

Na osnovu člana 95 tačka 3 Ustava Crne Gore donosim

U K A Z
O PROGLAŠENJU ZAKONA
O POTVRĐIVANJU ODLUKE O PRISTUPANJU CRNE GORE
SPORAZUMU O VLADINIM NABAVKAMA PRI SVJETSKOJ
TRGOVINSKOJ ORGANIZACIJI

Proglašavam **Zakon o potvrđivanju Odluke o pristupanju Crne Gore Sporazumu o vladinim nabavkama pri Svjetskoj trgovinskoj organizaciji**, koji je donijela Skupština Crne Gore 25. saziva, na petoj sjednici prvog redovnog (proljećnjeg) zasijedanja u 2015. godini, dana 27. maja 2015. godine.

Broj: 01-513/2
Podgorica, 28.05.2015.

PREDSJEDNIK CRNE GORE

Filip Vujanović



Na osnovu člana 82 stav 1 tačka 17 i člana 91 stav 1 Ustava Crne Gore, Skupština Crne Gore 25. saziva, na petoj šednici prvog redovnog (proljećnjeg) zasijedanja u 2015. godini, dana 27. maja 2015. godine, donijela je

ZAKON
O POTVRĐIVANJU ODLUKE O PRISTUPANJU CRNE GORE SPORAZUMU O
VLADINIM NABAVKAMA PRI SVJETSKOJ TRGOVINSKOJ ORGANIZACIJI

Član 1

Potvrđuje se Odluka o pristupanju Crne Gore Sporazumu o vladinim nabavkama pri Svjetskoj trgovinskoj organizaciji, u originalu na engleskom jeziku.

Član 2

Tekst Odluke o pristupanju Crne Gore Sporazumu o vladinim nabavkama pri Svjetskoj trgovinskoj organizaciji u originalu na engleskom i u prevodu na crnogorski jezik, glasi:

ACCESSION OF MONTENEGRO TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT

Decision of the Committee of 29 October 2014

The Committee on Government Procurement,

Having regard to Article XXIV:2 of the Agreement on Government Procurement done at Marrakesh on 15 April 1994 (the "1994 Agreement"), and Article XXII:2 of the 1994 Agreement on Government Procurement as amended by the Protocol Amending the Agreement on Government Procurement, done at Geneva on 30 March 2012 (the "amended Agreement")¹;

Having regard to the decision of the Committee on Government Procurement on adoption of the text of the Protocol Amending the Agreement on Government Procurement, taken on 30 March 2012 (Appendix 1 to GPA/113 of 2 April 2012), and in particular its paragraphs 3 and 4;

Having regard to the entry into force of the Protocol Amending the Agreement on Government Procurement on 6 April 2014 in accordance with paragraph 3 of the said Protocol, and to the subsequent acceptance of the Protocol Amending the Agreement on Government Procurement by two additional Parties;

Noting also that three other Parties to the Agreement on Government Procurement have still to accept the Protocol Amending the Agreement on Government Procurement; and

Considering Montenegro's application for accession to the Agreement on Government Procurement, contained in document GPA/120 of 4 October 2013, and the consultations held with the Parties to the Agreement on Government Procurement and additional documentation submitted in pursuance thereof;

Decides as follows:

1. In accordance with the provisions of Article XXIV:2 of the 1994 Agreement and Article XXII:2 of the amended Agreement, Montenegro may accede to the Agreement on Government Procurement on the terms of this decision including its attachments.

¹ The 1994 Agreement and the amended Agreement are hereafter referred to together as the "Agreement on Government Procurement".

2. The Agreement on Government Procurement shall enter into force for Montenegro on the thirtieth day following the date of its accession, i.e. the date on which the instrument of accession reproducing the terms of this decision, including its Attachment A, has been received by the Director-General.

3. Pursuant to paragraph 4 of the decision of the Committee on Government Procurement on adoption of the text of the Protocol Amending the Agreement on Government Procurement, taken on 30 March 2012 (Appendix 1 to GPA/113 of 2 April 2012), Montenegro shall be bound by said Protocol from the date of entry into force of the Agreement on Government Procurement for it.

4. From the date of entry into force of the Agreement on Government Procurement for it, Montenegro shall provide access to the procurement that it covers under Appendix I as set out in Attachment A to this decision to all Parties to the Agreement on Government Procurement.

5. From the date of entry into force of the Agreement on Government Procurement for Montenegro, the European Union's Appendix I Annexes will apply subject to the terms set out in Attachment B to this Decision.

6. Until the Protocol Amending the Agreement on Government Procurement has entered into force for all Parties to the 1994 Agreement, as between Montenegro and a Party only to the 1994 Agreement, the latter Party's Appendix I to the 1994 Agreement shall apply.

7. This Decision shall expire six months after the date of its adoption by the Committee on Government Procurement unless it is extended by that Committee by mutual consent between the Committee and Montenegro.

8. From the date of entry into force of the Agreement on Government Procurement for Montenegro, the terms attached to its instrument of accession shall become an integral part of the Agreement on Government Procurement as the Appendices with regard to Montenegro.

ATTACHMENT A

TERMS OF ACCESSION OF MONTENEGRO TO THE REVISED AGREEMENT ON GOVERNMENT PROCUREMENT

APPENDIX I*

MONTENEGRO

(Authentic in the English Language)

ANNEX 1

CENTRAL GOVERNMENT ENTITIES

Thresholds:

Goods	SDR 130,000
Services	SDR 130,000
Construction Services	SDR 5,000,000

List of Entities:

1. Ministry of Justice;
2. Ministry of the Interior;
3. Ministry of Defense;
4. Ministry of Finance;
5. Ministry of Foreign Affairs and European Integration;
6. Ministry of Education;
7. Ministry of Culture;
8. Ministry of Economy;
9. Ministry of Transport and Maritime Affairs;
10. Ministry of Agriculture and Rural Development;
11. Ministry of Sustainable Development and Tourism;
12. Ministry of Health;
13. Ministry for Human and Minority Rights;
14. Ministry for Information Society and Telecommunications;
15. Ministry of Labour and Social Welfare;
16. Ministry of Science;
17. Directorate for Anti-Corruption Initiative;
18. Institute for Execution of Criminal Sanctions;
19. Police Directorate;
20. Department of Public Revenues;
21. Customs Administration;
22. Games of Chance Administration;
23. Property Administration;
24. Real Estate Administration;
25. Directorate for Protection of Cultural Property;
26. Directorate for Development of Small and Medium Sized Enterprise;
27. Port Administration;
28. Maritime Safety Department;
29. Transport Directorate;
30. Railway Directorate;
31. Phytosanitary Administration;
32. Veterinary Directorate;
33. Forest Administration;
34. Water Directorate;
35. Tobacco Agency;

* In English only.

36. Directorate of Public Works;
37. Bureau for Care of Refugees;
38. Human Resources Administration;
39. Administration for Prevention of Money Laundering and Financing of Terrorism;
40. Public Procurement Administration;
41. Administration for Competition Protection;
42. Inspection Directorate;
43. Directorate for Youth and Sports;
44. Secretariat for Legislation;
45. Secretariat for Development Projects;
46. Statistical Office – MONSTAT;
47. Hydrological and Meteorological Service;
48. Bureau for Education Services;
49. Intellectual Property Office;
50. Bureau of Metrology;
51. State Archive;
52. Direction for Protection of Confidential Data;
53. Environmental Protection Agency;
54. Parliament of Montenegro;
55. President of Montenegro;
56. Constitutional Court of Montenegro;
57. State Audit Institution;
58. University of Montenegro;
59. Secretariat General of the Government of Montenegro;
60. Central Bank of Montenegro;
61. Protector of Human Rights and Freedoms (Ombudsman);
62. Commission for the Control of Public Procurement Procedures;
63. Supreme Court of Montenegro;
64. Public Prosecutor's Office;
65. Council for Privatization and Capital Projects;
66. Administrative Court;
67. Supreme Public Prosecutor's Office;
68. Agency for Electronic Communications and Postal Services;
69. Agency for Electronic Media;
70. Agency for Medicines and Medical Devices;
71. Agency for Amicable Settlement of Labour Disputes;
72. National Security Agency;
73. Insurance Supervision Agency;
74. Montenegrin Investment Promotion Agency (MIPA);
75. Accreditation Body;
76. Appellate Court;
77. Montenegrin Academy of Sciences and Arts;
78. Pension and Disability Insurance Fund/PIO;
79. Health Insurance Fund;
80. Healthcare Institution Pharmacies of Montenegro Montefarm;
81. Securities Commission of Montenegro;
82. MDI/Montenegro Defence Industry;
83. National Tourism Organization;
84. Radio and Television of Montenegro;
85. Employment Agency.

