



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.3.2006
SEC(2006) 339 final

Draft

DECISION OF THE EEA JOINT COMMITTEE

**amending Annex XVI (Procurement)
to the EEA Agreement**

- Draft common position of the Community -
(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In order to ensure the requisite legal security and homogeneity, the EEA Joint Committee is to integrate all the relevant Community legislation into the EEA Agreement as soon as possible after its adoption.
2. The EEA Joint Committee should therefore adopt the attached draft decision to amend Annex XVI to the EEA Agreement by adding new acquis in the field of public procurement.
3. The draft decision contains a series of technical adaptations, but also an 18 month transition period for Liechtenstein in relation to Directives 2004/17/EC and 2004/18/E, during which time Liechtenstein will bring into force the legal and administrative provisions necessary to comply with these Directives.
4. Article 1(3) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establish the Community position for decisions extending Community legislation with substantial changes.
5. The draft decision of the EEA Joint Committee is submitted for the approval of the Council, after which the Commission will put forward the position of the Community in the EEA Joint Committee.

Draft

DECISION OF THE EEA JOINT COMMITTEE

amending Annex XVI (Procurement) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XVI to the Agreement was amended by Decision of the EEA Joint Committee No ... of ...¹.
- (2) Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors², as corrected by OJ L 358, 3.12.2004, p. 35, is to be incorporated into the Agreement.
- (3) Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts³, as corrected by OJ L 351, 26.11.2004 p. 44, is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 1874/2004 of 28 October 2004 amending Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council in respect of their application thresholds for the procedures for the award of contracts⁴ is to be incorporated into the Agreement.
- (5) Commission Decision 2005/15/EC of 7 January 2005 on the detailed rules for the application of the procedure provided for in Article 30 of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors⁵ is to be incorporated into the Agreement.
- (6) Commission Regulation (EC) No 1564/2005 of 7 September 2005 establishing standard forms for the publication of notices in the framework of public procurement

¹ OJ L ...

² OJ L 134, 30.4.2004, p. 1.

³ OJ L 134, 30.4.2004, p. 114.

⁴ OJ L 326, 29.10.2004, p. 17.

⁵ OJ L 7, 11.1.2005, p. 7.

procedures pursuant to Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council⁶ is to be incorporated into the Agreement.

- (7) Commission Directive 2005/51/EC of 7 September 2005 amending Annex XX to Directive 2004/17/EC and Annex VIII to Directive 2004/18/EC of the European Parliament and the Council on public procurement⁷ is to be incorporated into the Agreement.
- (8) Directive 2004/17/EC repeals Council Directive 93/38/EEC⁸, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.
- (9) Directive 2004/18/EC repeals Council Directives 93/36/EEC⁹ and 93/37/EEC¹⁰ which are incorporated into the Agreement and which are consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XVI to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The texts of Regulations (EC) No 1874/2004 and 1564/2005, Directives 2004/17/EC, as corrected by OJ L 358, 3.12.2004, p. 35, 2004/18/EC, as corrected by OJ L 351, 26.11.2004, p. 44, and 2005/51/EC and Decision 2005/15/EC, in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on ..., provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

⁶ OJ L 257, 1.10.2005, p. 1.

⁷ OJ L 257, 1.10.2005, p. 127.

⁸ OJ L 199, 9.8.1993, p. 84.

⁹ OJ L 199, 9.8.1993, p. 1.

¹⁰ OJ L 199, 9.8.1993, p. 54.

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]

Done at Brussels,

*For the EEA Joint Committee
The President*

*The Secretaries
to the EEA Joint Committee*

ANNEX
to Decision of the EEA Joint Committee No [...]

Annex XVI to the Agreement shall be amended as follows:

1. The words “Directives 93/36/EEC, 93/37/EEC and 93/38/EEC” of paragraph 1 of the Sectoral Adaptations shall be replaced by the words “Directives 2004/17/EC and 2004/18/EC”.
2. The text of point 2 (Council Directive 93/37/EEC) shall be replaced by the following:
 - ‘2. **32004 L 0018**: Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (O J L 134, 30.4.2004, p. 114) as corrected by OJ L 351, 26.11.2004 p. 44, as amended by:
 - **32004 R 1874**: Commission Regulation (EC) No 1874/2004 of 28 October 2004 (OJ L 326, 29.10.2004, p. 17),
 - **32005 L 0051**: Commission Directive 2005/51/EC of 7 September 2005 (OJ L 257, 1.10.2005, p. 127).

