



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.06.1995  
COM(95) 268 final

Proposal for a  
**COUNCIL REGULATION (EC)**  
completing the annex to  
**Council Regulation (EC) No 1461/93 of 8 June 1993 concerning access to to public contracts  
for tenderers from the United States of America**

(presented by the Commission)



## EXPLANATORY MEMORANDUM

On 28 May 1993, the US published sanctions against certain member states claiming that US telecommunications equipment faced discrimination in these markets. These sanctions were imposed following the conclusion of a Memorandum of Understanding on public procurement between the EC and US of 25 May 1993 which does not cover the telecommunications sector. The EC responded on 8 June 1993 by taking measures with the same field of application as those of the US (Council Reg. No 1461/93).

The three new member states apply the Community's public procurement directives.

These directives include, according to the US, certain discriminatory practices. Consequently, the US made known its intention to extend to the new member states, the sanctions that were imposed in 1993. A final ruling was made on 31 May 1995 (US Federal Register of 31 May 1995 - FAC 90-27). The Commission disputes the reasoning of the US for maintaining sanctions. It was agreed by both sides, when the Marrakesh bilateral procurement deal was agreed in April 1994, that the Community and the US were not engaged in a simple exchange of access to their respective telecommunications procurement sectors. The deal reached in Marrakesh recognised that the Community would not offer access to its telecommunications sector without the removal of a number of "Buy American" provisions on several Federal funding programmes. Having reached this understanding, it is unfortunate that the US has decided not to revoke its sanctions, thereby forcing the Community to maintain its counter-measures in place against the US.

By virtue of Article 2 of the Act of Accession, Council Regulation No 1461/93 applies to the three new member states. However, a technical adaptation covered by Art 169 of the same Act must be made in order to cover the relevant entities of the three new member states in the annex.

This is why the Commission proposes to complete the annex to Council Regulation No 1461/93 of 8 June 1993 concerning access to public contracts for tenderers from the United States of America. (OJ L 146 of 17 June 1993)

The Commission proposes therefore, that Council adopts the draft regulation attached.

**Proposal for a  
Council Regulation (EC) completing the annex to  
Council Regulation (EC) No 1461/93 of 8 June 1993 concerning access to to public contracts  
for tenderers from the United States of America.**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community;

Having regard to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded, and in particular Article 169 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 1461/93 of 8 June 1993<sup>1</sup> restricts access for United States tenderers in respect of certain contracts awarded by certain public authorities is restrained in response to certain measures taken by the United States in respect of Community tenderers;

Whereas, following the Act of Accession of Austria, Finland and Sweden to the European Community, it is necessary to adapt the list of purchasing entities listed in Annex I of the said Regulation by adding to it those entities of the acceding member states to the Community; whereas this adaptation is not foreseen by the Act of Accession or its annexes;

Whereas this adaptation is, by its nature, provided for in Article 169 in the Act of Accession and must follow the procedure laid down in paragraph 2 of this article;

**HAS ADOPTED THIS REGULATION:**

*Article 1*

The Public Authorities listed in the annex to this regulation is added to Annex I of Council Regulation (EC) No 1461/93 of 8 June 1993 concerning access to to public contracts for tenderers from the United States of America.

*Article 2*

This regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This regulation shall be binding in its entirety and directly applicable in all Member States.

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<sup>1</sup>OJ L 146, 17.6.93, p.1

## AUSTRIA

## ANNEX 1

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

*Supplies*

*Threshold:* SDRs 130,000

*List of Entities:*

*Services*

*Threshold:*  
works SDRs 5,000,000;  
other services SDRs 130,000

*List of Entities which  
procure the services,  
specified in Annexes 4 and 5:*

1. Federal Chancellery - Procurement Office
2. Federal Ministry for Foreign Affairs
3. Federal Ministry of Health, Sports and Consumer Protection
4. Federal Ministry of Finance
  - (a) Procurement Office
  - (b) Division VI/5 (EDP procurement of the Federal Ministry of Finance and of the Federal Office of Accounts)
  - (c) Division III/1 (procurement of technical appliances, equipments and goods for the customs guard)
5. Federal Ministry for Environment, Youth and Family Procurement Office
6. Federal Ministry for Economic Affairs
7. Federal Ministry of the Interior
  - (a) Division I/5 (Procurement Office)
  - (b) EDP-Centre (procurement of electronical data processing machines (hardware))
  - (c) Division II/3 (procurement of technical appliances and equipments for the Federal Police)