Notes to Annex 1

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

- a. procurement by procuring entities covered under this Annex of air traffic control equipment in regard of suppliers and service providers from the United States;
- b. procurement by procuring entities covered under this Annex of good or service components of procurement which are not themselves covered by this Agreement in regard of suppliers and services providers from the United States and Canada;

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

2. The provisions of Article XVIII shall not apply to suppliers and service providers of Japan, Korea and the US 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 of Montenegrin law, until such time as Montenegro accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses.

3. "Central Government Entities" covers also any subordinated entity of any contracting authority of Montenegro provided it does not have separate legal personality.

4. As far as procurement by entities in the field of defence and security is concerned, only non-sensitive and non-warlike materials contained in the list attached to Annex 4 are covered.

ANNEX 2

SUB-CENTRAL GOVERNMENT ENTITIES

Thresholds:

Goods	SDR 200,000
Services	SDR 200,000
Construction Services	SDR 5,000,000

List of Entities:

1. All regional or local contracting authorities.

All sub-central government entities (local self-government units) and subordinated organizations. Sub-central government entities shall be understood as contracting entities of administrative units with population between 7 million and 3 million, between 3 million and 800 000 and between 800 000 and 150 000 inhabitants and smaller administrative units such as municipalities.

2. All contracting authorities which are bodies governed by public law.
 - a. A "body governed by public law" means any body:
 - i. established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character; and
 - ii. having legal personality; and
 - iii. financed, for the most part, by the State, or regional or local authorities, or other bodies governed by public law, or subject to management supervision by those bodies, or having an administrative, managerial or supervisory board; more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.
 - b. An indicative list of contracting authorities which are bodies governed by public law follows.

**INDICATIVE LIST OF MONTENEGRO'S CONTRACTING AUTHORITIES
WHICH ARE BODIES GOVERNED BY PUBLIC LAW**

1. Agency for Investment and Property, Bar;
2. Directorate for Property and Protection of rights of the Municipality of Bijelo Polje;
3. Directorate for Construction and Investment of Bijelo Polje;
4. Budva Holding Ltd, Budva;
5. Directorate for Investment and Development, Cetinje;
6. Directorate for Traffic, Maintenance and Construction of Roads, Danilovgrad;
7. Agency for Construction and Development, Herceg Novi;
8. Agency for Managing the City Harbour, Herceg Novi;
9. Agency for Protection and Development of Mount Orjen, Herceg Novi;
10. Directorate for Development and Construction of Kotor;
11. Foundation Kotor Festival of Children's Theatre;
12. Agency for Investment, Construction Land and Development of Mojkovac;
13. Housing Fund Agency Ltd, Pljevlja;
14. Housing Agency Ltd, Podgorica;
15. Agency for Construction and Development of Podgorica;
16. Plodovi Crne Gore JSC, Podgorica (Fruits of Montenegro JSC);
17. Agency for Construction and Development, Ulcinj.

Notes to Annex 2

1. The following shall not be considered as covered procurement:
 - a. procurement by procuring entities covered under this Annex in regard of suppliers, services and service providers from the United States;
 - b. procurement by procuring entities covered under this Annex of air traffic control equipment in regard of suppliers and service providers from the United States;
 - c. procurement by cities-regions with a population between 7 million and 3 million, 3 million and 800,000, local procuring entities and bodies governed by public law covered under this Annex in regard of goods, services, suppliers and service providers from Canada;
 - d. procurement by procuring entities covered under this Annex of good or service components of procurement which are not themselves covered by this Agreement in regard of suppliers and service providers from the United States and Canada;
 - e. procurement between SDR 200,000 and SDR 355,000 by procuring entities covered under this Annex of goods and services for suppliers and service providers from Canada;

until such time as Montenegro has accepted that the Parties concerned provide satisfactory reciprocal access to Montenegrin goods, suppliers, services and service providers to their own procurement markets.

2. The provisions of Article XVIII shall not apply to suppliers and service providers of Japan, Korea and the US 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 of Montenegrin law, until such time as Montenegro accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses.

3. The provisions of Article XVIII shall not apply to Japan and Korea in contesting the award of contracts by entities listed under Annex 2 paragraph 2, until such time as Montenegro accepts that they have completed coverage of sub-central entities.

4. The provisions of Article XVIII shall not apply to Japan and Korea in contesting that award of contracts by Montenegrin entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

ANNEX 3

OTHER ENTITIES

Thresholds:

Goods	SDR 400,000
Services	SDR 400,000
Construction Services	SDR 5,000,000

List of Entities:

1. All contracting entities whose procurement is covered by the public procurement legislation of Montenegro which are contracting authorities (e.g. those covered under Annex 1 and Annex 2) or public undertakings² and which have as one of their activities any of those referred to below or any combination thereof:

- a. 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;
- b. 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;
- c. the provision of airport or other terminal facilities to carriers by air;
- d. the provision of maritime or inland port or other terminal facilities to carriers by sea or inland waterway;
- e. the provision or operation of networks³ providing a service to the public in the field of transport by urban railway, automated systems, tramway, trolley bus, bus or cable.
- f. the provision or operation of networks providing a service to the public in the field of transport by railways.⁴

2. An indicative list of contracting authorities and public undertakings fulfilling the criteria set out above follows.

² 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:

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

³ 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 Montenegro, such as conditions on the routes to be served, the capacity to be made available or the frequency of the service.

⁴ E.g. the provision or operation of networks (within the meaning of footnote 4) providing a service to the public in the field of transport by high-speed or conventional trains.

INDICATIVE LIST OF MONTENEGRO'S CONTRACTING AUTHORITIES AND PUBLIC UNDERTAKINGS FULFILLING THE CRITERIA LAID DOWN UNDER ANNEX 3

1. Electric Power Company of Montenegro (EPCG);
2. Montenegrin Electric Power Transmission System JSC Podgorica;
3. Montenegrin Electric Energy Market Operator;
4. Airports of Montenegro;
5. Railway Infrastructure of Montenegro;
6. Railway Transport of Montenegro;
7. Monteput Ltd. Podgorica;
8. Montecargo JSC Podgorica;
9. Montenegro Post;
10. PC Regional Water Supply System for Montenegrin Coast, Budva;
11. Zeta Energy Ltd. Danilovgrad.

Notes to Annex 3

1. Procurement for the pursuit of an activity listed above when exposed to competitive forces in the market concerned are not covered by this Agreement.

2. This Agreement does not cover procurement by procuring entities included in this Annex:

- a. for the purchase of water and for the supply of energy or of fuels for the production of energy;
- b. for purposes other than the pursuit of their activities as listed in this Annex or for the pursuit of such activities in a non-EEA country;
- c. for purposes of re-sale or hire to third parties, provided that the procuring entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the procuring entity.

3. 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 an activity within the meaning of paragraphs 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 f. of this Annex; and
- b. supply to the public network depends only on the entity's own consumption and has not exceeded 30% 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.

4. I. Provided that the conditions in paragraph II are met, this Agreement does not cover procurement:

- a. by a procuring entity to an affiliated undertaking⁵, or
- b. by a joint venture, formed exclusively by a number of procuring entities for the purpose of carrying out activities within the meaning of paragraphs a. to f. of this Annex, to an undertaking which is affiliated with one of these procuring entities.

II. Paragraph I shall apply to services or supplies contracts provided that at least 80% of the average turnover of the affiliated undertaking with respect to services or supplies for the preceding three years derives respectively from the provision of such services or supplies to undertakings with which it is affiliated.⁶

⁵ "affiliated undertaking" means 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.

⁶ When, because of the date on which an affiliated undertaking was created or commenced activities, the turnover is not available for the preceding three years, it will be sufficient for that undertaking to show that the turnover referred to in this paragraph is credible, in particular by means of business projections.

