

## ANNEX 15-A

### SCHEDULE OF THE UNITED KINGDOM

#### SECTION A: Central Government Entities

##### *Thresholds:*

Unless otherwise specified, Chapter 15 (Government Procurement) shall apply to central government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 15.2.8 (Scope), to equal or exceed the following thresholds:

|               |                       |
|---------------|-----------------------|
| 130,000 SDR   | Goods                 |
| 130,000 SDR   | Services              |
| 5,000,000 SDR | Construction Services |

##### *List of Entities:*

1. Attorney General's Office:
  - (a) Government Legal Department
2. Cabinet Office:
  - (a) Office of the Parliamentary Counsel
  - (b) Boundary Commission for England
  - (c) Crown Commercial Service
3. Charity Commission
4. Crown Estate - vote expenditure only
5. Crown Prosecution Service
6. Department for Business, Energy and Industrial Strategy:
  - (a) Competition Appeal Tribunal
  - (b) Competition and Markets Authority
  - (c) Competition Service
  - (d) Intellectual Property Office
  - (e) Nuclear Decommissioning Authority
  - (f) Meteorological Office (known as Met Office)
  - (g) Office of Manpower Economics
  - (h) Oil and Gas Authority
  - (i) UK Research and Innovation
7. Department for Education:
  - (a) Office for Students
8. Ministry of Housing, Communities and Local Government
9. Department for Digital, Culture, Media and Sport:
  - (a) Arts Council England
  - (b) British Library
  - (c) British Museum
  - (d) The Gambling Commission
  - (e) Historic Buildings and Monuments Commission for England (known as Historic England)

- (f) Imperial War Museum
- (g) National Gallery
- (h) National Maritime Museum
- (i) National Portrait Gallery
- (j) Natural History Museum
- (k) Board of Trustees of the Science Museum (known as Science Museum Group)
- (l) Tate Gallery
- (m) Victoria and Albert Museum
- (n) Wallace Collection
- 10. Department for Environment, Food and Rural Affairs:
  - (a) Natural England
  - (b) Plant Variety Rights Office
  - (c) Royal Botanic Gardens, Kew
- 11. Department of Health and Social Care:
  - (a) NHS Business Services Authority
  - (b) NHS Commissioning Board (known as NHS England)
  - (c) NHS Trusts
  - (d) NHS Foundation Trusts
- 12. Department for International Trade
- 13. Department for Transport:
  - (a) Maritime and Coastguard Agency
  - (b) Highways England Company Ltd (known as Highways England)
- 14. Department for Work and Pensions:
  - (a) Office for Nuclear Regulation
  - (b) Pensions Regulator
  - (c) Social Security Advisory Committee
- 15. Export Credits Guarantee Department (known as UK Export Finance)
- 16. Foreign, Commonwealth and Development Office:
  - (a) Wilton Park
- 17. Government Actuary's Department
- 18. Government Communications Headquarters
- 19. Home Office:
  - (a) HM Inspectorate of Constabulary and Fire & Rescue Services
- 20. Corporate Officer of the House of Commons
- 21. Corporate Officer of the House of Lords
- 22. Ministry of Defence:
  - (a) Defence Equipment & Support
- 23. Ministry of Justice:
  - (a) Court of Appeal (England and Wales)
  - (b) Employment Appeals Tribunal
  - (c) Employment Tribunals
  - (d) First-tier Tribunal
  - (e) Her Majesty's Courts and Tribunals Service
  - (f) Law Commission
  - (g) Legal Aid Agency - England and Wales
  - (h) Office of the Official Solicitor to the Senior Courts and the Public Trustee
  - (i) Office of the Public Guardian
  - (j) Parole Board
  - (k) UK Supreme Court
  - (l) Upper Tribunal

24. The National Archives
25. National Audit Office
26. National Savings and Investments
27. Northern Ireland Assembly Commission
28. Northern Ireland Ministers:
  - (a) Agricultural Wages Board for Northern Ireland
  - (b) Attorney General for Northern Ireland
  - (c) Department of Agriculture, Environment and Rural Affairs
  - (d) Department for Communities
  - (e) Department for the Economy:
    - (i) Consumer Council Northern Ireland (with respect only to the functions transferred from the National Consumer Council which were themselves transferred from the Gas and Electricity Consumer Council)
  - (f) Department of Education
  - (g) Department of Finance
  - (h) Department of Health
  - (i) Department for Infrastructure
  - (j) Department of Justice:
    - (i) Coroners Service
    - (ii) County Courts
    - (iii) Court of Appeal and High Court of Justice in Northern Ireland
    - (iv) Crown Court
    - (v) Enforcement of Judgements Office
    - (vi) Forensic Science Northern Ireland
    - (vii) Legal Service Agency Northern Ireland
    - (viii) Magistrates' Courts
    - (ix) Pensions Appeals Tribunals (Northern Ireland)
    - (x) Police Service of Northern Ireland
    - (xi) Probation Board for Northern Ireland
    - (xii) Office of the Social Security Commissioners and Child Support Commissioners (Northern Ireland)
    - (xiii) State Pathologist's Department
  - (k) Executive Office
29. Northern Ireland Office:
  - (a) Office of the Chief Electoral Officer for Northern Ireland
  - (b) Public Prosecution Service for Northern Ireland
30. Office for National Statistics:
  - (a) National Health Service Central Register
31. Parliamentary Works Sponsor Body
32. Parliamentary and Health Service Ombudsman
33. Postal business of the Post Office
34. Privy Council Office
35. Restoration and Renewal Delivery Authority Ltd
36. HM Revenue and Customs
37. Royal Hospital, Chelsea
38. Royal Mint
39. Rural Payments Agency
40. Scotland, Auditor-General
41. Scotland, Crown Office and Procurator Fiscal Service
42. Scotland, National Records of Scotland

