5. The supply of drinking water or electricity to networks which provide a service to the public by a procuring entity other than a contracting authority shall not be considered as a relevant activity within the meaning of paragraph (a) or (b) of this Annex where:

(a) the production of drinking water or electricity by the entity concerned takes place because its consumption is necessary for carrying out an activity other than that referred to in paragraphs (a) to (e) of this Annex; and

(b) supply to the public network depends only on the entity's own consumption and has not exceeded 30 per cent of the entity's total production of drinking water or energy, having regard to the average for the preceding three years, including the current year.

6. The following shall not be considered as covered procurement:

- procurement by procuring entities operating in the fields of:

  (i) production, transport or distribution of drinking water covered under this Annex;

  (ii) airport facilities covered under this Annex;

  (iii) maritime or inland port or other terminal facilities covered under this Annex; and

  (iv) urban railway, tramway, trolley bus or bus services covered under this Annex

in regard of goods, services, suppliers and service providers from Canada;

- procurement by procuring entities operating in the field of production, transport or distribution of drinking water covered under this Annex in regard of suppliers and service providers from the United States;

- procurement by procuring entities covered under this Annex of air traffic control equipment in regard of suppliers and service providers from the United States;

- procurement by procuring entities operating in the field of airport facilities covered under this Annex in regard of suppliers and service providers from the United States and Korea;

- procurement by procuring entities operating in the field of urban railway, tramway, trolley bus or bus services covered under this Annex in regard of suppliers and service providers from the United States;

- procurement by procuring entities operating in the field of urban railway covered under this Annex in regard of suppliers and service providers from Japan;

- procurement by procuring entities operating in the field of bus services covered under this Annex in regard of suppliers and service providers from Israel

until such time as Norway has accepted that the Parties concerned provide satisfactory reciprocal access for Norwegian goods, suppliers, services and service providers to their own procurement market.

7. The provisions of Article XVIII shall not apply to suppliers and service providers of:

- Japan, Korea and the United States in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium-sized enterprises under the relevant provisions in Norway, until such time as Norway accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses;

- Japan in contesting the award of contracts by Norwegian entities, whose value is less than the threshold applied for the same category of contracts awarded by this Party.

Indicative list of other entities (utilities):

1. Drinking Water

Public entities producing or distributing water pursuant to Forskrift om vannforsyning og drikkevann (FOR 2001-12-09 1372).

For instance:

Asker og Bærum vannverk	Asker and Bærum Water Network
Bergen vannverk	Bergen Drinking Water Network

2. The electricity sector

Public entities producing, transporting or distributing electricity pursuant to Lov om erverv av vannfall mv. kap. I, jf. kap V (LOV 1917-12-14 16), Lov om vasdragsreguleringer (LOV-1917-12-14 17), Lov om vassdrag og grunnvann (LOV-2000-11-24 82) or Lov om produksjon, omforming, overføring, omsetning, fordeling og bruk av energi m.m. (LOV 1990-06-29 50).

For instance:

Alta Kraftverk	Alta Power Plant
Bingsfoss Kraftverk	Bingfoss Power Plant

3. Airports:

Public entities providing airport facilities pursuant to Lov om luftfart (LOV-1993-06-11 101).

For instance:

Avinor AS	Avinor AS

4. Ports:

Public entities operating pursuant to Lov om havner og farvann (LOV 20009-04-17 19)

For instance:

Oslo havn	Port of Oslo
Stavangerregionens havn	Port of Stavanger

5. Urban transport

Public entities which have as one of their activities the operation of networks providing a service to the public in the field of transport by automated systems, urban railway, tramway, trolley bus, bus or cable according to Lov om anlegg og drift av jernbane, herunder sporvei, tunellbane og forstadsbane m.m. (LOV 1993-06-11 100), Lov om yrkestransport med motorvogn og fartøy (LOV 2002-06-21 45) or Lov om anlegg av taugbaner og løipestrenger (LOV 1912-06-14 1).