

ANNEX 3

ANNEX TO CHAPTER 11 (GOVERNMENT PROCUREMENT) OF THE AGREEMENT BETWEEN THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN, AND MATSU AND NEW ZEALAND ON ECONOMIC COOPERATION

ANNEX 3:I LIST OF ENTITIES AND COVERED GOODS AND SERVICES

For New Zealand:

Section A: List of Entities

Chapter 11 (Government Procurement) applies to the entities listed in this section where the value of the procurement is estimated, in accordance with Article 2 of Chapter 11 (Government Procurement), to equal or exceed the thresholds set out in Annex 3:II:

Crown Law Office

Department of Conservation

Department of Internal Affairs

Department of the Prime Minister and Cabinet

Education Review Office

Government Communications Security Bureau

Inland Revenue Department

Land Information New Zealand

Ministry for Primary Industries

Ministry for Culture and Heritage

Ministry of Defence

Ministry of Business, Innovation and Employment

Ministry of Education

Ministry for the Environment

Ministry of Foreign Affairs and Trade

Ministry of Justice

Ministry of Māori Development

Ministry of Pacific Island Affairs

Ministry of Social Development

Ministry of Women's Affairs

New Zealand Customs Service

Serious Fraud Office

State Services Commission

The Treasury

Note: All agencies subordinate to the above listed central government

entities are covered.

Section B: Covered Goods, Services and Construction Services

Goods

Chapter 11 (Government Procurement) applies to all goods procured by the entities listed in Section A (List of Entities), unless otherwise specified in Chapter 11 (Government Procurement) including this Annex.

Services

Chapter 11 (Government Procurement) applies to all services procured by the entities listed in Section A (List of Entities), unless otherwise specified in Chapter 11 (Government Procurement), including this Annex, except the following:

- (a) procurement of research and development services¹;
- (b) procurement of public health, education and welfare services²; and
- (c) procurements listed in Section C (General Notes).

¹ As defined in WTO document MTN.GNS/W/120 (CPC 851- 853).

² Refers to procurement, for provision to the public, of services classified in WTO document MTN.GNS/W/120 under the sector headings “Educational Services” (CPC 921, 922, 923, 924, and 929) and “Health Related and Social Services” (Public Health: CPC 931, including 9311, 9312 and 9319; Welfare: CPC 933 and 913).

Construction Services

Chapter 11 (Government Procurement) applies to all construction services³ procured by the entities listed in Section A (List of Entities), unless otherwise specified in Chapter 11 (Government Procurement), including this Annex.

Section C: General Notes

Chapter 11 (Government Procurement) shall not apply to commercial sponsorship arrangements.

³ This refers to WTO document MTN.GNS/W/120 sector heading “Construction and Related Engineering Services”.

For Chinese Taipei:

Section A: Entities, Covered Goods, Services and Construction Services

Chapter 11 (Government Procurement) applies to the entities and covered goods and services including construction services listed in Annexes 1, 4, 5, and 6 including relevant notes in the “Final Appendix I Offer of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu” which is contained in the WTO Committee on Government Procurement document number GPA/113 dated 2 April 2012 and its amendments.

Section B: General Notes

1. Where a contract to be awarded by an entity is not covered by Chapter 11 (Government Procurement), Chapter 11 (Government Procurement) shall not be construed to cover any goods or service component of that contract.
2. Chapter 11 (Government Procurement) does not cover:
 - commercial sponsorship arrangements;
 - for the acquisition, development, production or co-production of programme materials by broadcasters and procurement for broadcasting time;

- procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes;
- procurement of the following goods relating to the electricity projects.

HS 8501	Electric motors and generators
HS 8504	Electrical transformers and converters
HS 8532	Power capacitors
HS 8535	Electrical switches, breakers, switch-gears (for a voltage exceeding 1,000 volts)
HS 8536	Electrical switches, breakers, switch-gears (for a voltage not exceeding 1,000 volts)
HS 8537	Switch boards, controller panels
HS 8544	Power cables (including optical fibre cables)
HS 9028	Electricity supply meter

- Notwithstanding the above, Chapter 11 (Government Procurement) covers procurement of HS codes 8501 (electric motors with capacity of 22 megawatts or greater, electric generators with capacity of 50 megawatts or greater), 850164, 8504 (electrical transformers and static converters, with capacity of 1 to 600 megawatts), and 8544 (cable related to telecommunications applications) for the goods and suppliers of New Zealand.

3. Chapter 11 (Government Procurement) does not cover procurements in respect of national security exceptions including procurements made in support of safeguarding nuclear materials, radwaste management, or technology.

ANNEX 3:II THRESHOLDS

Goods	: SDR 130,000
Services other than construction services	: SDR 130,000
Construction services	: SDR 5,000,000

Thresholds shall be converted to New Taiwan Dollars and New Zealand Dollars respectively in accordance with the following provisions:

1. Each Party shall calculate and publish the value of the thresholds under Chapter 11 (Government Procurement) expressed in its respective currency. These calculations shall be based on the conversion rates published by the International Monetary Fund (IMF) in its monthly "International Financial Statistics".
2. The conversion rates shall be the average of the daily values of New Taiwan Dollars and New Zealand Dollars respectively in terms of the SDR over the two-year period preceding 1 November of the year prior to the thresholds in the respective currency becoming effective which shall be from 1 January.
3. Thresholds expressed in New Taiwan Dollars and New Zealand Dollars shall be fixed for two calendar years. Chinese Taipei's thresholds expressed in New Taiwan Dollars shall be the same as

that for the WTO Agreement on Government Procurement, if the SDR value is the same.

ANNEX 3:III SINGLE ELECTRONIC POINT OF ACCESS

For New Zealand:

Procurement opportunities: <http://www.gets.govt.nz>

Procurement measures: <http://www.procurement.govt.nz>

For Chinese Taipei:

Procurement opportunities: <http://web.pcc.gov.tw>

Procurement measures: <http://www.pcc.gov.tw>

ANNEX 3:IV CONTACT POINTS

For New Zealand:

Ministry of Business, Innovation and Employment

Government Procurement Solutions

33 Bowen Street, PO Box 1473

Wellington New Zealand

procurement@med.govt.nz

For Chinese Taipei:

Public Construction Commission, Executive Yuan

9F, No.3 Songren Road, Sinyi District, Taipei, 110-10, Taiwan

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