43. Scotland, Queen's and Lord Treasurer's Remembrancer
44. Scotland, Registers of Scotland
45. The Scotland Office
46. The Scottish Ministers:
  - (a) Architecture and Design Scotland
  - (b) Crofting Commission
  - (c) Lands Tribunal for Scotland
  - (d) National Galleries of Scotland
  - (e) National Library of Scotland
  - (f) National Museums of Scotland
  - (g) Royal Botanic Garden, Edinburgh
  - (h) Scottish Courts and Tribunals Service
  - (i) Scottish Further and Higher Education Funding Council
  - (j) Scottish Law Commission
  - (k) Special Health Boards
  - (l) Health Boards
  - (m) The Office of the Accountant of Court
  - (n) High Court of Justiciary
  - (o) Court of Session
  - (p) HM Inspectorate of Constabulary
  - (q) Parole Board for Scotland
  - (r) Pensions Appeal Tribunals (Scotland)
  - (s) Scottish Land Court
  - (t) Sheriff Courts
  - (u) Scottish Natural Heritage
  - (v) Scottish Police Authority
  - (w) First-tier Tribunal for Scotland
  - (x) Upper Tribunal for Scotland
  - (y) Historic Environment Scotland
47. The Scottish Parliamentary Corporate Body
48. HM Treasury:
  - (a) United Kingdom Debt Management Office
49. The Wales Office - Office of the Secretary of State for Wales
50. The Welsh Ministers:
  - (a) Agricultural Dwelling House Advisory Committees (Wales)
  - (b) Agricultural Land Tribunal for Wales
  - (c) Higher Education Funding Council for Wales
  - (d) Local Democracy and Boundary Commission for Wales
  - (e) Rent Assessment Committee for Wales
  - (f) The Royal Commission on the Ancient and Historical Monuments of Wales
  - (g) Valuation Tribunal for Wales
  - (h) Welsh National Health Service Trusts and Local Health Boards

**Notes to Section A:**

1. Procurement by any entity subordinate to any entity listed in this Section is covered provided it does not have separate legal personality.

2. Covered procurement by entities in the field of defence and security shall only extend to non-sensitive and non-warlike materials listed in Section D.

## SECTION B: Sub-Central Government Entities

### *Thresholds:*

Unless otherwise specified, Chapter 15 (Government Procurement) shall apply to sub-central government entities listed in this Section where the value of the procurement is estimated to equal or exceed the following thresholds:

|               |                       |
|---------------|-----------------------|
| 200,000 SDR   | Goods                 |
| 200,000 SDR   | Services              |
| 5,000,000 SDR | Construction Services |

### *List of Entities:*

1. All regional or local government contracting authorities that are:
  - (a) Unitary authorities with populations of over 150,000 people;
  - (b) County councils;
  - (c) Combined authorities; or
  - (d) The Greater London Authority,

including successor regional or local government contracting authorities of substantively equivalent population sizes.

An indicative list of regional or local government contracting authorities follows:

### **Indicative List of Unitary Authorities with Populations over 150,000:**

1. Aberdeen City Council
2. Aberdeenshire Council
3. Ards and North Down Borough Council
4. Armagh City, Banbridge and Craigavon Borough Council
5. Bath and North East Somerset
6. Bedford
7. Belfast City Council
8. Blackburn with Darwen
9. Bournemouth, Christchurch and Poole
10. Brighton and Hove
11. Caerphilly
12. Cardiff
13. Carmarthenshire
14. City of Bristol
15. Buckinghamshire
16. Central Bedfordshire
17. Cheshire East
18. Cheshire West and Cheshire
19. Cornwall

20. County Durham
21. Derby
22. Derry City and Strabane District Council
23. Dorset
24. East Riding of Yorkshire
25. City of Edinburgh Council
26. Falkirk Council
27. Fife Council
28. Flintshire
29. Glasgow City Council
30. County of Herefordshire
31. The Highland Council
32. City of Kingston upon Hull
33. Leicester
34. Luton
35. Medway
36. Milton Keynes
37. Newport
38. Newry, Mourne and Down District Council
39. North East Lincolnshire
40. North Lanarkshire Council
41. North Lincolnshire
42. North Northamptonshire
43. North Somerset
44. Northumberland
45. Nottingham
46. Perth and Kinross Council
47. Peterborough
48. Plymouth
49. Portsmouth
50. Reading
51. Renfrewshire
52. Rhondda Cynon Taf
53. Shropshire
54. South Gloucestershire
55. South Lanarkshire Council
56. Southampton
57. Southend-on-Sea
58. Stockton-on-Tees
59. Stoke-on-Trent
60. Swansea
61. Swindon
62. Telford and Wrekin
63. Thurrock
64. Warrington
65. West Berkshire
66. West Lothian Council
67. West Northamptonshire
68. Wiltshire
69. Windsor and Maidenhead

