

# Free Trade Agreement (FTA) on Trade in Services

- PH-EFTA FTA -

**Source**

<https://www.efta.int/trade-relations/free-trade-network/philippines>

FREE TRADE AGREEMENT  
BETWEEN  
THE EFTA STATES  
AND  
THE PHILIPPINES

## CHAPTER 6

### TRADE IN SERVICES

#### ARTICLE 6.1

##### *Scope and Coverage*

1. This Chapter applies to measures by Parties affecting trade in services and taken by central, regional or local governments and authorities as well as by non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities. It applies to all services sectors, except services supplied in the exercise of government authority.
2. With respect to air transport services, this Chapter shall not apply to measures affecting air traffic rights or measures affecting services directly related to the exercise of air traffic rights, except as provided for in paragraph 3 of the GATS Annex on Air Transport Services. The definitions of paragraph 6 of the GATS Annex on Air Transport Services are hereby incorporated and made part of this Agreement.
3. Articles 6.3 (Most-Favour-Nation Treatment), 6.4 (Market Access) and 6.5 (National Treatment) shall not apply to laws, rules, regulations or requirements governing the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale.

#### ARTICLE 6.2

##### *Definitions*

1. Where a provision of this Chapter provides that a provision of the GATS is incorporated into and made part of this Agreement, the meaning of the terms used in the GATS provision shall be understood as follows:
  - (a) **Member** means Party;
  - (b) **Schedule** means a Schedule referred to in Article 6.16 (Schedules of Specific Commitments) and contained in Annex XI (Schedules of Specific Commitments); and
  - (c) **specific commitment** means a specific commitment in a Schedule referred to in Article 6.16 (Schedules of Specific Commitments).
2. The following definitions of Article I of the GATS are hereby incorporated into and made part of this Agreement:
  - (a) **trade in services**;

- (b) **services;** and
- (c) **a service supplied in the exercise of governmental authority;**

3. For the purposes of this Chapter:

- (a) **service supplier** means any person that supplies a service;<sup>9</sup>
- (b) **natural person of another Party** means a natural person who, under the legislation of that other Party, is:
  - (i) a national of that other Party who resides in the territory of any WTO Member; or
  - (ii) a permanent resident of that other Party who resides in the territory of a Party, if that other Party accords substantially the same treatment to its permanent residents as to its nationals in respect of measures affecting trade in services. For the purpose of the supply of a service through presence of natural persons (Mode 4), this definition covers a permanent resident of that other Party who resides in the territory of a Party;
- (c) **juridical person of another Party** means a juridical person which is either:
  - (i) constituted or otherwise organised under the domestic laws, rules and regulations of that Party, and is engaged in substantive business operations in the territory of a Party; or
  - (ii) in the case of the supply of a service through commercial presence, owned or controlled by:
    - (aa) natural persons of that other Party; or
    - (bb) juridical persons of that other Party identified under subparagraph (c)(i).

4. The following definitions of Article XXVIII of the GATS are hereby incorporated into and made part of this Agreement:

- (a) **measure;**
- (b) **supply of a service;**
- (c) **measures by Members affecting trade in services;**

---

<sup>9</sup> Where the service is not supplied directly by a juridical person but through other forms of commercial presence such as a branch or a representative office, the service supplier (*i.e.* the juridical person) shall, nonetheless, through such commercial presence be accorded the treatment provided for service suppliers under this Chapter. Such treatment shall be extended to the commercial presence through which the service is supplied and need not be extended to any other parts of the service supplier located outside the territory where the service is supplied.

- (d) **commercial presence;**
- (e) **sector of a service;**
- (f) **service of another Member;**
- (g) **monopoly supplier of a service;**
- (h) **service consumer;**
- (i) **person;**
- (j) **juridical person;**
- (k) **owned, controlled and affiliated; and**
- (l) **direct taxes.**

#### ARTICLE 6.3

##### *Most-Favoured-Nation Treatment*

1. Without prejudice to measures taken in accordance with Article VII of the GATS, and except as provided for in its List of MFN Exemptions contained in Annex XII (Lists of MFN Exemptions), each Party shall accord immediately and unconditionally, in respect of all measures affecting the supply of services, to services and service suppliers of another Party treatment no less favourable than the treatment it accords to like services and service suppliers of any non-party.
2. Treatment granted under other existing or future agreements concluded by a Party and notified under Article V or Article V *bis* of the GATS shall not be subject to paragraph 1.
3. If a Party concludes an agreement of the type referred to in paragraph 2 after the entry into force of this Agreement or amends such agreement, it shall notify the other Parties without delay. The former Party shall, upon request by another Party, negotiate the incorporation into this Agreement of a similar treatment no less favourable than that provided under that agreement.
4. Paragraph 3 of Article II of the GATS shall apply to the rights and obligations of the Parties with respect to advantages accorded to adjacent countries and is hereby incorporated into and made part of this Agreement.

ARTICLE 6.4

***Market Access***

Article XVI of the GATS shall apply and is hereby incorporated into and made part of this Agreement.

ARTICLE 6.5

***National Treatment***

Article XVII of the GATS shall apply and is hereby incorporated into and made part of this Agreement.

ARTICLE 6.6

***Additional Commitments***

Article XVIII of the GATS shall apply and is hereby incorporated into and made part of this Agreement.

ARTICLE 6.7

***Domestic Regulation***

1. In sectors where specific commitments are undertaken, each Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.
2. (a) Each Party shall maintain or institute, as soon as practicable, judicial, arbitral or administrative tribunals or procedures which provide, at the request of an affected service supplier of another Party, for the prompt review of, and where justified, appropriate remedies for, administrative decisions affecting trade in services. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the Party shall ensure that the procedures in fact provide for an objective and impartial review.
- (b) The provisions of subparagraph (a) shall not be construed to require a Party to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.
3. Where authorisation is required by a Party for the supply of a service, the competent authorities of that Party shall, within a reasonable period of time after the submission of an application is considered complete under that Party's domestic laws, rules and regulations, inform the applicant of the decision concerning the application. At

the request of the applicant, the competent authorities of that Party shall provide, without undue delay, information concerning the status of the application.

4. Each Party shall ensure that measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, in sectors in which a Party has undertaken specific commitments, are based on objective and transparent criteria such as competence and the ability to supply the service.

5. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures do not constitute unnecessary barriers to trade in services, the Joint Committee shall take a decision aiming at incorporating into this Agreement any disciplines developed in the WTO in accordance with paragraph 4 of Article VI of the GATS. The Parties may also, jointly or bilaterally, decide to develop further disciplines.

6. (a) In sectors in which a Party has undertaken specific commitments, pending the entry into force of a decision incorporating WTO disciplines for these sectors pursuant to paragraph 5, and, if agreed between Parties, disciplines developed jointly or bilaterally under this Agreement pursuant to paragraph 5, the Party shall not apply qualification requirements and procedures, technical standards and licensing requirements and procedures that nullify or impair such specific commitments in a manner which is:

(i) more burdensome than necessary to ensure the quality of the service; or

(ii) in the case of licensing procedures, in itself a restriction on the supply of the service.

(b) In determining whether a Party is in conformity with the obligation under subparagraph (a), account shall be taken of international standards of relevant international organisations<sup>10</sup> applied by that Party.

7. Each Party shall provide for adequate procedures to verify the competence of professionals of another Party.

## ARTICLE 6.8

### *Recognition*

1. For the purpose of the fulfilment of its relevant standards or criteria for the authorisation, licensing or certification of service suppliers, each Party shall give due consideration to any requests by another Party to recognise the education or experience obtained, requirements met, or licences or certifications granted in that other Party. Such recognition may be based upon an agreement or arrangement with that other Party, or otherwise be accorded unilaterally.

---

<sup>10</sup> The term **relevant international organisations** refers to international bodies whose membership is open to the relevant bodies of at least all Parties.

2. Where a Party recognises, by agreement or arrangement, the education or experience obtained, requirements met, or licences or certifications granted, in the territory of a non-party, that Party shall afford another Party adequate opportunity to negotiate its accession to such an agreement or arrangement, whether existing or future, or to negotiate a comparable agreement or arrangement with it. Where a Party accords recognition unilaterally, it shall afford adequate opportunity for another Party to demonstrate that the education or experience obtained, requirements met, or licences or certifications granted, in the territory of that other Party should also be recognised.

3. Any such agreement or arrangement or unilateral recognition shall be in conformity with the relevant provisions of the WTO Agreement, in particular paragraph 3 of Article VII of the GATS.

#### ARTICLE 6.9

##### *Movement of Natural Persons*

1. This Article applies to measures affecting natural persons who are service suppliers of a Party, and natural persons of a Party who are employed by a service supplier of a Party, in respect of the supply of a service.

2. This Chapter shall not apply to measures affecting natural persons seeking access to the employment market of a Party, nor shall it apply to measures regarding nationality, residence or employment on a permanent basis.

3. Natural persons covered by a specific commitment shall be allowed to supply the service in accordance with the terms of that commitment.

4. This Chapter shall not prevent a Party from applying measures to regulate the entry of natural persons of another Party into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to any Party under the terms of a specific commitment.<sup>11</sup>

#### ARTICLE 6.10

##### *Transparency*

Paragraphs 1 and 2 of Article III and Article III *bis* of the GATS shall apply and are hereby incorporated into and made part of this Agreement.

---

<sup>11</sup> The sole fact of requiring a visa for natural persons shall not be regarded as nullifying or impairing benefits under a specific commitment.



ARTICLE 6.11

***Monopolies and Exclusive Service Suppliers***

Paragraphs 1, 2 and 5 of Article VIII of the GATS shall apply and are hereby incorporated into and made part of this Agreement.

ARTICLE 6.12

***Business Practices***

Article IX of the GATS shall apply and is hereby incorporated into and made part of this Agreement.

ARTICLE 6.13

***Payments and Transfers***

Article XI of the GATS shall apply and is hereby incorporated into and made part of this Agreement.

ARTICLE 6.14

***Restrictions to Safeguard the Balance of Payments***

1. The Parties shall endeavour to avoid the imposition of restrictions to safeguard the balance of payments.
2. Paragraphs 1 to 3 of Article XII of the GATS shall apply and are hereby incorporated into and made part of this Agreement.
3. A Party adopting or maintaining such restrictions shall promptly notify the Joint Committee.

ARTICLE 6.15

***Exceptions***

Article XIV and paragraph 1 of Article XIV *bis* of the GATS shall apply and are hereby incorporated into and made part of this Agreement.

## ARTICLE 6.16

### *Schedules of Specific Commitments*

1. Each Party shall set out in a Schedule the specific commitments it undertakes under Articles 6.4 (Market Access), 6.5 (National Treatment) and 6.6 (Additional Commitments). With respect to sectors where such commitments are undertaken, each Schedule shall specify:
  - (a) terms, limitations and conditions on market access;
  - (b) conditions and qualifications on national treatment;
  - (c) undertakings relating to additional commitments referred to in Article 6.6 (Additional Commitments); and
  - (d) where appropriate, the timeframe for implementation of such commitments and the date of entry into force of such commitments.
2. Measures inconsistent with both Articles 6.4 (Market Access) and 6.5 (National Treatment) shall be subject to paragraph 2 of Article XX of the GATS.
3. The Parties' Schedules of Specific Commitments are set out in Annex XI (Schedule of Specific Commitments).

## ARTICLE 6.17

### *Modification of Schedules of Commitments*

1. The Parties shall, upon written request by a Party, hold consultations to consider any modification or withdrawal of a specific commitment in the requesting Party's Schedule of Specific Commitments. The consultations shall be held within three months from the receipt of the request. In the consultations, the Parties shall aim to ensure that a general level of mutually advantageous commitments no less favourable to trade than that provided for in the Schedule of Specific Commitments prior to such consultations is maintained.
2. Modifications of Schedules are subject to Articles 12.1 (Joint Committee) and 14.2 (Amendments). Such modifications may only take place three years after the entry into force of this Agreement.

## ARTICLE 6.18

### *Review*

With the objective of further liberalising trade in services between them and promoting their interests on a mutually advantageous basis, the Parties shall review at least every two years, or more frequently if so agreed, their Schedules of Specific

Commitments and their Lists of MFN Exemptions, taking into account, in particular, any unilateral liberalisation and on-going work under the auspices of the WTO. The first review shall take place no later than three years from the entry into force of this Agreement.

#### ARTICLE 6.19

##### *Annexes*

The following Annexes form an integral part of this Chapter:

- (a) Annex XI (Schedules of Specific Commitments);
- (b) Annex XII (Lists of MFN-Exemptions);
- (c) Annex XIII (Financial Services);
- (d) Annex XIV (Telecommunications Services);
- (e) Annex XV (Movement of Natural Persons Supplying Services);
- (f) Annex XVI (Maritime Transport and Related Services); and
- (g) Annex XVII (Energy Related Services);

## **CHAPTER 7**

### **INVESTMENT**

#### ARTICLE 7.1

##### ***Investment Conditions***

1. The Parties shall endeavour to provide stable, non-discriminatory, and transparent investment conditions for investors of the other Parties that make or seek to make investments in their territories.
2. The Parties shall admit investments by investors of the other Parties in accordance with their domestic laws, rules and regulations. They recognise that it is inappropriate to encourage investment by relaxing health, safety or environmental standards.

#### ARTICLE 7.2

##### ***Investment Promotion***

The Parties recognise the importance of promoting investment flows as a means for achieving economic growth and development, including:

- (a) appropriate means of identifying investment opportunities and information channels on investment regulations;
- (b) exchange of information on measures to promote investment abroad; and
- (c) the furthering of a legal environment conducive to increased investment flows.

#### ARTICLE 7.3

##### ***Review***

The Parties affirm their commitment to review issues related to investment in the Joint Committee no later than five years from the entry into force of this Agreement, including the right of establishment of investors of a Party in the territory of another Party, taking into consideration the treatment accorded in free trade agreements and agreements on economic integration concluded by a Party with a non-party.

## CHAPTER 8

### INTELLECTUAL PROPERTY

#### ARTICLE 8

##### *Protection of Intellectual Property Rights*

1. The Parties shall grant and ensure adequate, effective and non-discriminatory protection of intellectual property rights, and provide for measures for the enforcement of such rights against infringement thereof, including counterfeiting and piracy, in accordance with the provisions of this Chapter, Annex XVIII (Protection of Intellectual Property), and the international agreements referred to therein. Parties understand that, in accordance with the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights* (hereinafter referred to as the “TRIPS Agreement”), the grant of rights by the Parties is subject to compliance with the substantive conditions for acquisition of such rights.
2. The Parties shall accord to nationals of another Party treatment no less favourable than that they accord to their own nationals. Exemptions from this obligation must be in accordance with the substantive provisions of Articles 3 and 5 of the TRIPS Agreement.
3. The Parties shall grant to nationals of another Party treatment no less favourable than that accorded to nationals of a non-party. If a Party concludes a trade agreement containing provisions on the protection of intellectual property rights with a non-party, notified under Article XXIV of the GATT 1994, it shall notify the other Parties without delay and accord to them treatment no less favourable than that provided under such agreement. The Party concluding such an agreement shall, upon request by another Party, negotiate the incorporation into this Agreement of provisions of the agreement granting a treatment no less favourable than that provided under that agreement. Exemptions from this obligation must be in accordance with the substantive provisions of the TRIPS Agreement, in particular Articles 4 and 5.
4. The Parties agree, upon request of any Party to the Joint Committee, to review the provisions, implementation and application, of this Chapter and Annex XVIII (Protection of Intellectual Property), and to discuss issues related to intellectual property, with a view, *inter alia*, to further improving the protection and enforcement of intellectual property rights.

## CHAPTER 9

### GOVERNMENT PROCUREMENT

#### ARTICLE 9.1

##### *Transparency*

1. The Parties shall enhance the mutual understanding of each other's government procurement laws and regulations with a view to progressively liberalise their respective procurement markets on the basis of non-discrimination and reciprocity.
2. The Parties shall publish, or otherwise make publicly available, their laws, regulations, judicial decisions, and administrative rulings of general application as well as their respective international agreements to which they are a party that may affect their procurement markets. The Parties shall promptly respond in English to specific questions and provide, upon request, information to each other on such matters.

#### ARTICLE 9.2

##### *Further Negotiations*

If a Party grants to a non-party additional benefits with regard to the access to its procurement markets after the entry into force of this Agreement, it shall without delay notify the other Parties. The Party granting additional benefits shall, upon request by another Party, enter into negotiations to extend similar benefits to the other Parties on a reciprocal basis.

#### ARTICLE 9.3

##### *Review*

The Joint Committee shall review this Chapter and examine the possibility of developing the Parties' commitments in government procurement within three years from the entry into force of this Agreement.

**CHAPTER 10**  
**COMPETITION**

ARTICLE 10.1

*Rules of Competition*

1. The Parties recognise that the following practices of enterprises are incompatible with the proper functioning of this Agreement insofar as they may affect trade between the Parties:

- (a) agreements, decisions by associations and concerted practices which have as their object or effect the prevention, restriction or lessening of competition; and
- (b) abuse of dominant position that would prevent or restrict competition.

2. The provisions of paragraph 1 shall also apply to state owned enterprises or enterprises with special or exclusive rights, in so far as the application of these provisions does not obstruct the performance, in law or in fact, of the particular public tasks assigned to them under domestic laws, rules and regulations.

3. The rights and obligations under this Chapter shall only apply between the Parties.

ARTICLE 10.2

*Cooperation*

1. The competent authorities of the Parties concerned shall cooperate and consult in their dealings with anti-competitive practices referred to in paragraph 1 of Article 10.1 (Rules of Competition), with the aim of putting an end to such practices or their adverse effects on trade, in a manner consistent with their domestic laws, rules and regulations.

2. Cooperation may include exchange of pertinent information that is available to the Parties. No Party shall be required to disclose information that is confidential according to its domestic laws, rules and regulations.

ARTICLE 10.3

*Consultations*

1. A Party may request consultations regarding any matter under this Chapter. The addressed Party or Parties shall promptly reply to the request and enter into consultations in good faith. The Parties shall make every attempt to arrive at a mutually acceptable solution.