[REDACTED] d)

- (d) Division I/6 [procurement of goods (other than those procured by Division II/3) for the Federal Police]
  - (e) Division II/21
8. Federal Ministry for Justice, Procurement Office
  9. Federal Ministry of Defence<sup>10</sup> (non-warlike materials contained in Annex I, Part II, Austria, of the GATT Agreement on Government Procurement)
  10. Federal Ministry of Agriculture and Forestry
  11. Federal Ministry of Labour and Social Affairs, Procurement Office
  12. Federal Ministry of Education and Fine Arts
  13. Federal Ministry for Public Economy and Transport
  14. Federal Ministry of Science and Research
  15. Austrian Central Statistical Office
  16. Austrian State Printing Office
  17. Federal Office of Metrology and Surveying
  18. Federal Institute for Testing and Research, Arsenal (BVFA)
  19. Federal Workshops for Artificial Limbs
  20. AUSTRO CONTROL Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung (Austro Control GmbH)
  21. Federal Institute for Testing of Motor Vehicles
  22. Headquarters of the Postal and Telegraph Administration (postal business only)

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<sup>10</sup>Continuation of present exceptions

[REDACTED] d)

- (B) All other central public authorities including their regional and local sub-divisions provided that they do not have an industrial or commercial character.

FINLAND

ANNEX

Entities which Procure in Accordance  
With the Provisions of this Agreement

Supplies

Threshold: SDR 100,000

Services

(as specified in Annex 4)  
Threshold: SDR 130,000

Works

(as specified in Annex 5)  
Threshold: SDR 5,000,000

The following contracting authorities of State:

OIKEUSKANSLERINVIRASTO

OFFICE OF THE CHANCELLOR OF  
JUSTICE

KAUPPA- JA TEOLLISUUSMINISTERIÖ

MINISTRY OF TRADE AND INDUSTRY

Kuluttajavirasto  
Elintarvikevirasto  
Kilpailuvirasto  
Kilpailuneuvosto  
Kuluttaja-asiamiehen toimisto  
Kuluttajavalituslautakunta  
Patentti- ja rekisterihallitus

National Consumer Administration  
National Food Administration  
Office of Free Competition  
Council of Free Competition  
Office of the Consumer Ombudsman  
Consumer Complaint Board  
National Board of Patents and Registration

LIIKENNEMINISTERIÖ

MINISTRY OF TRANSPORT AND  
COMMUNICATIONS

Telehallintokeskus

Telecommunications Administration  
Centre

MAA- JA METSÄTALOUSMINISTERIÖ

MINISTRY OF AGRICULTURE AND  
FORESTRY

Maanmittauslaitos

National Land Survey of Finland



OIKEUSMINISTERIÖ

Tietosuojavaltuutetun toimisto  
Tuomioistuinlaitos  
- Korkein oikeus  
- Korkein hallinto-oikeus  
- Hovioikeudet  
- Käräjäoikeudet  
- Lääninoikeudet  
- Markkinatuomioistuin  
- Työtuomioistuin  
- Vakuutus oikeus  
- Vesioikeudet  
Vankeinhoitolaitos

MINISTRY OF JUSTICE

The Office of the Data Protection  
Ombudsman  
Courts of Law  
  
Prison Administration

OPETUSMINISTERIÖ

Opetushallitus  
Valtion elokuvatarkastamo

MINISTRY OF EDUCATION

National Board of Education  
National Office of Film Censorship

PUOLUSTUSMINISTERIÖ

Puolustusvoimat\*

MINISTRY OF DEFENCE

Defence Forces

SISÄASIAINMINISTERIÖ

Väestörekisterikeskus  
Keskusrikospoliisi  
Liikkuva poliisi  
Rajavartiolaitos\*

