

ATTACHMENT A**TERMS OF ACCESSION OF UKRAINE TO THE
REVISED AGREEMENT ON GOVERNMENT PROCUREMENT****APPENDIX I***

UKRAINE

(Authentic in the English Language only)

ANNEX 1

CENTRAL GOVERNMENT ENTITIES

Thresholds:

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

List of Entities:

1. Bodies, authorized to administrate the Parliament of Ukraine, President of Ukraine and Cabinet of Ministers of Ukraine.
2. Ministries, other central bodies of the executive branch, governmental bodies created in the system of the central bodies of the executive branch.
3. The Constitutional court of Ukraine, the Supreme court of Ukraine and higher specialized courts.
4. Institutions and organizations which are defined by the Constitution of Ukraine or being a part of the Cabinet of Ministers of Ukraine, as well as, the bodies specially authorized by the law to carry out intelligence activities, and bodies, institutions and organizations which are classified as the main spending units of state budget funds, according to the Ukrainian legislation (e.g. the National bank, Anti-monopoly Committee, Prosecutor General's Office of Ukraine, Accounting Chamber, etc.).
5. National academy of sciences of Ukraine and sectoral academies of sciences.
6. Other entities which are subordinated to listed entities and financed by state budgets.
7. An indicative list of central government entities follows.¹

* In English only.

¹ An indicative list of covered entities including central government entities is published on the official web-page of the Ministry of Economy of Ukraine at <http://www.me.gov.ua/> and includes the central government entities in the list attached to Annex 1.

INDICATIVE LIST OF CENTRAL GOVERNMENT ENTITIES

1. Office of the Verkhovna Rada (Parliament) of Ukraine;
2. Administrative Department of the Secretariat of Government of Ukraine;
3. Department for State Affairs;
4. The Antimonopoly Committee of Ukraine;
5. Office of General Prosecutor of Ukraine;
6. Accounting Chamber of Ukraine;
7. The Secretariat of Council for National Security and Defence of Ukraine;
8. High Anti-Corruption Court;
9. High Council of Justice;
10. High Intellectual Property Court;
11. Constitutional Court of Ukraine;
12. The Supreme Court of Ukraine;
13. Pension Fund of Ukraine;
14. National Bank of Ukraine;
15. Ministry of Digital Transformation of Ukraine;
16. Ministry of Economy of Ukraine;
17. Ministry of Agrarian Policy and Food of Ukraine
18. Ministry of Internal Affairs of Ukraine;
19. Ministry of Environmental Protection and Natural Resources of Ukraine;
20. Ministry of Energy of Ukraine;
21. Ministry of Foreign Affairs of Ukraine;
22. Ministry of Infrastructure of Ukraine;
23. Ministry of Culture and Information Policy of Ukraine;
24. Ministry of Youth and Sport of Ukraine;
25. Ministry of Defence of Ukraine;
26. Ministry of Education and Science of Ukraine;
27. Ministry of Health of Ukraine;
28. Ministry for Communities and Territories Development;
29. Ministry for Strategic Industries of Ukraine;
30. Ministry of Social Policy of Ukraine;
31. Ministry of Finance of Ukraine;
32. Ministry of Justice of Ukraine;
33. Ministry for Reintegration of the Temporarily Occupied Territories;
34. Ministry of Veterans Affairs of Ukraine;
35. State Judicial Administration of Ukraine;
36. State Aviation Administration of Ukraine;
37. State Archival Service of Ukraine;
38. State Treasury Service of Ukraine;
39. State Migration Service of Ukraine;
40. State Penitentiary Service of Ukraine;
41. State Regulatory Service of Ukraine;
42. State Service of Geology and Mineral Resources of Ukraine;
43. State Service of Export Control of Ukraine;
44. State Statistics Service of Ukraine;
45. State Service on medicine (drugs) and on Drug Control of Ukraine;
46. State Service of Ukraine on Transport Security;
47. State Service of Ukraine on Food Safety and Consumer Protection;
48. State Service of Ukraine on Geodesy, Cartography and Cadastre;
49. State Employment Service;
50. State Emergency Service of Ukraine;
51. State Service for Financial Monitoring of Ukraine;
52. State Tax Service of Ukraine;
53. State Custom Service of Ukraine;
54. State Agency of Roads of Ukraine;
55. State Water Resources Agency of Ukraine;
56. State Agency on Energy Efficiency and Energy Saving of Ukraine;