2. If a Party considers that a given practice continues to affect trade in the sense of Article 10.1 (Rules of Competition), after cooperation or consultations, it may refer the matter to the Joint Committee. The Parties involved shall give to the Joint Committee all the assistance required in order to examine the matter and, where appropriate, eliminate the practice objected to.

#### ARTICLE 10.4

##### *Dispute Settlement*

No Party may have recourse to dispute settlement under Chapter 13 (Dispute Settlement) for any matter arising under this Chapter.



## CHAPTER 11

### TRADE AND SUSTAINABLE DEVELOPMENT

#### ARTICLE 11.1

##### *Context and Objectives*

1. The Parties recall the *Declaration of the United Nations Conference on the Human Environment of 1972*, the *Rio Declaration on Environment and Development of 1992*, *Agenda 21 on Environment and Development of 1992*, the *Johannesburg Plan of Implementation on Sustainable Development of 2002*, the *Rio+20 Outcome Document "The Future We Want" of 2012*, the *UN Sustainable Development Summit Outcome Document "Transforming Our World: the 2030 Agenda for Sustainable Development" of 2015*, the *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up of 1998*, the *Ministerial Declaration of the UN Economic and Social Council on Full Employment and Decent Work of 2006* and the *ILO Declaration on Social Justice for a Fair Globalization of 2008*.
2. The Parties recognise that economic development, social development and environmental protection are interdependent and mutually supportive pillars of sustainable development. They recognise the benefits of cooperation on trade-related labour and environmental issues as part of a global approach to trade and sustainable development.
3. The Parties reaffirm their commitment to the promotion of international trade with the aim to contribute to the objective of sustainable development and to integrate and reflect this objective in the Parties' trade relations.
4. The Parties agree that the provisions of this Chapter shall not be used for protectionist trade purposes.

#### ARTICLE 11.2

##### *Scope*

1. Except as otherwise provided in this Chapter, this Chapter shall apply to measures adopted or maintained by the Parties affecting trade-related and investment-related aspects of labour and environmental issues.
2. The reference to labour in this Chapter includes the issues relevant to the Decent Work Agenda as agreed in the ILO.

### ARTICLE 11.3

#### ***Right to Regulate and Levels of Protection***

1. Recognising the right of each Party, subject to the provisions of this Agreement, to establish its own levels of labour and environmental protection, and to adopt or modify accordingly its relevant laws, rules, regulations and policies, each Party shall seek to ensure that its laws, rules, regulations, policies or practices provide for and encourage high levels of labour and environmental protection, consistent with standards, principles and agreements referred to in Articles 11.5 (International Labour Standards and Agreements) and 11.6 (Multilateral Environmental Agreements and Environmental Principles) and shall strive to improve the level of protection provided for in those laws, rules, regulations and policies.
2. The Parties recognise the importance of taking account of scientific, technical and other information, and relevant international standards, guidelines and recommendations, in preparing and implementing measures related to environment and labour conditions that affect trade and investment between them.

### ARTICLE 11.4

#### ***Upholding Levels of Protection in the Application and Enforcement of Laws, Rules, Regulations or Standards***

1. A Party shall not fail to effectively enforce its labour and environmental laws, rules, regulations or standards in a manner affecting trade or investment between the Parties.
2. Subject to Article 11.3 (Right to Regulate and Levels of Protection), a Party shall not:
  - (a) weaken or reduce the level of environmental or labour protection provided by its laws, rules, regulations or standards with the sole intention to encourage investment from another Party or to seek or to enhance a competitive trade advantage of producers or service providers operating in its territory; or
  - (b) waive or otherwise derogate from, or offer to waive or otherwise derogate from, such laws, rules, regulations or standards in order to encourage investment from another Party or to seek or to enhance a competitive trade advantage of producers or service providers operating in its territory.

### ARTICLE 11.5

#### ***International Labour Standards and Agreements***

1. The Parties recall the obligations deriving from membership of the ILO and *the ILO Declaration on Fundamental Principles and Rights at Work* and its Follow-up

adopted by the International Labour Conference at its 86th Session in 1998, to respect, to promote and realise the principles concerning the fundamental rights, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) elimination of all forms of forced or compulsory labour;
- (c) effective abolition of child labour; and
- (d) elimination of discrimination in respect of employment and occupation.

2. The Parties reaffirm their commitment, under the *Ministerial Declaration of the UN Economic and Social Council on Full Employment and Decent Work of 2006*, to recognise full and productive employment and decent work for all as a key element of sustainable development for all countries and as a priority objective of international cooperation and to promote the development of international trade in a way that is conducive to full and productive employment and decent work for all.

3. The Parties recall the obligations deriving from membership of the ILO to effectively implement the ILO Conventions which they have ratified and to make continued and sustained efforts towards ratifying the core ILO Conventions and other conventions classified as “up-to-date” by the ILO.

4. The Parties reaffirm that, as set out in the *ILO Declaration on Social Justice for a Fair Globalization* adopted by the International Labour Conference at its 97th session in 2008, the violation of fundamental principles and rights at work shall not be invoked or otherwise used as a legitimate comparative advantage.

#### ARTICLE 11.6

##### ***Multilateral Environmental Agreements and Environmental Principles***

The Parties reaffirm their commitment to the effective implementation in their laws, rules, regulations and practices of the multilateral environmental agreements to which they are a party, as well as their adherence to environmental principles reflected in the international instruments referred to in Article 11.1 (Context and Objectives).

#### ARTICLE 11.7

##### ***Promotion of Trade and Investment Favouring Sustainable Development***

1. The Parties shall strive to facilitate and promote investment, trade in and dissemination of goods and services that contribute to sustainable development, such as environmental technologies, sustainable renewable energy, as well as goods and services that are energy efficient, eco-labelled or subject to schemes such as fair and ethical trade. Related non-tariff barriers will be addressed as part of these efforts.

2. The Parties agree to exchange views and may consider, jointly or bilaterally, cooperation in this area. They shall encourage such cooperation between enterprises.

#### ARTICLE 11.8

##### ***Trade in Forest-Based Products***

1. In order to promote the sustainable management of forest resources and thereby, *inter alia*, reduce greenhouse emissions from deforestation and degradation of natural forests and peat lands related to activities beyond the forest sector, the Parties will work together in the relevant multilateral fora in which they participate and through existing bilateral cooperation if applicable to improve forest law enforcement and governance and to promote trade in legal and sustainable forest-based, agricultural and mining products.

2. Useful instruments to achieve this objective may include, *inter alia*, effective use of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES) with regard to endangered timber species, certification schemes for sustainably harvested forest products, bilateral Forest Law Enforcement Governance and Trade (FLEGT) Voluntary Partnership Agreements.

#### ARTICLE 11.9

##### ***Cooperation in International Fora***

The Parties shall strive to strengthen their cooperation on trade and investment-related labour and environmental issues of mutual interest in relevant bilateral, regional and multilateral fora in which they participate.

#### ARTICLE 11.10

##### ***Implementation and Consultations***

1. The Parties shall designate the administrative entities, which shall serve as contact points for the purposes of implementing this Chapter.

2. A Party may, through the contact points, request expert consultations or consultations within the Joint Committee regarding any matter under this Chapter. The Parties shall make every attempt to arrive at a mutually acceptable solution of the matter. Where relevant, subject to the agreement of the Parties, they can seek advice of the relevant international organisations or bodies.

3. No Party may have recourse to arbitration under Chapter 13 (Dispute Settlement) for any matter arising under this Chapter.

## ARTICLE 11.11

### *Review*

This Chapter shall be subject to periodic review within the framework of the Joint Committee. The Parties shall discuss progress achieved in pursuing the objectives set out in this Chapter and consider relevant international developments in order to identify areas where further action could promote these objectives.

## CHAPTER 12

### INSTITUTIONAL PROVISIONS

#### ARTICLE 12

##### *Joint Committee*

1. The Parties hereby establish the EFTA-Philippines Joint Committee (hereinafter referred to as the “Joint Committee”) comprising of representatives of each Party. The Parties shall be represented by senior officials delegated by them for this purpose.
2. The Joint Committee shall:
  - (a) oversee the implementation of this Agreement;
  - (b) keep under review the possibility of further removal of barriers to trade and other restrictive measures concerning trade between the EFTA States and the Philippines;
  - (c) oversee the further elaboration of this Agreement;
  - (d) set-up sub-committees and working groups as it considers necessary to assist it in accomplishing its tasks;
  - (e) supervise the work of all sub-committees and working groups;
  - (f) endeavour to resolve disputes regarding the interpretation or application of this Agreement;
  - (g) consider and adopt amendments as provided for in this Agreement; and
  - (h) consider any other matter that may affect the operation of this Agreement.
3. The Joint Committee may take decisions as provided for in this Agreement. On other matters, the Joint Committee may make recommendations. The Joint Committee shall take decisions and make recommendations by consensus.
4. Where this Agreement foresees that a provision relates only to the Philippines and one or several EFTA States, consensus shall only involve the Parties concerned, and the decision or recommendation shall apply only to those Parties.
5. If a representative of a Party in the Joint Committee has accepted a decision subject to the fulfilment of domestic legal requirements, the decision shall enter into force on the date that the last Party notifies that its internal requirements have been fulfilled, unless otherwise specified by the decision.
6. The Joint Committee shall meet within one year of the entry into force of this Agreement. Thereafter, it shall meet whenever necessary but normally every two years.

Its meetings shall be co-chaired by one of the EFTA States and the Philippines. The Joint Committee shall establish its rules of procedure. Each Party may request at any time, through a notice in writing to the other Parties, that a special meeting of the Joint Committee be held. Such a meeting shall take place within 30 days from the receipt of the request, unless the Parties agree otherwise.

**CHAPTER 13**  
**DISPUTE SETTLEMENT**

ARTICLE 13.1

*Objective*

The objective of this Chapter is to provide an efficient and transparent mechanism for the avoidance and settlement of disputes arising under this Agreement.

ARTICLE 13.2

*Scope and Coverage*

1. The provisions of this Chapter shall apply to the settlement of any dispute concerning the interpretation or application of this Agreement.
2. For purposes of this Chapter, the terms “Party”, “party to the dispute”, “complaining Party” and “Party complained against” can denote one or more Parties.
3. Where disputes regarding the same matter arising under this Agreement and the WTO Agreement, the complaining Party shall consider dispute settlement in the WTO. The dispute may however, be settled in either forum at the discretion of the complaining Party. The forum thus selected shall be used to the exclusion of the other.
4. For the purposes of paragraph 3, dispute settlement procedures under the WTO Agreement are deemed to be selected by a Party’s request for the establishment of a panel under Article 6 of the *WTO Understanding on Rules and Procedures Governing the Settlement of Disputes*, whereas dispute settlement procedures under this Agreement are deemed to be selected upon a request for arbitration pursuant to paragraph 1 of Article 13.5 (Establishment of Arbitration Panel).

ARTICLE 13.3

*Good Offices, Conciliation or Mediation*

1. Good offices, conciliation and mediation are procedures that are undertaken voluntarily if the Parties so agree. They may begin and be terminated at any time. They may continue while proceedings of an arbitration panel established in accordance with this Chapter are in progress.
2. Proceedings involving good offices, conciliation and mediation shall be confidential and without prejudice to the rights of any Parties in any further proceedings.

ARTICLE 13.4



### *Consultations*

1. The Parties shall make every attempt through cooperation and consultations to reach a mutually acceptable solution of any matter raised in accordance with this Article.
2. A Party may request consultations with another Party with respect to any measure it considers inconsistent with this Agreement. The Party receiving the request for consultations shall accord due consideration to the request and provide adequate opportunity for such consultations.
3. The Party requesting consultations shall make the request in writing, setting out the reasons for the request, including identification of the measure, which it considers inconsistent with this Agreement. The Party requesting consultations shall at the same time notify the other Parties in writing of the request. The Party to which the request is made shall reply within ten days from the receipt of the request.
4. Consultations shall take place in the Joint Committee, unless the Parties making and receiving the request for consultations agree otherwise.
5. The consultations shall commence within:
  - (a) 15 days from the receipt of the request in cases of urgency, including perishable goods; or
  - (b) 30 days from the receipt of the request for all other matters.
6. The consulting Parties shall provide sufficient information, including making available for the consultations personnel of relevant government agencies, to enable a full examination of whether the measure is inconsistent with this Agreement or not.
7. The consultations shall be confidential and without prejudice to the rights of the Parties in any further proceedings. The Parties shall treat any confidential information exchanged in the course of consultations in the same manner as the Party providing the information.
8. The consulting Parties shall inform the other Parties of any mutually agreed resolution of the matter.

### ARTICLE 13.5

#### *Establishment of Arbitration Panel*

1. The complaining Party may request the establishment of an arbitration panel if:
  - (a) the Party to which the request is made does not reply within ten days from the receipt of the request;

- (b) the Party complained against does not enter into consultations in accordance with the time periods specified in Article 13.4 (Consultations); or
  - (c) the consultations fail to resolve a dispute within:
    - (i) 30 days from the receipt of the request for consultations in cases of urgency, including perishable goods;
    - (ii) 60 days from the receipt of the request for consultations regarding any other matter.
2. Any request for the establishment of an arbitration panel shall identify:
- (a) the specific measures at issue; and
  - (b) the legal and factual basis for the complaint.
3. A copy of the request shall be communicated to the other Parties so that they may determine whether to participate in the arbitration process.
4. The arbitration panel shall consist of three members who shall be appointed in accordance with the *Optional Rules for Arbitrating Disputes between Two States of the Permanent Court of Arbitration*, as effective from 20 October 1992 (hereinafter referred to as the “Optional Rules”), *mutatis mutandis*.
5. The date of establishment of the arbitration panel shall be the date on which the Chairperson is appointed.
6. Unless the parties to the dispute agree otherwise within 20 days from the receipt of the request for the establishment of the arbitration panel, the terms of reference for the arbitration panel shall be:
- “To examine, in light of the relevant provisions of this Agreement, the matter referred to in the request for the establishment of an arbitration panel pursuant to Article 13.5 (Establishment of Arbitration Panel) and to make findings of law and fact together with the reasons, as well as recommendations, if any, for the resolution of the dispute and the implementation of the ruling.”
7. Whenever feasible, a single arbitration panel should be established to examine complaints relating to the same matter where more than one Party requests the establishment of an arbitration panel or where the request involves more than one Party complained against.
8. A Party which is not a party to the dispute shall be entitled, on delivery of a written notice to the parties to the dispute, to make written submissions to the arbitration panel, receive written submissions, including annexes, from the parties to the dispute, attend hearings and make oral statements.

#### ARTICLE 13.6

### ***Arbitration Panel Procedures***

1. Unless otherwise specified in this Agreement or agreed between the parties to the dispute, the procedures of the panel shall be governed by the Optional Rules, *mutatis mutandis*.
2. The arbitration panel shall examine the matter referred to it in the request for the establishment of an arbitration panel in light of the relevant provisions of this Agreement interpreted in accordance with rules of interpretation of public international law.
3. The arbitration panel should consult regularly with the parties to the dispute and give them adequate opportunity to develop a mutually acceptable solution. The arbitration panel shall provide for at least one hearing for the parties to the dispute to present their case to the arbitration panel.
4. The language of any proceedings shall be English. The hearings of the arbitration panel shall be open to the public, unless the parties to the dispute agree otherwise or the arbitration panel decides to close the hearing for the duration of any discussion of confidential information.
5. There shall be no *ex parte* communication with the arbitration panel concerning matters under its consideration.
6. A Party's written submissions, written versions of oral statements and responses to questions put by an arbitration panel shall, at the same time as it is submitted to the arbitration panel, be transmitted by that Party to the other party to the dispute.
7. The Parties, the panel and any individual involved in the arbitration proceedings shall treat as confidential the information submitted to the arbitration panel, which has been designated as confidential by the Party submitting the information.
8. The arbitration panel shall make its ruling by consensus. If the arbitration panel is unable to reach consensus, it shall make its ruling by majority vote. Any arbitrator may furnish separate opinions on matters not unanimously agreed. The arbitration panel shall not disclose which arbitrators are associated with majority or minority opinions. The deliberations of the arbitration panel and the initial report shall be kept confidential.

### ARTICLE 13.7

#### ***Panel Reports***

1. The arbitration panel should submit to the parties to the dispute an initial report containing its findings and rulings as well as recommendations, if any, not later than 90 days from the establishment of the arbitration panel. The parties to the dispute may submit comments on the initial report, in writing, to the arbitration panel within 15 days from the receipt of the initial report. The arbitration panel should present its final report to the Parties within 30 days from the submission of the initial report. The findings of the final panel report shall include a discussion of the comments made by the parties to the dispute.

2. The final report, as well as any report under Articles 13.9 (Implementation of the Final Panel Report) and 13.10 (Compensation and Suspension of Benefits), shall be communicated to the Parties. A party to the dispute may make the report publicly available, subject to paragraph 7 of Article 13.6 (Arbitration Panel Procedures).

3. Any ruling of the arbitration panel under any provision of this Chapter shall be final and binding on the parties to the dispute.

#### ARTICLE 13.8

##### *Suspension or Termination of Arbitration Panel Proceedings*

1. Where the parties to the dispute agree, an arbitration panel may suspend its work at any time for a period not exceeding 12 months. If the work of an arbitration panel has been suspended for more than 12 months, the arbitration panel's authority for considering the dispute shall lapse, unless the parties to the dispute agree otherwise.

2. The proceedings of an arbitration panel shall be terminated:

- (a) if the parties to the dispute agree by jointly notifying in writing the Chairperson of the arbitration panel; or
- (b) if a complaining party withdraws its complaint at any time before the initial report has been issued.

3. An arbitration panel may, at any stage of the proceedings prior to the release of the final report, propose that the parties to the dispute seek to settle the dispute amicably.