MINISTRY OF THE INTERIOR

Population Register Centre  
Central Criminal Police  
Mobile Police  
Frontier Guard

SOSIAALI- JA TERVEYSMINISTERIÖ

Työttömyysturvalautakunta  
Tarkastuslautakunta  
Lääkelaitos  
Terveysturvakeskus  
Tapaturmavirasto  
Säteilyturvakeskus  
  
Valtion turvapaikan hakijoiden vastaanotto-  
keskukset

MINISTRY OF SOCIAL AFFAIRS AND  
HEALTH

Unemployment Appeal Board  
Appeal Tribunal  
National Agency for Medicines  
National Board of Medicolegal Affairs  
State Accident Office  
Finnish Centre for Radiation and  
Nuclear Safety  
Reception Centres for  
Asylum Seekers

  
TYÖMINISTERIÖ

Valtakunnansovittelijain toimisto  
Työneuvosto

MINISTRY OF LABOUR

National Conciliators' Office  
Labour Council

ULKOASIAINMINISTERIÖ

MINISTRY FOR FOREIGN AFFAIRS

VALTIOVARAINMINISTERIÖ

MINISTRY OF FINANCE

Valtiontalouden tarkastusvirasto  
Valtiokonttori  
Valtion työmarkkinalaitos  
Verohallinto  
Tullihallinto  
Valtion vakuusrahasto



State Economy Controller's Office  
State Treasury Office

YMPÄRISTÖMINISTERIÖ

MINISTRY OF ENVIRONMENT

Vesi- ja ympäristöhallitus

National Board of Waters and  
Environment

SWEDEN

ANNEX 1

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

*Supplies*

*Threshold:* SDR 130,000

*Services* (as specified in Annex 4)

*Threshold:* SDR 130,000

*Works* (as specified in Annex 5)

*Threshold:* SDR 130,000

*List of Entities:*

A

Akademien för de fria konsterna	Royal Academy of Fine Arts
Allmänna advokatbyråerna (28)	Public Law-Service Offices (28)
Allmänna reklamationsnämnden	National Board for Consumer Complaints
Arbetskyddsstyrelsen	National Board of Occupational Safety and Health
Arbetsdomstolen	Labour Court
Arbetsgivarverk, statens	National Agency for Government Employers
Arbetslivscentrum	Centre for Working Life
Arbetslivsfonden	Working Lives Fund
Arbetsmarknadsstyrelsen	National Labour Market Board
Arbetsmiljöfonden	Work Environment Fund
Arbetsmiljöinstitutet	National Institute of Occupational Health
Arbetsmiljönämnd, statens	Board of Occupational Safety and Health for Government Employees

Arkitekturmuseet	Museum of Architecture
Arkivet för ljud och bild	National Archive of Recorded Sound and Moving Images
Arrendenämnder (12)	Regional Tenancies Tribunals (12)
<b>B</b>	
Barnmiljörådet	National Child Environment Council
Beredning för utvärdering av medicinsk metodik, statens	Swedish Council on Technology Assessment in Health Care
Beredningen för internationellt tekniskt-ekonomiskt samarbete	Agency for International Technical and Economic Co-operation
Besvärsnämnden för rättshjälp	Legal Aid Appeals Commission
Biblioteket, Kungl.	Royal Library
Biografbyrå, statens	National Board of Film Censors
Biografiskt lexikon, svenskt	Dictionary of Swedish Biography
Bokföringsnämnden	Swedish Accounting Standards Board
Bostadsdomstolen	Housing Appeal Court
Bostadskreditnämnd, statens (BKN)	National Housing Credit Guarantee Board
Boverket	National Housing Board
Brottsförebyggande rådet	National Council for Crime Prevention
Brottsskadenämnden	Criminal Injuries Compensation Board
<b>C</b>	
Centrala försöksdjursnämnden	Central Committee for Laboratory Animals
Centrala studiestödsnämnden	National Board of Student Aid
Centralnämnden för fastighetsdata	Central Board for Real-Estate Data
<b>D</b>	
Datainspektionen	Data Inspection Board
Departementen	Ministries (Government Departments)
Domstolsverket	National Courts Administration