57. State Agency of Forest Resources of Ukraine;
58. State Agency of Reserves of Ukraine;
59. State Agency of Melioration and Fisheries of Ukraine;
60. The State Agency of Ukraine for an Exclusion Zone (Chernobyl zone);
61. State Agency of Ukraine for Cinema;
62. State Space Agency of Ukraine;
63. State Inspection of Architecture and Urban Planning of Ukraine;
64. State Environmental Inspection of Ukraine;
65. State Inspection of Education in Ukraine;
66. State Inspection of Energy Supervision of Ukraine;
67. State Inspection of Nuclear Regulation of Ukraine;
68. State Audit Service of Ukraine;
69. Administration of the State Border Guard Service of Ukraine;
70. State Committee for Television and Radio Broadcasting of Ukraine;
71. State Property Fund of Ukraine;
72. Administration of the State Service for Special Communication and Information Protection of Ukraine;
73. National Agency of Ukraine on Civil Service;
74. Ukrainian Institute of National Memory;
75. National Council on Television and Radio of Ukraine;
76. National Commission for the State Regulation of Communications and Informatization of Ukraine;
77. National Commission for the State Regulation of Energy and Communal Utilities of Ukraine;
78. National Commission on Securities and Stock Market of Ukraine;
79. National Commission for the State Regulation of Financial Services Markets of Ukraine;
80. Social Insurance Fund for Temporary Disability;
81. Social Insurance Fund;
82. Security Service of Ukraine;
83. Central Election Commission;
84. National Academy of Sciences of Ukraine;
85. National Academy of Medical Sciences of Ukraine;
86. National Academy of Agricultural Sciences of Ukraine;
87. Vinnytsia Province State Administration;
88. Volyn Province State Administration;
89. Dnipropetrovsk Province State Administration;
90. Donetsk Province State Administration;
91. Zhytomyr Province State Administration;
92. Transcarpathian Province State Administration;
93. Zaporizhzhya Province State Administration;
94. Ivano-Frankivsk Province State Administration;
95. Kyiv Province State Administration;
96. Kirovohrad Province State Administration;
97. Luhansk Province State Administration;
98. Lviv Province State Administration;
99. Mykolayiv Province State Administration;
100. Odessa Province State Administration;
101. Poltava Province State Administration;
102. Rivne Province State Administration;
103. Sumy Province State Administration;
104. Ternopil Province State Administration;
105. Kharkiv Province State Administration;
106. Kherson Province State Administration;
107. Khmelnytsky Province State Administration;
108. Cherkasy Province State Administration;
109. Chernivtsi Province State Administration;
110. Chernihiv Province State Administration.

ANNEX 2

SUB-CENTRAL GOVERNMENT ENTITIES

Thresholds:

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

List of Entities:

1. Bodies of executive branch (in the provinces, the districts of the Autonomous Republic of Crimea, in the cities of Kiev and Sevastopol):
 - a. local state administrations;
 - b. local departments (provincial branches) of Ministries and of the other central bodies of executive branch.
2. Provincial and local public authorities (e.g. oblast, raion, misto, raion u misti, selysche, selo):
 - a. executive bodies and secretariats of local councils.
3. Bodies, which ensure functioning of the Autonomous Republic of Crimea:
 - a. of the Parliament of the Autonomous Republic of Crimea;
 - b. of the Council of Ministers of the Autonomous Republic of Crimea;
 - c. of the ministries and other state bodies of the Autonomous Republic of Crimea.
4. Other entities which are financed by state or local budgets.
5. An indicative list of sub-central government entities follows.²

² An indicative list of covered entities including sub-central government entities is published on the web-page of the Ministry of Economy of Ukraine <http://www.me.gov.ua/> and includes the sub-central government entities in the list attached to Annex 2.

INDICATIVE LIST OF SUB-CENTRAL GOVERNMENT ENTITIES

1. The Parliament of the Autonomous Republic of Crimea;
2. The Council of Ministers and the executive authorities of the Autonomous Republic of Crimea;
3. Vinnytsia Province Council;
4. Volyn Province Council;
5. Dnipropetrovsk Province Council;
6. Donetsk Province Council;
7. Zhytomyr Province Council;
8. Transcarpathian Province Council;
9. Zaporizhzhya Province Council;
10. Ivano-Frankivsk Province Council;
11. Kyiv Province Council;
12. Kirovohrad Province Council;
13. Luhansk Province Council;
14. Lviv Province Council;
15. Mykolayiv Province Council;
16. Odessa Province Council;
17. Poltava Province Council;
18. Rivne Province Council;
19. Sumy Province Council;
20. Ternopil Province Council;
21. Kharkiv Province Council;
22. Kherson Province Council;
23. Khmelnytsky Province Council;
24. Cherkasy Province Council;
25. Chernivtsi Province Council;
26. Chernihiv Province Council;
27. Municipality of Kiev;
28. Municipality of Sebastopol;
29. Municipality of Simferopol;
30. Municipality of Vinnytsia;
31. Municipality of Dnipropetrovsk;
32. Municipality of Donetsk;
33. Municipality of Zhytomyr;
34. Municipality of Zaporizhzhya;
35. Municipality of Ivano-Frankivsk;
36. Municipality of Kirovohrad;
37. Municipality of Luhansk;
38. Municipality of Lutsk;
39. Municipality of Lviv;
40. Municipality of Mykolayiv;
41. Municipality of Odessa;
42. Municipality of Poltava;
43. Municipality of Rivne;
44. Municipality of Sumy;
45. Municipality of Ternopil;
46. Municipality of Uzhgorod;
47. Municipality of Kharkiv;
48. Municipality of Kherson;
49. Municipality of Khmelnytsky;
50. Municipality of Cherkasy;
51. Municipality of Chernivtsi;
52. Municipality of Chernihiv.