#### ARTICLE 13.9

##### *Implementation of the Final Panel Report*

1. The Party complained against shall promptly comply with the ruling in the final report. If it is impracticable to comply immediately, the parties to the dispute shall endeavour to agree on a reasonable period of time to do so. In the absence of such agreement within 45 days, from the issuance of the final report, either party to the dispute may request the original arbitration panel to determine the length of the reasonable period of time, in light of the particular circumstances of the case. The ruling of the arbitration panel should be given within 60 days from the receipt of that request.

2. The Party complained against shall notify the complaining Party of the measure adopted in order to comply with the ruling in the final report, as well as provide a detailed description of how the measure ensures compliance sufficient to allow the complaining party to assess the measure.

3. In case of disagreement as to the existence of a measure complying with the ruling in the final report or to the consistency of that measure with the ruling, such disagreement shall be decided by the same arbitration panel upon the request of either party to the

dispute before compensation can be sought or suspension of benefits can be applied in accordance with Article 13.10 (Compensation and Suspension of Benefits). The ruling of the arbitration panel should be given within 90 days from the receipt of that request.

#### ARTICLE 13.10

##### *Compensation and Suspension of Benefits*

1. If the Party complained against does not comply with a ruling of the arbitration panel referred to in Article 13.9 (Implementation of the Final Panel Report), or notifies the complaining Party that it does not intend to comply with the ruling in the final panel report, that Party shall, if so requested by the complaining Party, enter into consultations with a view to agreeing on mutually acceptable compensation. If no such agreement has been reached within 20 days from the receipt of the request, the complaining Party shall be entitled to suspend the application of benefits granted under this Agreement but only equivalent to those affected by the measure that the arbitration panel has found to be inconsistent with this Agreement.
2. In considering what benefits to suspend, the complaining Party should first seek to suspend benefits in the same sector or sectors as that affected by the measure that the arbitration panel has found to be inconsistent with this Agreement. The complaining Party that considers it is not practicable or effective to suspend benefits in the same sector or sectors may suspend benefits in other sectors.
3. The complaining Party shall notify the Party complained against of the benefits, which it intends to suspend, the grounds for such suspension and when suspension will commence, no later than 30 days before the date on which the suspension is due to take effect. Within 15 days from the receipt of that notification, the Party complained against may request the original arbitration panel to rule on whether the benefits, which the complaining Party intends to suspend are equivalent to those affected by the measure found to be inconsistent with this Agreement, and whether the proposed suspension is in accordance with paragraphs 1 and 2. The ruling of the arbitration panel should be given within 45 days from the receipt of that request. Benefits shall not be suspended until the arbitration panel has issued its ruling.
4. Compensation and suspension of benefits shall be temporary measures and shall only be applied by the complaining Party until the measure found to be inconsistent with this Agreement has been withdrawn or amended so as to bring it into conformity with this Agreement, or until the parties to the dispute have resolved the dispute otherwise.
5. At the request of a party to the dispute, the original arbitration panel shall rule on the conformity with the final report of any implementing measures adopted after the suspension of benefits and, in light of such ruling, whether the suspension of benefits should be terminated or modified. The ruling of the arbitration panel should be given within 30 days from the receipt of that request.

#### ARTICLE 13.11

### *Other Provisions*

1. Whenever possible, the arbitration panel referred to in Articles 13.9 (Implementation of the Final Panel Report) and 13.10 (Compensation and Suspension of Benefits) shall comprise the same arbitrators who issued the final report. If a member of the original arbitration panel is unavailable, the appointment of a replacement arbitrator shall be conducted in accordance with the selection procedure for the original arbitrator.
2. Any time period mentioned in this Chapter may be modified by mutual agreement of the parties to the dispute.
3. When an arbitration panel considers that it cannot comply with a timeframe imposed on it under this Chapter, it shall inform the parties to the dispute in writing and provide an estimate of the additional time required. Any additional time required should not exceed 30 days.

## CHAPTER 14

### FINAL PROVISIONS

#### ARTICLE 14.1

##### *Annexes and Appendices*

The Annexes to this Agreement, including their Appendices, constitute an integral part of this Agreement.

#### ARTICLE 14.2

##### *Amendments*

1. Any Party may submit proposals for amendments to this Agreement to the Joint Committee for consideration and recommendation.
2. Amendments to this Agreement shall be submitted to the Parties for ratification, acceptance or approval in accordance with their respective legal requirements. The text of the amendments and the instruments of ratification, acceptance or approval shall be deposited with the Depositary.
3. Amendments to this Agreement shall enter into force on the first day of the third month following the date on which at least one EFTA State and the Philippines have deposited their instrument of ratification, acceptance or approval with the Depositary. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after that, the amendments shall enter into force on the first day of the third month following the deposit of its instrument.
4. The Joint Committee may decide to amend the Annexes and Appendices to this Agreement. The decision shall enter into force on the first day of the third month following the notification by the last Party that its internal requirements have been fulfilled. Subject to the domestic laws, rules and regulations of the Parties, the Joint Committee may agree on different entry into force provisions.
5. Amendments regarding issues related only to one or several EFTA States and the Philippines shall be agreed upon by the Parties concerned.
6. If its legal requirements permit, a Party may apply any amendment provisionally, pending its entry into force for that Party. Provisional application of amendments shall be notified to the Depositary.

#### ARTICLE 14.3

##### *Accession*

1. Any State becoming a Member of EFTA may accede to this Agreement, provided that the Joint Committee approves its accession, on terms and conditions to be agreed upon by the Parties and the acceding State.
2. The instrument of accession shall be deposited with the Depositary. In relation to an acceding State, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument of accession, or the approval of the terms of accession by the existing Parties, whichever is later.

#### ARTICLE 14.4

##### *Withdrawal and Expiration*

1. Each Party may withdraw from this Agreement by means of a written notification to the Depositary. The withdrawal shall take effect six months after the date on which the notification is received by the Depositary.
2. If the Philippines withdraws, this Agreement shall expire when its withdrawal becomes effective.
3. Any EFTA State which withdraws from the *Convention establishing the European Free Trade Association* shall, *ipso facto* on the same day as the withdrawal takes effect, cease to be a Party to this Agreement.

#### ARTICLE 14.5

##### *Entry into Force*

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective legal requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on the first day of the third month following the date on which at least one EFTA State and the Philippines have deposited their instrument of ratification, acceptance or approval with the Depositary.
3. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument.
4. If its respective legal requirements permit, a Party may apply this Agreement provisionally, pending its entry into force for that Party. Provisional application of this Agreement shall be notified to the Depositary.



ARTICLE 14.6

*Depositary*

The Government of Norway shall act as Depositary.

**IN WITNESS WHEREOF** the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Bern, this 28<sup>th</sup> day of April 2016, in one original in English, which shall be deposited with the Depositary, who shall transmit certified copies to all the Parties.

For Iceland

.....

For the Philippines

.....

For the Principality of Liechtenstein

.....

For the Kingdom of Norway

.....

For the Swiss Confederation

.....

## **ANNEX XI**

REFERRED TO IN ARTICLE 6.16

### SCHEDULES OF SPECIFIC COMMITMENTS

APPENDIX 1: The Philippines

APPENDIX 2: Iceland

APPENDIX 3: Liechtenstein

APPENDIX 4: Norway

APPENDIX 5: Switzerland

## APPENDIX 1 TO ANNEX XI

### **PHILIPPINES – SCHEDULES OF SPECIFIC COMMITMENTS REFERRED TO IN ARTICLE 6.16**

1. The classification of services is based on the Services Sectoral Classification List (GATT Document MTN.GNS/W120 dated 10 July 1991) and is in accordance with the definition in the 1991 UN Provisional Central Product Classification (CPC), unless otherwise specified. These alphabetical and numerical divisions are indicated to enhance the clarity in the description of specific commitments, but shall not be construed as being part of the specific commitments.
2. The scheduling of specific commitments follows the Guidelines for Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001). The Guidelines shall not, however, be construed as being legally binding.
3. The modes of supply 1), 2), 3) and 4) indicated in this Schedule correspond respectively to the supply of services defined in (i), (ii), (iii) and (iv) of subparagraph (t) of Article 71.
4. The entry “Unbound” means the Philippines remains free to introduce or maintain measures inconsistent with market access or national treatment in the given sector and mode of supply.
5. The entry “Unbound\*” means unbound due to lack of technical feasibility.
6. The use of “\*\*” against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.
7. All limitations on market access and national treatment in the horizontal section shall apply to all sectors and subsectors where specific commitments are made on this Schedule, unless otherwise specified.
8. All references to the names of the Philippine laws, rules and regulations mentioned in the Schedule shall be construed to include any amendment thereto at the time of the entry into force of this Agreement.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>All Sectors Included in this Schedule</p>	<p>(3) <u>In Activities Expressly Reserved by Law to Citizens of the Philippines (i.e., foreign equity is limited to a maximum of 40 percent):</u></p> <p>The participation of foreign investors in the governing body of any corporation engaged in activities expressly reserved to citizens of the Philippines by law shall be limited to the proportionate share of foreign capital of such entities.</p> <p>All executive and managing officers must be citizens of the Philippines.</p> <p><u>Acquisition of Land</u></p> <p>All lands of the public domain are owned by the State. Only citizens of the Philippines or corporations or associations at least 60 percent of whose capital is owned by such citizens may own land other than public lands and acquire public lands through lease.</p> <p>Foreign investors may lease only private-owned lands.</p> <p>(4) In activities expressly reserved by law to citizens of the Philippines where foreign equity participation is limited to a maximum of 40 percent, all executives and managers must be citizens of the Philippines.</p>	<p>(3) <u>Access to Domestic Credit</u></p> <p>A foreign firm, engaged in non-manufacturing activities availing itself of peso borrowings, shall observe, at the time of borrowing, the prescribed 50:50 debt-to-equity ratio. Foreign firms covered are:</p> <p>Partnerships, more than 40 percent of whose capital is owned by non-Filipino citizens; and</p> <p>Corporations, more than 40 percent of whose total subscribed capital stock is owned by non-Filipino citizens.</p> <p>This requirement does not apply to banks and non-bank financial intermediaries.</p> <p>(4) Pursuant to Section 14, Article XII of the Philippine Constitution, the practice of profession in the Philippines shall be limited to citizens of the Philippines, save in cases prescribed by law. If the position of the natural person constitutes the practice of a regulated</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Pursuant to Article 40 of the Labor Code, as amended, and its implementing rules and regulations, non-resident foreign nationals may be admitted to the Philippines after a determination of the non-availability of a person in the Philippines who is competent, able and willing at the time of application, to perform the services for which the foreign national is desired.</p> <p>The labor market test will not apply in the following categories of Natural Persons:</p> <p><b>Intra-Corporate Transferee (ICT)</b> means a natural person who is an employee of a juridical person established in the territory of an EFTA State, who is transferred temporarily for the supply of a service through commercial presence (either through a joint venture, representative office, branch, subsidiary or affiliate) in the Philippines, and who has been an employee of the juridical person for at least one (1) year immediately preceding his/her application for admission, and who is:</p> <p>(i) an Executive: a natural person within the organization who primarily directs the management of the organization and exercises wide latitude in decision making and receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the business; an executive would not directly perform tasks related to the actual provision of the service or services of the organization;</p> <p>(ii) a Manager: a natural person within the organization who primarily directs the organization/</p>	<p>profession under the laws, rules and regulations of the Philippines, the natural person must secure a special permit to practice the regulated profession from the Professional Regulation Commission (PRC) pursuant to Section 7(j) of Republic Act No. 8981. The natural person shall likewise comply with the requirements relative to practice of profession by a foreign national as provided for in the appropriate professional regulatory law.</p> <p>Pursuant to the Constitution and other relevant laws, in activities expressly reserved to citizens of the Philippines or corporation or association where foreign equity participation is limited to a maximum of 40 percent, all executive and managing officers must be citizens of the Philippines. A non-Filipino citizen as officer or assigned to do technical functions shall have two (2) Filipino understudies.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>department/ subdivision and exercises supervisory and control functions over other supervisory, managerial or professional staff; does not include first line supervisors unless employees supervised are professionals; does not include employees who primarily perform tasks necessary for the provision of the service; or</p> <p>(iii) a Specialist: a natural person within the organization who possesses knowledge at an advanced level of expertise essential to the establishment and provision of the service and/or possesses proprietary knowledge of the organization's service, research equipment, techniques or management; may include, but is not limited to, members of a licensed profession; and who have at least five (5) years of related experience.</p> <p>Temporary stay is allowed for a maximum period of one (1) year.</p> <p><b>Business Visitor</b> means a natural person of an EFTA State seeking to enter or stay in the Philippines temporarily, whose remuneration and financial support for the duration of the visit is derived from outside of the Philippines;</p> <p>(i) who are representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier, where those representatives will not be engaged in making direct sales to the general public or in supplying services themselves;</p>		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(ii) as an employee of a juridical person who has no other representative, branch or subsidiary in the Philippines, only for the purpose of setting up a commercial presence, for the juridical person in the Philippines; and</p> <p>(iii) for the purpose of participating in business negotiations or meetings.</p> <p>Entry and temporary stay shall be granted to a natural person of each Party, who stays in the Philippines for an initial period of 59 days, which may be extended every two months thereafter for a total period of stay of one year pursuant to the Philippine Immigration Act of 1940, as amended.</p> <p><b>Contractual Service Supplier</b> means a natural person who is an employee of a juridical person established in the territory of an EFTA State which has no commercial presence in the territory of the Philippines where the services will be provided, who:</p> <p>(3) has been an employee of the juridical person for at least one year immediately preceding his/her application for admission;</p> <p>(4) enters the territory of the Philippines temporarily in order to supply a service pursuant to a contract(s) between his/her employer and an enterprise with substantive* business in the territory of the Philippines; and</p>		

\* Enterprises with more than PhP50 million in assets



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(5) is either an executive, manager, or specialist, as defined above, who receives remuneration from his/her employer.</p> <p>Per contract, temporary entry for a limited number of service suppliers will be granted, the number of service suppliers depending on the size of the task to be performed under the contract.</p> <p>Entry and temporary stay shall be granted to a natural person of each Party, who stays in the Philippines for an initial period of 59 days, which may be extended every two months thereafter for a total period of stay of one year pursuant to Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended.</p> <p><b>Installers and servicers</b> means a natural person who:</p> <ul style="list-style-type: none"> <li>- is an employee of a juridical person established in the territory of an EFTA State for at least one year who is assigned to install or service industrial machinery, equipment or both machinery and equipment, where such installation and/or servicing by the juridical person is part of the contract of purchase of the said machinery or equipment; and includes the contractual requirement to develop local skills through training to the juridical person in the territory of the Philippines;</li> <li>- has high-level of knowledge and technical expertise required by the contract between a juridical person in the territory of the Philippines and the juridical person established</li> </ul>		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>in an EFTA State not having commercial presence in the Philippines;</p> <ul style="list-style-type: none"> <li>- cannot perform services which are not related to the service activity which is the subject of the contract and any supply of services in connection with CPC 872; and</li> <li>- is allowed to stay in the Philippines for a period not exceeding 90 days in any 12-month period.</li> </ul> <p>All measures relating to permanent residents are unbound.</p> <p>Also limits national treatment.</p> <p>(1), (2), (3), (4)</p> <p>All measures on subsidies are unbound.</p> <p>All measures taken by local government units are unbound.</p> <p>Also limits national treatment.</p>		

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
<b>All subsectors</b>	<p>(1), (2) Service Outputs: For professions with specific service outputs (e.g. plans, specifications, audit reports), such outputs shall be recognized by the Philippine government provided it is signed by a registered professional with the Professional Regulation Commission (PRC) or a foreign professional with an issued Special Temporary Permit by the PRC.</p> <p>Also limits national treatment.</p> <p>(4) If the position of the natural person constitutes the practice of a regulated profession under the laws, rules and regulations of the Philippines, the natural person must secure a special permit to practice the regulated profession from the PRC pursuant to Section 7(j) of Republic Act No. 8981, otherwise known as the PRC Modernization Act of 2000. The natural person shall, likewise, comply with the requirements relative to practice of profession by a foreign national as provided for in the appropriate professional regulatory law.</p> <p>Also limits national treatment.</p>		