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Article 10 the words “Article 296 of the Treaty” shall read “Article 123 of the EEA Agreement”;
 - (b) Annexes III to V are supplemented by Appendices 1 to 3 to this Annex;
 - (c) Liechtenstein shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within 18 months after the entry into force of the Decision of the Joint Committee incorporating Directive 2004/18/EC into the EEA Agreement.’
3. The text of point 3 (Council Directive 93/36/EEC) shall be deleted.
 4. The text of point 4 (Council Directive 93/38/EEC) shall be replaced by the following:
 - ‘4. **32004 L 0017**: Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (O J L 134, 30.4.2004, p. 1) as corrected by OJ L 358, 3.12.2004, p. 35, as amended by:
 - **32004 R 1874**: Commission Regulation (EC) No 1874/2004 of 28 October 2004 (OJ L 326, 29.10.2004, p. 17),
 - **32005 L 0051**: Commission Directive 2005/51/EC of 7 September 2005 (OJ L 257, 1.10.2005, p. 127).

The provisions of the Directive shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) in Article 58 (1) the words "Community has" shall read "Community, as regards Community entities, or the EFTA States, as regards their entities, have";
- (b) in Article 58 (1) the term "Community undertakings" shall read "Community undertakings, as regards Community agreements, or EFTA States' undertakings, as regards EFTA States' agreements";
- (c) in Article 58 (1) the words "the Community or its Member States in respect of third countries" shall read "either the Community or its Member States in respect of third countries or the EFTA States in respect of third countries";
- (d) in Article 58 (4), the words "by a Council Decision" shall read "by a decision in the context of the general decision-making procedure of the EEA Agreement";
- (e) Article 58 (5) shall read as follows:

"5. In the context of the general institutional provisions of the EEA Agreement, annual reports shall be submitted on the progress made in multilateral or bilateral negotiations regarding access for Community and EFTA undertakings to the markets of third countries in the fields covered by this Directive, on any result which such negotiations may have achieved, and on the implementation in practice of all the agreements which have been concluded. In the context of the general decision-making procedure of the EEA Agreement the provisions of this Article may be amended in the light of such developments.";
- (f) in order to enable the contracting entities in the EEA to apply Article 58 (2) and (3), the Contracting Parties shall ensure that the suppliers established in their respective territories determine the origin of the products in their tenders for supply contracts in conformity with Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1);
- (g) in order to obtain maximum convergence Article 58 will be applied in the EEA context on the understanding that:
 - the operation of paragraph (3) is without prejudice to the existing degree of liberalization towards third countries,
 - the Contracting Parties consult closely in their negotiations with third countries. The application of this regime will be jointly reviewed;
- (h) Article 59 shall not apply;
- (i) Annexes I to X are supplemented by Appendices 2 to 13 to this Annex;

- (j) Liechtenstein shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within 18 months after the entry into force of the Decision of the Joint Committee incorporating Directive 2004/17/EC into the EEA Agreement.’

5. The following indent shall be added in point 5b (Council Directive 92/50/EEC):

‘- **32004 L 0018**: Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 (O J L 134, 30.4.2004, p. 1), as corrected by OJ L 351, 26.11.2004 p. 44.’

6. The following shall be inserted after point 6a (Regulation (EC) No 2195/2002 of the European Parliament and the Council):

‘6b. **32005 D 0015**: Commission Decision 2005/15/EC of 7 January 2005 on the detailed rules for the application of the procedure provided for in Article 30 of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 7, 11.1.2005, p. 7).

6c. **32005 R 1564**: Commission Regulation (EC) No 1564/2005 of 7 September 2005 establishing standard forms for the publication of notices in the framework of public procurement procedures pursuant to Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council (OJ L 257, 1.10.2005, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

In Liechtenstein the expression “Rahmenvereinbarung” corresponds to “Rahmenübereinkunft“, „Bietergemeinschaft“ to „Arbeitsgemeinschaft“, „Bieter“ to „Offertsteller“ and „Angebot“ to „Offerte“.’