  
E

Elsäkerhetsverket	National Electrical Safety Board
Expertgruppen för forskning om regional utveckling	Expert Group on Regional Studies
Exportkreditnämnden	Export Credits Guarantee Board

F

Fideikommissnämnden	Entailed Estates Council
Finansinspektionen	Financial Supervisory Authority
Fiskeriverket	National Board of Fisheries
Flygtekniska försöksanstalten*	Aeronautical Research Institute*
Folkhälsoinstitutet	National Institute of Public Health
Forskningsrådsnämnden	Council for Planning and Co-ordination of Research
Fortifikationsförvaltningen*	Fortifications Administration*
Frivårdens behandlingscentral	Probation Treatment Centre
Förlikningsmännaexpedition, statens	National Conciliators' Office
Försvarets civilförvaltning*	Civil Administration of the Defence Forces*
Försvarets datacenter*	Defence Data-Processing Centre*
Försvarets forskningsanstalt*	National Defence Research Establishment*
Försvarets förvaltningsskola*	Defence Forces' Administration School*
Försvarets materielverk*	Defence Material Administration*
Försvarets radioanstalt*	National Defence Radio Institute*
Försvarets sjukvårdsstyrelse*	Medical Board of the Defence Forces*
Försvärshistoriska museer, statens*	Swedish Museums of Military History*
Försvärshögskolan*	National Defence College*
Försäkringskassorna	Social Insurance Offices
Försäkringsdomstolarna	Social Insurance Courts

S

Försäkringsöverdomstolen

Supreme Social Insurance Court

G

Geologiska undersökning, Sveriges

Geological Survey of Sweden

Geotekniska institut, statens

Geotechnical Institute

Glesbygdsmyndigheten

National Rural Area Development Authority

Grafiska institutet och institutet för högre  
kommunikations-och reklamutbildning

Graphic Institute and the Graduate School of  
Communications

H

Handelsflottans kultur-och fritidsråd

Swedish Government Seamen's Service

Handelsflottans pensionsanstalt

Merchant Pensions Institute

Handikappråd, statens

National Council for the Disabled

Haverikommission, statens

Board of Accident Investigation

Hovrätterna (6)

Courts of Appeal (6)

Humanistisk-samhällsvetenskapliga  
forskningsrådet

Council for Research in the Humanities and  
Social Sciences

Hyresnämnder (12)

Regional Rent Tribunals (12)

Häktena (30)

Remand Prisons (30)

Hälso-och sjukvårdens ansvarsnämnd

Committee on Medical Responsibility

Högsta domstolen

Supreme Court

I

Inskrivningsmyndigheten för  
företagsinteckningar

Register Authority for Floating Charges

Institut för byggnadsforskning, statens

Council for Building Research

Institut för psykosocial  
miljömedicin, statens

National Institute for Psycho-Social Factors  
and Health

Institutet för rymdfysik

Swedish Institute of Space Physics

Invandrarverk, statens

Swedish Immigration Board

J

Jordbruksverk, statens

Swedish Board of Agriculture

Justitiekanslern

Office of the Chancellor of Justice

Jämställdhetsombudsmannen och  
jämställdhetsdelegationen

Office of the Equal Opportunities  
Ombudsman and the Equal Opportunities  
Commission

K

Kabelnämnden/Närradionämnden

Swedish Cable Authority/Swedish Community  
Radio Authority

Kammarkollegiet

National Judicial Board of Public Lands  
and Funds

Kamnarrätterna (4)

Administrative Courts of Appeal (4)

Kemikalieinspektionen

National Chemicals Inspectorate

Kommerskollegium

National Board of Trade

Koncessionsnämnden för miljö-  
skydd

National Franchise Board for Environment  
Protection

Konjunkturinstitutet

National Institute of Economic Research

Konkurrensverket

Swedish Competition Authority

Konstfackskolan

College of Arts, Crafts and Design

Konsthögskolan

College of Fine Arts

Konstmuseer, statens

National Art Museums

Konstnärsnämnden

Arts Grants Committee

Konstråd, statens

National Art Council

Konsumentverket

National Board for Consumer Policies

Krigsarkivet\*

Armed Forces Archives\*

Kriminaltekniska laboratorium, statens

National Laboratory of Forensic Science

Kriminalvårdens regionkanslier (7)