5. This Agreement does not cover procurement:

- a. by a joint venture, formed exclusively by a number of procuring entities for the purposes of carrying out activities within the meaning of paragraphs a. to f. of this Annex, to one of these procuring entities, or
- b. by a procuring entity to such a joint venture of which it forms part, provided that the joint venture has been set up to carry out the activity concerned over a period of at least three years and the instrument setting up the joint venture stipulates that the procuring entities, which form it, will be part thereof for at least the same period.

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

- a. procurement by procuring entities operating in the fields of:
 - i. production, transport or distribution of drinking water covered under this Annex;
 - ii. production, transport or distribution of electricity covered under this Annex;
 - iii. airport facilities covered under this Annex;
 - iv. maritime or inland port or other terminal facilities covered under this Annex; and
 - v. urban railway, tramway, trolley bus or bus services covered under this Annex in regard of supplies, services, suppliers and service providers from Canada;
- b. 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;
- c. procurement by procuring entities operating in the field of maritime or inland port or other terminal facilities covered under this Annex of dredging services or related to shipbuilding in regard of suppliers and service providers from the United States;
- d. procurement by procuring entities covered under this Annex of air traffic control equipment in regard of suppliers and service providers from the United States;
- e. 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;
- f. procurement by procuring entities operating in the field of urban railway, tramway, trolleybus or bus services covered under this Annex in regard of suppliers and service providers from the United States;
- g. procurement by procuring entities operating in the field of urban railway covered under this Annex in regard of suppliers and service providers from Japan;
- h. procurement by procuring entities operating in the field of railways covered under this Annex in regard of goods, suppliers, services and service providers from Armenia; Canada; Japan; the United States; Hong Kong, China; Singapore and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu;
- i. procurement by procuring entities operating in the field of high-speed railways and high-speed railways infrastructure in regard of goods, suppliers, services and service providers from Korea;
- j. procurement by procuring entities covered under this Annex of good or service components of procurement which are not themselves covered procurement in regard of suppliers and service providers from the United States;
- k. procurement by procuring entities operating in the field of production, transport or distribution of electricity covered under this Annex in regard of suppliers and services providers from Japan;

- l. procurement by procuring entities operating in the field of production, transport and distribution of electricity covered under this Annex of HS Nos. 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables) in regard of suppliers from Korea;
- m. procurement by procuring entities operating in the field of production, transport and distribution of electricity covered under this Annex of HS Nos. 85012099, 85015299, 85015199, 85015290, 85014099, 85015390, 8504, 8535, 8536, 8537, and 8544 in regard of suppliers from Israel;
- n. 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, Montenegro has accepted that the Parties concerned provide satisfactory reciprocal access to Montenegrin goods, suppliers, services and service providers to their own procurement markets.

7. The provisions of Article XVIII shall not apply to suppliers and service providers of Japan, Korea and the US 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 of Montenegrin law, until such time as Montenegro accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses.

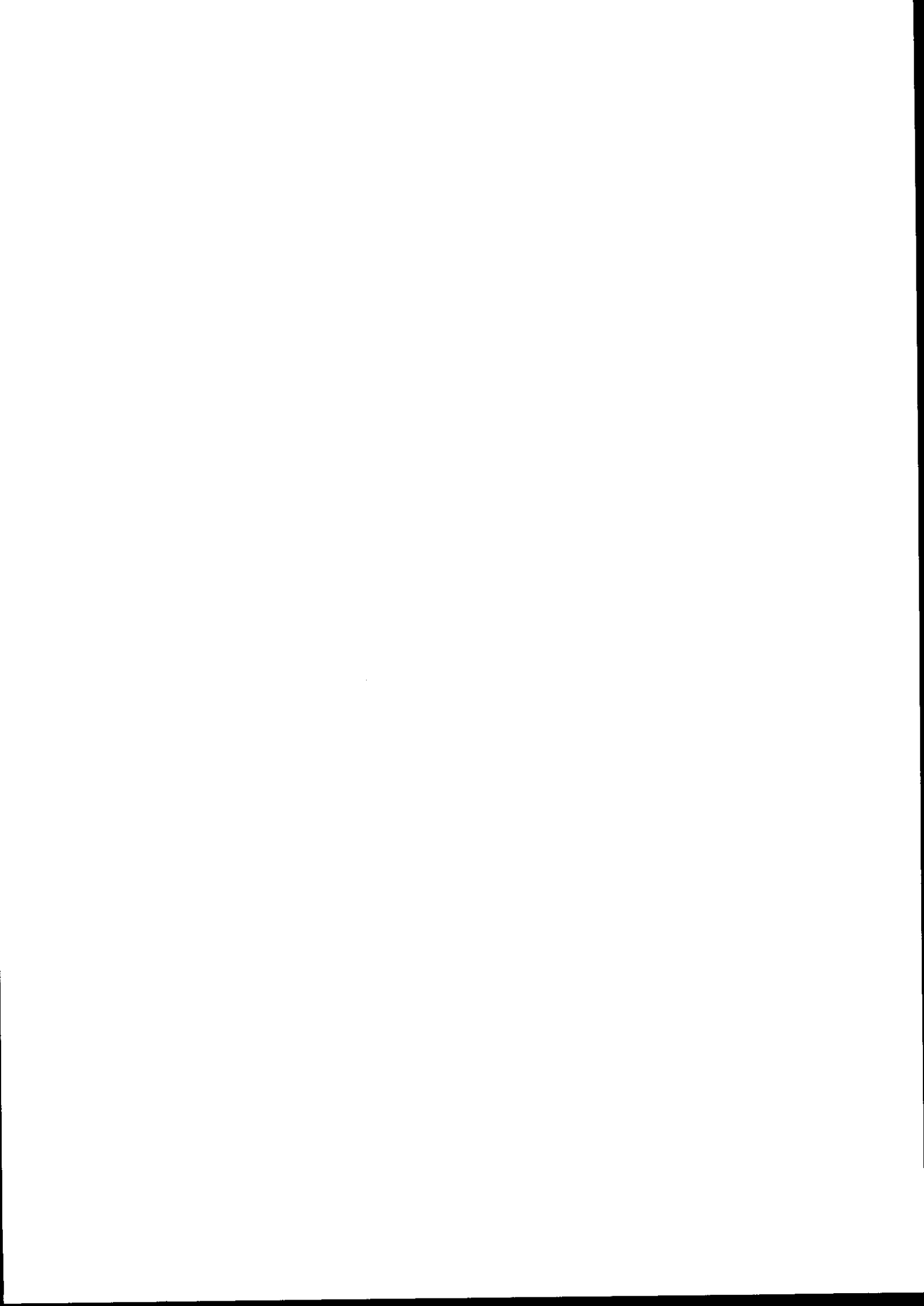
The provisions of Article XVIII shall not apply to Japan and Korea in contesting that award of contracts by Montenegrin entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

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

- a. procurement by procuring entities operating in the field of urban transport covered under this Annex of the following goods and services:
 - i. H.S. 44.06 Railway or tramway sleepers of (cross-ties) wood;
 - ii. H.S. 68.10 Railway or tramway sleepers of concrete and concrete guide-track sections for hovertrains;
 - iii. H.S. 73.02 Railway or tramway track construction material of iron or steel, the following: rails, check-rails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialized for jointing or fixing rails;
 - iv. H.S. 85.30.10 Electrical signalling, safety or traffic control equipment for railways, tramways;
 - v. H.S. Chapter 86 - Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds;
 - vi. Construction work for civil engineering for railways falling under CPC prov. 51310 (Construction work for civil engineering for highways (except elevated highways), streets, roads, railways and airfield runways);
 - vii. Construction work for civil engineering for railway tunnels and subways falling under CPC prov. 51320 (Construction work for civil engineering for bridges, elevated highways, tunnels and subways);
 - viii. Repair and maintenance services of locomotives (including reconditioning), rolling stock (including reconditioning), railway tracks, traffic signals and installation services of railway engines falling under CPC prov. 88680 (Repair services of other transport equipment, on a fee or contract basis).

in regard of suppliers and service providers from Japan,

until such time as Montenegro has accepted that Japan has fully open its procurement of urban transport to Montenegrin suppliers, supplies, service providers and services.



ANNEX 4

GOODS

1. This Agreement covers the procurement of all goods procured by the entities listed in Annexes 1 through 3, unless otherwise specified in this Agreement.