70. Wokingham
71. York

**Indicative List of County Councils:**

1. Cambridgeshire
2. Cumbria
3. Derbyshire
4. Devon
5. East Sussex
6. Essex
7. Gloucestershire
8. Hampshire
9. Hertfordshire
10. Kent
11. Lancashire
12. Leicestershire
13. Lincolnshire
14. Norfolk
15. North Yorkshire
16. Nottinghamshire
17. Oxfordshire
18. Somerset
19. Staffordshire
20. Suffolk
21. Surrey
22. Warwickshire
23. West Sussex
24. Worcestershire

**Indicative List of Combined Authorities:**

1. Cambridgeshire and Peterborough Combined Authority
2. Greater Manchester Combined Authority
3. Liverpool City Region
4. North East Combined Authority
5. North of Tyne Combined Authority
6. South Yorkshire Combined Authority
7. Tees Valley Combined Authority
8. West of England Combined Authority
9. West Midlands Combined Authority
10. West Yorkshire Combined Authority

2. All contracting authorities which are bodies governed by public law, as defined by, for England, Wales and Northern Ireland, the *Public Contracts Regulations 2015* and, for Scotland, the *Public Contracts (Scotland) Regulations 2015*.

- (a) **Bodies governed by public law** as defined by the *Public Contracts Regulations 2015* means any bodies that have all of the following characteristics:



- (i) they are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
  - (ii) they have legal personality; and
  - (iii) they have any of the following characteristics:
    - (A) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law;
    - (B) they are subject to management supervision by those authorities or bodies; or
    - (C) they have an administrative, managerial or supervisory board; more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.
- (b) **Body governed by public law** as defined by the *Public Contracts (Scotland) Regulations 2015* means a body that has legal personality, is established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and which:
- (i) is financed for the most part by the State, regional or local authorities, or by any other body governed by public law;
  - (ii) is subject to management supervision by any such authority or body; or
  - (iii) has an administrative, managerial or supervisory board more than half the members of which were appointed by any body referred to in subparagraph (i).

#### **Indicative Lists of Contracting Authorities which are Bodies Governed by Public Law:**

##### **Bodies**

1. Health and Safety Executive
2. Advisory, Conciliation and Arbitration Service
3. Homes England
4. NHS Blood and Transplant Service
5. Environment Agency
6. Scottish Enterprise
7. Ordnance Survey Limited
8. Financial Conduct Authority

## **Categories**

1. Maintained schools
2. Universities and colleges financed for the most part by other contracting authorities
3. National Museums and Galleries
4. Fire and Rescue Authorities
5. Police Authorities
6. Police and Crime Commissioners
7. New Town Development Corporations
8. Urban Development Corporations
9. National Park Authorities
10. Registered providers of social housing

## ***Notes to Section B:***

1. For greater certainty, procurement by contracting authorities which are regional or local government authorities that are district councils, metropolitan boroughs, London boroughs or smaller administrative units such as parish or community councils is not covered in this Section, including procurement by successor regional or local government contracting authorities of substantively equivalent population sizes.

2. The following shall not be considered as covered procurement until such time as the United Kingdom has accepted that the Parties concerned provide satisfactory reciprocal access to their own sub-central procurement markets for goods, suppliers, services and service providers from the United Kingdom:

- (a) in regard of goods, suppliers, services and service providers from Malaysia, Mexico, New Zealand and Viet Nam, procurement by all procuring entities listed in this Section, except in the case of bodies governed by public law; and
- (b) in regard of goods, suppliers, services and service providers from Australia and Canada, procurement between 200,000 SDR and 355,000 SDR by procuring entities covered under this Section.

3. The provisions of Article 15.19 (Domestic Review) shall not apply to Japan in contesting the award of contracts by United Kingdom entities, whose value is less than the threshold applied for the same category of contracts awarded by Japan.

4. Where a procuring entity covered in this Section has selected all or a limited number of qualified suppliers, the time period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of any agreement, the period shall not be less than 10 days.

## SECTION C: Other Entities

### *Thresholds:*

Unless otherwise specified, Chapter 15 (Government Procurement) shall apply to the other entities listed in this Section where the value of the procurement is estimated to equal or exceed the following thresholds:

|               |                       |
|---------------|-----------------------|
| 400,000 SDR   | Goods                 |
| 400,000 SDR   | Services              |
| 5,000,000 SDR | Construction Services |

### *List of Entities:*

1. All utilities whose procurement is covered by the *Utilities Contracts Regulations 2016* and the *Utilities Contracts (Scotland) Regulations 2016* which:

- (a) are one of the following entities:
  - (i) a central government entity covered in Section A;
  - (ii) a sub-central government entity covered in Section B; or
  - (iii) a public undertaking;<sup>1</sup> and
- (b) have as one of their activities any of those referred to 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;

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<sup>1</sup> According to the *Utilities Contracts Regulations 2016*, a **public undertaking** means any undertaking over which contracting authorities may exercise directly or indirectly a dominant influence by virtue of:

- (a) their ownership of that undertaking;
- (b) their financial participation in that undertaking; or
- (c) the rules which govern that undertaking.

