



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	8 January 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2013) 942 final ANNEX 1
Subject:	ANNEX to the Proposal for a Council Decision on a position to be taken by the European Union within the EU-Chile Association Committee regarding the amendment of Annex XII to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, setting out the list of Chilean entities which procure in accordance with the provisions of Title IV of Part IV (Government Procurement)

Delegations will find attached document COM(2013) 942 final ANNEX 1.

Encl.: COM(2013) 942 final ANNEX 1



EUROPEAN
COMMISSION

Brussels, 8.1.2014
COM(2013) 942 final

ANNEX 1

ANNEX

to the

Proposal for a Council Decision

on a position to be taken by the European Union within the EU-Chile Association Committee regarding the amendment of Annex XII to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, setting out the list of Chilean entities which procure in accordance with the provisions of Title IV of Part IV (Government Procurement)

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ANNEX

DECISION No 1/2014 OF THE EU-CHILE ASSOCIATION COMMITTEE of xxx 2014

relating to Annex XII to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, concerning the list of Chilean entities which procure in accordance with the provisions of Title IV of Part IV on government procurement

THE ASSOCIATION COMMITTEE,

Having regard to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part¹ ('Association Agreement'), signed on 18 November 2002, and in particular to Article 159 thereof,

Whereas:

- (1) Annex XII to the Association Agreement provides a list of entities in the Republic of Chile which procure in accordance with the provisions on government procurement of Title IV of Part IV of the Association Agreement,
- (2) On 10 February 2012, the Republic of Chile notified the European Union of its intention to modify Annex XII. The modification consists of (a) simplifying the list of public entities listed under each Ministry in Appendix 1 A of Annex XII by replacing it with a catch-all clause so that all entities subordinated to the listed Ministries are covered, and (b) the introduction of a catch-all clause for all entities at sub-central level under Appendix 2 A.
- (3) For the purposes of Annex XII to the Association Agreement, it is appropriate to simplify the lists of public entities of the Republic of Chile contained under Appendix 1 A (entities at central level) and Appendix 2 A (municipalities), and introduce catch-all clauses in order to ensure that all entities subordinated to the listed Ministries and all municipalities are covered by Title IV of Part IV of the Association Agreement,

¹ OJ L 352, 30.12.2002, p. 3.

HAS ADOPTED THIS DECISION:

Article 1

Annex XII of the Association Agreement containing the list of Chilean entities which procure in accordance with the provisions of the Title IV of Part IV on government procurement is hereby replaced by the Annex to this Decision, where Appendix 1 B, Appendix 2 B, Appendix 3, Appendix 4 and Appendix 5 remain unchanged.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, xx xxxx 2014.

ANNEX

ANNEX XII

(Referred to in Article 137)

CHILE'S COVERAGE ON GOVERNMENT PROCUREMENT

Appendix 1

ENTITIES AT CENTRAL LEVEL

Entities which procure in accordance with the provisions of this Title

SUPPLIES

Thresholds SDR 130 000

SERVICES

Specified in Appendix 4

Thresholds SDR 130 000

WORKS

Specified in Appendix 5

Thresholds SDR 5 000 000

A. LIST OF ENTITIES

Presidencia de la República

Ministerio de Interior y Seguridad Pública

Ministerio de Relaciones Exteriores

Ministerio de Defensa Nacional

Ministerio de Hacienda

Ministerio Secretaría General de la Presidencia de la República

Ministerio Secretaría General de Gobierno

Ministerio de Economía, Fomento y Turismo

Ministerio de Minería

Ministerio de Desarrollo Social

Ministerio de Educación

Ministerio de Justicia

Ministerio del Trabajo y Previsión Social

Ministerio de Obras Públicas
Ministerio de Transporte y Telecomunicaciones
Ministerio de Salud
Ministerio de Vivienda y Urbanismo
Ministerio de Bienes Nacionales
Ministerio de Agricultura
Ministerio de Energía
Ministerio del Medio Ambiente
Gobiernos Regionales
Todas las Intendencias
Todas las Gobernaciones

Note to Section A)

Unless otherwise specified by this Appendix, all agencies subordinated to listed entities, are covered by this Agreement.

- B. ALL OTHER CENTRAL PUBLIC ENTITIES INCLUDING THEIR REGIONAL AND SUB-REGIONAL SUBDIVISIONS PROVIDED THAT THEY DO NOT HAVE AN INDUSTRIAL OR COMMERCIAL CHARACTER.

Appendix 2

**ENTITIES AT SUBCENTRAL LEVEL AND BODIES GOVERNED BY PUBLIC
LAW**

Entities which procure in accordance with the provisions of this Title

SUPPLIES

Thresholds SDR 200 000

SERVICES

Specified in Appendix 4

Thresholds SDR 200 000

WORKS

Specified in Appendix 5

Thresholds SDR 5 000 000

A. LIST OF ENTITIES

All Municipalities

- B. ALL OTHER SUB-CENTRAL PUBLIC ENTITIES INCLUDING THEIR SUBDIVISIONS AND ALL OTHER ENTITIES OPERATING IN THE GENERAL INTEREST AND SUBJECT TO EFFECTIVE AND MANAGERIAL OR FINANCIAL CONTROL BY PUBLIC ENTITIES, PROVIDED THAT THEY DO NOT HAVE AN INDUSTRIAL OR COMMERCIAL CHARACTER.

Appendix 3

ENTITIES OPERATING IN THE UTILITIES SECTOR

SUPPLIES

Thresholds SDR 400 000

SERVICES

Specified in Appendix 4

Thresholds SDR 400 000

WORKS

Specified in Appendix 5

Thresholds SDR 5 000 000

A. LIST OF ENTITIES

Empresa Portuaria Arica

Empresa Portuaria Iquique

Empresa Portuaria Antofagasta

Empresa Portuaria Coquimbo

Empresa Portuaria Valparaíso

Empresa Portuaria San Antonio

Empresa Portuaria San Vicente-Talcahuano

Empresa Portuaria Puerto Montt

Empresa Portuaria Chacabuco

Empresa Portuaria Austral

Aeropuertos de propiedad del Estado, dependientes de la Dirección de Aeronáutica Civil.

B. ALL OTHER PUBLIC UNDERTAKINGS, AS DEFINED IN ARTICLE 138(C), WHICH HAVE AS ONE OF THEIR ACTIVITIES ANY OF THOSE REFERRED TO BELOW OR ANY COMBINATION THEREOF:

- (a) the provision of airport or other terminal facilities to carriers by air; and
- (b) the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway.

Appendix 4

SERVICES

For the purposes of this Title and without prejudice to Article 137(2), no services of the Universal list of Services are excluded.

Appendix 5

CONSTRUCTION SERVICES

For the purposes of this Title and without prejudice to the provisions of Article 137(2), no construction services under the division of the CPC concerning construction work are excluded.