2. This Agreement covers only the goods that are described in the Chapters of the Combined Nomenclature (CN) specified below and that are procured by the Ministry of Defence and Agencies for defence or security activities in Montenegro:

CN Chapter	Description
1. Chapter 25:	Salt, sulphur, earths and stone, plastering materials, lime and cement;
2. Chapter 26:	Metallic ores, slag and ash;
3. Chapter 27:	Mineral fuels, mineral oils and products of their distillation, bituminous substances, mineral waxes, except:
a. ex 27.10:	special engine fuels.
4. Chapter 28:	Inorganic chemicals, organic and inorganic compounds of precious metals, of rare-earth metals, of radio-active elements and isotopes, except:
a. ex 28.09:	explosives;
b. ex 28.13:	explosives;
c. ex 28.14:	tear gas;
d. ex 28.28:	explosives;
e. ex 28.32:	explosives;
f. ex 28.39:	explosives;
g. ex 28.50:	toxic products;
h. ex 28.51:	toxic products;
i. ex 28.54:	explosives.
5. Chapter 29:	Organic chemicals, except:
a. ex 29.03:	explosives;
b. ex 29.04:	explosives;
c. ex 29.07:	explosives;
d. ex 29.08:	explosives;
e. ex 29.11:	explosives;
f. ex 29.12:	explosives;
g. ex 29.13:	toxic products;
h. ex 29.14:	toxic products;
i. ex 29.15:	toxic products;
j. ex 29.21:	toxic products;
k. ex 29.22:	toxic products;
l. ex 29.23:	toxic products;
m. ex 29.26:	explosives;
n. ex 29.27:	toxic products;
o. ex 29.29:	explosives.
6. Chapter 30:	Pharmaceutical products;
7. Chapter 31:	Fertilizers;
8. Chapter 32:	Tanning and dyeing extracts, tannings and their derivatives, dyes, colours, paints and varnishes, putty, fillers and stoppings, inks;
9. Chapter 33:	Essential oils and resinoids, perfumery, cosmetic or toilet preparations;

CN Chapter	Description
10. Chapter 34:	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and "dental waxes";
11. Chapter 35:	Albuminoidal substances, glues, enzymes;
12. Chapter 37:	Photographic and cinematographic goods;
13. Chapter 38: a. ex 38.19:	Miscellaneous chemical products, except: toxic products.
14. Chapter 39: a. ex 39.03:	Artificial resins and plastic materials, cellulose esters and ethers, articles thereof, except: explosives.
15. Chapter 40: a. ex 40.11:	Rubber, synthetic rubber, factice, and articles thereof, except: bullet-proof tyres.
16. Chapter 41:	Raw hides and skins (other than fur skins) and leather;
17. Chapter 42:	Articles of leather, saddlery and harness, travel goods, handbags and similar containers, articles of animal gut (other than silk-worm gut);
18. Chapter 43:	Furskins and artificial fur, manufactures thereof;
19. Chapter 44:	Wood and articles of wood, wood charcoal;
20. Chapter 45:	Cork and articles of cork;
21. Chapter 46:	Manufactures of straw of esparto and of other plaiting materials, basket ware and wickerwork;
22. Chapter 47:	Paper-making material;
23. Chapter 48:	Paper and paperboard, articles of paper pulp, of paper or of paperboard;
24. Chapter 49:	Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans;
25. Chapter 65:	Headgear and parts thereof;
26. Chapter 66:	Umbrellas, sunshades, walking-sticks, whips, riding-crops and parts thereof;
27. Chapter 67:	Prepared feathers and down and articles made of feathers or of down, artificial flowers, articles of human hair;
28. Chapter 68:	Articles of stone, of plaster, of cement, of asbestos, of mica and of similar materials;
29. Chapter 69:	Ceramic products;
30. Chapter 70:	Glass and glassware;
31. Chapter 71:	Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewellery;
32. Chapter 73:	Iron and steel and articles thereof;
33. Chapter 74:	Copper and articles thereof;
34. Chapter 75:	Nickel and articles thereof;
35. Chapter 76:	Aluminium and articles thereof;
36. Chapter 77:	Magnesium and beryllium and articles thereof;
37. Chapter 78:	Lead and articles thereof;
38. Chapter 79:	Zinc and articles thereof;
39. Chapter 80:	Tin and articles thereof;

CN Chapter	Description
40. Chapter 81:	Other base metals employed in metallurgy and articles thereof;
41. Chapter 82:	Tools, implements, cutlery, spoons and forks, of base metal, parts thereof, except:
a. ex 82.05:	tools;
b. ex 82.07:	tools, parts.
42. Chapter 83:	Miscellaneous articles of base metal;
43. Chapter 84:	Boilers, machinery and mechanical appliances, parts thereof, except:
a. ex 84.06:	engines;
b. ex 84.08:	other engines;
c. ex 84.45:	machinery;
d. ex 84.53:	automatic data-processing machines;
e. ex 84.55:	parts of machines under heading No 84.53;
f. ex 84.59:	nuclear reactors.
44. Chapter 85:	Electrical machinery and equipment, parts thereof, except:
a. ex 85.13:	telecommunication equipment;
b. ex 85.15:	transmission apparatus.
45. Chapter 86:	Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway tracks fixtures and fittings, traffic signalling equipment of all kinds (not electrically powered), except:
a. ex 86.02:	armoured locomotives, electric;
b. ex 86.03:	other armoured locomotives;
c. ex 86.05:	armoured wagons;
d. ex 86.06:	repair wagons;
e. ex 86.07:	wagons.
46. Chapter 87:	Vehicles, other than railway or tramway rolling-stock, and parts thereof, except:
a. ex 87.08:	tanks and other armoured vehicles;
b. ex 87.01:	tractors;
c. ex 87.02:	military vehicles;
d. ex 87.03:	breakdown lorries;
e. ex 87.09:	motorcycles;
f. ex 87.14:	trailers.
47. Chapter 89:	Ships, boats and floating structures, except:
a. ex 89.01 A:	warships.
48. Chapter 90:	Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus, parts thereof, except:
a. ex 90.05:	binoculars;
b. ex 90.13:	miscellaneous instruments, lasers;
c. ex 90.14:	telemeters;
d. ex 90.28:	electrical and electronic measuring instruments;
e. ex 90.11:	microscopes;
f. ex 90.17:	medical instruments;
g. ex 90.18:	mechano-therapy appliances;
h. ex 90.19:	orthopaedic appliances;
i. ex 90.20:	X-ray apparatus.
49. Chapter 91:	Manufacture of watches and clocks;
50. Chapter 92:	Musical instruments, sound recorders or reproducers, television image and sound recorders or reproducers, parts and accessories of such articles;
51. Chapter 94:	Furniture and parts thereof, bedding, mattresses, mattress supports, cushions and similar stuffed furnishings, except:
a. ex 94.01 A:	aircraft seats.

CN Chapter	Description
52. Chapter 95:	Articles and manufactures of carving or moulding material;
53. Chapter 96:	Brooms, brushes, powder-puffs and sieves;
54. Chapter 98:	Miscellaneous manufactured articles.

ANNEX 5

SERVICES

This Agreement covers the following services, which are identified in accordance with the United Nations Provisional Central Product Classification (CPC Prov.) as contained in document MTN.GNS/W/120⁷:

Description	CPC Prov. Reference No.
1. Maintenance and repair services	6112, 6122, 633, 886
2. Land transport services, including armoured car services, and courier services, except transport of mail	712 (except 71235), 7512, 87304
3. Air transport services of passengers and freight, except transport of mail	73 (except 7321)
4. Transport of mail by land, except rail, and by air	71235, 7321
5. Telecommunications services	752
6. Financial services	
a. Insurance services	ex 81
b. Banking and investments services ⁸	812, 814
7. Computer and related services	84
8. Accounting, auditing and bookkeeping services	862
9. Market research and public opinion polling services	864
10. Management consulting services and related services	865, 866 ⁹
11. Architectural services; engineering services and integrated engineering services, urban planning and landscape architectural services; related scientific and technical consulting services; technical testing and analysis services	867
12. Advertising services	871
13. Building-cleaning services and property management services	874, 82201-82206
14. Publishing and printing services on a fee or contract basis	88442

⁷ Except for services which entities have to procure from another entity pursuant to an exclusive right established by a published law, regulation or administrative provision.

