

## ANNEX 15-A

### SCHEDULE OF AUSTRALIA

#### SECTION A: Central Government Entities

##### *Thresholds:*

1. Chapter 15 (Government Procurement) shall apply to central government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 15.2.8 (Scope), to equal or exceed:

- (a) for procurement of goods and services, 130,000 SDRs; and
- (b) for procurement of construction services, 5,000,000 SDRs.

2. The monetary thresholds set out in paragraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule.

##### *List of Entities:*

- 1. Administrative Appeals Tribunal
- 2. Attorney-General's Department
- 3. Australian Aged Care Quality Agency
- 4. Australian Bureau of Statistics
- 5. Australian Centre for International Agricultural Research
- 6. Australian Crime Commission
- 7. Australian Electoral Commission
- 8. Australian Federal Police
- 9. Australian Institute of Criminology
- 10. Australian Law Reform Commission
- 11. Australian National Audit Office
- 12. Australian Office of Financial Management (AOFM)
- 13. Australian Public Service Commission
- 14. Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)

15. Australian Research Council
16. Australian Taxation Office
17. Australian Trade Commission (Austrade)
18. Australian Transaction Reports and Analysis Centre (AUSTRAC)
19. Australian Transport Safety Bureau
20. Bureau of Meteorology
21. Commonwealth Grants Commission
22. CrimTrac Agency
23. Department of Agriculture and Water Resources
24. Department of Communications and the Arts
25. Department of Defence
26. Department of Education and Training
27. Department of Employment
28. Department of Finance
29. Department of Foreign Affairs and Trade
30. Department of Health
31. Department of Human Services
32. Department of Immigration and Border Protection
33. Department of Industry, Innovation and Science
34. Department of Infrastructure and Regional Development
35. Department of Parliamentary Services
36. Department of Social Services
37. Department of the Environment
38. Department of the House of Representatives
39. Department of the Prime Minister and Cabinet
40. Department of the Senate
41. Department of the Treasury
42. Department of Veterans' Affairs
43. Fair Work Commission
44. Family Court and Federal Circuit Court
45. Federal Court of Australia
46. Geoscience Australia
47. Inspector-General of Taxation
48. IP Australia
49. National Archives of Australia
50. National Blood Authority

- 51. National Capital Authority
- 52. National Competition Council
- 53. Office of Parliamentary Counsel
- 54. Office of the Australian Accounting Standards Board
- 55. Office of the Australian Information Commissioner
- 56. Office of the Commonwealth Ombudsman
- 57. Office of the Director of Public Prosecutions
- 58. Office of the Fair Work Ombudsman
- 59. Office of the Inspector-General of Intelligence and Security
- 60. Office of the Official Secretary to the Governor-General
- 61. Old Parliament House
- 62. Productivity Commission
- 63. Professional Services Review Scheme
- 64. Royal Australian Mint
- 65. Safe Work Australia
- 66. Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)
- 67. Workplace Gender Equality Agency

**Notes to Section A**

- 1. Chapter 15 (Government Procurement) shall only cover those entities listed (including an office within a listed entity) in this Section.
- 2. Chapter 15 (Government Procurement) shall not cover the procurement of motor vehicles by any entity listed in this Section.
- 3. Chapter 15 (Government Procurement) shall not cover procurement relating to the functions of the Australian Government Solicitor.
- 4. Department of Defence
  - (a) Chapter 15 (Government Procurement) shall not cover Department of Defence procurement of the following goods due to Article 29.2 (Security Exceptions):

Approximately  
equivalent to:

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Weapons	FSC 10
Fire Control Equipment	FSC 12
Ammunition and Explosives	FSC 13
Guided Missiles	FSC 14