7. Appendices 1 to 13 shall be replaced by the following:

‘Appendix 1

LISTS OF BODIES AND CATEGORIES OF BODIES GOVERNED BY PUBLIC LAW REFERRED TO IN THE SECOND SUBPARAGRAPH OF ARTICLE 1 (9) OF DIRECTIVE 2004/18/EC

I. In ICELAND:

Central purchasing entities not having an industrial or commercial character governed by lög um skipan opinberra framkvæmda nr. 52/1970 and lög um opinber innkaup nr. 52/1997, með síðari breytingum and reglugerð nr. 302/1996.

Bodies

Ríkiskaup (State Trading Centre),

Framkvæmdasýslan (Government Construction Contracts),

Vegagerð ríkisins (Public Road Administration),

Siglingastofnun (Icelandic Maritime Administration).

Categories

Sveitarfélög (Municipalities).

II. In LIECHTENSTEIN:

die öffentlich-rechtlichen Verwaltungseinrichtungen auf Landes- und Gemeindeebene (Authorities, establishments and foundations governed by public law and established at national and municipal level).

III. In NORWAY:

offentlige eller offentlig kontrollerte organer eller virksomheter som ikke har en industriell eller kommersiell karakter (Public or publicly controlled entities or undertakings not having an industrial or commercial character).

Bodies

- Norsk Rikskringkasting (Norwegian Broadcasting Corporation),
- Norges Bank (Central Bank),
- Statens lånekasse for utdanning (State Educational Loan Fund),
- Statistisk sentralbyrå (Central Bureau of Statistics),
- Den norske stats Husbank (Norwegian State Housing Bank),
- Norges forskningsråd (The Research Council of Norway),

- Statens Pensjonskasse (Norwegian Public Pension Fund).

Categories

- Statsbedrifter i henhold til lov om statsforetak (LOV 1991-08-30 71) (State enterprises),
- statsbanker (State banks),
- universiteter og høyskoler i henhold til lov om universiteter og høyskoler (LOV 1995-05-12 (Universities).

Appendix 2

CENTRAL GOVERNMENT AUTHORITIES

ICELAND

Ríkisreknar innkaupastofnanir eða fyrirtæki sem eru ekki á sviði iðnaðar eða viðskipta og heyra undir lög um opinber innkaup nr. 94/2001, með síðari breytingum. (*Public or publicly controlled entities or undertakings not having an industrial or commercial character and fall under the Public Procurement Act No 94/2001*).

Ríkiskaup (State Trading Centre),

Framkvæmdasýslan (Government Construction Contracts),

Vegagerð ríkisins (Public Road Administration).

LIECHTENSTEIN

Regierung des Fürstentums Liechtenstein

NORWAY

Statsministerens kontor

Office of the Prime Minister

Regjeringsadvokaten

Attorney General of Civil Affairs

Arbeids- og sosialdepartementet

Ministry of Labour and Social Affairs

Aetat Arbeidsdirektoratet	Directorate of Labour
Arbeidstilsynet	Directorate of Labour Inspection
Statens arbeidsmiljøinstitutt	The National Institute of Occupational Health
Rikstrygdeverket	National Insurance Administration
Statens institutt for rusmiddelforskning	National Institute for Alcohol and Drug Research
Barne- og familiedepartementet	Ministry of Children and Family Affairs
Barneombudet	Ombudsman for Children
Forbrukerombudet	Consumer Ombudsman
Forbrukerrådet	Consumer Council
Markedsrådet	The Market Council
Likestillingsombudet	Equal Status Ombud
Likestillingssenteret	The Norwegian Centre for gender equality
Barne-, ungdoms- og familieforvaltningen	National Office for Children-, Youth- and Family Affairs
Statens institutt for forbruksforskning	National Institute for Consumer Research
Finansdepartementet	Ministry of Finance
Kredittilsynet	The Banking, Insurance and Securities Commission of Norway
Skattedirektoratet	Directorate of Taxes
Oljeskattekontoret	Petroleum Tax Office
Toll- og avgiftsdirektoratet	Directorate of Customs and Excise
Fiskeri- og kystdepartementet	Ministry of Fisheries and Coastal Affairs
Fiskeridirektoratet	Directorate of Fisheries
Havforskningsinstituttet	Institute of Marine Research