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Financial auditing services (86211)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Accounting review services (86212)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Architectural services (8671)	(1) None (2) None (3) Unbound (4) None	(1) None (2) None (3) Unbound (4) None	
Aeronautical engineering (8672**)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Agricultural engineering (8672**)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Chemical engineering (8672**)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Civil engineering (8672**)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Electrical engineering (8672**)	(1) None (2) None (3) Unbound (4) None	(1) None (2) None (3) Unbound (4) None	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Electronics engineering (8672**)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Geodetic engineering (8672**)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Mechanical engineering	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Metallurgical engineering (8672**)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Mining engineering (8672**)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Naval Architecture and Marine engineering (8672**)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Sanitary engineering (8672**)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	
Environmental Planning-including urban planning(86741)	(1) None (2) None (3) Unbound (4) None	(1) None (2) None (3) Unbound (4) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Landscape Architecture (86742)	(1) None (2) None (3) Unbound (4) None	(1) None (2) None (3) Unbound (4) None	
Interior design (CPC 87907**)	(1) None (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
Medical services (93121, 93122)	(1) None (2) None (3) Unbound (4) None	(1) None (2) None (3) Unbound (4) None	
Veterinary services (932)	(1) None (2) None (3) Corporate practice is not allowed. (4) None	(1) None (2) None (3) Corporate practice is not allowed. (4) None	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Nursing services (93191**)	(1) None (2) None (3) Unbound (4) None	(1) None (2) None (3) Unbound (4) None	
<b>B. Computer and Related Services</b>			
Consultancy services related to the installation of computer hardware (8410)	(1) None (2) None (3) Up to 100 percent foreign equity participation is allowed in the following cases: a) Paid-in equity capital is not less than US\$200,000 for domestic market enterprises; b) Paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; c) Paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or d) The service provider exports 60 percent or more of its output. (4) Unbound, except as stated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as stated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Software implementation services (842)</p> <ul style="list-style-type: none"> <li>- Systems and software consulting services (8421)</li> <li>- Systems design services (8423)</li> <li>- Programming services (8424)</li> <li>- Systems maintenance services (8425)</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) Up to 100 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> <li>a) Paid-in equity capital is not less than US\$200,000 for domestic market enterprises;</li> <li>b) Paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees;</li> <li>c) Paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or</li> <li>d) The service provider exports 60 percent or more of its output.</li> </ul> <p>(4) Unbound, except as stated in the horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as stated in the horizontal section.</p>	
<p>Data processing services (843)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Up to 100 percent foreign equity participation is allowed in the following cases:</p> <ul style="list-style-type: none"> <li>a) Paid-in equity capital is not less than US\$200,000 for domestic market enterprises;</li> <li>b) Paid-in equity capital is not less than US\$100,000 for domestic market</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>enterprises employing at least 50 direct employees;</p> <p>c) Paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or</p> <p>d) The service provider exports 60 percent or more of its output.</p> <p>(4) Unbound, except as stated in the horizontal section.</p>	<p>(4) Unbound, except as stated in the horizontal section.</p>	
Database services (844)	<p>(1) None</p> <p>(2) None</p> <p>(3) Up to 100 percent foreign equity participation is allowed in the following cases:</p> <p>a) Paid-in equity capital is not less than US\$200,000 for domestic market enterprises;</p> <p>b) Paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees;</p> <p>c) Paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or</p> <p>d) The service provider exports 60 percent or more of its output</p> <p>(4) Unbound, except as stated in the horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as stated in the horizontal section.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Others (849)	(1) None (2) None (3) Up to 100 percent foreign equity participation is allowed in the following cases: a) Paid-in equity capital is not less than US\$200,000 for domestic market enterprises; b) Paid-in equity capital is not less than US\$100,000 for domestic market enterprises employing at least 50 direct employees; c) Paid-in equity capital is not less than US\$100,000 for domestic market enterprises involving advanced technology as determined by the DOST; or d) The service provider exports 60 percent or more of its output. (4) Unbound, except as stated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as stated in the horizontal section.	
E. Rental/Leasing Services Without Operators			
Rental of cargo vessels without crew (bareboat charter) for international shipping (83103)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Rental of other machinery and equipment (83101-102; 83106-109)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
<b>F. Other Business Services</b>			
General management consulting services except for legal organization (865**)	(1) None (2) None (3) None, except if it involves the practice of profession (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None, except if it involves the practice of profession (4) Unbound, except as indicated in the horizontal section	
Testing and analysis services of physical properties (86762)	(1) Unbound, except advisory and consultancy services.  Limitations on professional services also apply. (2) None (3) Up to 70 percent foreign equity participation is allowed. (4) Unbound, except as stated in the horizontal section.	(1) Unbound, except advisory and consultancy services.  Limitations on professional services also apply. (2) None (3) None (4) Unbound, except as stated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Technical inspection services (86764)	(1) Unbound, except advisory and consultancy services.  Limitations on professional services also apply.  (2) None  (3) Up to 70percent foreign equity is allowed.  (4) Unbound, except as stated in the horizontal section.	(1) Unbound, except advisory and consultancy services.  Limitations on professional services also apply.  (2) None  (3) None  (4) Unbound, except as stated in the horizontal section.	
Project management services other than for construction (86601)	(1) Unbound*  (2) None  (3) None, except if it involves the practice of profession.  (4) Unbound, except as indicated in the horizontal section.	(1) Unbound*  (2) None  (3) None, except if it involves the practice of profession.  (4) Unbound, except as indicated in the horizontal section.	
Services incidental to mining(883**)			
- Oil and gas exploration and development	(1) Unbound, except advisory and consultancy services.  Limitations on professional services also apply.  (2) None  (3) Up to 100 percent foreign equity participation is allowed, subject to approval of the President.	(1) Unbound, except advisory and consultancy services.  Limitations on professional services also apply.  (2) None  (3) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>The President may enter into agreements with foreign-owned corporations involving either technical or financial assistance for large-scale exploration, development, and utilization of minerals, petroleum, and other mineral oils, according to the general terms and conditions provided by law, based on real contributions to the economic growth and general welfare of the country.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>Services incidental to energy distribution (887**)</p>			
<p>- Distribution of Electricity except by electric cooperatives</p>	<p>(1) Unbound, except advisory and consultancy services.</p> <p>Limitations on professional services also apply.</p> <p>(2) None</p> <p>(3) Up to 40 percent foreign equity participation is allowed.</p> <p>Holdings of persons in a distribution utility and their respective holding companies shall not exceed 25 percent of the voting shares of stock, unless the utility or the company holding the shares or its controlling stockholders are already listed in the Philippine Stock Exchange (PSE). Utilities are also required to list in the PSE within five years from the time they acquire ownership and control.</p>	<p>(1) Unbound, except advisory and consultancy services.</p> <p>Limitations on professional services also apply.</p> <p>(2) None</p> <p>(3) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Generation companies and distribution utilities which are not publicly listed shall offer and sell to the public a portion not less than 15 percent of their common shares of stocks: Provided, however, That generation companies, distribution utilities or their respective holding companies that are already listed in the PSE are deemed in compliance.</p> <p>A company or related group is prohibited from owning, operating or controlling more than 30 percent of the installed generating capacity of a grid and/or 25 percent of the national installed generating capacity.</p> <p>A distribution utility is prohibited from sourcing from bilateral power supply contracts more than 50 percent of its total demand from an associated firm engaged in generation.</p> <p>Also limits national treatment.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
- Transmission of Electricity	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Up to 40 percent foreign equity participation is allowed.</p> <p>No generation company, distribution utility, or its respective subsidiary or affiliate or stockholder or official of a generation company or distribution utility, or other entity engaged in generating and</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p>	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>supplying electricity specified by the Energy Regulatory Commission (ERC) within the fourth civil degree of consanguinity or affinity, shall be allowed to hold any interest, directly or indirectly, in the National Transmission Corporation (TRANSCO) or its concessionaire. Likewise, the TRANSCO, or its concessionaire or any of its stockholders or officials or any of their relatives within the fourth civil degree of consanguinity or affinity, shall not hold any interest, whether directly or indirectly, in any generation company or distribution utility.</p> <p>Limitations listed in the horizontal section shall also apply.</p> <p>Also limits national treatment.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as indicated in the horizontal section.</p>	
<p>Related scientific and technical consulting services</p> <ul style="list-style-type: none"> <li>- Surface surveying services (86753)</li> <li>- Map making services (86754)</li> </ul>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>2. COMMUNICATION SERVICES</b>			
All subsectors	(3) No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least 60 per cent of whose capital is owned by such citizens.		
<b>B. Courier Services</b>	(1) Commercial presence is required. (2) None (3) None (4) None	(1) None (2) None (3) None (4) None	
<b>C. Telecommunications Services</b>			
<p>The following services are offered only on a facilities basis, for public use, using either wired or wireless technology except cable television (CATV).</p> <p>a. Voice telephone services (5721)              - Local services              - Toll services          Domestic          International</p> <p>b. Packet-switched data transmission services (7523**)</p>	<p>(1) Subject to commercial arrangement with licensed operators</p> <p>(2) None</p> <p>(3) Entry is subject to the following requirements and conditions:              a. Franchise from Congress of the Philippines;              b. Certificate of Public Convenience and Necessity (CPCN) from the National Telecommunications Commission (NTC);              c. Foreign equity is permitted up to 40 percent;</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Entry is subject to the following requirements and conditions:              a. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity.              b. All executives and managers must be citizens of the Philippines.</p>	<p>Where spectrum is to be allocated for the supply of telecommunications services, the competent authority of a Party shall provide for a transparent and competitive process for the allocation of spectrum which would include the following:</p> <p>(a) a public consultation process on the allocation process;</p> <p>(b) sufficient detail of the process in order to apply for and bid for the spectrum, including providing sufficient reasonable time for all applicants to review and examine the requirements and to prepare their submissions;</p>

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>c. Circuit-switched data transmission services (7523**)  d. Telex services (7523**)   e. Telegraph services (7522)   f. Facsimile services(7521**+7529**)   g. Private leased circuit services (7522**+7523)   h. Other services  – Cellular mobile Telephone service (75213)  – Satellite services</p>	<p>d. Resale of private leased lines is not allowed;  e. Private leased circuit services shall not be connected to a public network (PSTN);   f. Call back, dial back and other similar schemes which result in the same operation are not authorized;   g. Subject to the availability and efficient utilization of radio frequencies;   h. Only on duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers;   i. Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered; and   j. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</p> <p>(4) Service suppliers must be citizens of the Philippines.</p>	<p>Limitations listed in the horizontal section shall also apply.</p> <p>(4) Service suppliers must be citizens of the Philippines.</p>	<p>(c) the detailed selection principles and criteria for choosing among applicants; and   (d) a transparent and objective method for determining eligibility for award of the spectrum.</p>
<p>Data and message transmission services   Data network services (75231)   Electronic message and information services (75232)</p>	<p>(1) Unbound   (2) None   (3) Entry is subject to the following requirements and conditions:</p>	<p>(1) None   (2) None   (3) Entry is subject to the following requirements and conditions:</p>	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul style="list-style-type: none"> <li>a. Franchise from Congress of the Philippines;</li> <li>b. CPCN from the NTC;</li> <li>c. Foreign equity is permitted up to 40 percent;</li> <li>d. Resale of private leased lines is not allowed;</li> <li>e. Private leased circuit services shall not be connected to a public network (PSTN);</li> <li>f. Call back, dial back and other similar schemes which result in the same operation are not authorized;</li> <li>g. Subject to the availability and efficient utilization of radio frequencies;</li> <li>h. Only on duly enfranchised and certificated telecommunications, broadcast and/or cable TV entities can access satellite space segment service providers;</li> <li>i. Philippine satellite operators shall be given the preference to provide the space segment capacity requirements of enfranchised entity after all factors are equally considered; and</li> <li>j. Satellite space segment service provisioning in the Philippines shall be on the basis of reciprocal arrangements.</li> </ul> <p>(4) Service suppliers must be citizens of the Philippines.</p>	<ul style="list-style-type: none"> <li>a. The number of non-Filipino citizens in the Board of Directors of an entity shall be proportionate to the aggregate share of foreign capital of that entity; and</li> <li>b. All executives and managers must be citizens of the Philippines.</li> </ul> <p>(4) Service suppliers must be citizens of the Philippines.</p>	

**Additional Commitments:**

**PHILIPPINE REFERENCE PAPER ON REGULATORY PRINCIPLES IN TELECOMMUNICATIONS SERVICES<sup>1</sup>**

**The commitments in communication services are in accordance with the General Agreement on Trade in Services and its Annex on Telecommunications. In support of market access commitments undertaken, the following principles will form the basis for the regulatory framework in basic telecommunications.**

1. Competitive Safeguard

Appropriate measures shall be maintained for the purpose of preventing suppliers from engaging in or continuing anti-competitive practices.

2. Interconnection

In order to achieve viable, efficient, reliable and universal telecommunications services, a fair and reasonable interconnection of facilities of authorized public network operators and other providers of telecommunications services shall be provided.

Interconnection shall be at any technically feasible point in the network, under non-discriminatory terms and conditions, in a timely fashion, and on terms and conditions that are fair, transparent and reasonable.

A service supplier requesting interconnection with another supplier will have recourse after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal Service

Universal service obligations, as may be defined by the appropriate Authority, shall be administered in a transparent, non-discriminatory and competitively neutral manner.

Authorized international gateway and mobile cellular telephone service providers are required by law to install a set number of local exchange lines in designated areas.

---

<sup>1</sup> The Philippine Reference Paper on Regulatory Principles will be reviewed in the future in accordance with the developments of its laws, rules and regulations.

4. Public Availability of Licensing Criteria

Where a license is required, the following shall be made publicly available:

- a. all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license;
- b. the terms and conditions of individual licenses; and
- c. the reasons for the denial of a license will be made known to the applicant upon request.

5. Independent Regulators

The regulatory body is separate from, and not accountable to, any supplier of a basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

The regulation of telecommunication suppliers shall rely principally on an administrative process that is stable, transparent and fair, giving due emphasis to technical, legal, economic and financial considerations, and with due regard to the observance of due process at all times.

A national consultative forum shall be maintained to allow interaction among the telecommunications industries, user groups, and academic and research institutions on important issues in the field of communications.

6. Allocation and Use of Scarce Resources

Any procedures for the allocation and use of scarce resources which are frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
<b>B. General construction work for civil engineering</b>			
For long distance pipelines, communication and power lines (cable) (51340)	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) A. Up to 40 percent foreign equity for private domestic construction contracts</p> <p>B. Up to 25percent foreign equity for construction and repair of locally funded public works</p> <p>C. A Contractor’s License issued by the PCAB is required to undertake construction activities.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60 percent Filipino equity participation and duly organized and existing under and by virtue of the laws of the Philippines</p> <p>B. A Special Contractor’s License may be given to foreign companies on a project-to-project basis such as for:</p> <p>B.1 Build-Operate-Transfer (BOT) projects</p> <p>B.2.Foreign-funded/assisted projects subject to international competitive bidding.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>C. Installation and assembly work</b>			
Gas fitting construction work (51630)	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) A. Up to 40percent foreign equity for private domestic construction contracts</p> <p>B. Up to 25percent foreign equity for construction and repair of locally funded public works</p> <p>C. A Contractor's License issued by the PCAB is required to undertake construction activities.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60 percent Filipino equity participation and duly organized and existing under and by virtue of the laws of the Philippines.</p> <p>B. A Special Contractor's License may be given to foreign companies on a project-to-project basis such as:</p> <p>B.1 BOT projects</p> <p>B.2. Foreign-funded/assisted projects subject to international competitive bidding.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	
<b>E. Other</b>			
Demolition work (51120)	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) A. Up to 40percent foreign equity for private domestic construction contracts.</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole</p>	



Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>B. Up to 25percent foreign equity for construction and repair of locally funded public works.</p> <p>C. A Contractor's License issued by the PCAB is required to undertake construction activities.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	<p>proprietorship, or partnership/corporation with at least 60percent Filipino equity participation and duly organized and existing under and by virtue of the laws of the Philippines.</p> <p>B. A Special Contractor's License may be given to foreign companies on a project-to-project basis such as for:</p> <p>B.1 BOT projects; and B.2. Foreign-funded/assisted projects subject to international competitive bidding.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	
<p>Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator (5180)</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) Up to 40percent foreign equity is allowed.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) All executive and managing officers must be citizens of the Philippines.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	
<p>Other special trade construction work (51590)</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) A. Up to 40 percent foreign equity for private domestic construction contracts.</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) A. The PCAB Regular Contractor's License is reserved for, and issued only to,</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>B. Up to 25 percent foreign equity for construction and repair of locally funded public works.</p> <p>C. A Contractor's License issued by the PCAB is required to undertake construction activities.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	<p>constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60 percent Filipino equity participation and duly organized and existing under and by virtue of the laws of the Philippines</p> <p>B. A Special Contractor's License may be given to foreign companies on a project-to-project basis such as for:</p> <p>B.1 BOT projects; and B.2.Foreign-funded/assisted projects subject to international competitive bidding.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>4. DISTRIBUTION SERVICES</b>			
Commission agents' services except rice and corn industry, tobacco, chemical and pharmaceutical products, firearms, ammunitions, weapons, military ordinance and equipment, explosives, pyrotechnics and similar materials (621**)	(1) Unbound (2) None (3) Up to 100 percent foreign equity is allowed provided that the minimum paid-in equity capital for domestic market enterprises is complied with.  Otherwise, only up to 40 percent foreign equity participation is allowed.  (4) Unbound	(1) None (2) None (3) Unbound   (4) Unbound	
Wholesale trade services involving high-end or luxury goods except rice and corn, tobacco, chemical and pharmaceutical products, firearms, ammunitions, weapons, military ordinance and equipment, explosives, pyrotechnics and similar materials. Sale through mobile or rolling stores, use of sales representatives, door-to-door selling and other similar activities is excluded. (622**)	(1) Up to 100 percent foreign equity is allowed subject to compliance with prequalification requirements, the investment per store requirement and other conditions. (2) None (3) Up to 100 percent foreign equity is allowed subject to compliance with prequalification requirements, the investment per store requirement and other conditions. (4) Unbound	(1) Unbound  (2) None (3) Unbound  (4) Unbound	

**Modes of supply:**      **(1) Cross-border supply**      **(2) Consumption abroad**      **(3) Commercial presence**      **(4) Presence of natural persons**

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Retailing services involving high-end or luxury goods except rice and corn, tobacco, chemical and pharmaceutical products, firearms, ammunitions, weapons, military ordinance and equipment, explosives, pyrotechnics and similar materials. Sale through mobile or rolling stores, use of sales representatives, door-to-door selling and other similar activities is excluded.</p>	<p>(1) Up to 100 percent foreign equity is allowed subject to compliance with prequalification requirements, the investment per store requirement and other conditions.</p> <p>(2) None</p> <p>(3) Up to 100 percent foreign equity is allowed subject to compliance with prequalification requirements, the investment per store requirement and other conditions.</p> <p>(4) Unbound</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p>	
<p>Franchising involving high-end or luxury goods except rice and corn, tobacco, chemical and pharmaceutical products, firearms, ammunitions, weapons, military ordinance and equipment, explosives, pyrotechnics and similar materials. Sale through mobile or rolling stores, use of sales representatives, door-to-door selling and other similar activities is excluded.</p>	<p>(1) Up to 100 percent foreign equity is allowed subject to compliance with prequalification requirements, the investment per store requirement and other conditions.</p> <p>(2) None</p> <p>(3) Up to 100 percent foreign equity is allowed subject to compliance with prequalification requirements, the investment per store requirement and other conditions.</p> <p>(4) Unbound</p>	<p>(1) Unbound</p> <p>(2) None</p> <p>(3) Unbound</p> <p>(4) Unbound</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>6. ENVIRONMENTAL SERVICES</b>			
Sewage services (9401)	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) For participation in public and/or private sewerage services, up to 40 percent foreign equity participation is allowed.</p> <p>For participation in public and/or private sewerage services in Metro Manila, it is subject to negotiations and agreement with Concessionaires (i.e., Manila Water and Maynilad) and approval/regulation by the Metropolitan Waterworks and Sewerage System (MWSS). If the parties agreed (MWSS &amp; the two concessionaires), amendment of the Concession Agreement shall be made.</p> <p>For areas outside Metro Manila, entry into public/private sewerage services is subject to the following:</p> <p>Where Local Water Districts (LWDs) exist, participation or entry should be in the form of partnership or corporation which may then enter into a BOT Scheme or other similar schemes or other forms of contractual agreements with the LWDs.</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p>	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>In the absence of existing LWDs, entry should still be in the form of partnership or corporation; however, the contractual agreements that may be entered into will be with local government unit/s concerned.</p> <p>(4) Unbound except as stated in the horizontal section.</p>	<p>(4) Unbound except as stated in the horizontal section.</p>	
<p>Refuse disposal services                      – Establishment of recycling center/facility and TSD (treatment, storage and disposal) facility under the BOT scheme(CPC 94020**)</p>	<p>(1) None                      (2) None                      (3) Up to 100 percent foreign equity is allowed under the BOT scheme. However, a Special Contractor’s License is required to be secured by foreign companies undertake construction activities.                      (4) Unbound, except as stated in the horizontal section.</p>	<p>(1) None                      (2) None                      (3) None                      (4) Unbound except as stated in the horizontal sections.</p>	
<p>Services to reduce exhaust gases and other emissions for a factory (9404)</p>	<p>(1) None                      (2) None                      (3) Up to 51 percent foreign equity participation is allowed                      (4) Unbound except as stated in the horizontal section.</p>	<p>(1) None                      (2) None                      (3) None                      (4) Unbound except as stated in the horizontal section.</p>	