⁸ Except for the procurement or acquisition of fiscal agency or depository services, liquidation, and management services for regulated financial institutions or services related to the sale, redemption and distribution of public debt, including loans and government bonds, notes and other securities.

⁹ Except arbitration and conciliation services.

Description	CPC Prov. Reference No.
15. Sewage and refuse disposal; sanitation and similar services	94

Note to Annex 5

Procurement by procuring entities covered under Annexes 1, 2 and 3 of any of the services covered under this Annex is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Annex 5.

ANNEX 6

CONSTRUCTION SERVICES

List of Construction Services (Division 51, CPC Prov.):

1 CONSTRUCTION SERVICES

All services listed in Division 51.

2 WORKS CONCESSIONS

Works concessions contracts, when awarded by Annex 1 and 2 entities, are included under the national treatment regime for the construction service providers of the EU, Iceland, Liechtenstein, Norway, the Netherlands on behalf of Aruba and Switzerland, provided their value equals or exceeds SDR 5,000,000 and for the construction service providers of Korea; provided their value equals or exceeds SDR 15,000,000.

Note to Annex 6

Procurement by procuring entities covered under Annexes 1, 2 and 3 of any of the construction services covered under this Annex is a covered procurement in regard of a particular Party's provider of service only to the extent that such Party has covered that service under its Annex 6.

LIST OF DIVISION 51, CPC PROV.

Group	Class	Subclass	Title	Corresponding ISCI
SECTION 5			CONSTRUCTION WORK AND	
DIVISION 51			CONSTRUCTIONS: LAND	
511			CONSTRUCTION WORK	
			Pre-erection work at construction sites	
	5111	51110	Site investigation work	4510
	5112	51120	Demolition work	4510
	5113	51130	Site formation and clearance work	4510
	5114	51140	Excavating and earthmoving work	4510
	5115	51150	Site preparation work for mining	4510
	5116	51160	Scaffolding work	4520
512			Construction work for buildings	
	5121	51210	For one- and two-dwelling buildings	4520
	5122	51220	For multi-dwelling buildings	4520
	5123	51230	For warehouses and industrial buildings	4520
	5124	51240	For commercial buildings	4520
	5125	51250	For public entertainment buildings	4520
	5126	51260	For hotel, restaurant and similar buildings	4520
	5127	51270	For educational buildings	4520
	5128	51280	For health buildings	4520
	5129	51290	For other buildings	4520
513			Construction work for civil engineering	
	5131	51310	For highways (except elevated highways), street, roads, railways and airfield runways	4520
	5132	51320	For bridges, elevated highways, tunnels and subways	4520
	5133	51330	For waterways, harbours, dams and other water works	4520
	5134	51340	For long distance pipelines, communication and power lines (cables)	4520
	5135	51350	For local pipelines and cables; ancillary works	4520
	5136	51360	For constructions for mining and manufacturing	4520
	5137		For constructions for sport and recreation	
		51371	For stadia and sports grounds	4520
		51372	For other sport and recreation installations (e.g. swimming pools, tennis courts, golf courses)	4520
	5139	51390	For engineering works n.e.c.	4520
514	5140	51400	Assembly and erection of prefabricated constructions	4520
515			Special trade construction work	
	5151	51510	Foundation work, including pile driving	4520
	5152	51520	Water well drilling	4520
	5153	51530	Roofing and water proofing	4520
	5154	51540	Concrete work	4520
	5155	51550	Steel bending and erection (including welding)	4520
	5156	51560	Masonry work	4520
	5159	51590	Other special trade construction work	4520
516			Installation work	
	5161	51610	Heating, ventilation and air conditioning work	4530
	5162	51620	Water plumbing and drain laying work	4530
	5163	51630	Gas fitting construction work	4530
	5164		Electrical work	
		51641	Electrical wiring and fitting work	4530
		51642	Fire alarm construction work	4530
		51643	Burglar alarm system construction work	4530
		51644	Residential antenna construction work	4530
		51649	Other electrical construction work	4530

Group	Class	Subclass	Title	Corresponding ISCI	
517	5165	51650	Insulation work (electrical wiring, water, heat, sound)	4530	
	5166	51660	Fencing and railing construction work	4530	
	5169		Other installation work		
		51691	Lift and escalator construction work	4530	
		51699	Other installation work n.e.c.	4530	
			Building completion and finishing work		
		5171	51710	Glazing work and window glass installation work	4540
		5172	51720	Plastering work	4540
		5173	51730	Painting work	4540
		5174	51740	Floor and wall tiling work	4540
		5175	51750	Other floor laying, wall covering and wall papering work	4540
		5176	51760	Wood and metal joinery and carpentry work	4540
		5177	51770	Interior fitting decoration work	4540
	5178	51780	Ornamentation fitting work	4540	
	5179	51790	Other building completion and finishing work	4540	
518	5180	51800	Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator	4550	

ANNEX 7

GENERAL NOTES

1. This Agreement does not cover:

- a. procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes (e.g. food aid including urgent relief aid); and
- b. procurement for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

2. Procurement by procuring entities covered under Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport and the postal sector are not covered by this Agreement, unless covered under Annex 3.

APPENDIX II

ELECTRONIC OR PAPER MEDIA UTILIZED BY PARTIES FOR THE PUBLICATION OF LAWS, REGULATIONS, JUDICIAL DECISIONS, ADMINISTRATIVE RULINGS OF GENERAL APPLICATION, STANDARD CONTRACT CLAUSES, AND PROCEDURES REGARDING GOVERNMENT PROCUREMENT COVERED BY THIS AGREEMENT PURSUANT TO ARTICLE VI3

MONTENEGRO

1. Legislation:
 1. Službeni list Crne Gore (Official Gazette of Montenegro) – <http://www.sluzbenilist.me>.
 2. Judicial decisions:
 1. Sudovi Crne Gore (the courts of Montenegro) – <http://www.sudovi.me>.
-

APPENDIX III

ELECTRONIC OR PAPER MEDIA UTILIZED BY PARTIES FOR THE PUBLICATION OF NOTICES REQUIRED BY ARTICLES VII, IX:7 AND XVI:2 PURSUANT TO ARTICLE VI

MONTENEGRO

1. Portal javnih nabavki Crne Gore (Public Procurement Portal) – <http://www.ujn.gov.me>.
-

APPENDIX IV

WEBSITE ADDRESS OR ADDRESSES WHERE PARTIES PUBLISH PROCUREMENT STATISTICS PURSUANT TO ARTICLE XVI:5 AND NOTICES CONCERNING AWARDED CONTRACTS PURSUANT TO ARTICLE XVI:6

MONTENEGRO

1. Portal javnih nabavki Crne Gore (Public Procurement Portal) – <http://www.ujn.gov.me>.

ATTACHMENT B

EUROPEAN UNION TERMS OF MONTENEGRO'S ACCESSION TO THE GPA

1. Upon Montenegro's accession to the Agreement on Government Procurement, point 2 of Section 2 (The Central Government contracting authorities of the EU Member States) of Annex 1 to Appendix I for the European Union shall read as follows:

"2. For the goods, services, suppliers and service providers of Israel and Montenegro, procurement by the following central government contracting authorities."

2. Upon Montenegro's accession to the Agreement on Government Procurement, section 2 of Annex 6 shall read as follows:

"2. Works concessions contracts, when awarded by Annex 1 and 2 entities, are included under the national treatment regime for the construction service providers of Iceland, Liechtenstein, Norway, the Netherlands on behalf of Aruba, Switzerland and Montenegro, provided their value equals or exceeds 5,000,000 SDR and for the construction service providers of Korea; provided their value equals or exceeds 15,000,000 SDR."