Kystdirektoratet	Coast Directorate
Nasjonalt institutt for ernærings- og sjømatforskning	National Institute of Nutrition and Seafood Research
Forsvarsdepartementet	Ministry of Defence
Forsvarets Militære Organisasjon (FMO)	The Norwegian Armed Forces
Forsvarsbygg (FB)	Norwegian Defence Construction Services
Forsvarets forskningsinstitutt (FFI)	Norwegian Defence Research Establishment
Nasjonal Sikkerhetsmyndighet (NSM)	National Security Authority
Helse- og omsorgsdepartementet	Ministry of Health and Care Services
Nasjonalt folkehelseinstitutt	The Norwegian Institute of Public Health
Sosial- og helsedirektoratet	Directorate for Social and Health Affairs
Norsk pasientskadeerstatning	The Norwegian system of compensation to patients
Pasientskadenemndas sekretariat	The Patients' Injury Compensation Board
Bioteknologinemndas sekretariat	The Norwegian Biotechnology Advisory Board
Statens helsetilsyn	Norwegian Board of Health
Statens legemiddelverk	Norwegian Medicines Agency
Statens strålevern	Norwegian Radiation Protection Authority
Justis- og politidepartementet	Ministry of Justice (and the Police)
Brønnøysundregisterene	The Brønnøysund Register Centre
Datatilsynet	The Data Inspectorate
Direktoratet for sivilt beredskap	The Directorate for Civil Defence and Emergency Planning
Riksadvokaten	Director General of Public Prosecutions

Statsadvokatembetene	Office of the District Public Prosecutor
Politiet	Police Services
Kommunal- og regionaldepartementet	Ministry of Local Government and the Regions
Arbeidsdirektoratet	Directorate of Labour
Arbeidsforskningsinstituttet	Work Research Institute
Direktoratet for arbeidstilsynet	Norwegian Directorate of Labour Inspection
Direktoratet for brann og eksplosjonsvern	Directorate for Fire and Explosion Prevention
Produkts- og elektrisitetstilsynet	The Norwegian Directorate for Product and Electrical Safety
Produktregisteret	The Product Register
Statens bygningstekniske etat	National Office of Building Technology and Administration
Utlendingsdirektoratet	Directorate of Immigration
Kultur- og kirkedepartementet	Ministry of Culture and Church Affairs
Bispedømmerådene	The Diocesan Councils
Kirkerådet	The Church of Norway National Council
Eierskapstilsynet	Norwegian Media Ownership Authority
Norsk filmfond	Norwegian Film Fund
Norsk filminstitutt	National Film Board
Norsk filmutvikling	Norwegian Film Development
Statens filmtilsyn	Norwegian Board of Film Classification
Statens medieforvaltning	Mass Media Authority
Norsk kulturråd	Norwegian Cultural Council
Norsk språkråd	Norwegian Language Council
Riksarkivet	National Archives of Norway

Statsarkivene	National Archives
Rikskonsertene	Norwegian Concert Institute
ABM-utvikling	Norwegian Archive, Library and Museum Authority
Bunad- og folkedraktrådet	The National Council for Folk Costume
Nasjonallbiblioteket	The National Library of Norway
Norsk lokalhistorisk institutt	The Norwegian Institute of Local History
Riksutstillinger	The National Touring Exhibitions, Norway
Utsmykkingsfondet for offentlige bygg	National Foundation for Art and Public Buildings
Norsk lyd- og blindeskriftbibliotek	The Norwegian Library of Braille and Talking Books
Arkeologisk museum i Stavanger	Museum of Archaeology, Stavanger
Lotteritilsynet	The Norwegian Gaming Board
Landbruks- og matdepartementet	Ministry of Agriculture and Food
Statens dyrehelsetilsyn	Norwegian Animal Health Authority
Jordskifterettene	The Norwegian Land Consolidation Offices
Statens landbrukstilsyn	National Agricultural Inspection Services
Norsk institutt for jord- og skogforskning	Norwegian Institute of Land Inventory (NIJOS)
Norsk institutt for landbruksøkonomisk forskning	Norwegian Agricultural Economics Research Institute
Planteforsk	The Norwegian Crop Research Institute
Reindriftsforvaltningen	Norwegian Reindeer Husbandry Administration
Norsk institutt for skogforskning	Norwegian Forest Research Institute
Mattilsynet	The Norwegian Food Safety Authority
Statens landbruksforvaltning	Norwegian Agricultural Authority
Veterinærinstituttet	Norwegian State Veterinary Laboratory Service