Aircraft and Airframe Structural Components	FSC 15
Aircraft Components and Accessories	FSC 16
Aircraft Launching, Landing, & Ground Handling Equipment	FSC 17
Space Vehicles	FSC 18
Ships, Small Craft, Pontoons and Floating Docks	FSC 19
Ship and Marine Equipment	FSC 20
Ground Effect Vehicles, Motor Vehicles, Trailers and Cycles	FSC 23
Engines, Turbines, and Components	FSC 28
Engines Accessories	FSC 29
Bearings	FSC 31
Water Purification and Sewage Treatment Equipment	FSC 46
Valves	FSC 48
Maintenance and Repair Shop Equipment	FSC 49
Prefabricated Structures and Scaffolding	FSC 54
Communication, Detection, and Coherent Radiation Equipment	FSC 58
Electrical and Electronic Equipment Components	FSC 59
Fiber Optics Materials, Components, Assemblies, and Accessories	FSC 60
Electric Wire, and Power and Distribution Equipment	FSC 61
Alarm, Signal and Security Detection Systems	FSC 63
Instruments and Laboratory Equipment	FSC 66
Specialty Metals	No Code

**Note:** Whether a good is included within the scope of this Note shall be determined solely according to the descriptions provided in the left column above. U.S. Federal Supply Codes are provided for reference purposes only. For a complete listing of the United States Federal Supply Codes, to which the Australian categories are approximately equivalent, see <https://www.fbo.gov/>.

- (b) For Australia, Chapter 15 (Government Procurement) shall not cover the following services, as elaborated in the Common Classification System and the WTO system of classification – MTN.GNS/W/120, due to Article 29.2 (Security Exceptions). For a complete listing of Common Classification System, see <http://www.sice.oas.org/trade/nafta/chap-105.asp>.
- (i) Design, development, integration, test, evaluation, maintenance, repair, modification, rebuilding and installation of military systems and equipment (approximately equivalent to relevant parts of U.S. Product Service Codes A & J).

- (ii) Operation of Government-owned Facilities (approximately equivalent to U.S. Product Service Code M).
- (iii) Space services (AR, B4 & V3).
- (iv) Services in support of military forces overseas.
- (c) Chapter 15 (Government Procurement) shall not cover the procurement of goods and services by, or on behalf of, the Defence Intelligence Organisation, the Australian Signals Directorate, or the Australian Geospatial-Intelligence Organisation.
- (d) In respect of Article 15.4 (National Treatment and Non-Discrimination) the Australian Government reserves the right, pursuant to Article 29.2 (Security Exceptions), to maintain the Australian industry capability programme and its successor programmes and policies.
- (e) In respect of the Department of Defence, a good or a service is covered with respect to Viet Nam only to the extent that Viet Nam has covered that good or service in its Schedule.

## **SECTION B: Sub-Central Government Entities**

### *Thresholds:*

1. Chapter 15 (Government Procurement) shall apply to sub-central government entities listed in this Section where the value of the procurement is estimated, in accordance with Article 15.2.8 (Scope), to equal or exceed:

- (a) for procurement of goods and services, 355,000 SDR; and
- (b) for procurement of construction services, 5,000,000 SDR.

2. The monetary thresholds set out in paragraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule.

### *List of Entities:*

Chapter 15 (Government Procurement) shall cover only those entities specifically listed in this Section.

### **Australian Capital Territory**

1. ACT Gambling and Racing Commission
2. ACT Insurance Authority
3. ACTION
4. ACT Auditor-General
5. Capital Metro Authority
6. Chief Minister, Treasury and Economic Development Directorate
7. Community Services Directorate
8. Cultural Facilities Corporation
9. Education and Training Directorate
10. Environment and Planning Directorate
11. Health Directorate
12. Housing ACT
13. Independent Competition and Regulatory Commission
14. Justice and Community Safety Directorate
15. Legal Aid Commission

16. Ombudsman of the ACT
17. Territory and Municipal Services Directorate

**Note:**For the entities listed for the Australian Capital Territory, Chapter 15 (Government Procurement) shall not cover the procurement of health and welfare services, education services, utility services, or motor vehicles.

