaufort, Berdorf et Waldbillig
- Syndicat des eaux du Centre — SEC

Hungary

- Entities producing, transporting or distributing drinking water pursuant to Articles 162-163 of 2003. évi CXXIX. törvény a közbeszerzésekről and 1995. évi LVII. törvény a vízgazdálkodásról

Malta

- Korporazzjoni għas-Servizzi ta' l-Ilma (Water Services Corporation)
- Korporazzjoni għas-Servizzi ta' Desalinazzjoni (Water Desalination Services)

Netherlands

Entities producing or distributing water according to the Waterleidingwet

Austria

Local authorities and associations of local authorities producing, transporting or distributing drinking water pursuant to the Wasserversorgungsgesetze of the nine *Länder*

Poland

Water and sewerage companies within the meaning of ustawa z dnia 7 czerwca 2001 r., o zbiorowym zaopatrzeniu w wodę i zbiorowym odprowadzaniu ścieków, carrying out an economic activity in the provision of water to the general public or the provision of sewage disposal services to the general public, including among others:

- Aquanet S.A., Poznań
- Górnośląskie Przedsiębiorstwo Wodociągów S.A. w Katowicach
- Miejskie Przedsiębiorstwo Wodociągów i Kanalizacji S.A. w Krakowie
- Miejskie Przedsiębiorstwo Wodociągów i Kanalizacji Sp. z o.o. Wrocław
- Miejskie Przedsiębiorstwo Wodociągów i Kanalizacji w Lublinie Sp. z o.o.

▼ **M1**

- Miejskie Przedsiębiorstwo Wodociągów i Kanalizacji w m. st. Warszawie S.A.
- Rejonowe Przedsiębiorstwo Wodociągów i Kanalizacji w Tychach S.A.
- Rejonowe Przedsiębiorstwo Wodociągów i Kanalizacji Sp. z o.o. w Zawierciu
- Rejonowe Przedsiębiorstwo Wodociągów i Kanalizacji w Katowicach S.A.
- Wodociągi Ustka Sp. z o.o.
- Zakład Wodociągów i Kanalizacji Sp. z o.o. Łódź
- Zakład Wodociągów i Kanalizacji Sp. z o.o., Szczecin

Portugal

- Intermunicipal Systems — Undertakings involving the State or other public entities, with a majority shareholding, and private undertakings, pursuant to Decreto-Lei No 379/93 of 5 November 1993, as amended by Decreto-Lei No 176/99 of 25 October 1999, Decreto-Lei No 439-A/99 of 29 October 1999 and Decreto-Lei No 103/2003 of 23 May 2003. Direct administration by the State is permissible
- Municipal Systems — Local authorities, associations of local authorities, local authority services, undertakings in which all or a majority of the capital is publicly owned or private undertakings pursuant to Lei 53-F/2006 of 29 December 2006, and to Decreto-Lei No 379/93 of 5 November 1993 as amended by Decreto-Lei No 176/99 of 25 October 1999, Decreto-Lei No 439-A/99 of 29 October 1999 and Decreto-Lei No 103/2003 of 23 May 2003.)

Romania

Departamente ale Autorităților locale și Companii care produc, transportă și distribuie apă (departments of the local authorities and companies that produce, transport and distribute water); for example:

- S.C. APA — C.T.T.A. S.A. Alba Iulia, Alba
- S.C. APA — C.T.T.A. S.A. Filiala Alba Iulia S.A., Alba Iulia, Alba
- S.C. APA — C.T.T.A. S.A. Filiala Blaj, Blaj, Alba
- Compania de Apă Arad
- S.C. Aquaterm AG 98 S.A. Curtea de Argeș, Argeș
- S.C. APA Canal 2000 S.A. Pitești, Argeș
- S.C. APA Canal S.A. Onești, Bacău
- Compania de Apă-Canal, Oradea, Bihor
- R.A.J.A. Aquabis Bistrița, Bistrița-Năsăud
- S.C. APA Grup S.A. Botoșani, Botoșani
- Compania de Apă, Brașov, Brașov
- R.A. APA, Brăila, Brăila
- S.C. Ecoaquasa Sucursala Călărași, Călărași, Călărași
- S.C. Compania de Apă Someș S.A., Cluj, Cluj-Napoca

▼ **M1**

- S.C. Aquasom S.A. Dej, Cluj
- Regia Autonomă Județeană de Apă, Constanța, Constanța
- R.A.G.C. Târgoviște, Dâmbovița
- R.A. APA Craiova, Craiova, Dolj
- S.C. Apa-Canal S.A., Bailești, Dolj
- S.C. Apa-Prod S.A. Deva, Hunedoara
- R.A.J.A.C. Iași, Iași
- Direcția Apă-Canal, Pașcani, Iași
- Societatea Națională a Apelor Minerale (SNAM)

Slovenia

Entities producing, transporting or distributing drinking water in accordance with the concession act granted pursuant to the Zakon o varstvu okolja (Uradni list RS, 32/93, 1/96) and the decisions issued by the municipalities:

Mat. Št	Naziv	Poštna Št	Kraj
5015731	Javno komunalno podjetje Komunala Trbovlje d.o.o.	1420	Trbovlje
5067936	Komunala d.o.o. javno podjetje Murska Sobota	9000	Murska Sobota
5067804	Javno komunalno podjetje Komunala Kočevje d.o.o.	1330	Kočevje
5075556	Loška komunala, oskrba z vodo in olinom, d.d. Škofja Loka	4220	Škofja Loka
5222109	Komunalno podjetje Velenje d.o.o. izvajanje komunalnih dejavnosti d.o.o.	3320	Velenje
5072107	Javno komunalno podjetje Slovenj Gradec d.o.o.	2380	Slovenj Gradec
1122959	Komunala javno komunalno podjetje d.o.o. Gornji Grad	3342	Gornji Grad
1332115	Režijski obrat občine Jezersko	4206	Jezersko
1332155	Režijski obrat občine Komenda	1218	Komenda
1357883	Režijski obrat občine Lovrenc na Pohorju	2344	Lovrenc na Pohorju
1563068	Komuna, javno komunalno podjetje d.o.o. Beltinci	9231	Beltinci
1637177	Pindža javno komunalno podjetje d.o.o. Petrovci	9203	Petrovci
1683683	Javno podjetje EDŠ — ekološka družba, d.o.o. Šentjernej	8310	Šentjernej
5015367	Javno podjetje Kovod Postojna, vodovod, kanalizacija, d.o.o., Postojna	6230	Postojna
5015707	Komunalno podjetje Vrhnika proizvodnja in distribucija vode, d.d.	1360	Vrhnika
5016100	Komunalno podjetje Ilirska Bistrica	6250	Ilirska Bistrica
5046688	Javno podjetje Vodovod – kanalizacija, d.o.o. Ljubljana	1000	Ljubljana

▼ M1

Mat. Št	Naziv	Poštna Št	Kraj
5062403	Javno podjetje Komunala Črnomelj d.o.o.	8340	Črnomelj
5063485	Komunala Radovljica, javno podjetje za komunalno dejavnost, d.o.o.	4240	Radovljica
5067731	Komunala Kranj, javno podjetje, d.o.o.	4000	Kranj
5067758	Javno podjetje Komunala Cerknica d.o.o.	1380	Cerknica
5068002	Javno komunalno podjetje Radlje ob Dravi d.o.o.	2360	Radlje Ob Dravi
5068126	JKP, javno komunalno podjetje d.o.o. Slovenske Konjice	3210	Slovenske Konjice
5068134	Javno komunalno podjetje Žalec d.o.o.	3310	Žalec
5073049	Komunalno podjetje ormož d.o.o.	2270	Ormož
5073103	Kop javno komunalno podjetje Zagorje ob Savi, d.o.o.	1410	Zagorje Ob Savi
5073120	Komunala Novo mesto d.o.o., javno podjetje	8000	Novo Mesto
5102103	Javno komunalno podjetje Log d.o.o.	2390	Ravne Na Koroškem
5111501	OKP javno podjetje za komunalne storitve Rogaška Slatina d.o.o.	3250	Rogaška Slatina
5112141	Javno podjetje komunalno stanovanjsko podjetje Litija, d.o.o.	1270	Litija
5144558	Komunalno podjetje Kamnik d.d.	1241	Kamnik
5144574	Javno komunalno podjetje Grosuplje d.o.o.	1290	Grosuplje
5144728	KSP Hrastnik komunalno — stanovanjsko podjetje d.d.	1430	Hrastnik
5145023	Komunalno podjetje Tržič d.o.o.	4290	Tržič
5157064	Komunala Metlika javno podjetje d.o.o.	8330	Metlika
5210461	Komunalno stanovanjska družba d.o.o. Ajdovščina	5270	Ajdovščina
5213258	Javno komunalno podjetje Dravograd	2370	Dravograd
5221897	Javno podjetje Komunala d.o.o. Mozirje	3330	Mozirje
5227739	Javno komunalno podjetje Prod-nik d.o.o.	1230	Domžale
5243858	Komunala Trebnje d.o.o.	8210	Trebnje
5254965	Komunala, komunalno podjetje d.o.o., Lendava	9220	Lendava — Lendva
5321387	Komunalno podjetje Ptuj d.d.	2250	Ptuj
5466016	Javno komunalno podjetje Šentjur d.o.o.	3230	Šentjur
5475988	Javno podjetje Komunala Radeče d.o.o.	1433	Radeče

▼ M1

Mat. Št	Naziv	Poštna Št	Kraj
5529522	Radenska-Ekoss, podjetje za stanovanjsko, komunalno in ekološko dejavnost, Radenci d.o.o.	9252	Radenci
5777372	Vit-Pro d.o.o. Vitanje; Komunala Vitanje, javno podjetje d.o.o.	3205	Vitanje
5827558	Komunalno podjetje Logatec d.o.o.	1370	Logatec
5874220	Režijski obrat občine Osilnica	1337	Osilnica
5874700	Režijski obrat občine Turnišče	9224	Turnišče
5874726	Režijski obrat občine Črenšovci	9232	Črenšovci
5874734	Režijski obrat občine Kobilje	9223	Dobrovnik
5881820	Režijski obrat občina Kanal ob Soči	5213	Kanal
5883067	Režijski obrat občina Tišina	9251	Tišina
5883148	Režijski obrat občina Železniki	4228	Železniki
5883342	Režijski obrat občine Zreče	3214	Zreče
5883415	Režijski obrat občina Bohinj	4264	Bohinjska Bistrica
5883679	Režijski obrat občina Črna na Koroškem	2393	Črna Na Koroškem
5914540	Vodovod — Kanalizacija javno podjetje d.o.o. Celje	3000	Celje
5926823	JEKO — IN, javno komunalno podjetje, d.o.o., Jesenice	4270	Jesenice
5945151	Javno komunalno podjetje Brezovica d.o.o.	1352	Preserje
5156572	Kostak, komunalno in stavbno podjetje d.d. Krško	8270	Krško
1162431	Vodokomunalni sistemi izgradnja in vzdrževanje vodokomunalnih sistemov d.o.o. Velike Lašče		Velike Lašče
1314297	Vodovodna zadruga Golnik, z.o.o.	4204	Golnik
1332198	Režijski obrat občine Dobrovnik	9223	Dobrovnik — Dobronak
1357409	Režijski obrat občine Dobje	3224	Dobje Pri Planini
1491083	Pungrad, javno komunalno podjetje d.o.o. Bodonci	9265	Bodonci
1550144	Vodovodi in kanalizacija Nova Gorica d.d.	5000	Nova Gorica
1672860	Vodovod Murska Sobota javno podjetje d.o.o.	9000	Murska Sobota
5067545	Komunalno stanovanjsko podjetje Brežice D.D.	8250	Brežice
5067782	Javno podjetje — Azienda pubblica Rižanski vodovod Koper d.o.o. — S.R.L.	6000	Koper — Capodistria
5067880	Mariborski vodovod javno podjetje D.D.	2000	Maribor