Miljøverndepartementet	Ministry of the Environment
Direktoratet for naturforvaltning	Directorate of Nature Management
Norsk kulturminnefond	The Norwegian Heritage Fund
Norsk polarinstitutt	Norwegian Polar Research Institute
Produktregisteret	The Product Register
Riksantikvaren	Directorate for Cultural Heritage
Statens forurensningstilsyn	State Pollution Control Authority
Statens kartverk	Norwegian Mapping Authority
Moderniseringsdepartementet	Ministry of Modernisation
Datatilsynet	The Data Inspectorate
Fylkesmannsembetene	The County Governors
Konkurransetilsynet	Norwegian Competition Authority
Statens forvaltningstjeneste	The Government Administration Services
Statens Pensjonskasse	The Norwegian Public Service Pension Fund
Statsbygg	The Directorate of Public Construction and Property
Nærings- og handelsdepartementet	Ministry of Trade and Industry
Bergvesenet	The Mining Service
Justervesenet	Norwegian Metrology and Accreditation Service
Norges geologiske undersøkelse	Geological Survey of Norway
Statens Veiledningskontor for oppfinnere	Norwegian Government Consultative Office for Inventors
Sjøfartsdirektoratet	Norwegian Maritime Directorate
Skipsregistrene	Norwegian International Ship Register

Styret for det industrielle rettsvern	Norwegian Patent Office
Olje- og energidepartementet	Ministry of Oil and Energy
Norges vassdrags- og energidirektorat	Norwegian Water Resources and Energy Directorate
Oljedirektoratet	Norwegian Petroleum Directorate
Samferdselsdepartementet	Ministry of Transport and Communication
Havarikommisjonen for sivil luftfart og jernbane	Accident Investigation Board/Norway
Jernbaneverket	Norwegian National Rail Administration
Luftfartstilsynet	Civil Aviation Authority
Post- og teletilsynet	Norwegian Post and Telecommunications Authority
Statens jernbanetilsyn	Norwegian Railway Inspectorate
Statens vegvesen	Public Roads Administration
Utdannings- og forskningsdepartementet	Ministry of Education and Research
Det norske meteorologiske institutt	Norwegian Meteorological Institute
Lærerutdanningsrådet	Teacher Training Council
Norsk Utenrikspolitisk Institutt	Norwegian Institute of International Affairs
Norsk voksenpedagogisk forskningsinstitutt	Norwegian Institute of Adult Education
Riksbibliotekstjenesten	National Office for Research and Special Libraries
Samisk utdanningsråd	Samisk Utdanningsråd
Utenriksdepartementet	Ministry of Foreign Affairs
Direktoratet for utviklingssamarbeid	Norwegian Agency for Development

Cooperation

Stortinget	The Storting (the Parliament)
Stortingets ombudsmann for forvaltningen - Sivilombudsmannen	Stortinget's Ombudsman for Public Administration
Riksrevisjonen	Office of the Auditor General
Domstolene	Courts of Law

Appendix 3

LIST OF PRODUCTS REFERRED TO IN ARTICLE 7 OF DIRECTIVE 2004/18/EC WITH REGARD TO CONTRACTS AWARDED BY CONTRACTING AUTHORITIES IN THE FIELD OF DEFENCE

ICELAND

-

LIECHTENSTEIN

-

NORWAY

Procurement by defence entities (marked with an "*" in Annex IV of Directive 2004/18/EC) covers the following:

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

except:

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 of isotopes

except:

ex 28.09 explosives

ex 28.13 explosives

- ex 28.14 tear gas
- ex 28.28 explosives
- ex 28.32 explosives
- ex 28.39 explosives
- ex 28.50 toxic products
- ex 28.51 toxic products
- ex 28.54 explosives

Chapter 29: Organic chemicals

except:

- ex 29.03 explosives
- ex 29.04 explosives
- ex 29.07 explosives
- ex 29.08 explosives
- ex 29.11 explosives
- ex 29.12 explosives
- ex 29.13 toxic products
- ex 29.14 toxic products
- ex 29.15 toxic products
- ex 29.21 toxic products
- ex 29.22 toxic products
- ex 29.23 toxic products
- ex 29.26 explosives
- ex 29.27 toxic products
- ex 29.29 explosives