According to the *Utilities Contracts (Scotland) Regulations 2016*, a **public undertaking** means a person over which one or more contracting authorities are able to exercise, directly or indirectly, a dominant influence by virtue of one or more of the following:

- (a) their ownership of that person;
- (b) their financial participation in that person;
- (c) the rights accorded to them by the rules which govern that person.

According to both the *Utilities Contracts Regulations 2016* and the *Utilities Contracts (Scotland) Regulations 2016*, a dominant influence on the part of contracting authorities is presumed in any of the following cases in which those authorities, directly or indirectly:

- (a) hold the majority of the undertaking's subscribed capital;
- (b) control the majority of the votes attaching to shares issued by the undertaking;
- (c) can appoint more than half of the undertaking's administrative, management or supervisory body.

- (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 provision or operation of networks<sup>2</sup> providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable;
- (vi) the provision or operation of networks providing a service to the public in the field of transport by railways.<sup>3</sup>

### **Indicative Lists of Contracting Authorities and Public Undertakings Fulfilling the Criteria Set Out in Section C:**

#### **Production, transport or distribution of drinking water**

- 1. A company holding an appointment as a water undertaker or a sewage undertaker under the *Water Industry Act 1991*
- 2. Scottish Water
- 3. Northern Ireland Water

#### **Production, transport or distribution of electricity**

- 1. A person licensed under section 6 of the *Electricity Act 1989*
- 2. A person licensed under section 10(1) of the *Electricity (Northern Ireland) Order 1992*

#### **Airport installations**

- 1. A local authority which exploits a geographical area for the purpose of providing airport or other terminal facilities to carriers by air
- 2. Highland and Islands Airports Limited
- 3. London Luton Airport Operations Limited
- 4. Manchester Airports Holdings Limited
- 5. Cornwall Airport Limited

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<sup>2</sup> As regards transport services, a network shall be considered to exist if the service is provided under operating conditions laid down by a competent authority of the United Kingdom such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

<sup>3</sup> For example, the provision or operation of networks (within the meaning of footnote 2) providing a service to the public in the field of transport by high-speed or conventional trains.

### **Maritime or inland port or other terminal facilities**

1. 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
2. A harbour authority within the meaning of section 57 of the *Harbours Act 1964*
3. A harbour authority as defined by section 38(1) of the *Harbours Act (Northern Ireland) 1970*

### **Contracting entities in the field of urban railway, tramway, trolleybus or bus services**

1. London Bus Services Limited
2. London Underground Limited
3. Transport for London
4. A subsidiary of Transport for London within the meaning of section 424(1) of the *Greater London Authority Act 1999*
5. Strathclyde Partnership for Transport
6. Transport for Greater Manchester
7. Tyne and Wear Passenger Transport (trading as Nexus)
8. Brighton and Hove City Council
9. South Yorkshire Passenger Transport Executive
10. Blackpool Transport Services Limited
11. Conwy County Borough Council
12. 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
13. Northern Ireland Transport Holding Company
14. A person who holds a bus operator's licence under section 4(1) of the *Transport Act (Northern Ireland) 1967* which authorises that person to provide a regular service within the meaning of that licence

### **Contracting entities in the field of rail services**

1. Network Rail plc
2. Northern Ireland Transport Holding Company
3. Northern Ireland Railways Company Limited
4. 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

### **Notes to Section C:**

1. Procurement for the pursuit of an activity listed above when exposed to competitive forces in the market concerned is not covered by Chapter 15 (Government Procurement).

2. Chapter 15 (Government Procurement) does not cover procurement by procuring entities included in this Section:

- (a) for the purchase of water and for the supply of energy or of fuels for the production of energy;
- (b) for purposes other than the pursuit of their activities as listed in this Section or for the pursuit of such activities outside of the United Kingdom; or
- (c) for purposes of re-sale or hire to third parties, provided that the procuring 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 procuring entity.

3. The supply of drinking water or electricity to networks which provide a service to the public by a procuring entity other than a contracting authority shall not be considered as an activity within the meaning of subparagraphs 1(b)(i) or 1(b)(ii) of this Section if:

- (a) 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 subparagraphs 1(b)(i) through 1(b)(vi) of this Section; and
- (b) supply to the public network depends only on the entity's own consumption and has not exceeded 30 per cent 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.