ANNEX 3

OTHER ENTITIES

Thresholds:

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

List of Entities:

1. Entities³ that carry out activities in the following spheres:
 - a. ensuring production, transmission, supply, storage of gas;
 - b. ensuring production, transmission and supply of heat;
 - c. ensuring production, transmission and supply of electricity;
 - d. ensuring production, transportation and supply of potable water;
 - e. ensuring functioning of the centralized sewage facilities;
 - f. provision of services for usage of the rail transport infrastructure of general use;
 - g. ensuring functioning of municipal electric transport and operation of its facilities to provide transportation services;
 - h. provision of services by bus terminals, ports and airports;
 - i. provision of air navigation services for support of movement of airplanes;
 - j. provision of postal services;
 - k. geological exploration (including extraction for explorative purposes) of the oil, gas, coal and other types of solid fuel;
 - l. ensuring operation and management of the fixed telecommunication networks of general use or provision of telecommunication services of general use;
 - m. ensuring transportation, storage and processing of crude oil and oil products.
2. An indicative list of entities fulfilling the criteria set out above follows.⁴

³ An entity is any undertaking which meets at least one of the following criteria:

- the public authorities, authorities of the Autonomous Republic of Crimea, local self governance bodies or other administrators of public funds have more than 50% in the authorized capital of such an undertaking, or a majority of the votes in the supreme governing body of the undertaking, or have the right to appoint more than half of the executive or supervisory body of the undertaking;
- it is in a possession of special or exclusive rights meaning rights granted within the powers of a public authority or a local authority on the basis of any legal act and/or an act of individual actions that restrict activities in the areas specified in this Annex by one or more persons which significantly affect the ability of other people to carry out activities in these areas.

⁴ An indicative list of covered entities is published on the web-page of the Ministry of Economy of Ukraine <http://www.me.gov.ua/> and includes the entities in the list attached to Annex 3.

**INDICATIVE LIST OF ENTITIES FULFILLING THE CRITERIA
LAID DOWN UNDER ANNEX 3**

1. JSC "Naftogas";
2. JSC "Ukrtransgas";
3. State enterprise "Ukrinterenergo";
4. JSC "DTEK Dniproenergo";
5. JSC "Donbasenergo";
6. JSC "DTEK Shidenergo";
7. JSC "Zahidenergo";
8. JSC "Centrenergo";
9. JSC "Ukrhydroenergo";
10. JSC "Energoatom";
11. Ukrainian railways;
12. State enterprise "Donetsk railways";
13. State enterprise "Lviv railways";
14. State enterprise "Odesa railways";
15. State enterprise "Pivdenna railways";
16. State enterprise "Prydniprovska railways";
17. State enterprise "Pivdenno-zahidna railways";
18. State enterprise "Ukrainian Sea Ports Authority";
19. State enterprise "International airport Boryspil";
20. Communal enterprise "Airport Vinnitsya";
21. International airport "Dnipropetrovsk";
22. Communal enterprise "International airport Zaporizhzhia";
23. Communal enterprise "International airport Kyiv";
24. Communal enterprise "International airport Kriviy Rig";
25. State enterprise "International airport Lviv";
26. Communal enterprise "International airport Mykolayiv";
27. Communal enterprise "International airport Odesa";
28. Communal enterprise "Airport Poltava";
29. Communal enterprise "International airport Rivne";
30. Communal enterprise "Airport Sumy";
31. Communal enterprise "Airport Ternopyl";
32. Communal enterprise "International airport Uzhgorod";
33. Communal enterprise "International airport Chernivtsi";
34. Communal enterprise "Airport Kherson";
35. Communal enterprise "Airport Cherkasy";
36. Ukrainian State Air Traffic Services Enterprise;
37. Ukrainian State Enterprise of Posts "Ukrposhta";
38. JSC "Nadra Ukrayiny";
39. JSC "Ukrtelecom";
40. JSC "Ukrtransnafta";
41. JSC "Ukrnafta";
42. Communal enterprises of river ports owned by municipalities;
43. Communal enterprises of bus terminals owned by municipalities;
44. Communal enterprises on heat supply owned by municipalities;
45. Communal enterprises on production, transportation and supply of potable water owned by municipalities;
46. Communal enterprises on functioning of the centralized sewage facilities owned by municipalities;
47. Communal enterprises of municipal electric transport (tram, trolley-bus, subway, funicular) owned by municipalities;
48. Regional (province) electricity supplying company.