Chapter 30: Pharmaceutical products

Chapter 31: Fertilizers

Chapter 32: Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes, putty, fillers and stoppings, inks

- Chapter 33: Essential oils and resinoids; perfumery, cosmetics and 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
except:
ex 38.19 toxic products
- Chapter 39: Artificial resins and plastic materials, cellulose esters and ethers, articles thereof
except:
ex 39.03 explosives
- Chapter 40: Rubber, synthetic rubber, factice, and articles thereof
except:
ex 40.11 bullet-proof tyres
- Chapter 41: Raw hides and skins (other than furskins) and leather
- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm 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; basketware 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
except:
- ex 82.05 tools
- ex 82.07 tools, parts
- Chapter 83: Miscellaneous articles of base metal
- Chapter 84: Boilers, machinery and mechanical appliances; parts thereof
except:
- ex 84.06 engines
- ex 84.08 other engines
- ex 84.45 machinery

- ex 84.53 automatic data-processing machines
- ex 84.55 parts of machines under heading 84.53
- ex 84.59 nuclear reactors

Chapter 85: Electrical machinery and equipment; parts thereof

except:

- ex 85.13 telecommunication equipment
- ex 85.15 transmission apparatus

Chapter 86: Railway and tramway locomotives, rolling-stock and parts thereof

except:

- ex 86.02 armoured locomotives, electric
- ex 86.03 other armoured locomotives
- ex 86.05 armoured wagons
- ex 86.06 repair wagons
- ex 86.07 wagons

Chapter 87: Vehicles, other than railway or tramway rolling-stock, and parts thereof

except:

- ex 87.01 tractors
- ex 87.02 military vehicles
- ex 87.03 breakdown lorries
- ex 87.08 tanks and other armoured vehicles
- ex 87.09 motorcycles
- ex 87.14 trailers

Chapter 89: Ships, boats and floating structures

except:

- ex 89.01A warships

Chapter 90: Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof

except:

ex 90.05	binoculars
ex 90.13	miscellaneous instruments, lasers
ex 90.14	telemeters
ex 90.28	electrical and electronic measuring instruments
ex 90.11	microscopes
ex 90.17	medical instruments
ex 90.18	mechano-therapy appliances
ex 90.19	orthopaedic appliances
ex 90.20	X-ray apparatus

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:

ex 94.01A 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

Appendix 4

CONTRACTING ENTITIES IN THE SECTORS OF TRANSPORT OR DISTRIBUTION OF GAS OR HEAT

ICELAND

Orkuveita Reykjavíkur (Reykjavík Energy), lög nr. 139/2001.

Hitaveita Suðurnesja (Suðurnes Regional Heating), lög nr. 10/2001.

Other entities producing, transporting or distributing electricity pursuant to Orkulög nr. 58/1967.

LIECHTENSTEIN

Liechtensteinische Gasversorgung.

NORWAY

Entities transporting or distributing heat pursuant to Lov om produksjon, omforming, overføring, omsetning og fordeling av energi m.m av 29.06.1990 nr. 50 (LOV 1990-06-29 50) (Energiloven) or lov om felles regler for det indre marked for naturgass (LOV 2002-06-28 61).

Appendix 5

CONTRACTING ENTITIES IN THE SECTORS OF PRODUCTION, TRANSPORT OR DISTRIBUTION OF ELECTRICITY

ICELAND

Landsvirkjun (The National Power Company), lög nr. 42/1983.

Landsnet (Icegrid) lög nr. 75/2004.

Rafmagnsveitur ríkisins (The State Electric Power Works), lög nr. 58/1967.

Orkuveita Reykjavíkur (Reykjavík Energy), lög nr. 139/2001.

Hitaveita Suðurnesja (Suðurnes Regional Heating), lög nr. 10/2001.

Orkubú Vestfjarða (Vestfjord Power Company), lög nr. 40/2001.

Other entities producing, transporting or distributing electricity pursuant to Orkulög nr. 58/1967.

LIECHTENSTEIN

Liechtensteinische Kraftwerke.

NORWAY

Entities producing, transporting or distributing electricity pursuant to Lov om erverv av vannfall, bergverk og annen fast eiendom m.v., kap. I, jf. kap.V (LOV 1917-12-14 16, kap. I), or Vassdragsreguleringsloven (LOV 1917-12-14 17) or Energiloven (LOV 1990-06-29 50) or Lov om vassdrag og grunnvann (LOV-2000-11-24 82).