4. Chapter 15 (Government Procurement) does not cover procurement:

- (a) by a procuring entity to an affiliated undertaking;<sup>4</sup> or
- (b) by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of subparagraphs 1(b)(i) through 1(b)(vi) of this Section, to an undertaking which is affiliated with one of these procuring entities,

for services or supplies contracts provided that at least 80 per cent of the average turnover of the affiliated undertaking with respect to services or supplies for the preceding three years

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<sup>4</sup> **affiliated undertaking** means any undertaking over which the procuring entity may exercise, directly or indirectly, a dominant influence, or which may exercise a dominant influence over the procuring entity, or which, in common with the procuring entity, is subject to the dominant influence of another undertaking by virtue of ownership, financial participation or the rules which govern it.

derives respectively from the provision of such services or supplies to undertakings with which it is affiliated.<sup>5</sup>

5. Chapter 15 (Government Procurement) does not cover procurement:

- (a) by a joint venture, formed exclusively by a number of procuring entities for the purposes of carrying out activities within the meaning of subparagraphs 1(b)(i) through 1(b)(vi) of this Section, to one of these procuring entities; or
- (b) by a procuring entity to such a joint venture of which it forms part, provided that the joint venture has been set up to carry out the activity concerned over a period of at least three years and the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.

6. With regard to goods, suppliers, services and service providers from Australia, Brunei, Canada, Malaysia and New Zealand, procurement by procuring entities in this Section is covered with respect to the Party concerned only to the extent that Party provides equivalent access to its own procurement markets for goods, suppliers, services and service providers from the United Kingdom under Chapter 15 (Government Procurement).

7. Procurement by procuring entities in this Section shall only be considered covered procurement:

- (a) in regard of goods, suppliers, services and service providers from Mexico, by those procuring entities operating in the activities described in subparagraphs 1(b)(i) through 1(b)(v) of this Section and in regard of goods from Mexico, by those procuring entities operating in the activities described in subparagraph 1(b)(vi) of this Section;
- (b) in regard of goods, suppliers, services and service providers from Chile, by those procuring entities operating in the activities described in subparagraphs 1(b)(iii) and 1(b)(iv) of this Section; and
- (c) in regard of goods, suppliers, services and service providers from Japan, by those procuring entities operating in the activities described in subparagraphs 1(b)(i) and 1(b)(iii) through 1(b)(v) of this Section except urban railways.

8. The provisions of Article 15.19 (Domestic Review) shall not apply to Japan in contesting the award of contracts by United Kingdom entities, whose value is less than the threshold applied for the same category of contracts awarded by Japan.

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<sup>5</sup> When, because of the date on which an affiliated undertaking was created or commenced activities, the turnover is not available for the preceding three years, it will be sufficient for that undertaking to show that the turnover referred to in this note is credible, in particular by means of business projections.

9. If a procuring entity covered under this Section has selected all or a limited number of qualified suppliers, the time period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of agreement, the period shall not be less than 10 days.

10. In relation to multi-use lists, a notice inviting suppliers to apply for inclusion on a multi-use list may be used as a notice of intended procurement by a procuring entity covered under this Section, provided the notice includes as much of the information required under Article 15.7.3 (Notices of Intended Procurement) as is available and a statement that only suppliers on the multi-use list will receive further notices of procurement covered by the multi-use list.



## SECTION D: Goods

1. Chapter 15 (Government Procurement) covers the procurement of all goods procured by the entities listed in Sections A, B and C, unless otherwise specified.
2. With respect to procurement of goods by the Ministry of Defence and Agencies for defence or security activities in the United Kingdom, Chapter 15 (Government Procurement) covers only the goods that are described in the Chapters of HS 2017 specified below:

| HS Chapter  | Description                                                                                                                                                                                                                                                                                                                                                                       |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chapter 25: | Salt, sulphur, earths and stone, plastering materials, lime and cement                                                                                                                                                                                                                                                                                                            |
| Chapter 26: | Metallic ores, slag and ash                                                                                                                                                                                                                                                                                                                                                       |
| Chapter 27: | Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes<br><br>except:<br>ex 27.10: special engine fuels                                                                                                                                                                                                                             |
| Chapter 28: | Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radio-active elements and isotopes<br><br>except:<br>ex 28.09: explosives<br>ex 28.13: explosives<br>ex 28.14: tear gas<br>ex 28.28: explosives<br>ex 28.32: explosives<br>ex 28.39: explosives<br>ex 28.50: toxic products<br>ex 28.51: toxic products<br>ex 28.54: explosives |
| Chapter 29: | Organic chemicals<br><br>except:<br>ex 29.03: explosives<br>ex 29.04: explosives<br>ex 29.07: explosives<br>ex 29.08: explosives<br>ex 29.11: explosives<br>ex 29.12: explosives<br>ex 29.13: toxic products<br>ex 29.14: toxic products<br>ex 29.15: toxic products                                                                                                              |

