ANNEX 3

All Other Entities which Procure in Accordance With the Provisions of this Agreement

Goods	*Threshold:*	SDR 400,000
Services	*Threshold:*	SDR 400,000
Works	*Threshold:*	SDR 5,000,000

List of Entities:

All procuring entities whose procurement is covered by the EEA utilities directive which are contracting authorities (e.g. those covered under Annex 1 and Annex 2) or public undertakings[1] and which 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 (as specified under title I);

(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 (as specified under title II);

(iii) the provision or operation of networks[2] providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolleybus, bus or cable (as specified under title III);

(iv) the exploitation of a geographical area for the purpose of the provision of airport or other terminal facilities to carriers by air (as specified under title IV);

(v) the exploitation of a geographical area for the purpose of the provision of inland port or other terminal facilities to carriers by sea or inland waterway (as specified under title V);

(vi) provision of postal services (as specified under title VI).

[1] According to the EEA utilities directive, a public undertaking is any undertaking over which the contracting authorities may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.

A dominant influence on the part of the contracting authorities shall be presumed when these authorities, directly or indirectly, in relation to an undertaking:

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

[2] As regards transport services, a network shall be considered to exist where the service is provided under operating conditions laid down by a competent authority of an EEA Member State, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

I. Production, transport or distribution of drinking water

Public authorities and public undertakings producing, transporting and distributing drinking water. Such public authorities and public undertakings are operating under local legislation or under individual agreements based thereupon.

- Gruppenwasserversorgung Liechtensteiner Oberland
- Gruppenwasserversorgung Liechtensteiner Unterland

II. Production, transport or distribution of electricity

Public authorities and public undertakings for the production, transport and distribution of electricity operating on the basis of authorizations for expropriation.

- Liechtensteinische Kraftwerke

III. Procuring entities in the field of urban railway, automated systems, tramway, trolley bus, bus or cable services

LIECHTENSTEINmobil

IV. Procuring entities in the field of airport facilities

None

V. Procuring entities in the field of inland ports

None

VI. Postal Services

Liechtensteinische Post AG, but only for activities for which it holds exclusive rights.

Notes to Annex 3

1. This Agreement does not cover procurement which the procuring entity awards for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-EEA country.

2. This Agreement does not cover procurement:

(a) by a procuring entity to an affiliated undertaking[3]; or

[3] "affiliated undertaking" means any undertaking the annual accounts of which are consolidated with those of the procuring entity in accordance with the requirements of Council Directive 83/349/EEC on consolidated accounts, or in case of entities not subject to that Directive, 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.