<b>Modes of supply:</b>	<b>(1) Cross-border supply</b>	<b>(2) Consumption abroad</b>	<b>(3) Commercial presence</b>	<b>(4) Presence of natural persons</b>
<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>	
<b>7. FINANCIAL SERVICES</b>				
All sub-sectors	<p>(3) The appropriate regulatory authority in the Philippines shall determine whether public interest and economic conditions justify authorization for the establishment of commercial presence or expansion of existing operations in banking and other financial services in the Philippines. For foreign financial institutions with internationally recognized standing, such determination shall include a demonstrated capacity to contribute to the attainment of Philippine development objectives particularly in the promotion of trade, investments and appropriate technology transfer; and the country of incorporation has strategic trade and investment relations with the Philippines.</p> <p>In banking, the Monetary Board shall ensure that at all times sixty per cent (60 percent) of the resources or assets of the Philippine banking system is held by domestic banks which are at least majority-owned by Filipinos.</p>			
<b>A. All Insurance and Insurance Related Services</b>	<p>(4) Qualified non-Filipino citizens may be employed for technical positions only within the first five years of operation of the enterprise, their stay not to exceed five years upon entry.</p>			

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Life Insurance as follows:</p> <ul style="list-style-type: none"> <li>- Ordinary</li> <li>- Group</li> <li>- Industrial</li> <li>- Health and Accident</li> <li>- Annuities</li> </ul>	<p>(1) Risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines.</p> <p>(2) Same as (1) above</p> <p>(3) Commercial presence required subject to:</p> <ul style="list-style-type: none"> <li>a. Acquisition of up to 100percent of the voting stock of an existing domestic insurance company; or</li> <li>b. Investments of up to 100 percent of the voting stock of a new locally incorporated insurance company; and</li> <li>c. Participation of a non-Filipino citizen in the Board of Directors of a locally incorporated insurance company is proportional to the percentage of foreign equity.</li> </ul> <p>Also limits national treatment.</p> <p>(4) Unbound, except as stated in the horizontal sections.</p>	<p>(1) Unbound</p> <p>(2) Unbound</p> <p>(3) None</p> <p>(4) Unbound, except as stated in the horizontal section.</p>	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Non-Life: - Fire <sup>2</sup> - Marine <sup>3</sup> - Casualty - Surety	(1) Except for marine hull and marine cargo insurance, risks located in the Philippines shall be insured with the companies authorized to transact business in the Philippines.  (2) Same as (1) above  (3) Commercial presence required subject to: a. Acquisition of up to 100 percent of the voting stock of an existing domestic insurance company; or  b. Investments of up to 100 percent of the voting stock of a new locally incorporated insurance company; and  c. Participation of a non-Filipino citizen in the Board of Directors of a locally incorporated insurance company is proportional to the percentage of foreign equity.  Also limits national treatment.  (4) Unbound, except as stated in the horizontal sections.	(1) Unbound  (2) Unbound  (3) None  (4) Unbound, except as stated in the horizontal section.	

<sup>2</sup> Includes catastrophe, flood and earthquake

<sup>3</sup> Includes aviation, marine hull and marine cargo

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Reinsurance, Retrocession	<p>(1) Priority cessions to authorized insurance/reinsurance companies</p> <p>a. Foreign unauthorized reinsurers should be represented by resident agents duly registered with the Insurance Commission</p> <p>b. Ten percent of the total cessions to foreign unauthorized reinsurers should be offered first to the Philippine National Reinsurance Corporation formerly National Reinsurance Company of the Philippines.</p> <p>(2) Same as (1) above. Also limits national treatment.</p> <p>(3) Commercial presence required subject to:</p> <p>a. Acquisition of up to 100 percent of the voting stock of an existing domestic insurance company; or</p> <p>b. Investments of up 100 percent of the voting stock of a new locally incorporated insurance company; and</p> <p>c. Participation of a non-Filipino citizen in the Board of Directors of a locally incorporated insurance company is proportional to the percentage of foreign equity.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(4) Unbound, except as stated in the horizontal sections.	(4) Unbound, except as stated in the horizontal section.	
Services Auxiliary to insurance: - <i>Actuaries</i> - <i>Average Adjusters</i>	(1) Commercial presence required (2) None (3) Commercial presence required subject to foreign equity limitation of 50 percent or joint venture. (4) Unbound, except as stated in the horizontal sections.	(1) Unbound (2) None (3) None (4) Unbound, except as stated in the horizontal section.	
<b>B. Banking and Other Financial Services (excluding Insurance)</b>			
Commercial Banking - Acceptance of deposits and other repayable funds from the public (81115-81116) - Lending of all types, including consumer credit, mortgage credit, and financing of commercial transaction (8113) - All payment and money transmission services, including credit, charge and debit cards, travelers cheques and bankers drafts (81339**)	(1) Commercial presence is required. (2) None (3) I. <u>Forms of commercial presence</u>  Only established, reputable and financially sound foreign banks that are widely-owned and publicly listed may operate in the Philippine banking system through any one of the following modes of entry, subject to relevant licensing and other requirements prior to actual entry. However, this shall not preclude secondary investment in the equity of a locally incorporated bank not exceeding 40 percent of voting stock.	(1) None (2) None (3) None	

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- Guarantees and commitments (81199**)</li> <li>- Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:               <ul style="list-style-type: none"> <li>- money market instruments (bank's own promissory notes, repurchase agreements, and certificates of assignment/participation with recourse) (81339**);</li> <li>- foreign exchange (81333)</li> <li>- derivative products including, but not limited to, futures and options (81339**)</li> <li>- exchange rate and interest rate instruments, including products such as swaps, forward rate agreements (81339**); and</li> <li>- other allowable negotiable instruments and financial assets (81339**)</li> </ul> </li> <li>- Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of</li> </ul>	<ul style="list-style-type: none"> <li>a. Establishment of foreign bank branches with full banking authority.</li> </ul> <p>Each foreign bank authorized to do banking business in the Philippines shall be allowed to open up to five (5) sub-branches as may be approved by the Monetary Board.</p> <ul style="list-style-type: none"> <li>b. Acquisition of up to 100 percent of the voting stock of an existing domestic bank.</li> <li>c. Investing in up to 100 percent of the voting stock of a new locally incorporated banking subsidiary.</li> </ul> <p>For entry under Mode (c), majority of the incorporators must be residents of the Philippines.</p> <p>For Modes (b) and (c), non-Filipino citizens may become members of the Board of Directors of a bank to the extent of the foreign participation in the equity of said bank provided that majority of the members of the Board of Directors must be residents of the Philippines. The Corporate Secretary must be a citizen and resident of the Philippines.</p> <p>For foreign individuals or foreign non-bank corporations, aggregate share in the voting stock of a locally incorporated bank shall be</p>		

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>services related to such issues (8132)</p> <p>- Asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services (81323)</p>	<p>limited to 40 percent in universal and commercial banks.</p> <p>For locally incorporated subsidiaries and foreign bank branches, said banks shall comply with the minimum capital and prudential capital ratios applicable to domestic banks of the same category as prescribed by prevailing regulations.</p> <p>However, the capital of a foreign bank branch shall be the sum of (i) permanently assigned capital, (ii) undivided profits, and (iii) accumulated net earnings, which is composed of unremitted profits not yet cleared by the Bangko Sentral ng Pilipinas (BSP) for outward remittance and losses in operations, less capital adjustments as may be required.</p> <p>Permanently assigned capital shall be inwardly remitted and converted into Philippine currency at the exchange rate prevailing at the time of remittance, while any net due from head office, branches, subsidiaries and other offices outside the Philippines, excluding accumulated net earnings, shall be a deductible adjustment to capital.</p> <p>In computing the risk-based capital adequacy ratios [Common equity Tier 1 (CET 1), Tier</p>		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>1, and qualifying capital (Tier 1 plus Tier 2 capital)], CET 1 capital shall include permanently assigned capital, undivided profits, accumulated net earnings and other capital components.</p> <p>Any net due from head office, branches, subsidiaries and other offices outside the Philippines, excluding accumulated net earnings shall be deducted from CET 1 capital.</p> <p>II. <u>Scope of operations</u></p> <p>Prior authorization is required for the following:</p> <ul style="list-style-type: none"> <li>- performance of trust, investment management and other fiduciary functions;</li> <li>- foreign currency deposit unit operations; and</li> <li>- derivatives activities.</li> </ul> <p>Underwriting (firm and best efforts basis) may be performed only by commercial banks with expanded commercial banking authority.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as stated in the horizontal section.</p>	

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Money broking and Foreign Exchange broking	(1) Commercial presence is required (2) None (3) Required to be organized as a commercial bank or a non-bank financial intermediary For commercial banks, all other limitations mentioned under mode 3 above for commercial banks shall apply Foreign equity bound at 40 per cent for non-bank financial intermediary (4) Unbound, except as provided in the horizontal section.	(1) None (2) None (3) None (4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	
Credit card services	(1) Commercial presence is required (2) None (3) Required to be organized as a commercial bank or a non-bank financial intermediary For commercial banks, all other limitations mentioned under mode 3 above for commercial banks shall apply Foreign equity bound at 40 percent for non-bank financial intermediary (4) Unbound, except as those provided in the horizontal section.	(1) None (2) None (3) None (4) A non-Filipino citizen employed as officer or assigned to do technical functions shall have two Filipino understudies.	





**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Investment houses</p> <ul style="list-style-type: none"> <li>- Purchase and sell, distribute or arrange to distribute on a guaranteed basis securities of other corporations</li> <li>- Participate as soliciting dealer or selling group member in tender offers, block sales, or exchange offering of securities</li> <li>- Deal in options, rights or warrants relating to securities</li> <li>- Act as financial consultant, investment adviser or broker</li> <li>- Act as portfolio manager/financial agent</li> <li>- Design pension, profit-sharing and other employee benefits plans</li> </ul>	<ol style="list-style-type: none"> <li>1) Commercial presence is required.</li> <li>2) None</li> <li>3) Must be organized as a stock corporation. Subject to foreign equity limitation of 55 percent of the voting stock, subject to reciprocity requirement.  Foreign nationals may become members of the Board of Directors to the extent of the foreign participation in the equity of the enterprise. Resident foreign directors or officers of an Investment House, if any, shall register with the Bureau of Immigration.  An investment house which intends to engage in quasi-banking, trust functions, investment management activities, and foreign exchange operations is subject to the licensing requirements and supervision of the BSP.</li> <li>4) Unbound, except as indicated in the horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as stated in the horizontal section.</li> </ol>	
<p>Securities dealership/brokerage</p> <ul style="list-style-type: none"> <li>- Trading for own account or for account of customers, whether in an exchange, in an over-the-counter market or otherwise, the following:</li> </ul>	<ol style="list-style-type: none"> <li>(1) Commercial presence is required.</li> <li>(2) None</li> <li>(3) Must be performed by an Investment House or a securities broker/dealer organized as a stock corporation.</li> </ol>	<ol style="list-style-type: none"> <li>(1) None</li> <li>(2) None</li> <li>(3) None</li> </ol>	

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- Equities and its derivative products such as warrants and options</li> <li>- Transferable securities</li> </ul>	<p>For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply.</p> <p>For securities broker/dealer – must be a member of the stock exchange in case they intend to participate therein. Underwriting is allowed only on best-efforts basis.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(4) Unbound, except as stated in the horizontal section.</p>	
<p>Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues</p>	<p>(1) Commercial presence is required.</p> <p>(2) None</p> <p>(3) Must be performed by an Investment House or securities broker/dealer organized as a stock corporation.</p> <p>For investment houses, all other limitations mentioned under mode (3) above for investment houses shall apply.</p> <p>For securities broker/dealer – must be a member of the stock exchange in case they intend to participate therein. Underwriting is allowed only on best-efforts basis.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as stated in the horizontal section.</p>	

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Performance of the functions of stock transfer agent such as but not limited to monitoring the issuance and transfer of stock certificates	(1) Commercial presence is required. (2) None (3) Must be organized as a corporation and have an officer who is a certified public accountant duly licensed in the Philippines. Also limits national treatment. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as stated in the horizontal section.	
Transactions of an issuer primarily engaged in the business of investing, reinvesting, or trading in securities	(1) Commercial presence is required. (2) None (3) Must be performed by an investment company organized as a stock corporation. Up to 40 percent foreign equity is allowed. All members of the Board of Directors must be citizens of the Philippines. Also limits national treatment. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as stated in the horizontal.	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Factoring	<p>(1) Commercial presence is required.</p> <p>(2) None</p> <p>(3) Must be performed by a financing company, organized as a stock corporation.</p> <p>Foreign nationals are allowed to own up to 50 percent of the voting stock, subject to reciprocity requirement. Foreign nationals may become members of the Board of Directors to the extent of the foreign participation in the equity of the enterprise.</p> <p>Also limits national treatment.</p> <p>4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as stated in the horizontal section.</p>	

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Financial leasing	<p>(1) Commercial presence is required.</p> <p>(2) None</p> <p>(3) Must be performed by a financing company, organized as a stock corporation.</p> <p>Foreign nationals are allowed to own up to 50 percent of the voting stock, subject to reciprocity requirement. Foreign nationals may become members of the Board of Directors to the extent of the foreign participation in the equity of the enterprise.</p> <p>Also limits national treatment.</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>4) Unbound, except as stated in the horizontal section.</p>	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
Hotel lodging services (64110)	(1) None (2) None (3) Up to 100 percent foreign equity participation is allowed (4) Unbound, except as stated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as stated in the horizontal section.	
Specialty restaurants	(1) Unbound* (2) None (3) No foreign equity is allowed if the specialty restaurant is not part of the facilities of a hotel. (4) Foreign nationals may be employed in specialty restaurants subject to pertinent provisions of the Tripartite Agreement among the Tripartite Agreement among the Department of Tourism, Department of Labor and Employment and Bureau of Immigration, as follows:  i. Only specialty restaurants duly accredited by the Department of Tourism as well as those forming part of the integrated operation of accredited hotels/resorts may be allowed to engage the services of the foreign nationals;	(1) Unbound* (2) None (3) None (4) None	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>ii. A specialty restaurant with a minimum of 75-seat capacity shall be allowed to employ one (1) foreigner specialty chef or sous chef. In the initial stage of operation of a specialty restaurant and for a maximum period of two (2) years, three (3) more foreign specialty chefs or sous chefs may be employed; and</p> <p>iii. A specialty restaurant with a seating capacity of 500 or more may be allowed to employ three (3) additional foreign nationals in any of the following positions: specialty chef, sous chef, food service manager or a combination of the above.</p> <p>Also limits national treatment.</p>		
Professional Congress Organizers	<p>(1) None</p> <p>(2) None</p> <p>(3) Up to 60 percent foreign equity participation is allowed.</p> <p>(4) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) None</p>	

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Travel agencies	(1) None (2) None (3) Up to 40 percent foreign equity participation is allowed (4) None	(1) None (2) None (3) None (4) None	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>11. TRANSPORT SERVICES</b>			
All subsectors	<p>(3) No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least 60 per cent of whose capital is owned by such citizens. Also limits national treatment.</p> <p>(4) Only foreign nationals qualified to hold technical positions may be employed within the first five years of operation of the enterprise, their stay not to exceed five years upon entry.</p> <p>Each employed foreign national should have at least two Filipino understudies. Also limits national treatment.</p>		
<b>A. Maritime transport services</b>			
<p>International transport (passenger and freight), except</p> <ul style="list-style-type: none"> <li>- Cabotage transport not covered by Republic Act 10466, otherwise known as the Foreign Cargo Co-Loading Act</li> </ul>	<p>1) None</p> <p>2) None</p> <p>3) Up to 40 percent equity participation is allowed for international transport of passengers and cargoes.</p> <p>Limitations in the horizontal section shall also apply.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>The following services will be made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:<sup>5</sup></p> <p>(a) Pilotage services;</p> <p>(b) Towing and tug assistance;</p> <p>(c) Provisioning, fuelling and watering services;</p>

<sup>5</sup> This provision does not require a Party to provide National Treatment with regard to port fees and charges.