### **New South Wales**

1. Advocate for Children and Young People
2. Board of Studies, Teaching and Education Standards
3. Crown Solicitor's Office
4. Department of Education
5. Department of Family and Community Services
6. Department of Finance, Services and Innovation
7. Department of Industry, Skills and Regional Development
8. Department of Justice
9. Department of Planning and Environment
10. Department of Premier and Cabinet
11. Environment Protection Authority
12. Fire and Rescue NSW
13. Health Care Complaints Commission
14. Information and Privacy Commission (Note 3)
15. Legal Aid NSW
16. Ministry of Health
17. Ministry for Police and Emergency Services
18. Motor Accidents Authority of NSW
19. Multicultural NSW
20. New South Wales Crime Commission
21. New South Wales Electoral Commission
22. NSW Food Authority
23. New South Wales Ombudsman
24. NSW Rural Assistance Authority
25. New South Wales Rural Fire Service
26. Office of the Director of Public Prosecutions NSW
27. Office of Environment and Heritage

28. Office of the Local Government
29. Parliamentary Counsel's Office
30. Police Integrity Commission
31. Public Service Commission
32. State Emergency Service
33. Sydney Harbour Foreshore Authority
34. Sydney Olympic Park Authority
35. The Audit Office of New South Wales
36. The Treasury
37. Transport for NSW (Note 4)
38. WorkCover NSW

**Note:**

1. For the entities listed for New South Wales, Chapter 15 (Government Procurement) shall not cover the procurement of health and welfare services, education services or motor vehicles.
2. For the entities listed for New South Wales, Chapter 15 (Government Procurement) shall not apply to procurements undertaken by a covered entity on behalf of a non-covered entity.
3. Chapter 15 (Government Procurement) shall not cover procurement related to the functions of the Privacy Commission by the Information and Privacy Commission.
4. Chapter 15 (Government Procurement) shall not cover procurement by Transport for NSW, related to the functions of the Transport Construction Authority, and the Country Rail Infrastructure Authority or its successor agencies.

**Northern Territory**

1. Aboriginal Areas Protection Authority
2. Auditor General's Office
3. Central Australian Hospital Network
4. Department of Arts and Museums
5. Department of Business



6. Department of Children and Families
7. Department of Community Services
8. Department of Correctional Services
9. Department of Health
10. Department of Housing
11. Department of Land Resource Management
12. Department of Lands, Planning and the Environment
13. Department of Local Government and Regions
14. Department of Mines and Energy
15. Department of Primary Industry and Fisheries
16. Department of Sport and Recreation and Racing
17. Department of the Attorney-General and Justice
18. Department of the Chief Minister
19. Department of the Legislative Assembly
20. Department of Treasury and Finance
21. Health and Community Services Complaints Commission
22. Land Development Corporation
23. Museum and Art Galleries Board
24. Northern Territory Electoral Commission
25. Northern Territory Emergency Service
26. Northern Territory Employment and Training Authority
27. Northern Territory Fire and Rescue Service
28. Northern Territory Licensing Commission
29. Office of the Commissioner for Public Employment
30. Ombudsman's Office
31. Parks and Wildlife Commission of the Northern Territory
32. Police Force of the Northern Territory
33. Racing Commission
34. Remuneration Tribunal
35. Strehlow Research Centre Board
36. Top End Hospital Network
37. Tourism NT
38. Utilities Commission of the Northern Territory
39. Work Health Authority

**Note:** For the entities listed for the Northern Territory, Chapter 15 (Government Procurement) does not cover set-asides on behalf of the Charles Darwin University pursuant

to Partnership Agreements between the Northern Territory Government and Charles Darwin University.

## **Queensland**

Entities declared to be departments pursuant to section 14 of the *Public Service Act 2008 (Qld)*:

1. Motor Accident Insurance Commission
2. Nominal Defendant
3. Public Service Commission
4. Public Trust Office

### **Note:**

1. For the entities listed for Queensland, Chapter 15 (Government Procurement) shall not apply to procurement:

- (a) by covered entities on behalf of non-covered entities;
- (b) undertaken by departments, or parts of departments, which deliver health, education, training or arts services; or
- (c) of health services, education services, training services, arts services, welfare services, government advertising and motor vehicles.

2. For entities listed for Queensland, Article 15.16.3(f) (Post Award Information) shall not apply for a period of three years from the date of entry into force of Chapter 15 (Government Procurement), so as to allow time for the entities listed for Queensland to make necessary modifications to electronic means to enable the publication of such information.