▼ M1

Mat. Št	Naziv	Poštna Št	Kraj
5068088	Javno podjetje Komunala d.o.o. Sevnica	8290	Sevnica
5072999	Kraški vodovod Sežana javno podjetje d.o.o.	6210	Sežana
5073251	Hydrovod d.o.o. Kočevje	1330	Kočevje
5387647	Komunalno-stanovanjsko podjetje Ljutomer d.o.o.	9240	Ljutomer
5817978	Vodovodna zadruga Preddvor, z.b.o.	4205	Preddvor
5874505	Režijski obrat občina Laško	Laško	
5880076	Režijski obrat občine Cerklje	5282	Cerklje
5883253	Režijski obrat občine Rače Fram	2327	Rače
5884624	Vodovodna zadruga Lom, z.o.o.	4290	Trzin
5918375	Komunala, javno podjetje, Kranjska Gora, d.o.o.	4280	Kranjska Gora
5939208	Vodovodna zadruga Senično, z.o.o.	4294	Križe
1926764	Ekoviz d.o.o.	9000	Murska Sobota
5077532	Komunala Tolmin, javno podjetje d.o.o.	5220	Tolmin
5880289	Občina Gornja Radgona	9250	Gornja Radgona
1274783	Wte Wassertechnik GmbH, podružnica Kranjska Gora	4280	Kranjska Gora
1785966	Wte Bled d.o.o.	4260	Bled
1806599	Wte Essen	3270	Laško
5073260	Komunalno stanovanjsko podjetje d.d. Sežana	6210	Sežana
5227747	Javno podjetje centralna čistilna naprava Domžale — Kamnik d.o.o.	1230	Domžale
1215027	Aquasystems gospodarjenje z vodami d.o.o.	2000	Maribor
1534424	Javno komunalno podjetje d.o.o. Mežica	2392	Mežica
1639285	Čistilna naprava Lendava d.o.o.	9220	Lendava — Lendva
5066310	Nigrad javno komunalno podjetje d.d.	2000	Maribor
5072255	Javno podjetje-Azienda Pubblica Komunala Koper, d.o.o. — S.R.L.	6000	Koper — Capodistria
5156858	Javno podjetje Komunala Izola, d.o.o. Azienda Pubblica Komunalna Isola, S.R.L.	6310	Izola — Isola
5338271	Gop gradbena, organizacijska in prodajna dejavnost, d.o.o.	8233	Mirna
5708257	Stadij, d.o.o., Hruševje	6225	Hruševje
5144647	Komunala, javno komunalno podjetje Idrija, d.o.o.	5280	Idrija
5105633	Javno podjetje Okolje Piran	6330	Piran — Pirano

▼ **M1**

Mat. Št	Naziv	Poštna Št	Kraj
5874327	Režijski obrat občina Kranjska Gora	4280	Kranjska Gora
1197380	Čista narava, javno komunalno podjetje d.o.o. Moravske Toplice	9226	Moravske Toplice

Slovakia

- Entities operating public water systems in connection with the production or transport and distribution of drinking water to the public on the basis of a trade licence and a certificate of professional competency for the operation of public water systems granted pursuant to Act No 442/2002 Coll. in the wording of Acts No 525/2003 Coll., No 364/2004 Coll., No 587/2004 Coll. and No 230/2005 Coll.
- Entities operating water management plants pursuant to the conditions referred to in Act No 364/2004 Coll. in the wording of Acts No 587/2004 Coll. and No 230/2005 Coll., on the basis of a permission granted pursuant to Act No 135/1994 Coll. in the wording of Acts No 52/1982 Coll., No 595/1990 Coll., No 128/1991 Coll., No 238/1993 Coll., No 416/2001 Coll., No 533/2001 Coll. and simultaneously providing for the transport or distribution of drinking water to the public pursuant to Act No 442/2002 Coll. in the wording of Acts No 525/2003 Coll., No 364/2004 Coll., No 587/2004 Coll. and No 230/2005 Coll.

For example:

- Bratislavská vodárenská spoločnosť, a.s.
- Západoslovenská vodárenská spoločnosť, a.s.
- Považská vodárenská spoločnosť, a.s.
- Severoslovenské vodárne a kanalizácie, a.s.
- Stredoslovenská vodárenská spoločnosť, a.s.
- Podtatranská vodárenská spoločnosť, a.s.
- Východoslovenská vodárenská spoločnosť, a.s.

Finland

- Water supply authorities coming under Section 3 of the vesihuoltolaki/lagen om vattentjänster (119/2001)

Sweden

Local authorities and municipal companies producing, transporting or distributing drinking water pursuant to lagen (2006:412) om allmänna vattentjänster

United Kingdom

- A company holding an appointment as a water undertaker or a sewerage undertaker under the Water Industry Act 1991
- A water and sewerage authority established by Section 62 of the Local Government etc. (Scotland) Act 1994

▼ **M1**

— The Department for Regional Development (Northern Ireland)

(b) Production, transport or distribution of electricity

Belgium

— Local authorities and associations of local authorities, for this part of their activities

— SPE/Elektriciteitsproductie Maatschappij

— Electrabel/Electrabel

— Elia

Bulgaria

Entities licensed for the production, transport, distribution, public delivery or supply by the end supplier of electricity pursuant to Article 39(1) of the Закона за енергетиката (обн., ДВ, бр.107/09.12.2003):

— АЕЦ Козлодуй — ЕАД

— Болкан Енерджи АД

— Брикел — ЕАД

— Българско акционерно дружество Гранитоид АД

— Девен АД

— ЕВН България Електроразпределение АД

— ЕВН България Електроснабдяване АД

— ЕЙ И ЕС — ЗС Марица Изток 1

— Енергийна компания Марица Изток III — АД

— Енерго-про България — АД

— ЕОН България Мрежи АД

— ЕОН България Продажби АД

— ЕРП Златни пясъци АД

— ЕСО ЕАД

— ЕСП 'Златни пясъци' АД

— Златни пясъци-сервиз АД

— Калиакра Уинд Пауър АД

— НЕК ЕАД

— Петрол АД

— Петрол Сторидж АД

— Пиринска Бистрица-Енергия АД

— Руно-Казанлък АД

— Централ хидроелектрик дъо Булгари ЕООД

— Слънчев бряг АД

— ТЕЦ — Бобов Дол ЕАД

— ТЕЦ — Варна ЕАД

— ТЕЦ 'Марица 3' — АД

— ТЕЦ Марица Изток 2 — ЕАД

▼ **M1**

- Топлофикация Габрово — ЕАД
- Топлофикация Казанлък — ЕАД
- Топлофикация Перник — ЕАД
- Топлофикация Плевен — ЕАД
- ЕВН България Топлофикация — Пловдив — ЕАД
- Топлофикация Русе — ЕАД
- Топлофикация Сливен — ЕАД
- Топлофикация София — ЕАД
- Топлофикация Шумен — ЕАД
- Хидроенергострой ЕООД
- ЧЕЗ България Разпределение АД
- ЧЕЗ Електро България АД

Czech Republic

All contracting entities which supply services in the electricity sector defined in the Section 4, paragraph 1, point (c) of Act No 137/2006 Coll. on Public Contracts, as amended

For example:

- ČEPS, a.s.
- ČEZ, a.s.
- Dalkia Česká republika, a.s.
- PREdistribuce, a.s.
- Plzeňská energetika a.s.
- Sokolovská uhelná, právní nástupce, a.s.

Denmark

- Entities producing electricity on the basis of a licence pursuant to § 10 of lov om elforsyning, see Consolidation Act No 1115 of 8 November 2006
- Entities transporting electricity on the basis of a licence pursuant to § 19 of lov om elforsyning, see Consolidation Act No 1115 of 8 November 2006
- Energinet Danmark or subsidiary companies fully owned by Energinet Danmark according to lov om Energinet Danmark § 2, stk. 2 og 3, see Act No 1384 of 20 December 2004

Germany

Local authorities, public law bodies or associations of public law bodies or State undertakings, supplying energy to other undertakings, operating an energy supply network or having power of disposal to an energy supply network by virtue of ownership pursuant to Article 3(18) of the Gesetz über die Elektrizitäts- und Gasversorgung (Energiewirtschaftsgesetz) of 24 April 1998, as last amended on 9 December 2006

▼ **M1***Estonia*

Entities operating pursuant to Article 10(3) of the Public Procurement Act (RT I 21.02.2007, 15, 76) and Article 14 of the Competition Act (RT I 2001, 56 332):

- AS Eesti Energia
- OÜ Jaotusvõrk (Jaotusvõrk LLC)
- AS Narva Elektriijaamad
- OÜ Põhivõrk

Ireland

- The Electricity Supply Board
- ESB Independent Energy [ESBIE — electricity supply]
- Synergen Ltd [electricity generation]
- Viridian Energy Supply Ltd [electricity supply]
- Huntstown Power Ltd [electricity generation]
- Bord Gáis Éireann [electricity supply]
- Electricity Suppliers and Generators licensed under the Electricity Regulation Act 1999
- EirGrid plc

Greece

- ‘Δημόσια Επιχείρηση Ηλεκτρισμού Α.Ε.’, set up by Law No 1468/1950 περί ιδρύσεως της ΔΕΗ and operating in accordance with Law No 2773/1999 and Presidential Decree No 333/1999

Spain

- Red Eléctrica de España, S.A.
- Endesa, S.A.
- Iberdrola, S.A.
- Unión Fenosa, S.A.
- Hidroeléctrica del Cantábrico, S.A.
- Electra del Viesgo, S.A.
- Other entities undertaking the production, transport and distribution of electricity, pursuant to ‘Ley 54/1997, de 27 de noviembre, del Sector eléctrico’ and its implementing legislation

France

- Électricité de France, set up and operating pursuant to Loi No 46-628 sur la nationalisation de l’électricité et du gaz of 8 April 1946, as amended
- RTE, manager of the electricity transport network
- Entities distributing electricity, mentioned in Article 23 of Loi No 46-628 sur la nationalisation de l’électricité et du gaz of 8 April 1946, as amended (mixed economy distribution companies, régies or similar services composed of regional or local authorities) (for example: Gaz de Bordeaux, Gaz de Strasbourg)

▼ **M1**

— Compagnie nationale du Rhône

— Electricité de Strasbourg

Italy

— Companies in the Gruppo Enel authorised to produce, transmit and distribute electricity within the meaning of Decreto Legislativo No 79 of 16 March 1999, as subsequently amended and supplemented

— TERN- Rete elettrica nazionale SpA

— Other undertakings operating on the basis of concessions under Decreto Legislativo No 79 of 16 March 1999

Cyprus

— Η Αρχή Ηλεκτρισμού Κύπρου established by the περί Αναπτύξεως Ηλεκτρισμού Νόμο, Κεφ. 171

— Διαχειριστής Συστήματος Μεταφοράς established in accordance with Article 57 of the Περί Ρύθμισης της Αγοράς Ηλεκτρισμού Νόμου 122(I) του 2003

— Other persons, entities or businesses which operate an activity which is set out in Article 3 of Directive 2004/17/EC and which operate on the basis of a licence granted by virtue of Article 34 of περί Ρύθμισης της αγοράς Ηλεκτρισμού Νόμου του 2003 {N. 122(I)/2003}

Latvia

— AS ‘Latvenergo’

— AS ‘Augstsprieguma tīkls’

— AS ‘Sadales tīkls’ and other enterprises which produce, transmit and distribute electricity, and which make purchases in accordance with ‘Par iepirkumu sabiedrisko pakalpojumu sniedzēju vajadzībām’

Lithuania

— State Enterprise Ignalina Nuclear Power Plant

— Akcinė bendrovė ‘Lietuvos energija’

— Akcinė bendrovė ‘Lietuvos elektrinė’

— Akcinė bendrovė Rytų skirstomieji tinklai

— Akcinė bendrovė ‘VST’

— Other entities which comply with the requirements of Article 70 (1, 2) of the Law on Public Procurement of the Republic of Lithuania (Official Gazette, No 84-2000, 1996; No 4-102, 2006) and executing an electricity production, transportation or distribution activity pursuant to the Law on Electricity of the Republic of Lithuania (Official Gazette, No 66-1984, 2000; No 107-3964, 2004) and the Law on Nuclear Energy of the Republic of Lithuania (Official Gazette, No 119-2771, 1996)

Luxembourg

— Compagnie grand-ducale d’électricité de Luxembourg (Cegedel), producing or distributing electricity pursuant to the convention concernant l’établissement et l’exploitation des réseaux de distribution d’énergie électrique dans le Grand-Duché du Luxembourg of 11 November 1927, approved by the Law of 4 January 1928

▼ **M1**

- Local authorities responsible for the transport or distribution of electricity
- Société électrique de l'Our (SEO)
- Syndicat de communes SIDOR

Hungary

Entities producing, transporting or distributing electricity pursuant to Articles 162-163 of 2003. évi CXXIX. törvény a közbeszerzésekről and 2007. évi LXXXVI. törvény a villamos energiáról

Malta

- Korporazzjoni Enemalta (Enemalta Corporation)

Netherlands

Entities distributing electricity on the basis of a licence (vergunning) granted by the provincial authorities pursuant to the Provinciewet.