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- Door to door/multimodal transport services under a single transport document</li> <li>- Government owned cargoes<sup>4</sup></li> </ul>	<p>4) For Philippine-registered ship, under circumstances to be determined by the Maritime Industry Authority (MARINA), foreign nationals may be employed as supernumeraries only for a period of six months.</p> <p>Limitations in the horizontal sections shall also apply.</p>	<p>4) None</p>	<p>(d) Garbage collecting and ballast water disposal;</p> <p>(e) Port captain's services;</p> <p>(f) Navigation aids services;</p> <p>(g) Shore based operational services essential to ship operations, including communications, water and electrical supplies;</p> <p>(h) Emergency repair services; and</p> <p>(i) Anchorage, berths and berthing services.</p>
<p>Leasing/rental of vessels without crew (7213)</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) Bareboat charter or lease contract subject to approval by MARINA.</p> <p>(4) Unbound, except as indicated in the horizontal sections.</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the horizontal section.</p>	

<sup>4</sup> In accordance with the Cargo Reservation Law, the necessary waivers shall be granted based on this Agreement.

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maintenance and repair of vessel (8868**)	1) Unbound* 2) Any repairs conversion or dry-docking of Philippine owned or registered vessels are required to be done at domestic ship repair yards registered with the MARINA, except in cases of emergency. 3) Up to 40 percent foreign equity is allowed. 4) None	1) Unbound* 2) None 3) None 4) None	
Ship building or ship repair (or operation of shipyard, graving dock or marine repair yard)	1) Unbound* 2) None 3) Up to 100 percent foreign equity is allowed. Needs accreditation of the MARINA. 4) Unbound, except as indicated in the horizontal sections.	1) Unbound* 2) None 3) None 4) None	
Maritime Agency Services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal sections.	1) None 2) None 3) None 4) Unbound	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Water transport services by sea-going vessels –pushing and towing services (7214)	1) Unbound* 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Other supporting services for water transport (745**)	1) Unbound* 2) None 3) Up to 40 percent equity participation is allowed. 4) None	1) Unbound* 2) None 3) None 4) None	
<b>B. Internal Waterways Transport</b>			
Other supporting services for water transport (745**)	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed. 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>C. Air Transport Services</b>			
Maintenance and repair of aircraft (8868**)	1) None 2) None 3) Up to 40 percent foreign equity is allowed. 4) None	1) None 2) None 3) None 4) None	
Other supporting services for air transport (7469**) <ul style="list-style-type: none"> <li>- General sales agent</li> <li>- Cargo sales agent</li> <li>- Offline carriers</li> </ul>	1) None 2) None 3) None 4) None	1) None 2) None 3) None 4) None	
Ground handling services (746**)	1) Unbound* 2) None 3) Up to 40 percent foreign equity is allowed. 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>G. Pipeline Transport</b>			
Pipeline transport of oil, gas and LNG (713**)	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed. 4) Unbound except as stated in the horizontal sections.	1) Unbound* 2) None 3) None 4) Unbound except as stated in the horizontal section.	
<b>H. Services auxiliary to all modes of transport</b>			
Cargo handling services (741)	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	
Storage and warehousing services (742)	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Freight transport agency services (748)	1) None 2) None 3) None 4) Unbound	1) None 2) None 3) None 4) Unbound	
Container yard and depot service within ports (749**)	1) Unbound* 2) None 3) None 4) Unbound	1) Unbound* 2) None 3) None 4) Unbound	
Other supporting and auxiliary transport services (749)	1) Unbound* 2) None 3) Up to 40 percent foreign equity participation is allowed 4) Unbound, except as stated in the horizontal sections.	1) Unbound* 2) None 3) None 4) Unbound, except as stated in the horizontal section.	

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector		Limitations on Market Access		Limitations on National Treatment	Additional Commitments
<b>12. ENERGY RELATED SERVICES<sup>6</sup>: GEOTHERMAL ENERGY</b>					
A. Geothermal Exploration and Development		1) Unbound, except for advisory or consultancy services.  Limitations on professional services also apply.  2) None  3) Up to 40 percent foreign equity participation is allowed  4) Unbound, expect as indicated in the horizontal section.		1) Unbound, except for advisory or consultancy services.  Limitations on professional services also apply.  2) None  3) None  4) Unbound, expect as indicated in the horizontal section.	
B. Services Incidental to Energy Distribution (887**)		1) Unbound, except for advisory or consultancy services.  Limitations on professional services also apply.  2) None  3) Up to 40 percent foreign equity participation is allowed.  4) Unbound, except as stated in the horizontal section.		1) Unbound, except for advisory or consultancy services.  Limitations on professional services also apply.  2) None  3) None  4) Unbound, except as stated in the horizontal section.	
	- Transmission and distribution services on a fee or contract basis of steam and hot water to household, commercial and other users.				

<sup>6</sup> As defined in the Annex on Energy Related Services



Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Limitations on National Treatment	Additional Commitments	
D. Other Services					
Integrated Engineering Services on Sanitation Works (8673**)	<ol style="list-style-type: none"> <li>1) None, except as stated in horizontal section of the Professional Services section.</li> <li>2) None, except as stated in horizontal section of the Professional Services section.</li> <li>3) None, except corporate practice is not allowed.</li> <li>4) None</li> </ol>	<ol style="list-style-type: none"> <li>1) None, except as stated in the horizontal section of the Professional services section.</li> <li>2) None, except as stated in the horizontal section of the Professional Services section.</li> <li>3) None, except corporate practice is not allowed.</li> <li>4) None</li> </ol>			
Site formation and clearance services for geothermal drilling services (parts of CPC 5113)	<ol style="list-style-type: none"> <li>1) Unbound, except for advisory or consultancy services.  Limitations on professional services also apply.</li> <li>2) None</li> <li>3) A. Foreign equity is permitted up to 40 percent for private domestic construction contracts.  B. Up to 25 percent foreign equity for construction and repair of locally funded public works.  C. A contractor's License issued by the PCAB is required to undertake construction activities.</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound, except for advisory or consultancy services.  Limitations on professional services also apply.</li> <li>2) None</li> <li>3) A. The PCAB Regular Contractor's License is reserved for, and issued only to, constructor-firms of Filipino sole proprietorship, or partnership/corporation with at least 60 percent Filipino equity participation and duly organized and existing under and by virtue of the laws of the Philippines.  B. A Special Contractor's License may be given to foreign companies on a project-to-project basis such as:  B.1 BOT projects</li> </ol>			

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) Unbound, except as stated in the horizontal section.	B.2.Foreign-funded/assisted projects subject to international competitive bidding. 4) Unbound, except as stated in the horizontal section.	

---

APPENDIX 2 TO ANNEX XI

**ICELAND – SCHEDULES OF SPECIFIC COMMITMENTS REFERRED TO IN ARTICLE 6.16**

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Unless otherwise indicated, the classification of services sectors are based on the 1991 Provisional Central Product Classification of the United Nations Statistical Office.			
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) All foreign currency transfers must be reported to the Central Bank of Iceland for statistical purposes.</p> <p>Service providers shall inform the relevant Ministry of investments made by non-residents in business enterprises in Iceland and the Central Bank of Iceland of investments made by non-residents in securities in Iceland.</p>	<p>3) Treatment accorded to subsidiaries of third-country companies formed in accordance with the law of an EEA Member State or an EFTA Member State and having their registered office, central administration or principal place of business within an EEA Member State or an EFTA Member State may be extended to branches or agencies established in an EEA Member State or an EFTA Member State by a third-country company if they show that they possess an effective and continuous link with the economy of one of the EEA Member States or an EFTA Member State.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>All foreign investment of a Foreign State or companies/organizations owned by a Foreign State requires a special concession of the Ministry of Economic Affairs.</p> <p>Non-residents cannot conclude an agreement on real-estate lease without the permission of the Ministry of Justice and Human Rights if the lease is for a period exceeding three years and not for use in conducting its normal business activities.</p>	<p>The majority of the founders, the manager(s) and at least half the board of directors, of a private limited company or a public limited must be resident in Iceland. The Minister of Commerce can grant exemptions from these restrictions.</p> <p>At least one of the auditors of an Icelandic limited liability company must be a resident in Iceland or a competent resident CPA company.</p> <p>Non-residents may only acquire real estate in conjunction to their business activities and can only obtain ordinary proprietary rights linked to the real estate. Non-residents are thus excluded from obtaining full property rights of real estate if unusual rights are linked to it, such as exploitation rights as regards waterfalls, geothermal energy, etc.</p> <p>Contracts concerning ownership and long-term use of real-estate by non-residents are not valid until the Ministry of Justice and Human Rights has endorsed it in writing.</p>	

Modes of supply:           (1) Cross-border supply           (2) Consumption abroad           (3) Commercial presence           (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
All sectors: Movement of personnel	<p>Temporary entry of service providers</p> <p>4) Unbound except the temporary entry of the following service providers as intra-corporate transferees, which Iceland shall permit without requiring compliance with labour market tests:</p> <p><u>Executives</u>: persons who primarily direct the management of the organization covered by the Agreement and establish its goals and generally have a wide decision-making authority. Executives would not necessarily perform tasks related to the actual provision of the service.</p> <p><u>Managers</u>: persons who direct the Organization covered by the Agreement or its department and are in a senior level responsible of the service providing functions of the organization by supervising and controlling and having also authority to hire and fire personnel or recommend such and other personnel actions.</p> <p><u>Specialists</u>: persons within the organization who possess knowledge at an advanced level of expertise or otherwise essential or proprietary to the organization's service, research equipment, techniques or management.</p>	<p>Temporary entry of service providers</p> <p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>All sectors: Subsidies (The issue of a definition of subsidies remains to be determined in the context of negotiations under Article XV of the GATS).</p>	<p><u>Service sellers:</u> persons who as representatives of a service provider covered by the Agreement are seeking temporary entry for purposes of negotiation for the sale of services or entering into agreements to sell services for that service provider, where this selling activity is not directed to the general public.</p> <p>3) None</p> <p>4) None</p>	<p>3) Eligibility for subsidies may be limited to juridical persons established within the territory of Iceland. Subsidies related to research and development are unbound.</p> <p>4) Subsidies available only to natural persons may be limited to Icelandic citizens.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<p>I. BUSINESS SERVICES</p> <p>A. <u>Professional Services</u></p> <p>Legal Services (Applicable parts of CPC 861)</p> <p>- Legal advice activities on home country law</p> <p>- Legal advice on international law and foreign legal consultancy</p> <p>(b) Accounting, auditing and book-keeping services (CPC 862)</p>	<p>1) None</p> <p>2) None</p> <p>3) Members of the General Bar Association of Iceland have an exclusive right to represent clients before courts in Iceland</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>2) None</p> <p>1),3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section. Icelandic law exam or an equivalent thereto</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section. Icelandic exam for certified accountants (CPA's) required or and equivalent thereto</p>	

Modes of supply:           (1) Cross-border supply                   (2) Consumption abroad                   (3) Commercial presence                   (4) Presence of natural persons

Sector or Sub-sector		Limitations on Market Access		Limitations on National Treatment		Additional Commitments
(c)	Taxation services (CPC 863)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(d)	Architectural services (CPC 8671)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(e)	Engineering services (CPC 8672)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(f)	Integrated Engineering services (CPC 8673)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(g)	Urban planning and landscape architectural services (CPC 8674)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(i) Veterinary services (CPC 932)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. Number of veterinarians in rural districts is limited	1) None 2) None 3) Ability in the Icelandic language required 4) Unbound except as indicated in the horizontal section. Ability in the Icelandic language required	
B. <u>Computer and Related Services</u>			
(a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(b) Software development (including software implementation) CPC 842)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(c) Data processing services (CPC 843)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Concession needed if personal-data is to be processed outside Icelandic jurisdiction 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment		Additional Commitments
(d) Data base services (CPC 844)	1)	None	1)	Concession needed if personal-data is to be processed outside Icelandic jurisdiction	
	2)	None	2)	None	
	3)	None	3)	None	
	4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(e) Other	1)	None	1)	Concession needed if personal-data is to be processed outside Icelandic jurisdiction	
- Maintenance and repair services of office machinery and equipment including computers (CPC 845)	2)	None	2)	None	
	3)	None	3)	None	
	4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
- Other computer services (CPC 849)					
C. <u>Research and development Services</u>					
(a) R&D services on Natural Sciences (CPC 851)	1)	None	1),2)	A license is needed for the importation of research equipment. Natural history specimens must not be exported from the country unless permitted by the Icelandic Institute of Natural History (“ <i>Náttúrufræðistofnun Íslands</i> ”)	
	2)	None			
	3)	None	3)	None	
	4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector		Limitations on Market Access		Limitations on National Treatment		Additional Commitments
(b)	R&D services on social sciences and humanities (CPC 852)	1)	None	1),2)	Archaeological finds must not be exported from the country unless permitted by the Museum Council (" <i>Safnaráð</i> ")	
		2)	None			
		3)	None	3)	All archaeological research whether by Icelandic or foreign researchers is subject to a permit granted by the Archaeological Preservation Agency (" <i>Fornleifanefnd ríkisins</i> ")	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section. All archaeological research whether by Icelandic or foreign researchers is subject to a permit granted by the Archaeological Preservation Agency (" <i>Fornleifanefnd ríkisins</i> ")	
(c)	Interdisciplinary R&D services (CPC 853)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. <u>Real Estate Services</u></p> <p>(a) Real estate services involving own or leased property (CPC 821)</p> <p>(b) On a Fee or Contract basis (CPC 822)</p>	<p>1) None</p> <p>2) None</p> <p>3) Deposits or liability insurance to cover loss caused to clients. All licences to provide services on sales of real estate are personal authorisations</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) Deposits or liability insurance to cover loss caused to clients. All licences to provide services on sales of real-estate are personal authorizations</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Condition of one year previous residency in order to obtain licence to provide services in residential building and land sales, and other related intermediary services for purchase and sale of real-estate</p> <p>4) Unbound except as indicated in the horizontal section. Condition of one year previous residency in order to obtain licence to provide services in residential building and land sales, and other related intermediary services for purchase and sale of real-estate</p> <p>1) None</p> <p>2) None</p> <p>3) Condition of one year previous residency in order to obtain licence to provide services in residential building and land sales, and other related intermediary services for purchase and sale of real-estate</p> <p>4) Unbound except as indicated in the horizontal section Condition of one year previous residency in order to obtain licence to provide services in residential building and land sales, and other related intermediary services for purchase and sale of real-estate.</p>	

Modes of supply:           (1) Cross-border supply                   (2) Consumption abroad                   (3) Commercial presence                   (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>E.     <u>Rental/Leasing Services without Operators</u></p> <p>(a)    Relating to ships (CPC 83103)</p> <p>(b)    Relating to aircraft (CPC 83104)</p> <p>(c)    Relating to other transport equipment (CPC 83101 + 83102 + 83105)</p>	<p>1)    None</p> <p>2)    None</p> <p>3)    Leasing services must be provided either by corporation with a limited liability (leasing companies) or registered commercial banks or savings banks</p> <p>4)    Unbound except as indicated in the horizontal section</p> <p>1)    None</p> <p>2)    None</p> <p>3)    To be registered in the ship register the ship must be owned by Icelandic natural or juridical persons who are resident in Iceland. Further nationality restrictions on fishing vessels</p> <p>4)    Unbound except as indicated in the horizontal section</p> <p>1)    None</p> <p>2)    None</p> <p>3)    To be registered in the aircraft register the aircraft must be owned by Icelandic natural or juridical persons resident in Iceland</p> <p>4)    Unbound except as indicated in the horizontal section</p> <p>1)    None</p> <p>2)    None</p> <p>3)    None</p> <p>4)    Unbound except as indicated in the horizontal section</p>	<p>1)    None</p> <p>2)    None</p> <p>3)    Majority of the board of a leasing company shall be resident in Iceland. The manager shall be resident in Iceland and a citizen of a Nordic Country</p> <p>4)    Unbound except as indicated in the horizontal section</p> <p>1)    None</p> <p>2)    None</p> <p>3)    None</p> <p>4)    Unbound except as indicated in the horizontal section</p> <p>1)    None</p> <p>2)    None</p> <p>3)    Residency requirement for car rental services</p> <p>4)    Unbound except as indicated in the horizontal section. Residency requirement for car rental services</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Relating to other machinery and equipment (CPC 83106 - 83109)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(e) Other (CPC 832)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
F. <u>Other Business Services</u>			
(a) Advertising services (CPC 871)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Concession needed if personal data is to be processed outside Icelandic jurisdiction 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(c) Management consulting services (CPC 865)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment		Additional Commitments
(d) Services related to man. consulting (CPC 866)	1)	None	1)	None	
	2)	None	2)	None	
	3)	None	3)	None	
	4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(e) Technical testing and analysis services (CPC 8676)	1)	None	1)	None	
	2)	None	2)	None	
	3)	None	3)	None	
	4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(f) Services incidental to agriculture, hunting and forestry (CPC 881)	1)	None	1)	None	
	2)	None	2)	None	
	3)	None	3)	None	
	4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(i) Services incidental to manufacturing (CPC 884 + 885 /except for 88442)	1)	None	1)	None	
	2)	None	2)	None	
	3)	None	3)	None	
	4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(k) Placement and supply services of personnel (CPC 872)	1)	None	1)	None	
	2)	None	2)	None	
	3)	None	3)	None	
	4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(m) Related scientific and technical consulting services (CPC 8675)	1)	None	1)	None	
	2)	None	2)	None	
	3)	None	3)	None	
	4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons	
Sector or Sub-sector		Limitations on Market Access		Limitations on National Treatment		Additional Commitments
(n)	Maintenance and repair of equipment (CPC 633+8861-8866; not including maritime vessels, aircraft or other transport equipment)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		
(o)	Building-cleaning services (CPC 874)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		
(p)	Photographic services (CPC 875)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		
(q)	Packaging services (CPC 876)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		
(r)	Printing and publishing (CPC 88442)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		1) None 2) None 3) Residency requirement for publishing of newspapers or magazines within the national territory. Residency requirement for editors 4) Unbound except as indicated in the horizontal section		



**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

<b>Sector or Sub-sector</b>		<b>Limitations on Market Access</b>		<b>Limitations on National Treatment</b>		<b>Additional Commitments</b>
(s)	Convention services (CPC 87909)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons	
Sector or Sub-sector		Limitations on Market Access		Limitations on National Treatment		Additional Commitments
2.	COMMUNICATION SERVICES					
C.	<u>Telecommunication Services</u>					
(a)	Voice telephony	1)	None	1)	None	
(b)	Packet-switched data transmission services	2)	None	2)	None	
(c)	Circuit-switched data transmission services	3)	None	3)	None	
(d)	Telex services	4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(e)	Telegraph services					
(f)	Facsimile services					
(g)	Leased circuit services					
(o)	Other					
-	Mobile and personal communications services and systems					
	Value-added services <sup>1</sup>					
	Electronic mail, Voice mail, On-line information and Data Base Retrieval, EDI, Code and Protocol Conversion					

<sup>1</sup> Excludes voice telephony, telegraph, telex, packet and circuit switched data services, mobile radiotelephony, paging and satellite services.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. <u>General Construction Work for Buildings</u> (CPC 512)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
B. <u>General Construction Work for Civil Engineering</u> (CPC 513)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
C. <u>Installation and Assembly Work</u> (CPC 514+516)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
D. <u>Building Completion and Finishing Work</u> (CPC 517)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
E. <u>Special Trade Construction Work</u> (CPC 515)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES (excluding trade in arms, alcoholic beverages, tobacco and pharmaceutical products)			
A. <u>Commissions Agents' Services</u> (CPC 621)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
B. <u>Wholesale Trade Services</u> (CPC 622)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
C. Retailing Services (CPC 631+632 + 6111 + 6113 + 6121)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
D. Franchising (CPC 8929)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or Sub-sector		Limitations on Market Access		Limitations on National Treatment	Additional Commitments
6.	ENVIRONMENTAL SERVICES				
A.	<u>Sewage Services</u> (CPC 9401)	1)	Unbound*	1)	Unbound*
		2)	None	2)	None
		3)	Environmental operation license required	3)	None
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section
B.	<u>Refuse Disposal Waste</u> (CPC 9402)	1)	Unbound*	1)	Unbound*
		2)	None	2)	None
		3)	Environmental operating license required	3)	None
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section
C.	<u>Sanitation and Similar Services</u> (CPC 9403)	1)	Unbound*	1)	Unbound*
		2)	None	2)	None
		3)	None	3)	None
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section
D.	Other (CPC 9409)	1)	Unbound*	1)	Unbound*
		2)	None	2)	None
		3)	Environmental operating license required	3)	None
		4)	Unbound except as indicated in the horizontal section.	4)	Unbound except as indicated in the horizontal section

\* Unbound due to lack of technical feasibility.