ODLUKA O PRISTUPANJU CRNE GORE SPORAZUMU O VLADINIM NABAVKAMA

Odluka Komiteta od 29. oktobra 2014. godine

Komitet za vladine nabavke,

S osvrtnom na član XXIV:2 Sporazuma o vladinim nabavkama sačinjenim u Marakešu, 15. aprila 1994. godine ("Sporazum iz 1994. godine"), i član XXII:2 Sporazuma o vladinim nabavkama iz 1994. godine koji je izmijenjen i dopunjen Protokolom o izmjenama i dopunama Sporazuma o vladinim nabavkama, koji je sačinjen u Ženevi, 30. marta 2012. godine ("izmijenjeni i dopunjeni Sporazum")¹;

S osvrtnom na odluku Komiteta za vladine nabavke o usvajanju teksta Protokola o izmjenama i dopunama Sporazuma o vladinim nabavkama, koja je donijeta 30. marta 2012. godine (Prilog 1 uz GPA/113 od 2. aprila 2012. godine), naročito na stavove 3 i 4;

S osvrtnom na stupanje na snagu Protokola o izmjenama i dopunama Sporazuma o vladinim nabavkama 6. aprila 2014. godine, u skladu sa stavom 3 navedenog Protokola i naknadno prihvatanje Protokola o izmjenama i dopunama Sporazuma o vladinim nabavkama od strane dviju Strana;

Konstatujući takođe da tri ostale Strane Sporazuma o vladinim nabavkama tek treba da prihvate Protokol o izmjenama i dopunama Sporazuma o vladinim nabavkama; i

U vezi sa zahtjevom Crne Gore za pristupanje Sporazumu o vladinim nabavkama, koji je sadržan u dokumentu GPA/120 od 4. oktobra 2013. godine, i konsultacijama održanim sa Stranama Sporazuma o vladinim nabavkama i dodatnom dokumentacijom dostavljenom u tom cilju;

Odlučuje sljedeće:

- 1. U skladu sa odredbama člana XXIV:2 Sporazuma iz 1994. godine i člana XXII:2 izmijenjenog i dopunjenog Sporazuma, Crna Gora može pristupiti Sporazumu o vladinim nabavkama u skladu sa uslovima ove odluke, uključujući i njene dodatke.*
- 2. Sporazum o vladinim nabavkama stupa na snagu za Crnu Goru tridesetog dana nakon datuma njenog pristupanja, tj. datuma kada instrument pristupanja koji sadrži uslove ove odluke, uključujući i njen dodatak A bude primljen od strane generalnog direktora.*
- 3. U skladu sa stavom 4 odluke Komiteta za vladine nabavke o usvajanju teksta Protokola o izmjenama i dopunama Sporazuma o vladinim nabavkama, donesene 30. marta 2012. godine (Prilog 1 GPA/113 od 2. aprila 2012. godine), Crna Gora je navedenim Protokolom obavezana od datuma stupanja na snagu Sporazuma o javnim nabavkama.*
- 4. Od datuma stupanja na snagu Sporazuma o vladinim nabavkama, Crna Gora omogućava pristup nabavkama koje je obuhvatila Prilogom I kao što je navedeno u Dodatku A ove odluke svim Stranama Sporazuma o javnim nabavkama.*
- 5. Od datuma stupanja na snagu Sporazuma o vladinim nabavkama za Crnu Goru, Aneksi Priloga I Evropske unije će se primjenjivati u skladu sa uslovima koji su definisani u Dodatku B uz ovu Odluku.*
- 6. Sve dok Protokol o izmjenama i dopunama Sporazuma o vladinim nabavkama stupi na snagu za sve Strane Sporazuma iz 1994. godine, između Crne Gore i Strane koja je potpisnica samo Sporazuma iz 1994. godine, primjenjuje se Prilog I te Strane uz Sporazum iz 1994. godine.*

¹ Sporazum iz 1994. godine i izmijenjeni i dopunjeni Sporazum su u daljem tekstu zajedno označeni kao "Sporazum o vladinim nabavkama".

7. Ova Odluka ističe šest mjeseci od datuma usvajanja od strane Komiteta za vladine nabavke osim ukoliko joj važenje produži Komitet uzajamnom saglasnošću Komiteta i Crne Gore.

8. Od datuma stupanja na snagu Sporazuma o vladinim nabavkama za Crnu Goru, uslovi vezani za njen instrument pristupanja postaju sastavni dio Sporazuma o vladinim nabavkama u vidu Priloga Crne Gore.

DODATAK A

USLOVI ZA PRISTUPANJE CRNE GORE REVIDIRANOM SPORAZUMU O VLADINIM NABAVKAMA

PRILOG I*

CRNA GORA

(original na engleskom jeziku)

ANEKS 1

SUBJEKTI CENTRALNE VLADE

Pragovi:

Robe	SPV 130,000
Usluge	SPV 130,000
Građevinske usluge	SPV 5,000,000

Lista subjekata:

1. Ministarstvo pravde
2. Ministarstvo unutrašnjih poslova
3. Ministarstvo odbrane
4. Ministarstvo finansija
5. Ministarstvo vanjskih poslova i evropskih integracija
6. Ministarstvo prosvjete
7. Ministarstvo kulture
8. Ministarstvo ekonomije
9. Ministarstvo saobraćaja i pomorstva
10. Ministarstvo poljoprivrede i ruralnog razvoja
11. Ministarstvo održivog razvoja i turizma
12. Ministarstvo zdravlja
13. Ministarstvo za ljudska i manjinska prava
14. Ministarstvo za informaciono društvo i telekomunikacije
15. Ministarstvo rada i socijalnog staranja
16. Ministarstvo nauke
17. Uprava za antikorupcijsku inicijativu
18. Zavod za izvršenje krivičnih sankcija
19. Uprava policije
20. Poreska uprava
21. Uprava carina
22. Uprava za igre na sreću
23. Uprava za imovinu
24. Uprava za nekretnine
25. Uprava za zaštitu kulturnih dobara
26. Direkcija za razvoj malih i srednjih preduzeća
27. Lučka uprava
28. Uprava pomorske sigurnosti
29. Direkcija za saobraćaj

* samo na engleskom

30. Direkcija za željeznice
31. Fitosanitarna uprava
32. Veterinarska uprava
33. Uprava za šume
34. Uprava za vode
35. Agencija za duvan
36. Direkcija javnih radova
37. Zavod za zbrinjavanje izbjeglica
38. Uprava za kadrove
39. Uprava za sprječavanje pranja novca i finansiranja terorizma
40. Uprava za javne nabavke
41. Uprava za zaštitu konkurencije
42. Uprava za inspekcijske poslove
43. Uprava za mlade i sport
44. Sekretarijat za zakonodavstvo
45. Sekretarijat za razvojne projekte
46. Zavod za statistiku - Monstat
47. Hidrometeorolški zavod
48. Zavod za školstvo
49. Zavod za intelektualnu svojinu
50. Zavod za metrologiju
51. Državni arhiv
52. Direkcija za zaštitu tajnih podataka
53. Agencija za zaštitu životne sredine
54. Skupština Crne Gore
55. Predsjednik Crne Gore
56. Ustavni sud Crne Gore
57. Državna revizorska institucija
58. Univerzitet Crne Gore
59. Generalni sekretarijat Vlade Crne Gore
60. Centralna banka Crne Gore
61. Zaštitnik ljudskih prava i sloboda (Ombudsman)
62. Komisija za kontrolu postupaka javnih nabavki
63. Vrhovni sud Crne Gore
64. Državno tužilaštvo
65. Savjet za privatizaciju i kapitalne projekte
66. Upravni sud
67. Vrhovno državno tužilaštvo
68. Agencija za elektronske komunikacije i poštanske usluge
69. Agencija za elektronske medije
70. Agencija za lijekove i medicinska sredstva
71. Agencija za mirno rješavanje radnih sporova
72. Agencija za nacionalnu bezbjednost
73. Agencija za nadzor nad osiguranjem
74. Agencija za promociju investicija (MIPA)
75. Akreditaciono tijelo
76. Apelacioni sud
77. Crnogorska akademija nauka i umjetnosti
78. Fond penzijskog i invalidskog osiguranja/PIO
79. Fond za zdravstveno osiguranje
80. Zdravstvena ustanova Apoteke Crne Gore Montefarm
81. Komisija za hartije od vrijednosti Crne Gore
82. MDI/Montenegro Defence Industry
83. Nacionalna turistička organizacija
84. Radio i televizija Crne Gore
85. Zavod za zapošljavanje

Napomene uz Aneks 1

1. Sljedeće se ne smatra obuhvaćenom nabavkom:

- a. nabavka od strane naručilaca obuhvaćenih ovim Aneksom opreme za kontrolu vazdušnog saobraćaja u pogledu dobavljača i pružalaca usluga iz Sjedinjenih Država;
- b. nabavka od strane naručilaca obuhvaćenih ovim Aneksom robnih ili uslužnih komponenti nabavke, a koje nijesu obuhvaćene ovim Sporazumom u pogledu dobavljača i pružalaca usluga iz Sjedinjenih Država i Kanade;

u trajanju do prihvatanja od strane Crne Gore da su odnosne Strane obezbijedile zadovoljavajući recipročni pristup za robe, dobavljače, usluge i pružaoce usluga iz Crne Gore na svojim sopstvenim tržištima nabavki.

