ANNEX 5

Services

1. Unless otherwise specified, this Agreement covers all services procured by entities included in Annexes 1 through 3.

2. This Agreement does not cover procurement of any of the following services, as identified in accordance with the Provisional Central Product Classification (CPC), which is found at: http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=9&Lg=1:

(a) All transportation services, including Launching Services (CPC Categories 71, 72, 73, 74, 8859, 8868).

(b) Services associated with the management and operation of government facilities, or privately owned facilities used for governmental purposes, including federally funded research and development centers (FFRDCs).

(c) Public utilities services, including:

Telecommunications and ADP-related telecommunications services except enhanced (*i.e.,* value-added) telecommunications services.

(d) Research and Development services.

Note to Annex 5

This Agreement does not cover procurement of any service in support of military forces located overseas.

ANNEX 6

Construction Services

1. Unless otherwise specified and subject to paragraph 2, this Agreement covers all construction services listed in Division 51 of the Provisional Central Product Classification (CPC), which is found at: http://unstats.un.org/unsd/cr/registry/regcs.asp?Cl=9&Lg=1&Co=51.

2. This Agreement does not cover procurement of dredging services.

ANNEX 7

General Notes

Unless otherwise specified, the following General Notes apply without exception to this Agreement, including to Annexes 1 through 6.

1. This Agreement does not apply to any set aside on behalf of a small- or minority-owned business. A set-aside may include any form of preference, such as the exclusive right to provide a good or service, or any price preference.

2. This Agreement does not apply to governmental provision of goods and services to persons or governmental authorities not specifically covered under the Annexes to this Agreement.

3. Where a procurement by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that procurement.

4. For goods and services, including construction services, of Canada and suppliers of such goods and services, this Agreement does not cover procurement by entities listed in Lists A and B in Annex 3 or the commitment with respect to financing provided by the Rural Utilities Service of power generation projects described in Note 1 to Annex 3.

The United States is prepared to amend this Note at such time as coverage with respect to Annex 3 can be resolved with Canada.

5. For construction services of the Republic of Korea and suppliers of such services, the threshold for procurement of construction services by the entities included in Annex 2 or 3 is 15,000,000 SDRs.

6. For goods and services including construction services of Japan and suppliers of such goods and services, this Agreement does not cover procurement by the National Aeronautics and Space Administration.

7. A service listed in Annex 5 is covered with respect to a particular Party only to the extent that such Party has included that service in its Annex 5.

8. For goods and services, including construction services, of Japan and suppliers of such goods and services, does not cover procurement by entities listed in Annex 3 that are responsible for the generation or distribution of electricity, including the commitment with respect to financing provided by the Rural Utilities Service of power generation projects described in Note 1 to Annex 3.

9. This Agreement does not cover procurement of transportation services that form a part of, or are incidental to, a procurement contract.