Correctional Region Offices (7)

Kriminalvårdsanstalterna (78)

National/Local Institutions (78)

Kriminalvårdsnämnden

National Paroles Board

Kriminalvårdsstyrelsen	National Prison and Probation Administration
Kronofogdemyndigheterna (24)	Enforcement Services (24)
Kulturråd, statens	National Council for Cultural Affairs
Kustbevakningen*	Swedish Coast Guard*
Kärnkraftinspektion, statens	Nuclear-Power Inspectorate
<u>L</u>	
Lantmäteriverk, statens	Central Office of the National Land Survey
Livrustkammaren/Skoklosters slott/Hallwylska museet	Royal Armoury
Livsmedelsverk, statens	National Food Administration
Lotterinämnden	Gaming Board
Läkemedelsverket	Medical Products Agency
Läns- och distriktsåklagar- myndigheterna	County Public Prosecution Authority and District Prosecution Authority
Länsarbetsnämnderna (24)	County Labour Boards (24)
Länsrätterna (25)	County Administrative Courts (25)
Länsstyrelserna (24)	County Administrative Boards (24)
Löne- och pensionsverk, statens	National Government Employee Salaries and Pensions Board
<u>M</u>	
Marknadsdomstolen	Market Court
Maskinprovningar, statens	National Machinery Testing Institute
Medicinska forskningsrådet	Medical Research Council
Meteorologiska och hydrologiska institut, Sveriges	Swedish Meteorological and Hydrological Institute
Militärhögskolan*	Armed Forces Staff and War College*
Musiksamlingar, statens	Swedish National Collections of Music



N


Naturhistoriska riksmuseet	Museum of Natural History
Naturvetenskapliga forskningsrådet	Natural Science Research Council
Naturvårdsverk, statens	National Environmental Protection Agency
Nordiska Afrikainstitutet	Scandinavian Institute of African Studies
Nordiska hälsovårdshögskolan	Nordic School of Public Health
Nordiska institutet för samhällsplanering	Nordic Institute for Studies in Urban and Regional Planning
Nordiska museet, stiftelsen	Nordic Museum
Nordiska rådets svenska delegation	Swedish Delegation of the Nordic Council
Notarienämnden	Recorders Committee
Nämnden för internationella adoptionsfrågor	National Board for Intra Country Adoptions
Nämnden för offentlig upphandling	National Board for Public Procurement
Nämnden för statens gruvegendom	State Mining Property Commission
Nämnden för statliga förnyelsefonder	National Fund for Administrative Development and Training for Government Employees
Nämnden för utställning av nutida svensk konst i utlandet	Swedish National Committee for Contemporary Art Exhibitions Abroad
Närings- och teknikutvecklingsverket	National Board for Industrial and Technical Development

O

Ombudsmannen mot etnisk diskriminering och nämnden mot etnisk diskriminering	Office of the Ethnic Discrimination Ombudsman Advisory Committee on Questions Concerning Ethnic Discrimination
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P

Patentbesvärsträtten	Court of Patent Appeals
Patent- och registreringsverket	Patents and Registration Office
Person- och adressregisternämnd, statens	Co-ordinated Population and Address Register