|             |                                                                                                                                                                                                                               |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | ex 29.21: toxic products<br>ex 29.22: toxic products<br>ex 29.23: toxic products<br>ex 29.26: explosives<br>ex 29.27: toxic products<br>ex 29.29: explosives                                                                  |
| Chapter 30: | Pharmaceutical products                                                                                                                                                                                                       |
| Chapter 31: | Fertilisers                                                                                                                                                                                                                   |
| Chapter 32: | Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks                                                                                          |
| Chapter 33: | Essential oils and resinoids, perfumery, cosmetic or toilet preparations                                                                                                                                                      |
| Chapter 34: | Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and “dental waxes” |
| Chapter 35: | Albuminoidal substances, glues, enzymes                                                                                                                                                                                       |
| Chapter 37: | Photographic and cinematographic goods                                                                                                                                                                                        |
| Chapter 38: | Miscellaneous chemical products<br><br>except:<br>ex 38.19: toxic products                                                                                                                                                    |
| Chapter 39: | Artificial resins and plastic materials, cellulose esters and ethers, and articles thereof<br><br>except:<br>ex 39.03: explosives                                                                                             |
| Chapter 40: | Rubber, synthetic rubber, factice, and articles thereof<br><br>except:<br>ex 40.11: bullet-proof tyres                                                                                                                        |
| Chapter 41: | Raw hides and skins (other than fur skins) and leather                                                                                                                                                                        |
| Chapter 42: | Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silkworm gut)                                                                                    |
| Chapter 43: | Furskins and artificial fur, manufactures thereof                                                                                                                                                                             |

|             |                                                                                                                               |
|-------------|-------------------------------------------------------------------------------------------------------------------------------|
| Chapter 44: | Wood and articles of wood, wood charcoal                                                                                      |
| Chapter 45: | Cork and articles of cork                                                                                                     |
| Chapter 46: | Manufactures of straw of esparto and of other plaiting materials, basket ware and wickerwork                                  |
| Chapter 47: | Paper-making material                                                                                                         |
| Chapter 48: | Paper and paperboard, articles of paper pulp, of paper or of paperboard                                                       |
| Chapter 49: | Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans           |
| Chapter 65: | Headgear and parts thereof                                                                                                    |
| Chapter 66: | Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof                                                   |
| Chapter 67: | Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair               |
| Chapter 68: | Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials                                       |
| Chapter 69: | Ceramic products                                                                                                              |
| Chapter 70: | Glass and glassware                                                                                                           |
| Chapter 71: | Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery |
| Chapter 73: | Iron and steel and articles thereof                                                                                           |
| Chapter 74: | Copper and articles thereof                                                                                                   |
| Chapter 75: | Nickel and articles thereof                                                                                                   |
| Chapter 76: | Aluminium and articles thereof                                                                                                |
| Chapter 77: | Magnesium and beryllium and articles thereof                                                                                  |
| Chapter 78: | Lead and articles thereof                                                                                                     |
| Chapter 79: | Zinc and articles thereof                                                                                                     |
| Chapter 80: | Tin and articles thereof                                                                                                      |

|             |                                                                                                                                                                                                                                                                                                                                                                         |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chapter 81: | Other base metals employed in metallurgy and articles thereof                                                                                                                                                                                                                                                                                                           |
| Chapter 82: | Tools, implements, cutlery, spoons and forks, of base metal, parts thereof<br><br>except:<br>ex 82.05: tools<br>ex 82.07: tools, parts                                                                                                                                                                                                                                  |
| Chapter 83: | Miscellaneous articles of base metal                                                                                                                                                                                                                                                                                                                                    |
| Chapter 84: | Boilers, machinery and mechanical appliances, parts thereof<br><br>except:<br>ex 84.06: engines<br>ex 84.08: other engines<br>ex 84.45: machinery<br>ex 84.53: automatic data-processing machines<br>ex 84.55: parts of machines under heading No 84.53<br>ex 84.59: nuclear reactors                                                                                   |
| Chapter 85: | Electrical machinery and equipment, parts thereof<br><br>except:<br>ex 85.13: telecommunication equipment<br>ex 85.15: transmission apparatus                                                                                                                                                                                                                           |
| Chapter 86: | Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered)<br><br>except:<br>ex 86.02: armoured locomotives, electric<br>ex 86.03: other armoured locomotives<br>ex 86.05: armoured wagons<br>ex 86.06: repair wagons<br>ex 86.07: wagons |
| Chapter 87: | Vehicles, other than railway or tramway rolling-stock, and parts thereof<br><br>except:<br>ex 87.01: tractors<br>ex 87.02: military vehicles<br>ex 87.03: breakdown lorries<br>ex 87.08: tanks and other armoured vehicles<br>ex 87.09: motorcycles<br>ex 87.14: trailers                                                                                               |
| Chapter 89: | Ships, boats and floating structures                                                                                                                                                                                                                                                                                                                                    |

|             |                                                                                                                                                                                                                                                                                                                                        |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             | except:<br>ex 89.01 A: warships                                                                                                                                                                                                                                                                                                        |
| Chapter 90: | Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts and accessories thereof                                                                                                                                                                                  |
|             | except:<br>ex 90.05: binoculars<br>ex 90.11: microscopes<br>ex 90.13: miscellaneous instruments, lasers<br>ex 90.14: telemeters<br>ex 90.17: medical instruments<br>ex 90.18: mechano-therapy appliances<br>ex 90.19: orthopaedic appliances<br>ex 90.20: X-ray apparatus<br>ex 90.28: electrical and electronic measuring instruments |
| Chapter 91: | Manufacture of watches and clocks                                                                                                                                                                                                                                                                                                      |
| Chapter 92: | Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles                                                                                                                                                                                       |
| Chapter 94: | Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings                                                                                                                                                                                                                          |
|             | except:<br>ex 94.01 A: aircraft seats                                                                                                                                                                                                                                                                                                  |
| Chapter 95: | Articles and manufactures of carving or moulding material                                                                                                                                                                                                                                                                              |
| Chapter 96: | Brooms, brushes, powder-puffs and sieves                                                                                                                                                                                                                                                                                               |
| Chapter 98: | Miscellaneous manufactured articles                                                                                                                                                                                                                                                                                                    |