Note to Annex 3

I. Provided that the conditions in paragraph II are met, this Agreement does not cover procurement:

- a. by a procuring entity from an affiliated undertaking⁵, 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 paragraphs a. to f. of this Annex, from an undertaking which is affiliated with one of these procuring entities.

II. Paragraph I shall apply to services or supplies contracts provided that at least 80% of the average turnover of the affiliated undertaking with respect to services or supplies for the preceding three years derives from the provision of such services or supplies to undertakings with which it is affiliated⁶.

⁵ "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.

⁶ 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 paragraph is credible, in particular by means of business projections.

ANNEX 4

GOODS

The Agreement covers all goods procured by the entities included in Annexes 1 to 3.

ANNEX 5

SERVICES

1. The Agreement covers all services procured by the entities included in Annexes 1 to 3 except for:
 - a. services of international mediation courts, international commercial arbitrages provided for consideration and resolution of disputes involving the procuring entity;
 - b. services of financial institutions, including international financial institutions, related to the raising of credit resources and funds for the chartered capital by a procuring entity;
 - c. research and development services identified in Division 85 of the United Nations Provisional Central Product Classification (CPC Prov.);
 - d. financial and related services identified in Division 81 of the United Nations Provisional Central Product Classification (CPC Prov.) procured or provided by the National Bank of Ukraine.

ANNEX 6

CONSTRUCTION SERVICES

List of Construction Services (Division 51, CPC Prov.):

The Agreement covers all construction services identified in Division 51 of the United Nations Provisional Central Product Classification (CPC Prov.) procured by the entities included in Annexes 1 to 3.

ANNEX 7

GENERAL NOTES

1. The General Notes apply to all Annexes.
2. The offer regarding services and constructions services is subject to the limitations and conditions specified in Ukraine's offer under the GATS negotiations.
3. This Agreement shall not apply to the following procurement:
 - a. construction services procured by diplomatic representations abroad;
 - b. goods and services for the design, development and production of protected paper, banknotes, coins of Ukraine, their storage and the record-keeping thereof as well as personal identification documents, documents regarding special legal status, citizenship documents, including passports, and other documents requiring special security features or brands of paid excise tax pursuant to the laws of Ukraine and goods or services required for their manufacture.

APPENDIX II

ELECTRONIC OR PAPER MEDIA UTILIZED BY PARTIES FOR THE PUBLICATION OF LAWS, REGULATIONS, JUDICIAL DECISIONS, ADMINISTRATIVE RULINGS OF GENERAL APPLICATION, STANDARD CONTRACT CLAUSES, AND PROCEDURES REGARDING GOVERNMENT PROCUREMENT COVERED BY THIS AGREEMENT PURSUANT TO ARTICLE VI

1. Legislation:

1. Official website of the Verkhovna Rada of Ukraine (Parliament) – <http://www.rada.gov.ua/>.

2. Judicial decisions:

1. Single State Register of Court Decisions - <http://www.reyestr.court.gov.ua/>;

2. Official website of the Antimonopoly Committee of Ukraine - <http://www.amc.gov.ua/>.

APPENDIX III

ELECTRONIC OR PAPER MEDIA UTILIZED BY PARTIES FOR THE PUBLICATION OF NOTICES
REQUIRED BY ARTICLES VII, IX:7 AND XVI:2 PURSUANT TO ARTICLE VI

1. Public Procurement Portal – <https://prozorro.gov.ua/>.

APPENDIX IV

WEBSITE ADDRESS OR ADDRESSES WHERE PARTIES PUBLISH PROCUREMENT STATISTICS
PURSUANT TO ARTICLE XVI:5 AND NOTICES CONCERNING AWARDED CONTRACTS PURSUANT TO
ARTICLE XVI:6

1. Official website of the Ministry of Economy of Ukraine - <http://www.me.gov.ua/>.

ATTACHMENT B*

EUROPEAN UNION TERMS OF UKRAINE'S ACCESSION TO THE GPA

1. Upon Ukraine's accession to the Agreement on Government Procurement, point 2 of Section 2 (The Central Government contracting authorities of the EU Member States) of Annex 1 to Appendix I for the European Union shall read as follows:

"2. For the goods, services, suppliers and service providers of Israel, Montenegro, the Republic of Moldova and Ukraine, procurement by the following central government contracting authorities."

* In English only.