2. Odredbe člana XVIII se ne primjenjuju na dobavljače i pružaoce usluga iz Japana, Koreje i SAD kod osporavanja dodjele ugovora dobavljaču ili pružaocu usluge Strane koja nije jedna od navedenih Strana, a koji su mala ili srednja preduzeća u skladu sa relevantnim odredbama zakona Crne Gore, u trajanju do prihvatanja od strane Crne Gore da oni više ne sprovode diskriminatorne mjere u korist određenih domaćih malih i manjinskih preduzeća (manjinska preduzeća - ona u kojima kontrolni udio od najmanje 51% imaju pripadnici etničkih manjiha, prim.prev)

3. "Subjekti centralne Vlade" obuhvata takođe svakog podređenog naručioca bilo kojeg ugovarača iz Crne Gore, pod uslovom da isti nema zasebni pravni subjektivitet.

4. U pogledu nabavke od strane subjekata u oblasti odbrane i bezbjednosti, samo su ne-osjetljivi i materijali nenamijenjeni u ratne svrhe sadržani u listi u prilogu aneksa 4 obuhvaćeni.

ANEKS 2

SUBJEKTI POD-CENTRALNE VLADE

Pragovi:

Robe	SPV 200,000
Usluge	SPV 200,000
Građevinske usluge	SPV 5,000,000

Lista subjekata:

1. Svi regionalni ili lokalni ugovorni subjekti.

Svi subjekti na pod-centralnom nivou (jedinice lokalne uprave) i podređene organizacije. Subjekti na pod-centralnom nivou znači ugovorni subjekti administrativnih jedinica sa populacijom između 7 miliona i 3 miliona, između 3 miliona i 800 000 i između 800 000 i 150 000 stanovnika i manje administrativne jedinice kao što su opštine.

2. Svi ugovorni subjekti koji su tijela regulisana javnim zakonom.

a. „Tijelo regulisano javnim zakonom“ znači svako tijelo koje:

- i. je osnovano za konkretnu svrhu ispunjavanja potreba od opšteg interesa, nemajući industrijski niti komercijalni karakter, i
- ii. koje ima pravni subjektivitet, i
- iii. finansirano, većim dijelom, od strane Države, ili regionalnih ili lokalnih vlasti, ili ostala tijela regulisana javnim zakonom, ili koja podliježu upravnom nadzoru od strane tih tijela, ili imaju administrativni, upravni ili nadzorni odbor; više od polovine čijih članova su članovi imenovani od strane Države, regionalnih ili lokalnih vlasti ili od strane ostalih tijela regulisanih javnim zakonom.

b. Indikativna lista ugovarača koji su tijela regulisana javnim zakonom slijedi.

**INDIKATIVNA LISTA CRNOGORSKIH UGOVORNIH SUBJEKATA KOJI SU TIJELA
REGULISANA JAVNIM ZAKONOM**

1. Agencija za investicije i imovinu, Bar
2. Direkcija za imovinu i zastitu prava Opštine Bijelo Polje
3. Direkcija za izgradnju i investicije Bijelo Polje
4. Budva Holding doo, Budva
5. Direkcija za investicije i razvoj, Cetinje
6. Direkcija za saobraćaj, za održavanje i izgradnju puteva, Danilovgrad
7. Agencija za izgradnju i razvoj, Herceg Novi
8. Agencija za upravljanje gradskom lukom, Herceg Novi
9. Agencija za zastitu i razvoj Orjena, Herceg Novi
10. Direkcija za uredjenje i izgradnju Kotora
11. Fondacija Kotorski festival pozorište za djecu, Kotor
12. Agencija za investicije, građevinsko zemljište i razvoj Mojkovca
13. Agencija za stambeno-poslovni fond doo Pljevlja
14. Agencija za stanovanje doo Podgorica
15. Agencija za izgradnju i razvoj Podgorica
16. Plodovi Crne Gore ad Podgorica
17. Agencija za izgradnju i razvoj Ulcinj

Napomene uz Aneks 2

1. Sljedeće se ne smatra obuhvaćenom nabavkom:

- a. nabavka od strane naručilaca obuhvaćenih ovim Aneksom u pogledu dobavljača, usluga i pružalaca usluga iz Sjedinjenih Država;
- b. nabavka od strane naručilaca obuhvaćenih ovim Aneksom opreme za kontrolu vazdušnog saobraćaja u pogledu dobavljača i pružalaca usluga iz Sjedinjenih Država;
- c. nabavka od strane gradova-regiona sa populacijom između 7 i 3 miliona, 3 miliona i 800 000, lokalnih subjekata i tijela regulisanih javnim zakonom obuhvaćenih ovim Aneksom u pogledu roba, usluga, dobavljača i pružalaca usluga iz Kanade;
- d. nabavka od strane naručilaca obuhvaćenih ovim Aneksom robnih ili uslužnih komponenti nabavke, a koje nijesu obuhvaćene ovim Sporazumom u pogledu dobavljača i pružalaca usluga iz Sjedinjenih Država i Kanade;
- e. nabavka između 200,000 SPV i 355,000 SPV od strane naručilaca obuhvaćenih ovim Aneksom roba i usluga za dobavljače i pružaoce usluga iz Kanade;

u trajanju do prihvatanja od strane Crne Gore da su odnosne Strane obezbijedile zadovoljavajući recipročni pristup za robe, dobavljače, usluge i pružaoce usluga iz Crne Gore na svojim sopstvenim tržištima nabavki.

2. Odredbe člana XVIII se ne primjenjuju na dobavljače i pružaoce usluga iz Japana, Koreje i SAD kod osporavanja dodjele ugovora dobavljaču ili pružaoцу usluge Strane koja nije jedna od navedenih Strana, a koji su mala ili srednja preduzeća u skladu sa relevantnim odredbama zakona Crne Gore, u trajanju do prihvatanja od strane Crne Gore da oni više ne sprovode diskriminatorne mjere u korist određenih domaćih malih i manjihskih preduzeća.

3. Odredbe člana XVIII se ne primjenjuju na Japan i Koreju kod osporavanja dodjele ugovora od strane naručilaca navedenih u Aneksu 2, paragraf 2, u trajanju do prihvatanja od strane Crne Gore da su ispunili pokrivenost pod-centralnih subjekata.

4. Odredbe člana XVIII se ne odnose na Japan i Koreju kod osporavanja one dodjele ugovora od strane naručilaca iz Crne Gore, čija je vrijednost manja od praga koji se primjenjuje za istu kategoriju ugovora dodijeljenih od strane tih Strana.

ANEKS 3

OSTALI SUBJEKTI

Pragovi:

Robe	SPV 400,000
Usluge	SPV 400,000
Građevinske usluge	SPV 5,000,000

1. Svi ugovorni subjekti čija je nabavka obuhvaćena propisima o javnim nabavkama Crne Gore, a koji su ugovarači (tj. obuhvaćeni Aneksom 1 i Aneksom 2) ili javna preduzeća¹ i koji za jednu od svojih aktivnosti imaju bilo koju od sljedećih ili kombinaciju istih:

- a. pružanje fiksnih mreža ili upravljanje fiksnim mrežama s namjerom pružanja usluge javnosti u vezi sa proizvodnjom, prevozom ili distribucijom pijaće vode; ili snabdijevanje takvih mreža pijaćom vodom;
- b. pružanje fiksnih mreža ili upravljanje fiksnim mrežama s namjerom pružanja usluge javnosti u vezi sa proizvodnjom, prenosom ili distribucijom električne energije; ili snabdijevanje takvih mreža električnom energijom;
- c. pružanje aerodroma, ili druge terminalne opreme vazduhoplovnim prevoznicima;
- d. pružanje morskih ili riječnih luka, ili druge terminalne opreme morskim ili riječnim prevoznicima;
- e. pružanje mreža ili upravljanje mrežama² koje pružaju uslugu javnosti u području saobraćaja gradskom željeznicom, automatizovanim sistemima, tramvajem, trolejbusom, autobusom ili žičarom;
- f. pružanje mreža ili upravljanje mrežama koje pružaju uslugu javnosti u području željezničkog saobraćaja.³

2. Indikativna lista ugovarača i javnih preduzeća koji ispunjavaju gorenavedene kriterijume je data u nastavku.

¹ Javno preduzeće je svako preduzeće na koje nadležna ugovorna tijela mogu direktno ili indirektno vršiti prevladavajući uticaj na osnovu svoga vlasništva u njemu, svoga finansijskog udjela u njemu, ili na osnovu pravila prema kojima se ravna.

