

**FINAL APPENDIX I OFFER OF THE SEPARATE CUSTOMS TERRITORY
OF TAIWAN, PENGHU, KINMEN AND MATSU**

(Authentic in the English Language only)

ANNEX 7

General Notes

1. Where another Party applies a threshold that is higher than that applied by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, this Agreement applies only to those procurements above the higher threshold for that particular Party for the relevant procurement. (This Note does not apply to suppliers of the United States and Israel in procurement of goods, services and construction services by entities listed in Annex 2.)
2. Until such time as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu has accepted that the Parties concerned provide access for the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu suppliers and service providers to their own markets, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu shall not extend the benefits of this Agreement to suppliers and service providers of the Parties concerned. A service listed in Annex 5 or construction service in Annex 6 is covered with respect to a particular Party only to the extent that such Party has provided reciprocal access to that service.
3. This Agreement does not cover procurement made by a covered entity on behalf of a non-covered entity.
4. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any goods or service component of that contract.
5. This Agreement does not cover procurement:
 - for the acquisition or rental of land, existing buildings, other immovable property or concerning rights thereon;
 - for the acquisition, development, production or co-production of programme materials by broadcasters and procurement for broadcasting time;
 - procurement of employment.
6. This Agreement does not cover:
 - contracts awarded under an international agreement and intended for the joint implementation or exploitation of a project;
 - contracts awarded under the particular procedure of an international organization;
 - procurement made with a view to resale or to using in the production of supplies or services for sale;
 - procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes;

- procurement of the following goods and services (including construction) relating to the electricity and transport projects.

Exclusions regarding electricity (goods)

HS 8402	Steam or other vapour generating boilers
HS 8404	Auxiliary plant for use with boilers
HS 8410	Hydraulic turbines, water wheels, and regulators
HS 8501	Electric motors and generators
HS 8502	Electric generating sets
HS 8504	Electrical transformers and converters
HS 8532	Power capacitors
HS 8535	Electrical switches, breakers, switch-gears (for a voltage exceeding 1,000 volts)
HS 8536	Electrical switches, breakers, switch-gears (for a voltage not exceeding 1,000 volts)
HS 8537	Switch boards, controller panels
HS 8544	Power cables (including optical fibre cables)
HS 9028	Electricity supply meter

- Notwithstanding the above, this Agreement covers procurement of HS codes 8402, 8404, 8410, 8501 (electric motors with capacity of 22 megawatts or greater, electric generators with capacity of 50 megawatts or greater), 850164, 8502, 8504 (electrical transformers and static converters, with capacity of 1 to 600 megawatts), and 8544 (cable related to telecommunications applications) for the goods and suppliers of the United States; the European Union; **the United Kingdom**; Japan; Switzerland; Canada; Norway; Iceland; Hong Kong, China; Singapore; and Israel.
- Notwithstanding the above, this Agreement covers procurement of HS codes 8402, 8404, 8410, 850164 and 8502 for the goods and suppliers of Korea.

Exclusions regarding electricity (services and constructions)

CPC 51340	Power transmission line construction work
CPC 51360	Power plant and substation construction work
CPC 51649	Power transmission and distribution automation system construction work
CPC 52262	Power plant construction engineering work
CPC 86724	Power transmission, distribution and substation engineering design services
CPC 86725	Power plant engineering design services
CPC 86726	Power transmission and distribution automation system engineering design services
CPC 86739	Integrated engineering services for power transmission and distribution turnkey projects

- Notwithstanding the above, this Agreement covers procurement of CPC codes 51340, 51360 and 51649 for the service providers of Korea; the European Union; **the United Kingdom**; Japan; the United States; Switzerland; Canada; Norway; Iceland; Hong Kong, China; Singapore; and Israel.
- Notwithstanding the above, this Agreement covers procurement of CPC code 52262 for the service providers of Korea; the European Union; **the United Kingdom**; the United States; Switzerland; Canada; Norway; Iceland; Hong Kong, China; Singapore; and Israel.
- Notwithstanding the above, this Agreement covers procurement of CPC codes 86724, 86725, 86726 and 86739 for the services providers of the United States; Canada;

Korea; the European Union; **the United Kingdom**; Japan; Switzerland; Norway; Iceland; Hong Kong, China; Singapore; and Israel.

Exclusions regarding transport

HS 8601	Rail locomotives, powered from an external source of electricity or by electric accumulators
HS 8603	Self-propelled railway or trainway, coaches, vans and trucks, other than those of heading.
HS 8605	Railway or trainway passenger coaches, not self-propelled, luggage van, post office coaches and other special purpose railway or trainway coaches, not self-propelled
HS 8607	Parts of railway or trainway locomotives or rolling stock
HS 8608	Railway or trainway track fixtures and fittings, mechanical (including electro-mechanical) signalling, safety or traffic control equipment for railways, roads, inland waterways, parking facility, port installations or airfields, parts of the foregoing

- Notwithstanding the above, this Agreement covers procurement of HS code 8608 for the goods and suppliers of the United States; Canada; the European Union; **the United Kingdom**; Japan; Switzerland; Norway; Iceland; Hong Kong, China; Singapore; and Israel.
- Notwithstanding the above, this Agreement covers procurement of HS code 8601, 8603, 8605 and 8607 for the goods and suppliers of Canada; the European Union; **the United Kingdom**; Japan; Norway; Iceland; Hong Kong, China; Singapore; and Israel. For a period of 10 years from the date of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu's accession to the WTO, up to 50 per cent of the procurement amount can be used by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu for offset purposes.