## **South Australia**

1. Attorney-General's Department
2. Auditor-General's Department
3. Country Fire Service
4. Courts Administration Authority
5. Defence SA

6. Department for Communities and Social Inclusion
7. Department for Correctional Services
8. Department for Education and Child Development
9. Department for Health and Ageing
10. Department of Environment, Water and Natural Resources
11. Department of Planning, Transport and Infrastructure
12. Department of Primary Industries and Regions
13. Department of State Development
14. Department of the Premier and Cabinet
15. Department of Treasury and Finance
16. Electoral Commission of South Australia
17. Environment Protection Authority
18. Independent Gambling Authority
19. Parliament of South Australia
20. SA Tourism Commission
21. SAFECOM
22. South Australia Police
23. South Australian Metropolitan Fire Service
24. State Emergency Service
25. State Procurement Board
26. TAFE SA

**Note:** For the entities listed for South Australia, Chapter 15 (Government Procurement) shall not cover the procurement of health and welfare services, education services, advertising services or motor vehicles.

### **Tasmania**

1. Department of Education
2. Department of Health and Human Services
3. Department of Justice
4. Department of Police and Emergency Management
5. Department of Premier and Cabinet
6. Department of Primary Industries, Parks, Water and Environment
7. Department of State Growth
8. Department of Treasury and Finance

9. House of Assembly
10. Legislative Council
11. Legislature-General
12. Office of the Governor
13. Tasmanian Audit Office
14. Tasmanian Health Service
15. Office of the Ombudsman
16. Office of the Director of Public Prosecutions
17. Tourism Tasmania

**Note:** For the entities listed for Tasmania, Chapter 15 (Government Procurement) shall not cover the procurement of health and welfare services, education services, or advertising services.

## **Victoria**

1. Commission for Children and Young People
2. Department of Economic Development, Jobs, Transport and Resources
3. Department of Education and Training
4. Department of Environment, Land, Water and Planning
5. Department of Health and Human Services
6. Department of Justice and Regulation
7. Department of Premier and Cabinet
8. Department of Treasury and Finance
9. Essential Services Commission
10. Game Management Authority
11. Independent Broad-Based Anti-corruption Commission
12. Office of Public Prosecutions
13. Office of the Chief Commissioner of Police (Victoria Police)
14. Office of the Commissioner for Environmental Sustainability
15. Office of the Fire Services Levy Monitor
16. Office of the Freedom of Information Commissioner
17. Office of the Legal Services Commissioner
18. Office of the Ombudsman
19. Office of the Privacy Commissioner
20. Office of the Road Safety Camera Commissioner

21. Office of the Victorian Inspectorate
22. Taxi Services Commission
23. Victorian Auditor-General's Office
24. Victorian Commission for Gambling and Liquor Regulation
25. Victorian Electoral Commission
26. Victorian Equal Opportunity and Human Rights Commission
27. Victorian Public Sector Commission
28. Victorian Responsible Gambling Foundation

**Note:**

1. For the entities listed for Victoria, Chapter 15 (Government Procurement) shall not cover the procurement of motor vehicles.
2. For the entities listed for Victoria, Chapter 15 (Government Procurement) shall not apply to procurement by covered entities on behalf of non-covered entities.

**Western Australia**

1. Botanic Gardens and Parks Authority
2. Corruption and Crime Commission (Western Australia)
3. Country High Schools Hostels Authority
4. Department of Aboriginal Affairs
5. Department of Agriculture and Food
6. Department of Child Protection and Family Support
7. Department of Commerce
8. Department of Corrective Services
9. Department of Culture and the Arts
10. Department of Education
11. Department of Education Services
12. Department of Environment Regulation
13. Department of Fire and Emergency Services
14. Department of Finance
15. Department of Fisheries
16. Department of Health
17. Department of Lands

18. Department of Local Government and Communities
19. Department of Mines and Petroleum
20. Department of Parks and Wildlife
21. Department of Planning
22. Department of Racing, Gaming and Liquor
23. Department of Regional Development
24. Department of Sport and Recreation
25. Department of State Development
26. Department of Training and Workforce Development
27. Department of Treasury
28. Department of Water
29. Department of the Attorney General
30. Department of the Premier and Cabinet
31. Department of the Registrar Western Australia Industrial Relations Commission
32. Disability Services Commission
33. Equal Opportunity Commission
34. Gascoyne Development Commission
35. Goldfields Esperance Development Commission
36. Governor's Establishment
37. Great Southern Development Commission
38. Heritage Council of Western Australia
39. Housing Authority
40. Kimberley Development Commission
41. Law Reform Commission of Western Australia
42. Legislative Assembly
43. Legislative Council
44. Main Roads Western Australia
45. Mid West Development Commission
46. Minerals and Energy Research Institute of Western Australia
47. National Trust of Australia (WA)
48. Office of the Auditor General
49. Office of the Director of Public Prosecutions
50. Office of the Information Commissioner
51. Office of the Inspector of Custodial Services
52. Office of the Parliamentary Commissioner for Administrative Investigations
53. Parliamentary Services Department