Prevladavajući uticaj nadležnih ugovornih tijela pretpostavlja se kada ta tijela, direktno ili indirektno, u odnosu na neko preduzeće:

- posjeduju većinu upisanog kapitala, ili
- imaju uticaj na većinu glasova koji su pridruženi akcijama koje je izdalo to preduzeće, ili
- mogu imenovati više od polovine upravnog, menadžerskog ili nadzornog tijela tog preduzeća.

² U pogledu saobraćajnih usluga, mreža se smatra da postoji onda kada se usluga pruža u skladu sa uslovima rada propisanim od strane nadležnog organa Crne Gore, kao što su uslovi o putevima koji se servisiraju, kapacitetu koji treba staviti na raspolaganje ili frekvencija saobraćaja.

³ Npr. obezbjeđivanje rada mreža (u sklopu značenja fusnote 4) kojim se omogućava usluga javnosti u oblasti saobraćaja brzim ili konvencionalnim vozovima.

**INDIKATIVNA LISTA CRNOGORSKIH UGOVORNIH SUBJEKATA I JAVNIH PREDUZEĆA
KOJI ISPUNJAVAJU KRITERIJUME PREDVIĐENE ANEKSOM 3**

1. Elektroprivreda Crne Gore (EPCG)
2. Crnogorski elektroprenosi sistem a.d. Podgorica
3. Crnogorski operater tržišta elektricne energije
4. JP Aerodromi Crne Gore
5. Željeznička infrastruktura Crne Gore
6. Željeznički prevoz Crne Gore
7. Monteput doo. Podgorica
8. Montecargo a.d. Podgorica
9. Pošta Crne Gore
10. JP Regionalni vodovod crnogorsko primorje Budva
11. Zeta Energy doo. Danilovgrad

Napomene uz Aneks 3

1. Nabavka u cilju realizacije gore navedene aktivnosti u slučaju izloženosti konkurentskim snagama na tržištu u pitanju, nije obuhvaćena ovim Sporazumom.
2. Ovim Sporazumom nije obuhvaćena nabavka od strane naručilaca navedenih u ovom Aneksu:
 - a. u svrhu kupovine vode i u svrhu snabdijevanja energijom ili gorivom za proizvodnju energije;
 - b. u svrhe osim realizacije svojih aktivnosti kako je navedeno u ovom Aneksu ili realizacije takvih aktivnosti u zemlji koja nije članica EEA;
 - c. u svrhu preprodaje ili iznajmljivanja trećim licima, pod uslovom da naručilac ne uživa specijalno ili ekskluzivno pravo da proda ili iznajmi predmet takvog ugovora i da su ostali naručiocu slobodni da prodaju ili iznajme isti pod istim uslovima kao i naručilac.
3. Snabdijevanje pijaćom vodom ili električnom energijom mreža koje pružaju uslugu javnosti putem naručioca koji nije ugovarač ne smatra se relevantnom djelatnošću u smislu stavova a. ili b. ovog Aneksa, u sljedećim slučajevima:
 - a. ako se proizvodnja pijaće vode ili električne energije od strane predmetnog subjekta obavlja zbog toga što je njena potrošnja potrebna za obavljanje djelatnosti, izuzevši one iz stavova od a. do f. ovoga Aneksa; i
 - b. ako snabdijevanje javne mreže zavisi samo od vlastite proizvodnje subjekta i nije bila veća od 30% ukupne proizvodnje pijaće vode ili energije tog subjekta uzimajući u obzir prosjek prethodne tri godine, uključujući tekuću godinu.
4. I. Pod uslovom da su ispunjeni uslovi iz stava II, ovaj Sporazum se ne primjenjuje na nabavke:
 - a. koje naručilac dodjeljuje povezanom preduzeću⁴, ili
 - b. koje dodjeljuje poslovno partnerstvo, koje je osnovalo nekoliko naručilaca isključivo u svrhu obavljanja djelatnosti u smislu stavova od a. do f. ovog Aneksa, preduzeću koje je povezano s jednim od tih naručilaca.

⁴ "povezano preduzeće" znači svako preduzeće svako preduzeće na koje ugovorni subjekt ima, direktno ili indirektno, prevladavajući uticaj, ili koje može imati prevladavajući uticaj na ugovorni subjekt, ili koje, zajedno s ugovornim subjektom, podliježe prevladavajućem uticaju drugog preduzeća na osnovu vlasništva, finansijskog udjela ili pravila prema kojima se ravna

II. Stav I se primjenjuje na ugovore o uslugama i snabdijevanju, pod uslovom da najmanje 80% prosječnog prometa povezanog preduzeća u odnosu na usluge i snabdijevanje za prethodne tri godine potiče od pružanja tih usluga i snabdijevanja preduzećima s kojima je povezano.⁵

5. Ovaj Sporazum se ne odnosi na nabavke:

- a. od strane poslovnog partnerstva, koje je osnovalo nekoliko naručilaca isključivo u svrhu obavljanja djelatnosti u smislu stavova od a. do f. ovog Aneksa, jednom od tih naručilaca, ili
- b. koje naručilac dodjeljuje poslovnom partnerstvu čiji je sastavni dio, pod uslovom da je poslovno partnerstvo osnovano s ciljem obavljanja predmetne djelatnosti tokom razdoblja od najmanje tri godine i da instrument kojim je poslovno partnerstvo osnovano predviđa da naručiocu od kojih se sastoji budu u njegovom sastavu najmanje isto toliko vremena.

6. Sljedeće se ne smatra obuhvaćenom nabavkom:

- a. nabavka od strane naručioca koji posluje u oblastima:
 - i. proizvodnje, prevoza ili distribucije pijaće vode obuhvaćenih ovim Aneksom;
 - ii. proizvodnje, transporta ili distribucije električne energije obuhvaćenih ovim Aneksom;
 - iii. aerodromskih objekata obuhvaćenih ovim Aneksom;
 - iv. morskih ili riječnih luka ili ostale terminalne opreme obuhvaćene ovim Aneksom; i
 - v. usluga gradske željeznice, tramvaja, trolejbusa ili autobusa obuhvaćenih ovim Aneksom u pogledu snabdijevanja, usluga, snabdjevača i pružalaca usluga iz Kanade;
- b. nabavka od strane naručilaca koji posluju u oblasti proizvodnje, prevoza ili distribucije pijaće vode, obuhvaćenih ovim Aneksom u pogledu snabdjevača i pružalaca usluga iz Sjedinjenih Država;
- c. nabavka od strane naručilaca koji posluju u oblasti pomorskih i riječnih luka ili ostalih terminalnih objekata, obuhvaćenih ovim Aneksom kod usluga jaružanja nasipa i brana ili u vezi sa brodogradnjom u pogledu snabdjevača i pružalaca usluga iz Sjedinjenih Država;
- d. nabavka od strane naručilaca obuhvaćenih ovim Aneksom opreme za kontrolu vazdušnog saobraćaja u pogledu snabdjevača i pružalaca usluga iz Sjedinjenih Država;
- e. nabavka od strane naručilaca koji posluju u oblasti aerodromskih objekata, obuhvaćenih ovim Aneksom, u pogledu snabdjevača i pružalaca usluga iz Sjedinjenih Država i Koreje;
- f. nabavka od strane naručilaca koji posluju u oblasti usluga gradske željeznice, tramvaja, trolejbusa ili autobusa, obuhvaćenih ovim Aneksom, u pogledu snabdjevača i pružalaca usluga iz Sjedinjenih Država;

⁵ Ako, zbog datuma kada je povezano preduzeće osnovano ili je počelo djelovati, podaci o prometu ne postoje za prethodne tri godine, biće dovoljno da to preduzeće pokaže da je promet iz ovoga stava vjerodostojan, posebno pomoću projekcija poslovanja.