For example:

- Essent
- Nuon

Austria

Entities operating a transmission or distribution network pursuant to the Elektrizitätswirtschafts- und Organisationsgesetz, BGBl. I No 143/1998, as amended, or pursuant to the Elektrizitätswirtschafts(wesen)gesetze of the nine *Länder*

Poland

Energy companies within the meaning of ustawa z dnia 10 kwietnia 1997 r. Prawo energetyczne, including among others:

- BOT Elektrownia 'Opole' S.A., Brzezie
- BOT Elektrownia Bełchatów S.A.
- BOT Elektrownia Turów S.A., Bogatynia
- Elbląskie Zakłady Energetyczne S.A. w Elblągu
- Elektrociepłownia Chorzów 'ELCHO' Sp. z o.o.
- Elektrociepłownia Lublin — Wrotków Sp. z o.o.
- Elektrociepłownia Nowa Sarzyna Sp. z o.o.
- Elektrociepłownia Rzeszów S.A.
- Elektrociepłownia Warszawskie S.A.
- Elektrownia 'Kozienice' S.A.
- Elektrownia Stalowa 'Wola' S.A.
- Elektrownia Wiatrowa, Sp. z o.o., Kamieńsk
- Elektrownie Szczytowo-Pompe S.A., Warszawa
- ENEA S.A., Poznań
- Energetyka Sp. z o.o., Lublin
- EnergiaPro Koncern Energetyczny S.A., Wrocław
- ENION S.A., Kraków
- Górnośląski Zakład Elektroenergetyczny S.A., Gliwice

▼ M1

- Koncern Energetyczny Energa S.A., Gdańsk
- Lubelskie Zakłady Energetyczne S.A.
- Łódzki Zakład Energetyczny S.A.
- PKP Energetyka Sp. z o.o., Warszawa
- Polskie Sieci Elektroenergetyczne S.A., Warszawa
- Południowy Koncern Energetyczny S.A., Katowice
- Przedsiębiorstwo Energetyczne w Siedlcach Sp. z o.o.
- PSE-Operator S.A., Warszawa
- Rzeszowski Zakład Energetyczny S.A.
- Zakład Elektroenergetyczny 'Elsen' Sp. z o.o., Częstochowa
- Zakład Energetyczny Białystok S.A.
- Zakład Energetyczny Łódź-Teren S.A.
- Zakład Energetyczny Toruń S.A.
- Zakład Energetyczny Warszawa-Teren,
- Zakłady Energetyczne Okręgu Radomsko-Kieleckiego S.A.
- Zespół Elektrociepłowni Bydgoszcz S.A.
- Zespół Elektrowni Dolna Odra S.A., Nowe Czarnowo,
- Zespół Elektrowni Ostrołęka S.A.
- Zespół Elektrowni Pątnów-Adamów-Konin S.A.
- Polskie Sieci Elektroenergetyczne S.A.
- Przedsiębiorstwo Energetyczne Megawat Sp. z o.o.
- Zespół Elektrowni Wodnych Niedzica S.A.
- Energetyka Południe S.A.

Portugal

(1) Production of electricity

Entities that produce electricity pursuant to:

- Decreto-Lei No 29/2006 of 15 February 2006, que estabelece as bases gerais da organização e o funcionamento dos sistema eléctrico nacional (SEN), e as bases gerais aplicáveis ao exercício das actividades de produção, transporte, distribuição e comercialização de electricidade e à organização dos mercados de electricidade
- Decreto-Lei No 172/2006 of 23 August 2006, que desenvolve os princípios gerais relativos à organização e ao funcionamento do SEN, regulamentando o diploma a trás referido
- Entities that produce electricity under a special regime pursuant to Decreto-Lei No 189/88 of 27 May 1988, as amended by Decretos-Lei No 168/99 of 18 May 1999, No 313/95 of 24 November 1995, No 538/99 of 13 December 1999, No 312/2001 and No 313/2001, both of 10 December 2001, Decreto-Lei No 339-C/2001 of 29 December 2001, Decreto-Lei No 68/2002 of 25 March 2002, Decreto-Lei No 33-A/2005 of 16 February 2005, Decreto-Lei No 225/2007 of 31 May 2007 and Decreto-Lei No 363/2007 of 2 November 2007

▼ M1

(2) Transport of electricity:

Entities that transport electricity pursuant to:

- Decreto-Lei No 29/2006 of 15 February 2006 and Decreto-lei No 172/2006 of 23 August 2006

(3) Distribution of electricity:

- Entities that distribute electricity pursuant to Decreto-Lei No 29/2006 of 15 February 2006 and Decreto-lei No 172/2006 of 23 August 2006
- Entities that distribute electricity pursuant to Decreto-Lei No 184/95 of 27 July 1995, as amended by Decreto-Lei No 56/97 of 14 March 1997 and Decreto-Lei No 344-B/82 of 1 September 1982, as amended by Decreto-Lei No 297/86 of 19 September 1986, Decreto-Lei No 341/90 of 30 October 1990 and Decreto-Lei No 17/92 of 5 February 1992

Romania

- Societatea Comercială de Producere a Energiei Electrice Hidroelectrica-S.A. București
- Societatea Națională ‘Nuclearelectrica’ S.A.
- Societatea Comercială de Producere a Energiei Electrice și Termice Termoelectrica S.A.
- S.C. Electrocentrale Deva S.A.
- S.C. Electrocentrale București S.A.
- S.C. Electrocentrale Galați S.A.
- S.C. Electrocentrale Termoelectrica S.A.
- S.C. Complexul Energetic Craiova S.A.
- S.C. Complexul Energetic Rovinari S.A.
- S.C. Complexul Energetic Turceni S.A.
- Compania Națională de Transport a Energiei Electrice Transelectrica S.A. București
- Societatea Comercială Electrica S.A., București
- S.C. Filiala de Distribuție a Energiei Electrice
- ‘Electrica Distribuție Muntenia Nord’ S.A.
- S.C. Filiala de Furnizare a Energiei Electrice
- ‘Electrica Furnizare Muntenia Nord’ S.A.
- S.C. Filiala de Distribuție și Furnizare a Energiei Electrice Electrica Muntenia Sud
- S.C. Filiala de Distribuție a Energiei Electrice
- ‘Electrica Distribuție Transilvania Sud’ S.A.
- S.C. Filiala de Furnizare a Energiei Electrice
- ‘Electrica Furnizare Transilvania Sud’ S.A.
- S.C. Filiala de Distribuție a Energiei Electrice
- ‘Electrica Distribuție Transilvania Nord’ S.A.
- S.C. Filiala de Furnizare a Energiei Electrice

▼ **M1**

— ‘Electrica Furnizare Transilvania Nord’ S.A.

— Enel Energie

— Enel Distribuție Banat

— Enel Distribuție Dobrogea

— E.ON Moldova S.A.

— CEZ Distribuție

Slovenia

Entities producing, transporting or distributing electricity pursuant to the Energetski zakon (Uradni list RS, 79/99):

Mat. št.	Naziv	Poštna št.	Kraj
1613383	Borzen d.o.o.	1000	Ljubljana
5175348	Elektro Gorenjska d.d.	4000	Kranj
5223067	Elektro Celje d.d.	3000	Celje
5227992	Elektro Ljubljana d.d.	1000	Ljubljana
5229839	Elektro Primorska d.d.	5000	Nova Gorica
5231698	Elektro Maribor d.d.	2000	Maribor
5427223	Elektro — Slovenija d.o.o.	1000	Ljubljana
5226406	Javno podjetje Energetika Ljubljana, d.o.o.	1000	Ljubljana
1946510	Infra d.o.o.	8290	Sevnica
2294389	Sodo sistemski operater distribucijskega omrežja z električno energijo, d.o.o.	2000	Maribor
5045932	EGS-RI d.o.o.	2000	Maribor

Slovakia

Entities providing for, on the basis of an authorisation, the production, transport through transmission network systems, distribution and supply for the public of electricity through distribution networks pursuant to Act No 656/2004 Coll.

For example:

— Slovenské elektrárne, a.s.

— Slovenská elektrizačná prenosová sústava, a.s.

— Západoslovenská energetika, a.s.

— Stredoslovenská energetika, a.s.

— Východoslovenská energetika, a.s.

Finland

Public or other entities operating electricity transmission or distribution systems under a licence pursuant to the sähkömarkkinalaki/elmarknadslagen (386/1995) and pursuant to the laki vesi- ja energiahuollon, liikenteen ja postipalvelujen alalla toimivien yksiköiden hankinnoista (349/2007)/lag om upphandling inom sektorerna vatten, energi, transporter och posttjänster (349/2007)

▼ **M1***Sweden*

Entities transporting or distributing electricity on the basis of a concession pursuant to ellagen (1997:857)

United Kingdom

- A person licensed under Section 6 of the Electricity Act 1989
- A person licensed under Article 10(1) of the Electricity (Northern Ireland) Order 1992
- National Grid Electricity Transmission plc
- System Operation Northern Ireland Ltd
- Scottish and Southern Energy plc
- SPTransmission plc

(c) Contracting entities in the field of urban railway, automated systems, tramway, trolleybus, bus or cable services

Belgium

- Société des Transports intercommunaux de Bruxelles/Maatschappij voor intercommunaal Vervoer van Brussel
- Société régionale wallonne du Transport et ses sociétés d'exploitation (TEC Liège-Verviers, TEC Namur-Luxembourg, TEC Brabant wallon, TEC Charleroi, TEC Hainaut)
- Vlaamse Vervoermaatschappij (De Lijn)
- Private companies benefiting from special or exclusive rights

Bulgaria

- 'Метрополитен' ЕАД, София
- 'Столичен електротранспорт' ЕАД, София
- 'Столичен автотранспорт' ЕАД, София
- 'Бургасбус' ЕООД, Бургас
- 'Градски транспорт' ЕАД, Варна
- 'Тролейбусен транспорт' ЕООД, Враца
- 'Общински пътнически транспорт' ЕООД, Габрово
- 'Автобусен транспорт' ЕООД, Добрич
- 'Тролейбусен транспорт' ЕООД, Добрич
- 'Тролейбусен транспорт' ЕООД, Пазарджик
- 'Тролейбусен транспорт' ЕООД, Перник
- 'Автобусни превози' ЕАД, Плевен
- 'Тролейбусен транспорт' ЕООД, Плевен
- 'Градски транспорт Пловдив' ЕАД, Пловдив
- 'Градски транспорт' ЕООД, Русе
- 'Пътнически превози' ЕАД, Сливен
- 'Автобусни превози' ЕООД, Стара Загора
- 'Тролейбусен транспорт' ЕООД, Хасково

▼ **M1***Czech Republic*

All contracting entities in the sectors which supply services in the field of urban railway, tramway, trolleybus or bus services defined in Section 4, paragraph 1, point (f) of Act No 137/2006 Coll. on Public Contracts, as amended.

For example:

- Dopravní podnik hl.m. Prahy, akciová společnost
- Dopravní podnik města Brna, a.s.
- Dopravní podnik Ostrava a.s.
- Plzeňské městské dopravní podniky, a.s.
- Dopravní podnik města Olomouce, a.s.