		
Polarforskningssekretariatet		Swedish Polar Research Secretariat
Presstödsnämnden		Press Subsidies Council
Psykologisk-pedagogiska bibliotek, statens		National Library for Psychology and Education
<u>R</u>		
Radionämnden		Broadcasting Commission
Regeringskansliets förvaltningskontor		Central Services Office for the Ministries
Regeringsrätten		Supreme Administrative Court
Riksantikvarieämbetet och statens historiska museer		Central Board of National Antiquities and National Historical Museums
Riksarkivet		National Archives
Riksbanken		Bank of Sweden
Riksdagens förvaltningskontor		Administration Department of the Swedish Parliament
Riksdagens ombudsmän, JO		The Parliamentary Ombudsmen
Riksdagens revisorer		The Parliamentary Auditors
Riksförsäkringsverket		National Social Insurance Board
Riksgäldskontoret		National Debt Office
Rikspolisstyrelsen		National Police Board
Riksrevisionsverket		National Audit Bureau
Riksskatteverket		National Tax Board
Riksutställningar, Stiftelsen		Travelling Exhibitions Service
Riksåklagaren		Office of the Prosecutor-General
Rymdstyrelsen		National Space Board
Råd för byggnadsforskning, statens		Council for Building Research
Rådet för grundläggande högskoleutbildning		Council for Renewal of Undergraduate Education
Räddningsverk, statens*		National Rescue Services Board*

Rättshjälpsnämnden	Regional Legal-aid Commission
Rättsmedicinalverket	National Board of Forensic Medicine
§	
Sameskolstyrelsen och sameskolor	Sami (Lapp) School Board Sami (Lapp) Schools
Sjöfartsverket	National Maritime Administration
Sjöhistoriska museer, statens	National Maritime Museums
Skattemyndigheterna (24)	Local Tax Offices (24)
Skogs- och jordbrukets forskningsråd	Swedish Council for Forestry and Agricultural Research
Skogsstyrelsen	National Board of Forestry
Skolverk, statens	National Agency for Education
Smittskyddsinstitutet	Swedish Institute for Infectious Disease Control
Socialstyrelsen	National Board of Health and Welfare
Socialvetenskapliga forskningsrådet	Swedish Council for Social Research
Sprängämnesinspektionen	National Inspectorate of Explosives and Flammables
Statistiska centralbyrån	Statistics Sweden
Statskontoret	Agency for Administrative Development
Stiftelsen WHO	Collaborating Centre on International Drug Monitoring
Strålskyddsinstitut, statens	National Institute of Radiation Protection
Styrelsen för internationell utveckling, SIDA	Swedish International Development Authority
Styrelsen för Internationellt Näringslivsbistånd, SWEDECORP	Swedish International Enterprise Development
Styrelsen för psykologiskt försvar*	National Board of Psychological Defence*
Styrelsen för Sverigebilden	Image Sweden
Styrelsen för teknisk ackreditering	Swedish Board for Technical Accreditation

Styrelsen för u-landsforskning,  
SAREC

Swedish Agency for Research  
Cooperation with Developing Countries

Svenska institutet, stiftelsen

Swedish Institute

I

Talboks- och punktskrifts-  
biblioteket

Library of Talking Books and Braille  
Publications

Teknikvetenskapliga forskningsrådet

Swedish Research Council for Engineering  
Sciences

Tekniska museet, stiftelsen

National Museum of Science and Technology

Tingsrätterna (97)

District and City Courts (97)

Tjänsteförslagsnämnden för domstolsväsendet

Judges Nomination Proposal Committee

Transportforskningsberedningen

Transport Research Board

Transportrådet

Board of Transport

Tullverket

Swedish Board of Customs

U

Ungdomsråd, statens

State Youth Council

Universitet och högskolor

Universities and University Colleges

Utlänningsnämnden

Aliens Appeals Board

Utsädeskontroll, statens

National Seed Testing and Certification Institute

V

Vatten- och avloppsnämnd, statens

National Water Supply and Sewage Tribunal

Vattenöverdomstolen

Water Rights Court of Appeal

Verket för högskoleservice (VHS)

National Agency for Higher Education

Veterinärmedicinska anstalt, statens

National Veterinary Institute

Väg- och trafikinstitut, statens

Road and Traffic Research Institute

Värnpliktsverket\*

Armed Forces' Enrolment Board\*

Växsortsnämnd, statens

National Plant Variety Board

[REDACTED]

Y

Yrkesinspektionen

Labour Inspectorate

Å

Åklagarmyndigheterna

Public Prosecution Authorities

Ö

Överbefälhavaren\*

Supreme Commander of the Armed Forces\*

Överstyrelsen för civil beredskap\*

National Board of Civil Emergency Preparedness\*

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