54. Peel Development Commission
55. Pilbara Development Commission
56. Public Sector Commission
57. Public Transport Authority
58. Rottnest Island Authority
59. Rural Business Development Corporation
60. Salaries and Allowances Tribunal
61. School Curriculum and Standards Authority
62. Small Business Development Corporation
63. South West Development Commission
64. State Library of Western Australia
65. Swan River Trust
66. Western Australia Police
67. Western Australian Electoral Commission
68. Western Australian Land Information Authority (Landgate)
69. Western Australian Planning Commission
70. Western Australian Sports Centre Trust (trading as VenuesWest)
71. Western Australian Tourism Commission
72. Wheatbelt Development Commission
73. Zoological Parks Authority

**Note:** For greater certainty, consistent with Article 15.9.9 (Qualification of Suppliers), in relation to procurements from the Department of Finance, Building Management and Works' Prequalification Scheme; and Main Road's 'National Prequalification System for Civil (Road and Bridge) Construction Contracts' Scheme, requests for participation in a procurement from suppliers not already prequalified at the time of tender release will not be considered due to the time and complexity involved in assessing requests. This does not preclude suppliers from applying at any time to become prequalified. Prequalification ensures the financial security of building and construction contractors and does not discriminate between local suppliers and the suppliers of other Parties.

#### **Notes to Section B**

For entities listed in this Section:

1. Australia offers coverage of sub-central entities listed in this Section only to Canada, Chile, Japan, Mexico and Peru. Australia is prepared to extend coverage of this Section to other Parties upon negotiation of mutually acceptable concessions.

2. A service listed in Section E (Services) is covered with respect to Canada and Mexico only to the extent that Party has covered that service in their Schedule.

3. In relation to multi-use lists:

- (a) a notice inviting suppliers to apply for inclusion on a multi-use list may be used as a notice of intended procurement, provided a statement is included that only suppliers on the multi-use list will receive further notices of procurement covered by the multi-use list; and
- (b) where all or a limited number of qualified suppliers have been selected, the time period for tendering may be fixed by mutual agreement between the procuring entity and the selected suppliers. In the absence of agreement, the period shall not be less than 10 days.

4. For Mexico, Australia may set aside from the obligations of Chapter 15 (Government Procurement) each fiscal year following the date of entry into force of this Agreement the respective percentage specified in paragraph 5 the total value of procurement contracts for goods and services, and any combination thereof, and construction services procured by the States and Territories in the year that are above thresholds set out in this Section.

5. The percentages referred to in paragraph 4 are as follows:

<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
50%	45%	45%	40%	40%
<b>Year 6</b>	<b>Year 7</b>	<b>Year 8</b>	<b>Year 9</b>	<b>Year 10 and thereafter</b>
35%	35%	30%	30%	0%



## **SECTION C: Other Entities**

### *Thresholds:*

1. Chapter 15 (Government Procurement) shall apply to other covered entities listed in this Section where the value of the procurement is estimated, in accordance with Article 15.2.8 (Scope), to equal or exceed:
  - (a) for procurement of goods and services, 400,000 SDR
  - (b) for procurement of construction services, 5,000,000 SDR
2. The monetary thresholds set out in paragraphs 1(a) and 1(b) shall be adjusted in accordance with Section H of this Schedule.