Denmark

- DSB
- DSB S-tog A/S
- Entities providing bus services to the public (ordinary regular services) on the basis of an authorisation pursuant to lov om buskørsel, see Consolidation Act No 107 of 19 February 2003
- Metroselskabet I/S

Germany

Undertakings providing, on the basis of an authorisation, short-distance transport services to the public pursuant to the Personenbeförderungsgesetz of 21 March 1961, as last amended on 31 October 2006

Estonia

Entities operating pursuant to Article 10(3) of the Public Procurement Act (RT I 21.02.2007, 15, 76) and Article 14 of the Competition Act (RT I 2001, 56 332):

- AS Tallinna Autobussikoondis
- AS Tallinna Trammi- ja Trollibussikoondis
- Narva Bussiveod AS

Ireland

- Iarnród Éireann [Irish Rail]
- Railway Procurement Agency
- Luas [Dublin Light Rail]
- Bus Éireann [Irish Bus]
- Bus Átha Cliath [Dublin Bus]
- Entities providing transport services to the public pursuant to the amended Road Transport Act 1932

Greece

- ‘Ηλεκτροκίνητα Λεωφορεία Περιοχής Αθηνών — Πειραιώς Α.Ε.’ (‘Η.Λ.Π.Α.Π. Α.Ε.’) (Athens-Piraeus Trolley Buses S.A), established and operating pursuant to Legislative Decree No 768/1970 (A’273), Law No 588/1977 (A’148) and Law No 2669/1998 (A’283)

▼ **M1**

- ‘Ηλεκτρικοί Σιδηρόδρομοι Αθηνών — Πειραιώς’ (‘Η.Σ.Α.Π. Α.Ε.’) (Athens-Piraeus Electric Railways), established and operating pursuant to Laws No 352/1976 (A’147) and No 2669/1998 (A’283)
- ‘Όργανισμός Αστικών Συγκοινωνιών Αθηνών Α.Ε.’ (‘Ο.Α.Σ.Α. Α.Ε.’) (Athens Urban Transport Organisation S.A.), established and operating pursuant to Laws No 2175/1993 (A’211) and No 2669/1998 (A’283)
- ‘Εταιρεία Θερμικών Λεωφορείων Α.Ε.’ (‘Ε.Θ.Ε.Λ. Α.Ε.’), (Company of Thermal Buses S.A.) established and operating pursuant to Laws No 2175/1993 (A’211) and No 2669/1998 (A’283)
- ‘Αττικό Μετρό Α.Ε.’ (Attiko Metro S.A), established and operating pursuant to Law No 1955/1991
- ‘Όργανισμός Αστικών Συγκοινωνιών Θεσσαλονίκης’ (‘Ο.Α.Σ.Θ.’), established and operating pursuant to Decree No 3721/1957, Legislative Decree No 716/1970 and Laws No 866/79 and No 2898/2001 (A’71)
- ‘Κοινό Ταμείο Είσπραξης Λεωφορείων’ (‘Κ.Τ.Ε.Λ.’), operating pursuant to Law No 2963/2001 (A’268)
- ‘Δημοτικές Επιχειρήσεις Λεωφορείων Ρόδου και Κω’, otherwise known as ‘ΡΟΔΑ’ and ‘ΔΕΑΣ ΚΩ’ respectively, operating pursuant to Law No 2963/2001 (A’268)

Spain

Entities that provide urban transport public services pursuant to ‘Ley 7/1985 Reguladora de las Bases de Régimen Local de 2 de abril; Real Decreto legislativo 781/1986, de 18 de abril, por el que se aprueba el texto refundido de las disposiciones legales vigentes en materia de régimen local’ and corresponding regional legislation, if appropriate

Entities providing bus services to the public pursuant to transitory provision number three of ‘Ley 16/1987, de 30 de julio, de Ordenación de los Transportes Terrestres’

For example:

- Empresa Municipal de Transportes de Madrid
- Empresa Municipal de Transportes de Málaga
- Empresa Municipal de Transportes Urbanos de Palma de Mallorca
- Empresa Municipal de Transportes Públicos de Tarragona
- Empresa Municipal de Transportes de Valencia
- Transporte Urbano de Sevilla, S.A.M. (TUSSAM)
- Transporte Urbano de Zaragoza, S.A. (TUZSA)
- Entitat Metropolitana de Transport — AMB
- Eusko Trenbideak, s.a.
- Ferrocarril Metropolità de Barcelona, s.a.
- Ferrocarriles de la Generalitat Valenciana
- Consorcio de Transportes de Mallorca
- Metro de Madrid

▼ **M1**

— Metro de Málaga, S.A.

— Red Nacional de los Ferrocarriles Españoles (Renfe)

France

— Entities providing transport services to the public pursuant to Article 7-II of Loi d'orientation des transports intérieurs No 82-1153 of 30 December 1982

— Régie des transports de Marseille

— RDT 13 Régie départementale des transports des Bouches du Rhône

— Régie départementale des transports du Jura

— RDTHV Régie départementale des transports de la Haute-Vienne

— Régie autonome des transports parisiens, Société nationale des chemins de fer français and other entities providing transport services on the basis of an authorisation granted by the Syndicat des transports d'Ile-de-France, pursuant to Ordonnance No 59-151 of 7 January 1959 as amended and the Decrees implementing it with regard to the organisation of passenger transport in the Ile-de-France region

— Réseau ferré de France, State-owned company set up by Loi No 97-135 of 13 February 1997

— Regional or local authorities or groups of regional or local authorities being an organisational authority for transports (for example: Communauté urbaine de Lyon)

Italy

Entities, companies and undertakings providing public transport services by rail, automated system, tramway, trolleybus or bus or managing the relevant infrastructures at national, regional or local level

For example:

— Entities, companies and undertakings providing public transport services on the basis of an authorisation pursuant to Decreto of the Ministro dei Trasporti No 316 of 1 December 2006 'Regolamento recante riordino dei servizi automobilistici interregionali di competenza statale'

— Entities, companies and undertakings providing transport services to the public pursuant to Article 1(4) or (15) of Regio Decreto No 2578 of 15 October 1925 — Approvazione del testo unico della legge sull'assunzione diretta dei pubblici servizi da parte dei comuni e delle province

— Entities, companies and undertakings providing transport services to the public pursuant to Decreto Legislativo No 422 of 19 November 1997 — Conferimento alle regioni ed agli enti locali di funzioni e compiti in materia di trasporto pubblico locale, under the terms of Article 4(4) of Legge No 59 of 15 March 1997 — as amended by Decreto Legislativo No 400 of 20 September 1999, and by Article 45 of Legge No 166 of 1 August 2002

— Entities, companies and undertakings providing public transport services pursuant to Article 113 of the consolidated text of the laws on the structure of local authorities, approved by Legge No 267 of 18 August 2000 as amended by Article 35 of Legge No 448 of 28 December 2001

▼ **M1**

- Entities, companies and undertakings operating on the basis of a concession pursuant to Article 242 or 256 of Regio Decreto No 1447 of 9 May 1912 approving the consolidated text of the laws on le ferrovie concesse all'industria privata, le tramvie a trazione meccanica e gli automobili
- Entities, companies and undertakings and local authorities operating on the basis of a concession pursuant to Article 4 of Legge No 410 of 4 June 1949 — Concorso dello Stato per la riattivazione dei pubblici servizi di trasporto in concessione
- Entities, companies and undertakings operating on the basis of a concession pursuant to Article 14 of Legge No 1221 of 2 August 1952 — Provvedimenti per l'esercizio ed il potenziamento di ferrovie e di altre linee di trasporto in regime di concessione

*Cyprus**Latvia*

SIA 'Rīgas satiksme' and other subjects of public and private law which provide services of passenger convoy on buses, trolleybuses and/or trams at least in the cities of Rīga, Jūrmala, Liepāja, Daugavpils, Jelgava, Rēzekne and Ventspils

Lithuania

- Akcinė bendrovė 'Autrolis'
- Uždaroji akcinė bendrovė 'Vilniaus autobusai'
- Uždaroji akcinė bendrovė 'Kauno autobusai'
- Uždaroji akcinė bendrovė 'Vilniaus troleibusai'
- Other entities which comply with the requirements of Article 70 (1, 2) of the Law on Public Procurement of the Republic of Lithuania (Official Gazette, No 84-2000, 1996; No 4-102, 2006) and operating in the field of urban railway, tramway, trolleybus or bus services in accordance with the Code of Road Transport of the Republic of Lithuania (Official Gazette, No 119-2772, 1996)

Luxembourg

- Chemins de fer luxembourgeois (CFL)
- Service communal des autobus municipaux de la Ville de Luxembourg
- Transports intercommunaux du canton d'Esch-sur-Alzette (TICE)
- Bus service undertakings operating pursuant to the règlement grand-ducal of 27 September 2005 déterminant les conditions d'exécution des dispositions de l'article 22 de la loi du 29 juin 2004 sur les transports publics

Hungary

Entities providing scheduled local and long distance public bus transport services pursuant to Articles 162-163 of 2003. évi CXXIX. törvény a közbeszerzésekről and 1988. évi I. törvény a közúti közlekedésről

Entities providing national public passenger transport by rail pursuant to Articles 162 and 163 of 2003. évi CXXIX. törvény a közbeszerzésekről and 2005. évi CLXXXIII. törvény a vasúti közlekedésről

▼ **M1***Malta*

- L-Awtorita' dwar it-Trasport ta' Malta (Malta Transport Authority)

Netherlands

Entities providing transport services to the public pursuant to chapter II (Openbaar Vervoer) of the Wet Personenvervoer. For example:

- RET (Rotterdam)
- HTM (Den Haag)
- GVB (Amsterdam)

Austria

Entities authorised to provide transport services pursuant to the Eisenbahngesetz, BGBl. No 60/1957, as amended, or the Kraftfahrliniengesetz, BGBl. I No 203/1999, as amended

Poland

Entities providing urban railway services, operating on the basis of a concession issued in accordance with ustawa z dnia 28 marca 2003 r. o transporcie kolejowym

Entities providing urban bus transport services for the general public, operating on the basis of an authorisation in accordance with ustawa z dnia 6 września 2001 r. o transporcie drogowym and entities providing urban transport services for the general public, including among others:

- Komunalne Przedsiębiorstwo Komunikacyjne Sp. z o.o., Białystok
- Komunalny Zakład Komunikacyjny Sp. z o.o. Białystok
- Miejski Zakład Komunikacji Sp. z o.o. Grudziądz
- Miejski Zakład Komunikacji Sp. z o.o. w Zamościu
- Miejskie Przedsiębiorstwo Komunikacyjne — Łódź Sp. z o.o.
- Miejskie Przedsiębiorstwo Komunikacyjne Sp. z o.o. Lublin
- Miejskie Przedsiębiorstwo Komunikacyjne S.A., Kraków
- Miejskie Przedsiębiorstwo Komunikacyjne S.A., Wrocław
- Miejskie Przedsiębiorstwo Komunikacyjne Sp. z o.o., Częstochowa
- Miejskie Przedsiębiorstwo Komunikacyjne Sp. z o.o., Gniezno
- Miejskie Przedsiębiorstwo Komunikacyjne Sp. z o.o., Olsztyn
- Miejskie Przedsiębiorstwo Komunikacyjne Sp. z o.o., Radomsko
- Miejskie Przedsiębiorstwo Komunikacyjne Sp. z o.o., Wałbrzych
- Miejskie Przedsiębiorstwo Komunikacyjne w Poznaniu Sp. z o.o.
- Miejskie Przedsiębiorstwo Komunikacyjne Sp. z o.o. w Świdnicy
- Miejskie Zakłady Komunikacyjne Sp. z o.o, Bydgoszcz
- Miejskie Zakłady Autobusowe Sp. z o.o., Warszawa
- Opolskie Przedsiębiorstwo Komunikacji Samochodowej S.A. w Opolu

▼ M1

- Polbus — PKS Sp. z o.o., Wrocław
- Polskie Koleje Linowe Sp. z o.o. Zakopane
- Przedsiębiorstwo Komunikacji Miejskiej Sp. z o.o., Gliwice
- Przedsiębiorstwo Komunikacji Miejskiej Sp. z o.o. w Sosnowcu
- Przedsiębiorstwo Komunikacji Samochodowej Leszno Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej S.A., Kłodzko
- Przedsiębiorstwo Komunikacji Samochodowej S.A., Katowice
- Przedsiębiorstwo Komunikacji Samochodowej w Brodnicy S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Dzierżoniowie S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Kluczborku Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Krośnie S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Raciborzu Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Rzeszowie S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Strzelcach Opolskich S.A.
- Przedsiębiorstwo Komunikacji Samochodowej Wieluń Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Kamiennej Górze Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Białymstoku S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Bielsku Białej S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Bolesławcu Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Cieszynie Sp. z o.o.
- Przedsiębiorstwo Przewozu Towarów Powszechnej Komunikacji Samochodowej S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Bolesławcu Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Mińsku Mazowieckim S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Siedlcach S.A.
- Przedsiębiorstwo Komunikacji Samochodowej 'Sokołów' w Sokołowie Podlaskim S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Garwolinie S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Lubaniu Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Łukowie S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Wadowicach S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Staszowie Sp. z o.o.

▼ M1

- Przedsiębiorstwo Komunikacji Samochodowej w Krakowie S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Dębicy S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Zawierciu S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Żyrardowie S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Pszczynie Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Płocku S.A.
- Przedsiębiorstwo Spedycyjno-Transportowe 'Transgór' Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Stalowej Woli S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Jarosławiu S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Ciechanowie S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Mławie S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Nysie Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Ostrowcu Świętokrzyskim S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Kielcach S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Końskich S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Jędrzejowie Spółka Akcyjna
- Przedsiębiorstwo Komunikacji Samochodowej w Oławie Spółka Akcyjna
- Przedsiębiorstwo Komunikacji Samochodowej w Wałbrzychu Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Busku Zdroju S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Ostrołęce S.A.
- Tramwaje Śląskie S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Olkuszu S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Przasnyszu S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Nowym Sączu S.A.
- Przedsiębiorstwo Komunikacji Samochodowej Radomsko Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Myszkowie Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Lublińcu Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej w Głubczycach Sp. z o.o.
- PKS w Suwałkach S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Koninie S.A.