## SECTION E: Services

Chapter 15 (Government Procurement) covers the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC Prov.) as contained in document MTN.GNS/W/120.<sup>6</sup>

|     | <b>Description</b>                                                                                      | <b>CPC Prov.</b>                |
|-----|---------------------------------------------------------------------------------------------------------|---------------------------------|
| 1.  | Maintenance and repair services                                                                         | 6112, 6122, 633, 886            |
| 2.  | Land transport services, including armoured car services and courier services, except transport of mail | 712 (except 71235), 7512, 87304 |
| 3.  | Air transport services of passengers and freight, except transport of mail                              | 73 (except 7321)                |
| 4.  | Transport of mail by land, except rail, and by air                                                      | 71235, 7321                     |
| 5.  | Telecommunications services                                                                             | 752                             |
| 6.  | Financial services                                                                                      | ex 81                           |
|     | (a) Insurance services                                                                                  | 812, 814                        |
|     | (b) Banking and investment services <sup>7</sup>                                                        |                                 |
| 7.  | Computer and related services                                                                           | 84                              |
| 8.  | Accounting, auditing and bookkeeping services                                                           | 862                             |
| 9.  | Market research and public opinion polling services                                                     | 864                             |
| 10. | Management consulting services and related services                                                     | 865, 866 <sup>8</sup>           |
| 11. | Architectural services; engineering services and other technical services                               | 867                             |
| 12. | Advertising services                                                                                    | 871                             |
| 13. | Building-cleaning services                                                                              | 874, 82201-82206                |
| 14. | Publishing and printing services on a fee or contractual basis                                          | 88442                           |
| 15. | Sewage and refuse disposal; sanitation and similar services                                             | 94                              |

### **Notes to Section E:**

1. For procuring entities covered under Sections A, B and C, the following services are covered under this Section with respect to a particular Party only to the extent to which that

<sup>6</sup> Except for services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision.

<sup>7</sup> Except for the procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities.

<sup>8</sup> Except arbitration and conciliation services.

Party has covered that service in its Schedule for its procuring entities covered under that Schedule's Sections A, B and C:

|    | <b>Description</b>                                | <b>CPC Prov.</b>   |
|----|---------------------------------------------------|--------------------|
| 1. | Land transport services, except transport of mail | 712 (except 71235) |
| 2. | Financial services                                | ex 81              |
|    | (a) Insurance services                            | 812, 814           |
|    | (b) Banking and investment services <sup>9</sup>  |                    |
| 3. | Advertising services                              | 871                |

2. For greater certainty, Section E does not cover procurement of the following services:

- (a) Human health services (CPC Prov. 931);
- (b) Administrative healthcare services (CPC Prov. 91122); or
- (c) Supply services of nursing personnel and supply services of medical personnel (CPC Prov. 87206 and 87209).

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<sup>9</sup> Except for the procurement or acquisition of fiscal agency or depository services, liquidation and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities.

## SECTION F: Construction Services and Public Works Concessions Contracts

### Construction Services

1. All services listed in Division 51 (CPC Prov.), as contained in document MTN/GNS/W/120.

### Works concessions contracts

2. Build-operate transfer contracts and public works concession contracts which are 'works concessions contracts' under the *Concessions Contracts Regulations 2016* and the *Concessions Contracts (Scotland) Regulations 2016*<sup>10</sup> are only covered when awarded by Section A or Section B entities. Such works concession contracts are subject to all provisions of Chapter 15 (Government Procurement) except Article 15.7.6 (Notices of Intended Procurement), Article 15.9.6 through Article 15.9.10 (Qualification of Suppliers), Article 15.10.3 (Limited Tendering), Article 15.11.1(a) and Article 15.11.2(b) (Negotiations), Article 15.12.3 (Technical Specifications), Article 15.13.1(d) and Article 15.13.4 (Tender Documentation), Article 15.14.3 through Article 15.14.5 (Time Periods) and Article 15.16.4 (Post-Award Information).

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<sup>10</sup> According to the *Concessions Contracts Regulations 2016*, a **works concession contract** means a contract:  
(a) for pecuniary interest concluded in writing by means of which one or more contracting authorities or utilities entrust the execution of works to one or more economic operators, the consideration for which consists either solely in the right to exploit the works that are the subject of the contract or in that right together with payment; and  
(b) that meets the requirements described below.