### *List of Entities:*

1. Australian Communications and Media Authority
2. Australian Competition and Consumer Commission
3. Australian Financial Security Authority
4. Australian Fisheries Management Authority
5. Australian Human Rights Commission
6. Australian Institute of Health and Welfare
7. Australian Institute of Marine Science
8. Australian Maritime Safety Authority
9. Australian National Maritime Museum
10. Australian Nuclear Science and Technology Organisation
11. Australian Pesticides and Veterinary Medicines Authority
12. Australian Prudential Regulation Authority
13. Australian Securities and Investments Commission
14. Australian War Memorial (Note 3)
15. Comcare
16. Commonwealth Scientific and Industrial Research Organisation
17. Export Finance and Insurance Corporation
18. Grains Research and Development Corporation
19. Great Barrier Reef Marine Park Authority

20. National Gallery of Australia
21. National Museum of Australia
22. Reserve Bank of Australia
23. Sydney Harbour Federation Trust
24. The Director of National Parks
25. Tourism Australia

### **Notes to Section C**

1. Chapter 15 (Government Procurement) shall cover only those entities listed in this Section.
2. For the entities listed in this Section, Chapter 15 (Government Procurement) shall not cover the procurement of motor vehicles.
3. Chapter 15 (Government Procurement) shall not cover procurement of telecommunications services by the Australian War Memorial.

## **SECTION D: Goods**

1. Chapter 15 (Government Procurement) shall apply to all goods procured by the entities listed in Sections A, B and C, unless otherwise specified in Chapter 15 (Government Procurement), including this Schedule.
2. Chapter 15 (Government Procurement) shall not cover the procurement of blood and blood-related products, including plasma derived products.

## **SECTION E: Services**

Chapter 15 (Government Procurement) shall apply to all services procured by the entities listed in Sections A, B and C, unless otherwise specified in Chapter 15 (Government Procurement), including this Schedule.

Chapter 15 (Government Procurement) shall not cover the procurement of:

- (a) plasma fractionation services;
- (b) government advertising services;
- (c) health and welfare services; and
- (d) research and development services.

## **SECTION F: Construction Services**

Chapter 15 (Government Procurement) shall apply to all construction services procured by the entities listed in Sections A, B and C, unless otherwise specified in Chapter 15 (Government Procurement), including in this Schedule.

## **SECTION G: General Notes**

Unless otherwise specified herein, the following General Notes in Australia's Schedule shall apply without exception to Chapter 15 (Government Procurement), including to all Sections of this Schedule.

1. Chapter 15 (Government Procurement) shall not apply to:

- (a) any form of preference to benefit small and medium enterprises;
- (b) measures to protect national treasures of artistic, historic, or archaeological value;
- (c) measures for the health and welfare of indigenous people; and
- (d) measures for the economic and social advancement of indigenous people.

2. For greater certainty:

- (a) Chapter 15 (Government Procurement) shall not apply to procurement funded by grants and sponsorship payments received from persons not listed in this Annex;
- (b) Chapter 15 (Government Procurement) shall not apply to procurement by a procuring entity from another government entity; and
- (c) a procuring entity may use limited tendering procedures for unsolicited innovative proposals under Article 15.10.2(g) (Limited Tendering).

## **SECTION H: Threshold Adjustment Formula**

1. The thresholds shall be adjusted in every even-numbered year with each adjustment taking effect on January 1, beginning on January 1 of the first even numbered year after the date of entry into force of this Agreement for Australia.
2. Every two years, Australia shall calculate and publish the value of the thresholds under Chapter 15 (Government Procurement) expressed in Australian dollars. These calculations shall be based on the conversion rates published by the International Monetary Fund in its monthly *International Financial Statistics*.
3. The conversion rates shall be the average of the daily values of the Australian dollar in terms of the Special Drawing Rights (SDR) over the two-year period preceding October 1 or November 1 of the year before the adjusted thresholds are to take effect, and rounded to the nearest thousand Australian dollars.
4. Australia shall notify the other Parties of the current thresholds in its currency immediately after this Agreement enters into force, and the adjusted thresholds in its currency thereafter in a timely manner.
5. Australia shall consult if a major change in its national currency relative to the SDR or to the national currency of another Party were to create a significant problem with regard to the application of Chapter 15 (Government Procurement).

## **SECTION I: Procurement Information**

All information on government procurement is published on the following websites:

Legislation and Regulations: <http://www.comlaw.gov.au/>

Australian Government Tender System: <https://www.tenders.gov.au/>



## **SECTION J: Transitional Measures**

None.