7. Procurement in terms of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu's coverage does not cover non-contractual agreements or any form of government assistance, including, but not limited to, cooperative agreements, grants, loans, guarantees, fiscal incentives, and governmental provision of goods and services to persons or governmental authorities not specifically covered under the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu's Annexes to this Agreement.

8. The provision of services, including construction services, in the context of procurement procedures according to this Agreement is subject to the conditions and qualifications for market access and national treatment as will be required by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu in conformity with commitments under GATS.

9. This Agreement does not cover procurements in respect of national security exceptions including procurements made in support of safeguarding nuclear materials, radwaste management, or technology.

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附錄一
臺灣、澎湖、金門、馬祖個別關稅領域承諾開放清單
(僅以英文本為準)

附件七
(中譯本)
總附註

1. 任一特定簽署國所開列適用特定範圍之門檻金額較臺、澎、金、馬關稅領域為高者，臺、澎、金、馬關稅領域對該簽署國所開放該特定範圍之採購，適用該較高之門檻金額。(本附註不適用參加本清單附件二所列機關於辦理財物、服務及工程服務案之美國及以色列之廠商。)
2. 除非本協定相關簽署國已開放臺、澎、金、馬關稅領域之廠商及服務提供者進入該國市場，臺、澎、金、馬關稅領域將不給予該簽署國之廠商及服務提供者享有本協定之利益。列入本協定附件五之服務及附件六之工程服務，僅開放予對該等服務亦相對開放之簽署國。
3. 適用本協定之機關代理非適用本協定機關所辦理之採購，不適用本協定規定。
4. 一機關所決標之契約，非本協定所涵蓋者，不得解釋為本協定適用於該契約所包含之任何財物或服務。
5. 本協定不適用於下列採購：
 - 購置或租賃土地、既有建物或其他不動產或其附屬權利；
 - 購置、發展、製作或合製廣播節目及廣播時段之採購；
 - 僱傭採購。
6. 本協定不適用於下列情形：
 - 依國際協定共同辦理或聯合開發計畫所辦理之採購；
 - 依國際組織之特別程序所辦理之採購；
 - 以轉售或供生產銷售目的之財物或服務之採購；
 - 為執行農業援助及人口養育計畫之農產品採購；
 - 與下列電力、運輸之財物及服務（包括工程）有關之採購。

電力排除項目(財物部分)

HS 8402 水蒸汽及其他蒸汽鍋爐
HS 8404 鍋爐之輔助設施

HS 8410 水輪機及其調整器
HS 8501 電動機及發電機
HS 8502 發電機組
HS 8504 變壓變流器
HS 8532 電力電容器
HS 8535 斷電器及開關設備(逾 1000 volts)
HS 8536 斷電器及開關設備 (不逾 1000 volts)
HS 8537 開關盤、配電盤
HS 8544 電線電纜 (含光纖電纜)
HS 9028 電錶

- 惟 HS 8402、8404、8410、8501(限 22000KW 以上之電動機及 50000KW 以上之發電機)、850164、8502、8504(限 1000KW~600000KW 之變壓器及變流器)及 8544(僅電信電纜部分)項之採購開放予美國、歐盟、英國、日本、瑞士、加拿大、挪威、冰島、香港、新加坡及以色列之財物及廠商。
- 惟 HS 8402、8404、8410、850164 及 8502 項之採購開放予韓國之財物及廠商。

電力排除項目(服務及工程部分)

CPC 51340 輸電線路工程施工
CPC 51360 水力發電廠及變電所工程施工
CPC 51649 輸配電線路自動化系統施工
CPC 52262 水力發電廠工程監造
CPC 86724 輸配電工程及變電所設計服務
CPC 86725 發電廠工程設計服務
CPC 86726 輸配電線路自動化系統工程設計服務
CPC 86739 輸配電系統統包服務

- 惟 CPC 51340、51360 及 51649 項之採購開放予韓國、歐盟、英國、日本、美國、瑞士、加拿大、挪威、冰島、香港、新加坡及以色列之服務提供者。
- 惟 CPC 52262 項之採購開放予韓國、歐盟、英國、美國、瑞士、加拿大、挪威、冰島、香港、新加坡及以色列之服務提供者。
- 惟 CPC 86724、86725、86726 及 86739 項之採購開放予美國、加拿大、韓國、歐盟、英國、日本、瑞士、挪威、冰島、香港、新加坡及以色列之服務提供者。

運輸排除項目

HS8601 鐵路機車

HS8603 自力推進之鐵路車道用客車、貨車
HS8605 非自力推進之鐵路車道用客車、貨車
HS8607 鐵路或電車道機車或運輸用之零件
HS8608 鐵路或電車軌道固定裝置及配件、機械式信號、安全或交通控制設備

- 惟 HS8608 之採購開放予美國、加拿大、歐盟、英國、日本、瑞士、挪威、冰島、香港、新加坡及以色列之財物及廠商。
 - 惟 HS8601、8603、8605 及 8607 項之採購開放予加拿大、歐盟、英國、日本、挪威、冰島、香港、新加坡及以色列之財物及廠商，且自臺、澎、金、馬關稅領域加入 WTO 日起十年內可進行採購金額 50% 以內之補償性目的措施。
7. 臺、澎、金、馬關稅領域採購之涵蓋範圍不包括非契約性之協議或任何形式之政府協助，包括但不限於合作協定、補助、貸款、保證、財務獎勵與政府提供財物及服務予個人或非適用本協定之機關。
8. 依本協定採購程序所提供之服務，包括工程服務，有關市場進入及國民待遇之條件及資格，須以臺、澎、金、馬關稅領域按服務業貿易總協定所提出之承諾表所要求者為依據。
9. 本協定不適用有關國家安全而須排除適用之採購，包括為協助核物料防護、核廢料管理或技術所辦理之採購。

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