The requirements are:

- (a) the award of the contract shall involve the transfer to the concessionaire of an operating risk in exploiting the works or services encompassing demand or supply risk or both; and
- (b) the part of the risk transferred to the concessionaire shall involve real exposure to the vagaries of the market, such that any potential estimated loss incurred by the concessionaire shall not be merely nominal or negligible. For these purposes, the concessionaire shall be deemed to assume operating risk where, under normal operating conditions, it is not guaranteed to recoup the investments made or the costs incurred in operating the works or the services which are the subject-matter of the concession contract.

According to the *Concessions Contracts (Scotland) Regulations 2016*, a **works concession contract** means a contract:

- (a) for pecuniary interest concluded in writing by means of which one or more contracting entities entrust the execution of works to one or more economic operators, the consideration for which consists either solely in the right to exploit the works that are the subject of the contract or in that right together with payment; and
- (b) that meets the requirements described below.

The requirements are:

- (a) the award of the contract involves the transfer to the concessionaire of an operating risk in exploiting the works or services encompassing demand or supply risk or both; and
- (b) the part of the risk transferred to the concessionaire involves real exposure to changing market conditions, such that any potential estimated loss incurred by the concessionaire is not merely nominal or negligible. For these purposes the concessionaire shall be deemed to assume operating risk if, under normal operating conditions, it is not guaranteed to recoup the investments made or the costs incurred in operating the works or the services which are the subject-matter of the concession contract.



3. For greater certainty, build-operate transfer contracts and public works concession contracts which are not works concession contracts, as described in paragraph 2, are covered and subject to all provisions of Chapter 15 (Government Procurement).

***Notes to Section F:***

1. Chapter 15 (Government Procurement) does not cover procurement of works concessions contracts as described in paragraph 2 of this Section with respect to suppliers and service providers from Malaysia or Mexico until such time as the United Kingdom has accepted that the Party concerned offers satisfactory reciprocal access.

## **SECTION G: General Notes**

1. Chapter 15 (Government Procurement) does not cover:
  - (a) procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes (for example, food aid including urgent relief aid); or
  - (b) procurement for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.
2. Procurement by procuring entities covered under Sections A and B in connection with activities in the fields of drinking water, energy, transport and the postal sector are not covered by Chapter 15 (Government Procurement), unless covered under Section C.
3. Procurement by procuring entities covered under Sections A, B and C of good or service components of procurement which are not themselves covered by Chapter 15 (Government Procurement) in regard of suppliers and service providers from Canada shall not be considered as covered procurement.
4. Nothing in Chapter 15 (Government Procurement) shall prevent the United Kingdom from adopting any form of programme, preference or set aside that benefits SMEs. For the purposes of this paragraph, SMEs are micro, small and medium-sized enterprises as defined in Regulation 112(4) of the *Public Contracts Regulations 2015*. This paragraph shall not apply in relation to Brunei, Japan, Malaysia, Mexico, Peru, Singapore or Viet Nam.

## **SECTION H: Threshold Adjustment Formula**

1. Thresholds shall be adjusted in every even-numbered year with each adjustment taking effect on 1 January, beginning on 1 January of the first even numbered year after the date of entry into force of this Agreement for the United Kingdom.
2. Every two years, the United Kingdom shall calculate and publish the value of the thresholds under Chapter 15 (Government Procurement) expressed in British pound sterling (GBP). These calculations shall be based on the conversion rates published by the International Monetary Fund in its monthly *International Financial Statistics*.
3. The conversion rates shall be the average of the daily values of the British pound sterling in terms of the SDR over the two-year period terminating on the last day of August preceding the year before the adjusted thresholds are to take effect.
4. The United Kingdom shall notify the other Parties of the current thresholds in its currency immediately after the date of entry into force of this Agreement for the United Kingdom, and the adjusted thresholds in its currency thereafter in a timely manner.
5. The United Kingdom shall consult if a major change in its national currency relative to the SDR or to the national currency of another Party were to create a significant problem with regard to the application of Chapter 15 (Government Procurement).

## **SECTION I: Publication of Information**

Electronic or paper media utilised for the publication of laws, regulations, judicial decisions, administrative rulings of general application, standard contract clauses and procedures regarding government procurement covered by Chapter 15 (Government Procurement) pursuant to Article 15.6 (Publication of Procurement Information):

1. Legislation - [www.legislation.gov.uk](http://www.legislation.gov.uk)
2. Jurisprudence - law reports, including those published on [www.judiciary.gov.uk](http://www.judiciary.gov.uk) (for England, Wales and Northern Ireland) and [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk) (for Scotland).

Electronic media utilised for the publication of notices required by Article 15.7 (Notices of Intended Procurement), Article 15.9.3 (Qualification of Suppliers) and Article 15.16.3 (Post-Award Information), pursuant to Article 15.6 (Publication of Procurement Information):

1. The UK Find a Tender service, being a single web-based portal which is provided by or on behalf of the Cabinet Office at [www.find-tender.service.gov.uk](http://www.find-tender.service.gov.uk)

## **SECTION J: Transitional Measures**

None.