▼ M1

- Przedsiębiorstwo Komunikacji Samochodowej w Turku S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Zgorzelcu Sp. z o.o.
- PKS Nowa Sól Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej Zielona Góra Sp. z o.o.
- Przedsiębiorstwo Komunikacji Samochodowej Sp. z o.o, w Przemyśle
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej, Koło
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej, Biłgoraj
- Przedsiębiorstwo Komunikacji Samochodowej Częstochowa S.A.
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej, Gdańsk
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej, Kalisz
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej, Konin
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej, Nowy Dwór Mazowiecki
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej, Starogard Gdański
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej, Toruń
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej, Warszawa
- Przedsiębiorstwo Komunikacji Samochodowej w Białymstoku S.A.
- Przedsiębiorstwo Komunikacji Samochodowej w Cieszynie Sp, z o.o.
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej w Gnieźnie
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej w Krasnymstawie
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej w Olsztynie
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej w Ostrowie Wlkp
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej w Poznaniu
- Przedsiębiorstwo Państwowej Komunikacji Samochodowej w Zgorzelcu Sp. z o.o.
- Szczecińsko-Polickie Przedsiębiorstwo Komunikacyjne Sp. z o.o.
- Tramwaje Śląskie S.A., Katowice
- Tramwaje Warszawskie Sp. z o.o.
- Zakład Komunikacji Miejskiej w Gdańsku Sp. z o.o.

▼ **M1***Portugal*

- Metropolitano de Lisboa, E.P., pursuant to Decreto-Lei No 439/78 of 30 December 1978
- Local authorities, local authority services and local authority undertakings under Lei No 58/98 of 18 August 1998, which provide transport services pursuant to Lei No 159/99 of 14 September 1999
- Public authorities and public undertakings providing railway services pursuant to Lei No 10/90 of 17 March 1990
- Entities providing public transport services pursuant to Article 98 of the Regulamento de Transportes em Automóveis (Decreto No 37272 of 31 December 1948)
- Entities providing public transport services pursuant to Lei No 688/73 of 21 December 1973
- Entities providing public transport services pursuant to Decreto-Lei No 38144 of 31 December 1950
- Metro do Porto, S.A., pursuant to Decreto-Lei No 394-A/98 of 15 December 1998, as amended by Decreto-Lei No 261/2001 of 26 September 2001
- Normetro, S.A., pursuant to Decreto-Lei No 394-A/98 of 15 December 1998, as amended by Decreto-Lei No 261/2001 of 26 September 2001
- Metropolitano Ligeiro de Mirandela, S.A., pursuant to Decreto-Lei No 24/95 of 8 February 1995
- Metro do Mondego, S.A., pursuant to Decreto-Lei No 10/2002 of 24 January 2002
- Metro Transportes do Sul, S.A., pursuant to Decreto-Lei No 337/99 of 24 August 1999
- Local authorities and local authority undertakings providing transport services pursuant to Lei No 159/99 of 14 September 1999

Romania

- S.C. de Transport cu Metroul Bucureşti — ‘Metrorex’ S.A.
- Regii Autonome Locale de Transport Urban de Călători

Slovenia

Companies providing public urban bus transport pursuant to the Zakon o prevozih v cestnem prometu (Uradni list RS, 72/94, 54/96, 48/98 in 65/99):

Mat. št.	Naziv	Poštna št	Kraj
1540564	Avtobusni Prevozi Rižana d.o.o. Dekani	6271	Dekani
5065011	Avtobusni Promet Murska Sobota d.d.	9000	Murska Sobota
5097053	Alpetour potovalna agencija	4000	Kranj
5097061	Alpetour, Špedicija in transport, d.d. Škofja Loka	4220	Škofja Loka
5107717	Integral Brebus Brežice d.o.o.	8250	Brežice

▼ **M1**

Mat. Št.	Naziv	Poštna Št	Kraj
5143233	Izletnik Celje d.d. Prometno In Turistično Podjetje Celje	3000	Celje
5143373	Avrigo Družba Za Avtobusni Promet In Turizem d.d. Nova Gorica	5000	Nova Gorica
5222966	Javno Podjetje Ljubljanski Potniški Promet d.o.o.	1000	Ljubljana
5263433	Certus Avtobusni Promet Maribor d.d.	2000	Maribor
5352657	I & I — Avtobusni prevozi d.d. Koper	6000	Koper — Capodistria
5357845	Meteor Cerklje	4207	Cerklje
5410711	Koratur Avtobusni promet in turizem d.d. Prevalje	2391	Prevalje
5465486	Integral, Avtopromet Tržič, d.d.	4290	Tržič
5544378	Kam-Bus družba za prevoz potnikov, turizem in vzdrževanje vozil, d.d. Kamnik	1241	Kamnik
5880190	MPOV storitve in trgovina d.o.o. Vinica	8344	Vinica

Slovakia

- Carriers operating, on the basis of a licence, public passenger transport on tramway, trolleybus, special or cable way pursuant to Article 23 of the Act No 164/1996 Coll. in the wording of Acts No 58/1997 Coll., No 260/2001 Coll., No 416/2001 Coll. and No 114/2004 Coll.
- Carriers operating regular domestic bus transport services for the public on the territory of the Slovak Republic, on a part of the territory of a foreign State, or on a specific part of the territory of the Slovak Republic on the basis of a permission to operate bus transport services and on the basis of a transport licence for a specific route, granted pursuant to Act No 168/1996 Coll. in the wording of Acts No 386/1996 Coll., No 58/1997 Coll., No 340/2000 Coll., No 416/2001 Coll., No 506/2002 Coll., No 534/2003 Coll. and No 114/2004 Coll.

For example:

- Dopravný podnik Bratislava, a.s.
- Dopravný podnik mesta Košice, a.s.
- Dopravný podnik mesta Prešov, a.s.
- Dopravný podnik mesta Žilina, a.s.

Finland

Entities providing regular coach transport services under a licence pursuant to the joukkoliikennelaki/kollektivtrafiklagen (869/2009) and municipal or regional transport authorities and public enterprises providing public transport services by bus, rail or underground railway, or maintaining a network for the purpose of providing such transport services

▼ M1*Sweden*

Entities operating urban railway or tramway services pursuant to lagen (1997:734) om ansvar för viss kollektiv persontrafik and lagen (1990:1157) säkerhet vid tunnelbana och spårväg

Public entities or private entities operating a trolley bus or bus service pursuant to lagen (1997:734) om ansvar för viss kollektiv persontrafik and yrkestrafiklagen (1998:490)

United Kingdom

- London Regional Transport
- London Underground Limited
- Transport for London
- A subsidiary of Transport for London within the meaning of Section 424(1) of the Greater London Authority Act 1999
- Strathclyde Passenger Transport Executive
- Greater Manchester Passenger Transport Executive
- Tyne and Wear Passenger Transport Executive
- Brighton Borough Council
- South Yorkshire Passenger Transport Executive
- South Yorkshire Supertram Limited
- Blackpool Transport Services Limited
- Conwy County Borough Council
- A person who provides a London local service as defined in Section 179(1) of the Greater London Authority Act 1999 (a bus service) in pursuance of an agreement entered into by Transport for London under Section 156(2) of that Act or in pursuance of a transport subsidiary's agreement as defined in Section 169 of that Act
- Northern Ireland Transport Holding Company
- A person who holds a road service licence under Section 4(1) of the Transport Act (Northern Ireland) 1967 which authorises him to provide a regular service within the meaning of that licence

(d) Contracting entities in the field of airport facilities*Belgium*

- Brussels International Airport Company
- Belgocontrol
- Luchthaven Antwerpen
- Internationale Luchthaven Oostende-Brugge
- Société Wallonne des Aéroports
- Brussels South Charleroi Airport
- Liège Airport

Bulgaria

Главна дирекция 'Гражданска въздухоплавателна администрация'

▼ **M1**

ДП ‘Ръководство на въздушното движение’

Airport operators of civil airports for public use determined by the Council of Ministers pursuant to Article 43(3) of the Закона на гражданското въздухоплаване (обн., ДВ, бр.94/01.12.1972):

- ‘Летище София’ ЕАД
- ‘Фрапорт Туин Стар Еърпорт Мениджмънт’ АД
- ‘Летище Пловдив’ ЕАД
- ‘Летище Русе’ ЕООД
- ‘Летище Горна Оряховица’ ЕАД

Czech Republic

All contracting entities in the sectors which exploit a specified geographical area for the purposes of the provision and operation of airports (ruled by Section 4, paragraph 1, point (i) of Act No 137/2006 Coll. on Public Contracts, as amended)

For example:

- Letiště Karlovy Vary s.r.o.
- Letiště Ostrava, a.s.
- Správa Letiště Praha, s. p.

Denmark

- Airports operating on the basis of an authorisation pursuant to § 55(1) of the lov om luftfart, see Consolidation Act No 731 of 21 June 2007

Germany

- Airports as defined in Article 38(2)(1) of the Luftverkehrs-Zulassungs-Ordnung of 19 June 1964, as last amended on 5 January 2007

Estonia

Entities operating pursuant to Article 10(3) of the Public Procurement Act (RT I 21.2.2007, 15, 76) and Article 14 of the Competition Act (RT I 2001, 56 332):

- AS Tallinna Lennujaam
- Tallinn Airport GH AS

Ireland

- Airports of Dublin, Cork and Shannon managed by Aer Rianta — Irish Airports
- Airports operating on the basis of a public use licence granted pursuant to the Irish Aviation Authority Act 1993 as amended by the Air Navigation and Transport (Amendment) Act, 1998, and at which any scheduled air services are performed by aircraft for the public transport of passengers, mail or cargo

Greece

- ‘Υπηρεσία Πολιτικής Αεροπορίας’ (‘ΥΠΑ’) operating pursuant to Legislative Decree No 714/70, as amended by Law No 1340/83; the organisation of the company is laid down by Presidential Decree No 56/89, as amended subsequently

▼ **M1**

- The company ‘Διεθνής Αερολιμένας Αθηνών’ at Spata operating pursuant to Legislative Decree No 2338/95 Κύρωση Σύμβασης Ανάπτυξης του Νέου Διεθνούς Αεροδρομίου της Αθήνας στα Σπάτα, ‘ίδρυση της εταιρείας ‘Διεθνής Αερολιμένας Αθηνών Α.Ε.’ έγκριση περιβαλλοντικών όρων και άλλες διατάξεις’)
- ‘Φορείς Διαχείρισης’ in accordance with Presidential Decree No 158/02 ‘Ίδρυση, κατασκευή, εξοπλισμός, οργάνωση, διοίκηση, λειτουργία και εκμε- τάλλευση πολιτικών αερολιμένων από φυσικά πρόσωπα, νομικά πρόσωπα ιδιωτικού δικαίου και Οργανισμούς Τοπικής Αυτοδιοίκησης’ (Greek Official Gazette A 137)

Spain

- Ente público Aeropuertos Españoles y Navegación Aérea (AENA)

France

- Airports operated by State-owned companies pursuant to Articles L.251-1, L.260-1 and L.270-1 of the code de l’aviation civile
- Airports operating on the basis of a concession granted by the State pursuant to Article R.223-2 of the code de l’aviation civile
- Airports operating pursuant to an arrêté préfectoral portant autorisation d’occupation temporaire
- Airports set up by a public authority and which are the subject of a convention as laid down in Article L.221-1 of the code de l’aviation civile

Airports whose property has been transferred to regional or local authorities or to a group of them pursuant to Loi No 2004-809 of 13 August 2004 relative aux libertés et responsabilités locales, notably its Article 28:

- Aéroport d’Ajaccio Campo-dell’Oro
- Aéroport d’Avignon
- Aéroport de Bastia-Poretta
- Aéroport de Beauvais-Tillé
- Aéroport de Bergerac-Roumanière
- Aéroport de Biarritz-Anglet-Bayonne
- Aéroport de Brest Bretagne
- Aéroport de Calvi-Sainte-Catherine
- Aéroport de Carcassonne en Pays Cathare
- Aéroport de Dinard-Pleurtuit-Saint-Malo
- Aéroport de Figari-Sud Corse
- Aéroport de Lille-Lesquin
- Aéroport de Metz-Nancy-Lorraine
- Aéroport de Pau-Pyrénées
- Aéroport de Perpignan-Rivesaltes
- Aéroport de Poitiers-Biard
- Aéroport de Rennes-Saint-Jacques

▼ M1

State-owned civilian airports whose management has been conceded to a chambre de commerce et d'industrie (Article 7 of Loi No 2005-357 of 21 April 2005 relative aux aéroports and Décret No 2007-444 of 23 February 2007 relatif aux aéroports appartenant à l'État):

- Aéroport de Marseille-Provence
- Aéroport d'Aix-les-Milles et Marignane-Berre
- Aéroport de Nice Côte-d'Azur et Cannes-Mandelieu
- Aéroport de Strasbourg-Entzheim
- Aéroport de Fort-de France-le Lamentin
- Aéroport de Pointe-à-Pitre-le Raizet
- Aéroport de Saint-Denis-Gillot