Appendix 6

CONTRACTING ENTITIES IN THE SECTORS OF production, transport or distribution of drinking water

ICELAND

Entities producing or distributing water pursuant to Lög nr. 32/2004, um vatnsveitur sveitarfélaga.

LIECHTENSTEIN

Gruppenwasserversorgung Liechtensteiner Oberland.

Wasserversorgung Liechtensteiner Unterland.

NORWAY

Entities producing or distributing water pursuant to Forskrift om Drikkevann og vannforsyning (FOR 2001-12-04 Nr 1372).

Appendix 7

CONTRACTING ENTITIES IN THE FIELD OF RAILWAY SERVICES

ICELAND

–

LIECHTENSTEIN

–

NORWAY

Entities operating pursuant to Lov om anlegg og drift av jernbane, herunder sporvei, tunnelbane og forstadsbane m.m (LOV 1993-06-11 100) (Jernbaneloven).

Appendix 8

CONTRACTING ENTITIES IN THE FIELD OF URBAN RAILWAY, TRAMWAY, TROLLEY BUS OR BUS SERVICES

ICELAND

Strætó bs. (Reykjavík Municipal Bus Service)

Other bus services provided by municipalities.

Entities operating in accordance with Lög nr. 73/2001, um fólksflutninga, vöruflytninga og efnisflutninga á landi.

LIECHTENSTEIN

Liechtenstein Bus Anstalt (The Liechtenstein Bus Institution).

NORWAY

Entities operating pursuant to Lov om anlegg og drift av jernbane, herunder sporvei, tunnelbane og forstadsbane m.m (LOV 1993-06-11 100) (Jernbaneloven).

Appendix 9

CONTRACTING ENTITIES IN THE POSTAL SERVICES SECTOR

ICELAND

Entities operating pursuant to Lög nr. 19/2002, um pósthjónustu.

LIECHTENSTEIN

Liechtensteinische Post AG.

NORWAY

Entities operating pursuant to Lov om formidling av landsdekkende postsendinger (LOV 1996-11-29 73).

Appendix 10

CONTRACTING ENTITIES IN THE SECTORS OF EXPLORATION FOR AND EXTRACTION OF OIL AND GAS

ICELAND

-

LIECHTENSTEIN

-

NORWAY

Contracting entities covered by Lov om petroleumsvirksomhet (LOV 1996-11-29 72) (Petroleum Act) and regulations pursuant to the Petroleum Act or by Lov om undersøkelse etter og utvinning av petroleum i grunnen under norsk landområde (LOV 1973-05-04 21).

Appendix 11

CONTRACTING ENTITIES IN THE SECTORS OF EXPLORATION FOR AND EXTRACTION OF COAL OR OTHER SOLID FUELS

ICELAND

–

LIECHTENSTEIN

–

NORWAY

–

Appendix 12

CONTRACTING ENTITIES IN THE FIELD OF MARITIME OR INLAND PORT OR OTHER TERMINAL FACILITIES

ICELAND

Siglingastofnun Íslands (Icelandic Maritime Administration).

Other entities operating pursuant to Hafnalög nr. 23/1994.

LIECHTENSTEIN

–

NORWAY

Entities operating pursuant to Havneloven (LOV 1984-06-08 51).

Appendix 13

CONTRACTING ENTITIES IN THE FIELD OF AIRPORT INSTALLATIONS

ICELAND

Flugmálastjórn Íslands (Directorate of Civil Aviation).

LIECHTENSTEIN

–

NORWAY

Entities providing airport facilities pursuant to Luftfartsloven (LOV 1993-06-11 101).

Appendix 14

NATIONAL AUTHORITIES TO WHICH REQUESTS FOR APPLICATION OF THE CONCILIATION PROCEDURE REFERRED TO IN ARTICLE 9 OF COUNCIL DIRECTIVE 92/13/EEC MAY BE ADDRESSED

ICELAND

Fjármálaráðuneytið (Ministry of Finance).

LIECHTENSTEIN

Regierung des Fürstentums Liechtenstein (Government of the Principality of Liechtenstein).

NORWAY

Fornyings- og administrasjonsdepartementet (Ministry of Government administration and reform).²