Modes of supply:           (1) Cross-border supply                   (2) Consumption abroad                   (3) Commercial presence                   (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
7. FINANCIAL SERVICES (i) Iceland undertakes commitments on financial services in accordance with the "Understanding on Commitments in Financial Services" (the Understanding). (ii) Market access commitments with respect to modes 1) and 2) and bound in this Schedule to the extent of the obligations in B.3 and B.4 of the Understanding.			
A. <u>Insurance and Insurance related Services</u>	<p>1) The supply of direct insurance is reserved for insurance undertakings authorized in Iceland.</p> <p>The supply of insurance mediation is reserved for insurance intermediaries authorized in Iceland.</p> <p>2) None</p> <p>3) Insurance undertakings require authorization to establish branch offices in Iceland</p> <p>Any investor, whether resident or non-resident, who acquires or intends to acquire a qualifying holding in an insurance undertaking must give advance notice to the Financial Supervisory Authority. The Authority may refuse the acquisition or the exercise of ownership if it believes that the acquisition will affect the sound functioning of the enterprise</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) The majority of the founders of an insurance undertaking must be Icelandic residents or legal entities registered in Iceland</p> <p>Managers and board members of insurance undertakings shall be resident in Iceland. The Minister of Economic Affairs may grant exemptions from this requirement</p> <p>Branch offices of foreign insurance undertakings must be managed by a resident agent</p> <p>Insurance intermediaries must be resident in Iceland. The Minister of Economic Affairs may grant exemptions from this requirement</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply:           (1) Cross-border supply           (2) Consumption abroad           (3) Commercial presence           (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Banking and Other Financial Services</u> (excluding insurance)</p>	<p>1) None</p> <p>2) None</p> <p>3) Credit institutions and undertakings engaged in securities services established outside of Iceland can establish a branch or a representative office, subject to authorization by the Financial Supervisory Authority, FME Credit institutions and undertakings engaged in securities services can only be established as companies with limited liability</p> <p>Commercial banks and savings banks have exclusive rights to accept deposits and other repayable funds from the public</p> <p>Public issue of securities shall be conducted by securities undertakings or other parties authorized to provide such services</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>1) Domestic financial institutions shall inform the Central Bank of Iceland of the balances of service providers' accounts held by non- residents</p> <p>2) None</p> <p>3) A founder of a credit institution shall be a natural or legal person resident in Iceland. The Minister of Economic Affairs can grant exemptions from this requirement</p> <p>Managers and the majority of the board members of credit institutions and undertakings engaged in securities services and UCITS shall be resident in Iceland. The Minister of Economic Affairs may grant citizens of non-EEA Member States or non-EFTA Member States the same exemptions</p> <p>Service providers shall inform the Ministry of Economic Affairs of investments made by non- residents in business enterprises in Iceland and the Central Bank of Iceland of investments made by non-residents in securities in Iceland</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and Restaurants (including catering)</u> (CPC 641-643)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Condition of licences is residency 4) Unbound except as indicated in the horizontal section. Condition of licences is residency	
B. <u>Travel Agencies and Tour Operators</u> (CPC 7471)	1) None 2) None 3) Deposits or liability insurance to cover loss caused to clients due to bankruptcy 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Condition of licences is residence of the manager 4) Unbound except as indicated in the horizontal section. Condition of licences is residence of the manager	
C. <u>Tourist Guides Services</u> (CPC 7472)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. The right to exercise the profession is reserved for resident tourist guides. Non-resident tourist guides may be granted temporary work permit on ad hoc basis	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
10. RECREATIONAL CULTURAL AND SPORTING SERVICES (other than audiovisual services)			
A. <u>Entertainment Services</u> (including theatre, live bands and circus services) (CPC 9619)	1) None 2) None 3) None  4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Targeted financial support to specific local, regional or national activities 4) Unbound except as indicated in the horizontal section	
B. <u>News Agency Services</u> (CPC 962)	1),2),3) None other than access to management functions is subject to discretionary authorizations by competent authorities 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Condition of residency for the editor of a paper or magazine. Unbound except as indicated in the horizontal section	
C. <u>Libraries, Archives, Museums and other Cultural Services</u> (CPC 963)	1) None 2) None 3) None  4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Targeted financial support to specific local, regional or national activities 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Sporting and other Recreational Services (CPC 964)	1) None 2) None 3) Gambling, coin machines and like activities are subject to licensing. Professional boxing is illegal but amateur boxing is allowed 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Targeted financial support to specific local, regional or national activities 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>11. TRANSPORT SERVICES</p> <p>A. <u>Maritime Transport Services</u> International transport (freight and passengers) CPC 7211 and 7212 <u>including</u> Cabotage transport (as defined in Attachment I - definition n°1).</p> <p><u>Maritime Auxiliary Services</u></p> <p>- Maritime Cargo Handling Services (as defined in Attachment I - definition n°3)</p>	<p>1) None</p> <p>2) None</p> <p>3)(a) Establishment of a registered company for the purpose of operating a fleet under Icelandic flag: Unbound except as indicated in the horizontal section.</p> <p>(b) Other forms of commercial presence 2): None.</p> <p>4)(a) Ships' crew: Unbound except as indicated in the horizontal section.</p> <p>(b) Key personnel employed in relation to a commercial presence as defined under mode 3(b) above: Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3)(a) Unbound</p> <p>(b) None</p> <p>4)(a) Unbound</p> <p>(b) Unbound</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Maritime Agency Services (as defined in Attachment I - definition n° 6); Freight Forwarding Services (as defined in Attachment I - definition n°7) - Other Supporting and Auxiliary Transport Services (as defined in Attachment I - definition n° 8)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section  1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section  1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Auxiliary Services as required by Maritime Transport Operators:</p>			<p>The following services are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and tug assistance</li> <li>3. Provisioning, fuelling, watering</li> <li>4. Garbage collecting, ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations, incl. communications, water, electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth, berthing services</li> <li>10. Container handling, storage and warehousing, freight transport.</li> </ol>

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			<p>Where road, coastal shipping and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability to rent, hire or charter trucks and related equipment for the purpose of inland forwarding of international cargoes carried by sea, or have access to and use of such multimodal activities for the purpose of providing multimodal transport services.</p>

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons	
Sector or Sub-sector		Limitations on Market Access		Limitations on National Treatment		Additional Commitments
C.	<u>Air Transport Services</u>					
	Maintenance and repair of aircraft and parts thereof	1) Unbound*	2) None	3) None	4) Unbound except as indicated in the horizontal section	
	Sales and marketing	1) None	2) None	3) None	4) Unbound except as indicated in the horizontal section	
	Computer Reservations System	1) None	2) None	3) None	4) Unbound except as indicated in the horizontal section	
F.	<u>Road Transport Services</u>					
(a)	Passenger transportation (CPC 7121 + 7122)	1) None	2) None	3) Authorization required for commercial land transport services. Numerical quotas may be imposed as well as exclusive licenses for certain areas or routes	4) Unbound except as indicated in the horizontal section	

\* Unbound due to lack of technical feasibility.

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons	
Sector or Sub-sector		Limitations on Market Access		Limitations on National Treatment		Additional Commitments
(b)	Freight transportation (CPC 7123)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(c)	Rental of commercial vehicles with operator (CPC 7124)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(d)	Maintenance and repair of road transport equipment (CPC 6112+8867)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
(e)	Supporting services for road transport services (CPC 744)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
H.	<u>Services auxiliary to all modes of transport</u>					
(b)	Storage and warehousing services (CPC 742)	1)	Unbound*	1)	Unbound*	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	

\* Unbound due to lack of technical feasibility.



Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Sub-sector		Limitations on Market Access		Limitations on National Treatment		Additional Commitments
(c)	Freight transport agency services (CPC 748)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	
d)	Other (CPC 749)	1)	None	1)	None	
		2)	None	2)	None	
		3)	None	3)	None	
		4)	Unbound except as indicated in the horizontal section	4)	Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
12. ENERGY RELATED SERVICES <sup>2</sup> : GEOTHERMAL ENERGY  A. Services incidental to Geothermal Energy	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

<sup>2</sup> As defined in Annex XVII (Energy Related Services).

## ATTACHMENT I

### NOTES TO MARITIME TRANSPORT

“Reasonable and non-discriminatory terms and conditions” means, for the purpose of multimodal transport operations, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date. A “multimodal transport operator” means the person on whose behalf the bill of lading/multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

1. “Cabotage” is defined as maritime transport of goods and passengers between ports in Iceland.
2. “Other forms of commercial presence for the supply of international maritime transport services” means the ability for international maritime transport service suppliers of the other Members to undertake locally all activities, which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally

(or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. “Maritime cargo handling services” means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organized independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

4. “Customs clearance services” (alternatively ”customs house brokers’ services”) means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

5. “Container station and depot services” means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing, and making them available for shipments.

6. “Maritime agency services” means the activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines of shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

7. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

8. “Other supporting and auxiliary transport services” means freight brokerage services; bill auditing and freight rate information services; transportation document preparation services; packing and crating and unpacking and de-crating services; freight inspection, weighing and sampling services; and freight receiving and acceptance services (including local pick-up and delivery).

---

APPENDIX 3 TO ANNEX XI

**LIECHTENSTEIN – SCHEDULE OF SPECIFIC COMMITMENTS REFERRED TO IN ARTICLE 6.16**

This is authentic in English only

**Modes of supply:**      (1)    **Cross-border**      (2)    **Consumption abroad**      (3)    **Commercial presence**      (4)    **Presence of natural persons**

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>- The level of commitments in a particular sector shall not be construed to supersede the level of commitments taken with respect to any other services sector to which such service is an input or to which it is otherwise related.</li> <li>- CPC numbers indicated in square brackets are references to the UN Provisional Central Product Classification (Statistical Papers Series M No. 77, Provisional Central Product Classification, Department of International Economics and Social Affairs, Statistical Office of the United Nations, New York, 1991).</li> </ul>			
<p><b>PART I.            HORIZONTAL COMMITMENTS<sup>1</sup></b></p>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>			
<p>This part sets out those commitments that apply to trade in services in all scheduled services sectors unless otherwise specified. Those commitments that apply to trade in specific services sectors are listed in Part II.</p>			
	<p>1) None</p>	<p>1) None except unbound for subsidies, tax incentives and tax credits Treatment accorded to subsidiaries of third country companies formed in accordance with the law of an EEA Member State and having registered office, central administration or principal place of business within an EEA Member State is not extended to branches or agencies established in an EEA Member State by a third-country company.</p>	

<sup>1</sup> Liechtenstein makes reference to the specific geographic situation of the country, to its limited resources and to the small labour market. Therefore, Liechtenstein is in a position to bind its services sector only with the reservations mentioned in Part I and Part II.

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>2) None</p> <p>3) The establishment of a commercial presence by a juridical person (including branches) is subject to the requirement that no objection for reasons of national economy (balanced proportion of national and foreign capital; balanced ratio of foreigners in comparison with the number of resident population; balanced ratio of total number of jobs in the economy in comparison with the number of the resident population; balanced geographic situation; balanced development of the national economy, between and within the sectors) exists.</p>	<p>Treatment less favourable may be accorded to subsidiaries of third countries having only their registered office in the territory of an EEA Member State unless they show that they possess an effective and continuous link with the economy of one of the EEA Member States.</p> <p>2) None except unbound for subsidies, tax incentives and tax credits</p> <p>3) None except for the following:                      The establishment of a commercial presence by an individual is subject to the requirement of prior residence during a certain period of time and of permanent domicile in Liechtenstein.                      The establishment of a commercial presence by a juridical person (including branches) is subject to the following requirements: At least one of the managers has to fulfil the requirements of prior residence during a certain period of time and of permanent domicile in Liechtenstein. The majority of the administrators (authorised to manage and represent the juridical person) must be resident in Liechtenstein and have either to be Liechtenstein citizens or have prior residence during a certain period of time in Liechtenstein. The general and the limited partnership have to fulfil the same conditions as corporations with limited liability (juridical person). In addition the majority of the associates have to be Liechtenstein citizens or to have prior residence during a certain period of time in Liechtenstein.</p>	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>The Liechtenstein company law does not prohibit joint stock companies from foreseeing in their articles of incorporation the preclusion or limitation of the transfer of registered shares.</p> <p>Treatment accorded to subsidiaries of third-country companies formed in accordance with the law of an EEA Member State and having registered office, central administration or principal place of business within an EEA Member State is not extended to branches or agencies established in an EEA Member State by a third-country company.</p> <p>Treatment less favourable may be accorded to subsidiaries of third countries having only their registered office in the territory of an EEA Member State unless they show that they possess an effective and continuous link with the economy of one of the EEA Member States.</p> <p>All acquisitions of real estate are subject to authorisation. Such authorisation is granted only if an actual and proven requirement for living or business purposes is given and a certain period of residence has been completed. Non-residents are excluded from the acquisition of real estate.</p>	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>4) Unbound except for measures concerning the entry and temporary stay of natural persons (hereinafter persons) falling within the categories, as defined in paragraph I below, and subject to the following limitations and conditions and to the limitations and conditions on national treatment set out under the national treatment column: Entry and stay of foreign services suppliers in Liechtenstein is subject to authorisation (requirement of residency permit and work permit). Authorisation is granted subject to measures fixing overall numbers of work permits allocated. For essential personnel as defined in paragraph I below, the period of stay is limited to a period of three years. Persons staying in or entering Liechtenstein with an open-ended or extendable residence permit based on an employment contract not limited in time for Liechtenstein are not considered as persons residing in or entering Liechtenstein for the purpose of temporary stay or temporary employment in Liechtenstein.</p> <p>I. <b><u>Essential persons transferred to Liechtenstein within a specific business or company (intra-corporate transferees)</u></b></p> <p>Are considered as essential those persons - defined in detail below - who are employees of a business or company of a Party hereinafter enterprise) providing services in Liechtenstein through a branch or subsidiary established in Liechtenstein and who have been beforehand employees of their enterprise outside Liechtenstein for a period of not less than one year immediately preceding their application for admission:</p>	<p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column and subject to the following limitations and conditions: working conditions prevailing in the branch and the place of activity provided by law and/or collective agreement (with respect to remuneration, working hours, etc.), measures limiting professional mobility, regulations related to statutory systems of social security and public retirement plans (with respect to qualifying period, residency requirement, etc.) and all other provisions of the legislation relating to immigration, entry, stay and work. The enterprise employing such persons shall cooperate, upon request, with the authorities in charge of the enforcement of these measures.</p>	



Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>a) <b>Executives and senior managers:</b> persons who primarily direct the enterprise or one of its departments and who receive only general supervision or direction from high-level executives, the board of directors or the stockholders of the enterprise. Executives and senior managers would not directly perform tasks related to the actual supply of services of the enterprise.</p> <p>b) <b>Specialists:</b> highly qualified persons who, within an enterprise, are essential for the supply of a specific service by reason of their knowledge at an advanced level of expertise in the field of services, research equipment, techniques or management of the enterprise.</p>		

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>PART II. SECTOR-SPECIFIC COMMITMENTS</b>			
1. BUSINESS SERVICES			
<p>A. <u>Professional Services</u></p> <p>a) Legal Service</p> <p>- legal advisory services on home country law and international law (except for consulting on Liechtenstein law) (part of CPC 861)</p> <p>b) Accounting, auditing and bookkeeping services</p> <p>- Accounting and auditing services (CPC 8621)</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) Foreign equity ceiling of 49 per cent. Foreign voting rights may not exceed 49 per cent. At least one member of the administration body authorised to manage and represent must be a Liechtenstein citizen domiciled in Liechtenstein, be in possession of the professional licence to act as an auditor and must work full-time for the juridical person. The majority of the members of the administrative body must be in possession of the professional licence to act as an auditor.</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in Part I</p>	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Bookkeeping services, except tax returns (CPC 8622)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
c) Taxation services (CPC 863)	1) None 2) None 3) Foreign equity ceiling of 49 per cent. Foreign voting rights may not exceed 49 per cent. At least one member of the administrative body authorised to manage and represent must be a Liechtenstein citizen domiciled in Liechtenstein, be in possession of the professional licence to act as an auditor or trustee and must work full-time for the juridical person. 4) Unbound except as indicated in Part I	1) None 2) None 3) Unbound 4) Unbound except as indicated in Part I	
d) Architectural services (CPC 8671)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e) Engineering services (CPC 8672)	1) None  2) None 3) None  4) Unbound except as indicated in Part I	1) Liechtenstein nationality necessary for survey activities for official public purposes <sup>2</sup> (however, foreign surveyors can work under the responsibility of a licensed Liechtenstein surveyor). 2) None 3) Liechtenstein nationality necessary for survey activities for official public purposes (however, foreign surveyors can work under the responsibility of a licensed Liechtenstein surveyor). 4) Unbound except as indicated in Part I; Liechtenstein nationality necessary for survey activities for official public purposes (however, foreign surveyors can work under the responsibility of a licensed Liechtenstein surveyor).	
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

<sup>2</sup> "Survey activities for official public purposes" means cadastral activities and related activities.