Other State-owned civilian airports excluded from the transfer to regional and local authorities pursuant to Décret No 2005-1070 of 24 August 2005, as amended:

- Aéroport de Saint-Pierre Pointe Blanche
- Aéroport de Nantes Atlantique et Saint-Nazaire-Montoir
- Aéroports de Paris (Loi No 2005-357 of 20 April 2005 and Décret No 2005-828 of 20 July 2005)

Italy

- From 1 January 1996, the Decreto Legislativo No 497 of 25 November 1995, relativo alla trasformazione dell'Azienda autonoma di assistenza al volo per il traffico aereo generale in ente pubblico economico, denominato ENAV, Ente nazionale di assistenza al volo, reconducted several times and subsequently transformed into law, Legge No 665 of 21 December 1996 has finally established the transformation of that entity into a share company (SpA) as from 1 January 2001
- Managing entities set up by special laws
- Entities operating airport facilities on the basis of a concession granted pursuant to Article 694 of the Codice della navigazione, Regio Decreto No 327 of 30 March 1942
- Airport entities, including the managing companies SEA (Milan) and ADR (Fiumicino)

*Cyprus**Latvia*

- Valsts akciju sabiedrība 'Starptautiskā lidosta 'Rīga' '
- SIA 'Aviasabiedrība 'Liepāja' '
- SIA 'Ventspils lidosta'
- SIA 'Daugavpils lidosta'

Lithuania

- State Enterprise Vilnius International Airport
- State Enterprise Kaunas Airport
- State Enterprise Palanga International Airport
- State Enterprise 'Oro navigacija'
- Municipal Enterprise 'Šiaulių oro uostas'

▼ **M1**

- Other entities complying with the requirements of Article 70 (1, 2) of the Law on Public Procurement of the Republic of Lithuania (Official Gazette, No 84-2000, 1996; No 4102, 2006) and operating in the field of airport installations in accordance with the Law on Aviation of the Republic of Lithuania (Official Gazette, No 94-2918, 2000)

Luxembourg

- Aéroport de Luxembourg

Hungary

- Airports operating pursuant to Articles 162-163 of 2003. évi CXXIX. törvény a közbeszerzésekről and 1995. évi XCVII. törvény a légiközlekedésről
- Budapest Ferihegy Nemzetközi Repülőtér managed by Budapest Airport Rt. on the basis of 1995. évi XCVII. törvény a légiközlekedésről and 83/2006. (XII. 13.) GKM rendelet a légiforgalmi irányító szolgálatot ellátó és a légiforgalmi szakszemélyzet képzését végző szervezetről

Malta

- L-Ajruport Internazzjonali ta' Malta (Malta International Airport)

Netherlands

Airports operating pursuant to Articles 18 and following of the Luchtvaartwet

For example:

- Luchthaven Schiphol

Austria

- Entities authorised to provide airport facilities pursuant to the Luftfahrtgesetz, BGBl. No 253/1957, as amended

Poland

- Public undertaking 'Porty Lotnicze' operating on the basis of ustawa z dnia 23 października 1987 r. o przedsiębiorstwie państwowym 'Porty Lotnicze'
- Port Lotniczy Bydgoszcz S.A.
- Port Lotniczy Gdańsk Sp. z o.o.
- Górnośląskie Towarzystwo Lotnicze S.A. Międzynarodowy Port Lotniczy Katowice
- Międzynarodowy Port Lotniczy im. Jana Pawła II Kraków — Balice Sp. z o.o.
- Lotnisko Łódź Lublinek Sp. z o.o.
- Port Lotniczy Poznań — Ławica Sp. z o.o.
- Port Lotniczy Szczecin — Goleniów Sp. z o.o.
- Port Lotniczy Wrocław S.A.
- Port Lotniczy im. Fryderyka Chopina w Warszawie
- Port Lotniczy Rzeszów — Jasionka
- Porty Lotnicze 'Mazury- Szczytno' Sp. z o.o. w Szczytnie
- Port Lotniczy Zielona Góra — Babimost

▼ **M1***Portugal*

- ANA — Aeroportos de Portugal, S.A., set up pursuant to Decreto-Lei No 404/98 of 18 December 1998
- NAV — Empresa Pública de Navegação Aérea de Portugal, E. P., set up pursuant to Decreto-Lei No 404/98 of 18 December 1998
- ANAM — Aeroportos e Navegação Aérea da Madeira, S. A., set up pursuant to Decreto-Lei No 453/91 of 11 December 1991

Romania

- Compania Națională ‘Aeroporturi București’ S.A.
- Societatea Națională ‘Aeroportul Internațional Mihail Kogălniceanu-Constanța’
- Societatea Națională ‘Aeroportul Internațional Timișoara-Traian Vuia’-S.A.
- Regia Autonomă Administrația Română a Serviciilor de Trafic Aerian ROMAT S.A.
- Aeroporturile aflate în subordinea Consiliilor Locale
- S.C. Aeroportul Arad S.A.
- Regia Autonomă Aeroportul Bacău
- Regia Autonomă Aeroportul Baia Mare
- Regia Autonomă Aeroportul Cluj Napoca
- Regia Autonomă Aeroportul Internațional Craiova
- Regia Autonomă Aeroportul Iași
- Regia Autonomă Aeroportul Oradea
- Regia Autonomă Aeroportul Satu-Mare
- Regia Autonomă Aeroportul Sibiu
- Regia Autonomă Aeroportul Suceava
- Regia Autonomă Aeroportul Târgu Mureș
- Regia Autonomă Aeroportul Tulcea
- Regia Autonomă Aeroportul Caransebeș

Slovenia

Public civil airports that operate pursuant to the Zakon o letalstvu (Uradni list RS, 18/01):

Mat. Št	Naziv	Poštna Št	Kraj
1589423	Letalski center Cerklje ob Krki	8263	Cerklje ob Krki
1913301	Kontrola zračnega prometa d.o.o.	1000	Ljubljana
5142768	Aerodrom Ljubljana d.d.	4210	Brnik-Aerodrom
5500494	Aerodrom Portorož, d.o.o.	6333	Sečovelje-Siccirole

Slovakia

Entities operating airports on the basis of an authorisation granted by the State authority and entities providing for aerial telecommunication services pursuant to Act No 143/1998 Coll. in the wording of Acts No 57/2001 Coll., No 37/2002 Coll., No 136/2004 Coll. and No 544/2004 Coll.

▼ **M1**

For example:

- Letisko M.R.Štefánika, a.s., Bratislava
- Letisko Poprad — Tatry, a.s.
- Letisko Košice, a.s.

Finland

Airports managed by the Finavia Plc, or by a municipal or public enterprise pursuant to the ilmailulaki/luftfartslagen (1194/2009) and Laki Ilmailulaitoksen muuttamisesta osakeyhtiöksi 2009/877

Sweden

- Publicly owned and operated airports in accordance with luftfartslagen (1957:297)
- Privately owned and operated airports with an operating licence under the act, where this licence corresponds to the criteria of Article 2(3) of the Directive 2004/17/EC

United Kingdom

- A local authority which exploits a geographical area for the purpose of providing airport or other terminal facilities to carriers by air
- An airport operator within the meaning of the Airports Act 1986 who has the management of an airport subject to economic regulation under Part IV of that Act
- Highland and Islands Airports Limited
- An airport operator within the meaning of the Airports (Northern Ireland) Order 1994
- BAA Ltd

(e) Contracting entities in the field of maritime or inland port or other terminal facilities

Belgium

- Gemeentelijk Havenbedrijf van Antwerpen
- Havenbedrijf van Gent
- Maatschappij der Brugse Zeevaartinrichtigen
- Port autonome de Charleroi
- Port autonome de Namur
- Port autonome de Liège
- Port autonome du Centre et de l'Ouest
- Société régionale du Port de Bruxelles/Gewestelijk Vennootschap van de Haven van Brussel
- Waterwegen en Zeekanaal
- De Scheepvaart

Bulgaria

- ДП 'Пристанищна инфраструктура'

Entities which, on the basis of special or exclusive rights, perform exploitation of ports for public transport with national importance or parts thereof, listed in Annex No 1 to Article 103a of the Закона за морските пространства, вътрешните водни пътища и пристанищата на Република България (обн., ДВ, бр.12/11.2.2000):

▼ **M1**

- ‘Пристанище Варна’ ЕАД
- ‘Порт Балчик’ АД
- ‘БМ Порт’ АД
- ‘Пристанище Бургас’ ЕАД
- ‘Пристанищен комплекс — Русе’ ЕАД
- ‘Пристанищен комплекс — Лом’ ЕАД
- ‘Пристанище Видин’ ЕООД
- ‘Драгажен флот — Истър’ АД
- ‘Дунавски индустриален парк’ АД

Entities which, on the basis of special or exclusive rights, perform exploitation of ports for public transport with regional importance or parts thereof, listed in Annex No 2 to Article 103a of the Закона за морските пространства, вътрешните водни пътища и пристанищата на Република България (обн., ДВ, бр.12/11.2.2000):

- ‘Фиш Порт’ АД
- Кораборемонтен завод ‘Порт — Бургас’ АД
- ‘Либърти металс груп’ АД
- ‘Трансстрой — Бургас’ АД
- ‘Одесос ПБМ’ АД
- ‘Поддържане чистотата на морските води’ АД
- ‘Поларис 8’ ООД
- ‘Лесил’ АД
- ‘Ромпетрол — България’ АД
- ‘Булмаркет — ДМ’ ООД
- ‘Свободна зона — Русе’ ЕАД
- ‘Дунавски драгажен флот’ — АД
- ‘Нарен’ ООД
- ‘ТЕЦ Свилоза’ АД
- НЕК ЕАД — клон ‘АЕЦ — Белене’
- ‘Нафтекс Петрол’ ЕООД
- ‘Фериботен комплекс’ АД
- ‘Дунавски драгажен флот Дуним’ АД
- ‘ОМВ България’ ЕООД
- СО МАТ АД — клон Видин
- ‘Свободна зона — Видин’ ЕАД
- ‘Дунавски драгажен флот Видин’
- ‘Дунав турс’ АД
- ‘Меком’ ООД
- ‘Дубъл Ве Ко’ ЕООД

▼ **M1***Czech Republic*

All contracting entities in the sectors which exploit a specified geographical area for the purposes of the provision and operation of maritime or inland ports or other terminal facilities to carriers by air, sea or inland waterways (ruled by the Section 4, paragraph 1, point (i) of Act No 137/2006 Coll. on Public Contracts, as amended)

For example:

— České přístavy, a.s.

Denmark

— Ports as defined in § 1 of lov om havne, see Act No 326 of 28 May 1999

Germany

— Seaports owned totally or partially by territorial authorities (*Länder*, Kreise Gemeinden)

— Inland ports subject to the Hafenordnung pursuant to the Wassergesetze of the *Länder*

Estonia

Entities operating pursuant to Article 10(3) of the Public Procurement Act (RT I 21.2.2007, 15, 76) and Article 14 of the Competition Act (RT I 2001, 56 332):

— AS Saarte Liinid

— AS Tallinna Sadam

Ireland

— Ports operating pursuant to Harbours Acts 1946 to 2000

— Port of Rosslare Harbour operating pursuant to the Fishguard and Rosslare Railways and Harbours Acts 1899

Greece

— ‘Οργανισμός Λιμένος Βόλου Ανώνυμη Εταιρεία’ (‘Ο.Λ.Β. Α.Ε.’), pursuant to Law No 2932/01

— ‘Οργανισμός Λιμένος Ελευσίνας Ανώνυμη Εταιρεία’ (‘Ο.Λ.Ε. Α.Ε.’), pursuant to Law No 2932/01

— ‘Οργανισμός Λιμένος Ηγουμενίτσας Ανώνυμη Εταιρεία’ (‘Ο.Λ.ΗΓ. Α.Ε.’), pursuant to Law No 2932/01

— ‘Οργανισμός Λιμένος Ηρακλείου Ανώνυμη Εταιρεία’ (‘Ο.Λ.Η. Α.Ε.’), pursuant to Law No 2932/01

— ‘Οργανισμός Λιμένος Καβάλας Ανώνυμη Εταιρεία’ (‘Ο.Λ.Κ. Α.Ε.’), pursuant to Law No 2932/01

— ‘Οργανισμός Λιμένος Κέρκυρας Ανώνυμη Εταιρεία’ (‘Ο.Λ.ΚΕ. Α.Ε.’), pursuant to Law No 2932/01

— ‘Οργανισμός Λιμένος Πατρών Ανώνυμη Εταιρεία’ (‘Ο.Λ.ΠΑ. Α.Ε.’), pursuant to Law No 2932/01

— ‘Οργανισμός Λιμένος Λαυρίου Ανώνυμη Εταιρεία’ (‘Ο.Λ.Λ. Α.Ε.’), pursuant to Law No 2932/01

— ‘Οργανισμός Λιμένος Ραφήνας Ανώνυμη Εταιρεία’ (‘Ο.Λ.Ρ. Α.Ε.’), pursuant to Law No 2932/01

— (Port Authorities)

▼ **M1**

- Other ports, Δημοτικά και Νομαρχιακά Ταμεία (Municipal and Prefectural Ports) governed by Presidential Decree No 649/1977., Law 2987/02, Presidential Decree 362/97 and Law 2738/99

Spain

- Ente público Puertos del Estado
- Autoridad Portuaria de Alicante
- Autoridad Portuaria de Almería — Motril
- Autoridad Portuaria de Avilés
- Autoridad Portuaria de la Bahía de Algeciras
- Autoridad Portuaria de la Bahía de Cádiz
- Autoridad Portuaria de Baleares
- Autoridad Portuaria de Barcelona
- Autoridad Portuaria de Bilbao
- Autoridad Portuaria de Cartagena
- Autoridad Portuaria de Castellón
- Autoridad Portuaria de Ceuta
- Autoridad Portuaria de Ferrol — San Cibrao
- Autoridad Portuaria de Gijón
- Autoridad Portuaria de Huelva
- Autoridad Portuaria de Las Palmas
- Autoridad Portuaria de Málaga
- Autoridad Portuaria de Marín y Ría de Pontevedra
- Autoridad Portuaria de Melilla
- Autoridad Portuaria de Pasajes
- Autoridad Portuaria de Santa Cruz de Tenerife
- Autoridad Portuaria de Santander
- Autoridad Portuaria de Sevilla
- Autoridad Portuaria de Tarragona
- Autoridad Portuaria de Valencia
- Autoridad Portuaria de Vigo
- Autoridad Portuaria de Villagarcía de Arousa
- Other port authorities of the ‘Comunidades Autónomas’ of Andalucía, Asturias, Baleares, Canarias, Cantabria, Cataluña, Galicia, Murcia, País Vasco y Valencia

France

- Port autonome de Paris set up pursuant to Loi No 68-917 relative au port autonome de Paris of 24 October 1968
- Port autonome de Strasbourg set up pursuant to the convention entre l’État et la ville de Strasbourg relative à la construction du port rhénan de Strasbourg et à l’exécution de travaux d’extension de ce port of 20 May 1923, approved by the Loi of 26 April 1924

Ports autonomes operating pursuant to Articles L. 111-1 et seq. of the code des ports maritimes, having legal personality:

- Port autonome de Bordeaux

▼ **M1**

- Port autonome de Dunkerque
- Port autonome de La Rochelle
- Port autonome du Havre
- Port autonome de Marseille
- Port autonome de Nantes-Saint-Nazaire
- Port autonome de Pointe-à-Pitre
- Port autonome de Rouen

Ports without legal personality, property of the State (Décret No 2006-330 of 20 march 2006 fixant la liste des ports des départements d'outre-mer exclus du transfert prévu à l'article 30 de la loi du 13 août 2004 relative aux libertés et responsabilités locales), whose management has been conceded to the local chambres de commerce et d'industrie:

- Port de Fort de France (Martinique)
- Port de Dégrad des Cannes (Guyane)
- Port-Réunion (île de la Réunion)
- Ports de Saint-Pierre et Miquelon

Ports without legal personality whose property has been transferred to the regional or local authorities, and whose management has been committed to the local chambres de commerce et d'industrie (Article 30 of Loi No 2004-809 of 13 August 2004 relative aux libertés et responsabilités locales, as amended by Loi No 2006-1771 of 30 December 2006):

- Port de Calais
- Port de Boulogne-sur-Mer
- Port de Nice
- Port de Bastia
- Port de Sète
- Port de Lorient
- Port de Cannes
- Port de Villefranche-sur-Mer
- Voies navigables de France, public body subject to Article 124 of Loi No 90-1168 of 29 December 1990, as amended

Italy

- State ports (Porti statali) and other ports managed by the Capitaneria di Porto pursuant to the Codice della navigazione, Regio Decreto No 327 of 30 March 1942
- Autonomous ports (enti portuali) set up by special laws pursuant to Article 19 of the Codice della navigazione, Regio Decreto No 327 of 30 March 1942

Cyprus

Η Αρχή Λιμένων Κύπρου established by the περί Αρχής Λιμένων Κύπρου Νόμο του 1973

Latvia

Authorities which govern ports in accordance with the law 'Likumu par ostām':

- Rīgas brīvostas pārvalde

▼ **M1**

- Ventspils brīvostas pārvalde
- Liepājas speciālās ekonomiskās zonas pārvalde
- Salacgrīvas ostas pārvalde
- Skultes ostas pārvalde
- Lielupes ostas pārvalde
- Engures ostas pārvalde
- Mērsraga ostas pārvalde
- Pāvilostas ostas pārvalde
- Rojas ostas pārvalde
- Other authorities which make purchases according to law ‘Par iepirkumu sabiedrisko pakalpojumu sniedzēju vajadzībām’ and which govern ports in accordance with the law ‘Likums par ostām’

Lithuania

- State Enterprise Klaipėda State Sea Port Administration acting in compliance with the Law on the Klaipėda State Sea Port Administration of the Republic of Lithuania (Official Gazette, No 53-1245, 1996)
- State Enterprise ‘Vidaus vandens kelių direkcija’ acting in compliance with the Code on Inland Waterways Transport of the Republic of Lithuania (Official Gazette, No 105-2393, 1996)
- Other entities in compliance with the requirements of Article 70 (1, 2) of the Law on Public Procurement of the Republic of Lithuania (Official Gazette, No 84-2000, 1996; No 4-102, 2006) and operating in the field of maritime or inland port or other terminal facilities in accordance with the Code of Inland Waterways Transport of the Republic of Lithuania

Luxembourg

- Port de Mertert, operating pursuant to Loi modifiée du 31 mars 2000 concernant l’administration et l’exploitation du Port de Mertert

Hungary

- Ports operating pursuant to Articles 162-163 of 2003. évi CXXIX. törvény a közbeszerzésekről and 2000. évi XLII. törvény a vízi közlekedésről

Malta

- L-Awtorita’ Marittima ta’ Malta (Malta Maritime Authority)

Netherlands

Contracting entities in the field of sea port or inland port or other terminal equipment

For example:

- Havenbedrijf Rotterdam

Austria

- Inland ports owned totally or partially by the *Länder* and/or *Gemeinden*

▼ **M1***Poland*

Entities established on the basis of ustawa z dnia 20 grudnia 1996 r. o portach i przystaniach morskich, including among others:

- Zarząd Morskiego Portu Gdańsk S.A.
- Zarząd Morskiego Portu Gdynia S.A.
- Zarząd Portów Morskich Szczecin i Świnoujście S.A.
- Zarząd Portu Morskiego Darłowo Sp. z o.o.
- Zarząd Portu Morskiego Elbląg Sp. z o.o.
- Zarząd Portu Morskiego Kołobrzeg Sp. z o.o.
- Przedsiębiorstwo Państwowe Polska Żegluga Morska

Portugal

- APDL — Administração dos Portos do Douro e Leixões, S.A., pursuant to Decreto-Lei No 335/98 of 3 November 1998
- APL — Administração do Porto de Lisboa, S.A., pursuant to Decreto-Lei No 336/98 of 3 November 1998
- APS — Administração do Porto de Sines, S.A., pursuant to Decreto-Lei No 337/98 of 3 November 1998
- APSS — Administração dos Portos de Setúbal e Sesimbra, S.A., pursuant to Decreto-Lei No 338/98 of 3 November 1998
- APA — Administração do Porto de Aveiro, S.A., pursuant to Decreto-Lei No 339/98 of 3 November 1998
- Instituto Portuário dos Transportes Marítimos, I.P. (IPTM, I.P.), pursuant to Decreto-Lei No 146/2007 of 27 April 2007

Romania

- Compania Națională ‘Administrația Porturilor Maritime’ S.A. Constanța
- Compania Națională ‘Administrația Canalelor Navigabile S.A.’
- Compania Națională de Radiocomunicații Navale ‘Radionav’ S.A.
- Regia Autonomă ‘Administrația Fluvială a Dunării de Jos’
- Compania Națională ‘Administrația Porturilor Dunării Maritime’
- Compania Națională ‘Administrația Porturilor Dunării Fluviale’ S.A.
- Porturile: Sulina, Brăila, Zimnicea și Turnul-Măgurele

Slovenia

Sea ports in full or partial State ownership performing an economic public service pursuant to the Pomorski Zakonik (Uradni list RS, 56/99):

Mat. št.	Naziv	Poštna št	Kraj
5144353	Luka Koper d.d.	6000	Koper-Capodistria
5655170	Sirio d.o.o.	6000	Koper

▼M1*Slovakia*

Entities operating non-public inland ports for the operation of river transport by carriers on the basis of consent granted by the State authority or entities established by the State authority to operate public river ports pursuant to Act No 338/2000 Coll. in the wording of Acts No 57/2001 Coll. and No 580/2003 Coll.

Finland

— Ports operating pursuant to the laki kunnallisista satamajärjestyksistä ja liikennemaksuista/lagen om kommunala hamnanordningar och trafikavgifter (955/1976) and ports instituted under a licence pursuant to Section 3 of the laki yksityisistä yleisistä satamista/lagen om privata allmänna hamnar (1156/1994)

— Saimaan kanavan hoitokunta/Förvaltningsnämnden för Saima kanal

Sweden

Ports and terminal facilities according to lagen (1983:293) om inrättande, utvidgning och avlysning av allmän farled och allmän hamn and förordningen (1983:744) om trafiken på Göta kanal

United Kingdom

— A local authority which exploits a geographical area for the purpose of providing maritime or inland port or other terminal facilities to carriers by sea or inland waterway

— A harbour authority within the meaning of Section 57 of the Harbours Act 1964

— British Waterways Board

— A harbour authority as defined by Section 38(1) of the Harbours Act (Northern Ireland) 1970

▼B**Annex IV B — Switzerland***Specification of private utilities as referred to in Articles (3)(1) and (2)(f) of the Agreement***(a) Production, transport or distribution of drinking water**

Entities producing, transporting and distributing drinking water and operating pursuant to cantonal or local legislation or under individual agreements complying with such legislation

For example: Wasserversorgung Zug AG, Wasserversorgung Düringen

(b) Production, transport or distribution of electricity

Entities transporting and distributing electricity which may be granted a right to expropriate pursuant to the 'Loi fédérale concernant les installations électriques à faible et à fort courant' of 24 June 1902

Entities producing electricity pursuant to the 'Loi fédérale sur l'utilisation des forces hydrauliques' of 22 December 1916 and the Loi fédérale sur l'utilisation pacifique de l'énergie atomique of 23 December 1959

▼B

For example: CKW, ATEL, EGL

- (c) Transport by urban railway, tramway, automated systems, trolley bus, bus or cable

Entities operating tramway services within the meaning of Article 2(1) of the 'Loi fédérale sur les chemins de fer' of 20 December 1957

Entities providing transport services to the public within the meaning of Article 4(1) of the 'Loi fédérale sur les entreprises de trolleybus' of 29 March 1950

Entities providing, as a business activity, regular scheduled passenger transport services on the basis of a concession granted pursuant to Article 4 of the 'Loi fédérale sur le transport de voyageurs et les transports par route' of 18 June 1993, where their lines provide a service within the meaning of Article 5(3) of the 'Ordonnance sur les indemnités, les prêts et les aides financières selon la loi des chemins de fer' of 18 December 1995

- (d) Airports

Entities operating airports on the basis of a concession granted pursuant to Article 37(1) of the 'Loi fédérale sur la navigation aérienne' of 21 December 1948

For example: Bern-Belp, Birrfeld, Grenchen, Samedan

▼B*ANNEX V*

(referred to in Article 5 of the Agreement, relating to challenge procedures)

1. Challenges shall be heard by a court or by an impartial and independent review body having no interest in the outcome of the procurement, the members of which are secure from external influence and the decisions of which are legally binding. The time-limit, if any, within which a challenge procedure may be initiated shall in no case be less than 10 days and shall run from the time when the basis of the complaint is known or should reasonably have been known.

A review body which is not a court shall either be subject to judicial review or shall have procedures which provide that:

- (a) participants have the right to be heard before a decision is reached, they may be represented and accompanied during the proceedings and shall have access to all proceedings
 - (b) witnesses may be presented and documentation relating to procurement under challenge and necessary to the proceedings shall be disclosed to the review body
 - (c) oral proceedings may be public and decisions shall be given in writing and shall state the reasons on which they are based.
2. The Parties shall ensure that measures concerning challenge procedures include at least either provisions for the powers:
 - (a) to take, at the earliest opportunity, interim measures with the aim of correcting the alleged infringement or preventing further injury to the interests concerned, including measures to suspend or to ensure the suspension of the procedure for the award of a contract or the implementation of any decision taken by the Covered Entity and
 - b) to set aside or ensure the setting aside of decisions taken unlawfully, including the removal of discriminatory technical, economic or financial specifications in the tender notice, the indicative notice, the notice on the existence of a qualification system or any other document relating to the contract award procedure in question. However, the powers of the body responsible for challenge procedures may be limited to awarding damages to any person harmed by an infringement if the contract has already been concluded by a Covered Entity

or provisions for powers to exert indirect pressure on Covered Entities in order to make them correct any infringements or prevent them from committing infringements, and to prevent injury from occurring.
3. Challenge procedures shall also provide for the award of damages to persons injured by the infringement. Where damages are claimed on the grounds that a decision has been taken unlawfully, either Party may provide that the contested decision must first be set aside or declared illegal.

▼B*ANNEX VI**(referred to in Articles (3)(6) and (7) of the Agreement)***SERVICES**

The following services, which are listed in the sectoral classification of services reproduced in document MTN.GNS/W/120, are covered by this Agreement:

<i>Subject</i>	<i>CPC (Central Product Classification) reference No</i>
Maintenance and repair services	6112, 6122, 633, 886
Land transport services including armoured car services, and courier services, except carriage of mail	712 (except 71235) 7512, 87304
Air transport services: carriage of passengers and freight, except carriage of mail	73 (except 7321)
Carriage of mail by land (except transport services by rail) and by air	71235, 7321
Telecommunications services	752 (except 7524, 7525, 7526)
Financial services:	
a) insurance services	ex 81 812, 814
b) banking and investment services ⁽¹⁾	
Computer and related services	84
Accounting, auditing and book-keeping services	862
Market research and public opinion polling services	864
Management consulting services and related services	865, 866 ⁽²⁾
Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services	867
Advertising services	871
Building-cleaning services and property management services	874, 82201-82206
Publishing and printing services on a fee or contract basis	88442
Sewage and refuse disposal services; Sanitation and similar services	94

The commitments entered into by the Parties in the field of services, including construction services, under this Agreement are limited to the initial commitments specified in the final offers presented by the Community and Switzerland in the context of the General Agreement on Trade in Services.

Trade in Services. This Agreement does not apply to:

- 1) service contracts awarded to an entity which is itself a contracting authority within the meaning of this Agreement and of Annex 1, 2 or 3 to the GPA on the basis of an exclusive right which it enjoys pursuant to a published law, regulation or administrative provision

⁽¹⁾ Excluding financial market services relating to the issue, purchase, sale and transfer of securities or other financial instruments, and central bank services.

⁽²⁾ Excluding arbitration and conciliation services.

▼B

- 2) service contracts which a contracting entity awards to an affiliated undertaking or are awarded by a joint venture formed by a number of contracting entities for the purpose of carrying out a relevant activity within the meaning of Article 3 of this Agreement to one of those contracting entities or to an undertaking which is affiliated with one of these contracting entities, provided that at least 80 % of the average turnover of that undertaking with respect to services for the preceding three years derives from the provision of such services to undertakings with which it is affiliated. Where more than one undertaking affiliated with the contracting entity provides the same service or similar services, the total turnover deriving from the provision of services by those undertakings shall be taken into account
- 3) service contracts for the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property or concerning rights thereon
- 4) employment contracts
- 5) contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

▼B*ANNEX VII**(referred to in Article (3)(6) of the Agreement)***CONSTRUCTION SERVICES**

Specification construction services covered:

1. *Definition:*

A contract for construction services is a contract which has as its object the execution, by whatever means, of construction, civil engineering or building work within the meaning of Division 51 of the Central Product Classification (CPC).

2. *List of services covered according to Division 51 of the CPC*

Site preparation work	511
Construction work	512
Civil engineering work	513
Assembly and construction of prefabricated structures	514
Specialised construction work	515
Installation work	516
Building completion work	517
Other services	518

The commitments entered into by the Parties in the field of services, including construction services, under this Agreement are limited to the initial commitments specified in the final offers presented by the EC and Switzerland in the context of the General Agreement on Trade in Services.



ANNEX VIII

(referred to in Article (3)(7) of the Agreement)

Switzerland

This Agreement shall not apply in Switzerland to:

- (a) contracts which the contracting entities award for purposes other than the pursuit of their activities as described in Article (3)(2) and Annexes I to IV to this Agreement or for the pursuit of their activities outside Switzerland;
- (b) contracts awarded for purposes of resale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity
- (c) contracts awarded for the purchase of water
- (d) contracts awarded by a contracting entity other than a public authority supplying drinking water or electricity to networks which provide a service to the public, where the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in Article (3)(2)(f)(i) and (ii) and supply to the public network depends only on the entity's own consumption and has not exceeded 30 % of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year
- (e) contracts awarded by a contracting entity other than a public authority supplying gas or heat to networks which provide a service to the public, where the production of gas or heat by the entity concerned is the inevitable result of the exercise of an activity other than that referred to in Article 3(2)(e)(i) and the purpose of supply to the public network is solely the economic exploitation of such production and accounts for no more than 20 % of the entity's turnover, having regard to the average for the three preceding years, including the current year
- (f) contracts awarded for the supply of energy or of fuels for the production of energy
- (g) contracts awarded by contracting entities providing bus transport services to the public where other entities are free to provide those services, either in general or in a particular geographical area, under the same conditions as the contracting entities
- (h) contracts awarded by contracting entities carrying out an activity referred to in Article (3)(2)(d), provided that the contracts have as their object the sale and leasing of products for re-financing a supply contract awarded in accordance with the provisions of this Agreement
- (i) contracts awarded pursuant to an international agreement and covering the joint implementation or exploitation of a project by the Parties
- (j) contracts awarded pursuant to the particular procedure of an international organisation
- (k) contracts when they are declared to be secret by the Parties or when their execution must be accompanied by special security measures in accordance with the laws, regulations or administrative provisions in force in the signatory states or when the protection of the basic security interests of that state so requires.

▼B*ANNEX IX**(referred to in Article (6)(4) of the Agreement)***Annex IX A — Measures notified by the European Community:****Annex IX B — Measures notified by Switzerland:**

Review procedures in accordance with Article (6)(4) of this Agreement introduced in the cantons and municipalities for contracts below the thresholds on the basis of the *Loi fédérale sur le marché intérieur* of 6 October 1995.

▼ B*ANNEX X**(referred to in Article (6)(2) of the Agreement)*

Examples of areas where discrimination may be possible:

Any law, procedure or practice, such as levies, price preferences, local content requirements, local investment or production requirements, terms of licence or authorization, or funding or bidding rights, which discriminate, or require a Party's Covered Entity to discriminate, against the other Party's products, services, suppliers or service providers in the award of procurement contracts shall be prohibited.



FINAL ACT

The Plenipotentiaries

of the EUROPEAN COMMUNITY

and

of the SWISS CONFEDERATION,

meeting on the twenty-first day of June in the year one thousand nine hundred and ninety-nine in Luxembourg for the signature of the Agreement between the European Community and the Swiss Confederation on certain aspects of Government Procurement have adopted the Joint Declarations mentioned below and attached to this Final Act:

Joint Declaration by the Contracting Parties on the procedures for the award of contract and on challenging procedures

Joint Declaration by the Contracting Parties on the monitoring authorities

Joint Declaration by the Contracting Parties on updating the Annexes

Joint Declaration on further negotiations.

They also took note of the following Declarations annexed to this Final Act:

Declaration by Switzerland on the principle of reciprocity concerning the opening up of markets at the district and municipal level to Community suppliers and providers of services

Declaration on Swiss attendance of committee.,

Hecho en Luxemburgo, el veintiuno de junio de mil novecientos noventa y nueve.

Udfærdiget i Luxembourg, den enogtyvende juni nitten hundrede og nioghalvfems.

Geschehen zu Luxemburg am einundzwanzigsten Juni neunzehnhundertneunundneunzig.

Έγινε στο Λουξεμβούργο, στις είκοσι μία Ιουνίου χίλια εννιακόσια ενενήντα εννέα.

Done at Luxembourg on the twenty-first day of June in the year one thousand and ninety-nine.

Fait à Luxembourg, le vingt-et-un juin mil neuf cent quatre-vingt dix-neuf.

Fatto a Lussemburgo, addì ventuno giugno millenovecentonovantanove.

Gedaan te Luxemburg, de eenentwintigste juni negentienhonderd negenennegentig.

Feito em Luxemburgo, em vinte e um de Junho de mil novecentos e noventa e nove.

Tehty Luxemburgissa kahdentakymmenentenäensimmäisenä päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäyhdeksän.

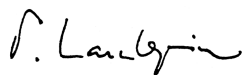
Som skedde i Luxemburg den tjugoförsta juni nittonhundranittionio.

▼B

Por la Comunidad Europea
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Voor de Europese Gemeenschap
 Pela Comunidade Europeia
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar




Por la Confederación Suiza
 For Det Schweiziske Edsforbund
 Für die Schweizerische Eidgenossenschaft
 Για την Ελβετική Συνομοσπονδία
 For the Swiss Confederation
 Pour la Confédération suisse
 Per la Confederazione svizzera
 Voor de Zwitserse Bondsstaat
 Pela Confederação Suíça
 Sveitsin valaliiton puolesta
 På Schweiziska edsförbundets vägnar






JOINT DECLARATION BY THE CONTRACTING PARTIES

on the procedures for the award of contract and on challenging procedures

The Parties agree that by requiring, on the one hand, Swiss Covered Entities to comply with the rules of the GPA, and, on the other, Covered Entities of the Community and its Member States to comply with the rules of Directive 93/38/EEC as last amended by Directive 98/4/EC (OJ L 101, 1.4.1998, p. 1) and of Directive 92/13/EEC (OJ L 76, 23.3.1992, p. 14) they each meet the requirements of Articles 4 and 5 of the Agreement on certain aspects of government procurement.



JOINT DECLARATION BY THE CONTRACTING PARTIES

on the monitoring authorities

With regard to the Community, the monitoring authority referred to in Article 8 of this Agreement may be the Commission of the European Communities or an independent national authority of a Member State without either having sole authority to act under this Agreement. Pursuant to Article 211 of the EC Treaty, the Commission of the European Communities already possesses the powers stipulated in Article 8(2).

With regard to Switzerland, the monitoring authority may be a federal authority for the whole of the country or a cantonal authority for the areas for which it is responsible.

▼B

JOINT DECLARATION BY THE CONTRACTING PARTIES

on updating the annexes

The Contracting Parties undertake to update the Annexes to the Agreement on certain aspects of government procurement not later than one month after its entry into force.



JOINT DECLARATION

on further negotiations

The European Community and the Swiss Confederation declare their intention of undertaking negotiations to conclude agreements in areas of common interest such as the updating of Protocol 2 to the 1972 Free Trade Agreement and Swiss participation in certain Community training, youth, media, statistical and environmental programmes. Preparatory work for these negotiations should proceed rapidly once the current bilateral negotiations have been concluded.

**DECLARATION BY SWITZERLAND****on the principle of reciprocity concerning the opening up of markets at the district and municipal level to community suppliers and providers of services**

In accordance with the principle of reciprocity and with the intention of restricting access to contracts awarded in Switzerland at district and municipal level to Community suppliers and providers of services, Switzerland will insert after the first paragraph in General Note No 1 of its Annexes to the Agreement on Government Procurement a new paragraph as follows:

‘Concerning contracts awarded by the entities referred to in part 3 of Annex 2 to suppliers of products and services of Canada, Israel, Japan, the Republic of Korea, Norway, the United States of America, Hong Kong (China), Singapore and Aruba.’



DECLARATION

on Swiss attendance of committees

The Council agrees that Switzerland's representatives may, in so far as the items concern them, attend meetings of the following committees and expert working parties as observers:

- Committees of research programmes, including the Scientific and Technical Research Committee (CREST)
- Administrative Commission on Social Security for Migrant Workers
- Coordinating Group on the mutual recognition of higher-education diplomas
- Advisory committees on air routes and the application of competition rules in the field of air transport.

Switzerland's representatives shall not be present when these committees vote.

In the case of other committees dealing with areas covered by these agreements in which Switzerland has adopted either the *acquis communautaire* or equivalent measures, the Commission will consult Swiss experts by the method specified in Article 100 of the EEA Agreement.