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Computer and Related Services</u> (CPC 841 - CPC 845, CPC 8491)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
C. <u>Research and Development Services</u> Excluding projects financed in whole or in part by public funds			
a) R&D services on natural sciences (part of CPC 851)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
b) R&D services on social sciences (part of CPC 852)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
c) Interdisciplinary R&D sciences (part of CPC 853)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
E. <u>Rental/Leasing Services without Operators</u>			
c) Relating to other transport equipment (CPC 83101 + CPC 83102 + CPC 83105)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d) Relating to other machinery and equipment (CPC 83106 - CPC 83109)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
F. <u>Other Business Services</u>			
a) Advertising services			
- Advertising services (including direct mail advertising), excluding outdoor advertising and excluding advertising for goods subject to import authorisation and excluding pharmaceutical products, alcohol, tobacco, toxics, explosives, weapons and ammunition (part of CPC 8711 + part of CPC 8712)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
c) Management consulting services (CPC 865)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
f) Services incidental to agriculture, hunting and forestry			
- Consulting services on agriculture, hunting and forestry (part of CPC 881)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
g) Services incidental to fishing			
- Consulting services relating to fishing (part of CPC 882)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
h) Services incidental to mining			
- Services incidental to mining, excluding prospection, surveying, exploration and exploitation (part of CPC 883 + part of CPC 5115)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
i) Services incidental to manufacturing			

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Consulting services relating to manufacturing (part of CPC 884 + part of CPC 885)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
m) Related scientific and technical consulting services			
- Related scientific and technical consulting, excluding prospection, surveying, exploration and exploitation (part of CPC 8675)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 + CPC 8861-CPC 8866)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	
o) Building-cleaning services			
- Building-cleaning services (CPC 874 except CPC 87409)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	
p) Photographic services (CPC 875)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	



Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
q) Packaging services (CPC 876)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	
r) Printing, publishing (CPC 88442)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
t) Other - Translation and interpretation services (CPC 87905)	1) None 2) None 3) None 4) Unbound except as indicated in Part I 5)	1) None except unbound for translation for official purposes 2) None except unbound for translation for official purposes 3) None except unbound for translation for official purposes 4) Unbound except as indicated in Part I	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
C. <u>Telecommunication Services</u> Telecommunication Services are the transport of electro-magnetic signals - sound, data, image and combinations thereof,—excluding broadcasting <sup>3</sup>			
<u>Basic Telecommunication Services</u>	1) None 2) None 3) None	1) None 2) None 3) None	
(a) Voice telephone services (CPC 7521)	4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	
(b) Packet-switched data transmission (CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part	
(c) Circuit-switched data transmission (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(d) Telex services (CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

<sup>3</sup> Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Telegraph services (CPC 7522)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(f) Facsimile services (CPC 7521 + 7529)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(g) Private leased circuit services (CPC 7522 + 7523)  <u>Enhanced/value-added telecommunication services</u>	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(h) Electronic mail (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(i) Voice mail (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(j) On-line information and data base retrieval (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(k) Electronic data interchange (EDI) (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(l) Enhanced/value-added facsimile services (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(m) Code and protocol conversion	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(n) On-line information and/or data processing (part of CPC 843)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(o) Other - Videotext	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
- Enhanced/value-added services based on licensed wireless networks including enhanced/value-added paging services, except for voice transmission	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
4. DISTRIBUTION SERVICES			
<p>A. <u>Commission agents' services</u></p> <p>- Commission agents' services, excluding services related to goods subject to import authorisation, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals (part of CPC 6211)</p> <p>B. <u>Wholesale trade services</u></p> <p>- Wholesale trade services, excluding services related to goods subject to import authorisation, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals (part of CPC 622)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p>	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Retailing services</u></p> <p>- Retailing services, excluding services related to goods subject to import authorisation, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals; not covered is retailing through mobile sales unit (part of CPC 631 + part of CPC 632 + part of CPC 6111 + part of CPC 6113 + part of CPC 6121)<sup>4</sup></p> <p>- Retail sales of motor fuel (CPC 613)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p>	
<p>D. <u>Franchising</u> (CPC 8929)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p>	

<sup>4</sup> This subsector includes all distribution services related to motor vehicles and parts thereof (CPC 6111 + 6113 + 6121)

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES  Private education services			
A. <u>Compulsory Education Services (Primary &amp; Secondary I)</u> (part of CPC 921 + part of 922)	1) Unbound 2) Unbound 3) Foreigners may establish commercial presence only when organised as juridical persons according to Liechtenstein law 4) Unbound except as indicated in Part I	1) None 2) None 3) None  4) Unbound except as indicated in Part I	
B. <u>Non-compulsory Secondary Education Services (Secondary II)</u> (part of CPC 922)	1) None 2) None 3) Foreigners may establish commercial presence only when organised as juridical persons according to Liechtenstein law 4) Unbound except as indicated in Part I	1) None 2) None 3) None  4) Unbound except as indicated in Part I	
C. <u>Higher Education Services</u> (part of CPC 923)	1) None 2) None 3) Foreigners may establish commercial presence only when organised as juridical persons according to Liechtenstein law 4) Unbound except as indicated in Part I	1) None 2) None 3) None  4) Unbound except as indicated in Part I	
D. <u>Adult Education Services</u> (part of CPC 924)	1) None 2) None 3) Foreigners may establish commercial presence only when organised as juridical persons according to Liechtenstein law 4) Unbound except as indicated in Part I	1) None 2) None 3) None  4) Unbound except as indicated in Part I	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>6. ENVIRONMENTAL SERVICES</p> <p>Excluding public utilities whether owned and operated by municipalities or Liechtenstein government or contracted out by them.</p>			
<p>A. <u>Sewage services</u> (CPC 9401)</p> <p>B. <u>Refuse disposal services</u> (CPC 9402)</p> <p>C. <u>Sanitation and similar services</u> (CPC 9403)</p> <p>D. <u>Other environmental services</u> (CPC 9404 + CPC 9405 + CPC 9406 + part of CPC 9409)</p>	<p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility 2) None 3) None; unbound for garbage dump 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required</p> <p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required</p> <p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I</p>	<p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required</p> <p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required</p> <p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I</p>	



Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES</p> <p>Commitments on banking, securities and insurance services are in accordance with the 'Understanding on Commitments in Financial Services' (hereinafter 'Understanding') and subject to limitations and conditions as contained in Part I (horizontal commitments) and as listed below. The Commitments below shall not impose any obligation to allow non-resident financial services suppliers to solicit business.</p>			
<p><u>Insurance and insurance related services</u></p>	<p>1) Establishment of a commercial presence is required for the provision of insurance services in Liechtenstein.</p> <p>2) None</p> <p>3) Insurance companies incorporated in Liechtenstein must be organised as public limited company (Aktiengesellschaft) or as co-operative/mutual association (Genossenschaft). If a third-country insurer wishes to become active within Liechtenstein, an agency or branch office must be established in Liechtenstein. The third-country insurer must be authorised to conduct insurance activities under the law of its country of incorporation. To be recognised for participation in the basic health insurance scheme, health insurance suppliers must be organised in the form of mutual associations (Genossenschaft, Verein: Versicherungsverein auf Gegenseitigkeit or Hilfskasse) or foundations (Stiftung);</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) None</p> <p>2) None</p> <p>3) One member of the board of directors and the administrators must be resident in Liechtenstein. They must be duly authorised to fully represent their company. In the case of a branch or an agency, it suffices if the general representative, whose nomination requires the approval of the supervisory authority, has his residence in Liechtenstein and is duly authorised to fully represent his company.</p> <p>4) Unbound except as indicated in Part I</p>	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Banking and other financial services</u> (excluding insurance)</p>	<p>1<sup>5)</sup> According to the practice in Liechtenstein, mutual funds (collective investments) have to be marketed through banks having a commercial presence in Liechtenstein</p> <p>2) None</p> <p>3) Banks and financial companies must be organised in the form of a limited company</p> <p>Financial institutions other than banks and financial companies according to the Liechtenstein Banking and Companies Act are subject to the following licensing requirements: foreign equity ceiling of 49 per cent; foreign voting rights may not exceed 49 per cent; at least one member of the administrative body authorised to manage and represent must be a Liechtenstein citizen domiciled in Liechtenstein, be in possession of the professional licence to act as an auditor or trustee and must work full-time for the juridical person</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) Subvention for house building is only granted to Liechtenstein citizen, which have to take out the loan for the house building at a domestic bank</p> <p>2) Subvention for house building is only granted to Liechtenstein citizen, which have to take out the loan for the house building at a domestic bank</p> <p>3) One member of the board of directors and the administrators must have domicile in Liechtenstein. They must be duly authorised to fully represent their company. Commercial presence of foreign financial institutions is subject to licensing requirements relating to the name of firm, duties toward the Swiss national bank and regulations on financial institutions in the country of origin</p> <p>4) Unbound except as indicated in Part I</p>	

<sup>5</sup> Are covered not only transactions indicated in paragraph B.3 of the 'Understanding' but the whole range of banking and other financial services transactions (excluding insurance).

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
<p>A. <u>Hotels and restaurants</u> (incl. catering) (CPC 641-CPC 643)</p> <p>B. <u>Travel agencies and tour operators services</u> (CPC 7471)</p> <p>C. <u>Tourist guides services</u> (CPC 7472)</p>	<p>1) Unbound due to lack of technical feasibility, except none for catering (CPC 6423)</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) Unbound due to lack of technical feasibility, except none for catering (CPC 6423)</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)			
B. <u>News agency services</u> (CPC 962)  D. <u>Sporting and other recreational services</u>  - Sporting services (CPC 9641)	1) None 2) None 3) None 4) Unbound except as indicated in Part I  1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I  1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
F. <u>Road transport services</u>			
a) Passenger transportation - regular, 'closed-door' tours only (part of CPC 7121)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
- occasional, excluding empty entrance, cabotage and taxi services (part of CPC 7122)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
c) Rental of commercial vehicles with operator (CPC 7124)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
d) Maintenance and repair of road transport equipment (CPC 6112 + CPC 8867)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	
H. <u>Services auxiliary to all modes of transport</u>			
a) Cargo-handling services (CPC 741)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	
b) Storage and warehouse services (CPC 742)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply: (1) Cross-border (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
c) Freight transport agency services (CPC 748)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
d) Other auxiliary transport services, excluding local pick up and delivery (part of CPC 749)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

---

APPENDIX 4 TO ANNEX XI

**NORWAY – SCHEDULE OF SPECIFIC COMMITMENTS REFERRED TO IN ARTICLE 6.16**

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p> <p>All sectors: Formation of legal entity - limited liability company, foundation</p> <p>All sectors: Taxation</p>	<p>3) None</p>	<p>3) The general manager in a joint stock company and at least half of the members of the board of directors, and of the corporate assembly must be residents of Norway, unless the Ministry of Trade, Industry and Fisheries grants exemptions in each individual case.</p> <p>3) and 4) Unbound in respect to measures for the imposition, enforcement or collection of direct taxes in so far as such measures do not contravene any tax treaty which is in force between The Philippines and Norway. The competent authorities under such tax treaty shall have sole responsibility for determining whether a taxation measure is inconsistent with the tax treaty.</p>	

<sup>1</sup> Norway maintains in certain sectors language requirements. These requirements are deemed to be necessary and proportionate in order to ensure the quality of the services and therefore not inscribed as a national treatment restriction

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<p>All sectors: Subsidies (The issue of a definition of subsidies remains to be determined in the context of negotiations under Article XV of the GATS)</p> <p>All sectors: Movement of personnel</p>	<p>1) Unbound 2) Unbound 3) None</p> <p>4) None</p> <p>4) Unbound, except for the temporary presence and without requiring an economic needs test of categories A, B, C and D below:</p>	<p>1) Unbound 2) Unbound 3) Eligibility for subsidies may be limited to juridical persons established in Norway. Unbound for research and development subsidies and for education services 4) Subsidies available to natural persons may be limited to Norwegian citizens</p> <p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
	<p>A. <b>Intra Corporate Transferees</b></p> <p>Managers and executives and specialists as intra-corporate transferees, provided that the service supplier is the corporation to which these are attached.</p> <p>Definitions:</p> <p><b>Executives/managers</b> - persons working in a senior position within a juridical person, who primarily direct the management of the establishment, receiving general supervision or direction principally from the board of directors or stockholders of the business or their equivalent, including:</p> <ul style="list-style-type: none"> <li>- directing the establishment or a department or subdivision of the establishment;</li> <li>- supervising and controlling the work of other supervisory, professional or managerial employees;</li> <li>- having the authority personally to hire and fire or recommend hiring, firing or other personnel actions.</li> </ul> <p><b>Specialists</b> - persons working within a juridical person who possess uncommon knowledge essential to the establishment's service, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of the knowledge specific to the establishment, but also whether the person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership in an accredited profession.</p>		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
	<p>Access for executives/managers and specialists is subject to the following conditions:</p> <ul style="list-style-type: none"> <li>- Temporary entry, stay and work limited to a 4 year period.</li> <li>- A work permit must be obtained.</li> <li>- The residency permit must be issued to a natural person who is considered to be a higher-level skilled worker or to have special qualifications.</li> <li>- The competence of the natural person must be deemed necessary for the recipient of the service.</li> <li>- All other requirements regarding entry, stay, wages, working conditions and social security benefits shall continue to apply.</li> </ul> <p>Definitions:</p> <p><b>Trainees</b> - temporary presence of natural persons with a diploma, university degree or post-graduate qualification pursuing post-study work experience for the purposes of obtaining appropriate work experience, business techniques or methods of a service.</p>		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
	<p>Access for trainees is subject to the following conditions:</p> <ul style="list-style-type: none"> <li>- Temporary entry, stay and work limited to a six months period.</li> <li>- A work permit must be obtained.</li> <li>- The work has to be essential for the person's qualifications and be a natural part of his or her vocational training.</li> <li>- The qualifications of the natural person must be relevant for the work in the company.</li> <li>- All other requirements regarding entry, stay, wages, working conditions and social security benefits, shall continue to apply.</li> </ul>		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
	<p><b>B. Business Visitors</b></p> <p>Definitions:</p> <p>a) persons who are representatives of a service supplier and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier, where those representatives will not be engaged in making direct sales to the general public or in supplying services themselves.</p> <p>b) persons working in a senior position, as defined in A above, within a juridical person, who are responsible for the setting up in Norway of a commercial presence of a service supplier of a Party when:</p> <ul style="list-style-type: none"> <li>- the representatives are not engaged in making direct sales or supplying services, and</li> <li>- the service supplier has no other representative, branch or subsidiary in Norway.</li> </ul> <p>For a) and b): Temporary entry, stay and work limited to a three month period. Compliance with an economic needs test is not required.</p>		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
	<p><b>C. Contractual Service Suppliers:</b></p> <p>Definitions:</p> <p>Access is subject to the following conditions:</p> <ul style="list-style-type: none"> <li>- Compliance with an economic needs test is not required</li> <li>- The temporary entry and stay shall be limited to three months in any twelve-month period or for the duration of the contract, whatever is less.</li> <li>- The commitment relates only to the service activity which is the subject of the contract. It does not entitle to exercise the profession as such.</li> <li>- A residency permit must be obtained.</li> <li>- A residency permit must be issued to a natural person who is considered to be a higher-level skilled worker or to have special qualifications.</li> <li>- The competence of the natural person must be deemed necessary for the recipient of the service.</li> <li>- If it is apparent that there will be a permanent need for such labour, or if during the last six months a permit has been issued for the performance of the same kind of work for the same recipient of the service, a permit shall not be granted.</li> </ul> <p>All other requirements regarding entry, stay, wages, working conditions and social security benefits shall continue to apply.</p>		

	<p><b>D. Independent Professionals:</b></p> <p>Definitions:</p> <p>Self-employed natural persons temporarily present in Norway to supply a service pursuant to a service contract between them and a client located in Norway.</p> <p>Access is subject to the following conditions:</p> <ul style="list-style-type: none"><li>- Compliance with an economic needs test is not required</li><li>- The temporary entry and stay shall be limited to three months in any twelve-month period or for the duration of the contract, whatever is less.</li><li>- The commitment relates only to the service activity which is the subject of the contract. It does not entitle to exercise the profession as such.</li><li>- A residency permit must be obtained.</li><li>- A residency permit must be issued to a natural person who is considered to be a higher-level skilled worker or to have special qualifications.</li><li>- The competence of the natural person must be deemed necessary for the recipient of the service.</li><li>- If it is apparent that there will be a permanent need for such labour, or if during the last six months a permit has been issued for the performance of the same kind of work for the same recipient of the service, a permit shall not be granted.</li><li>- All other requirements regarding entry, stay, wages, working conditions and social security benefits shall continue to apply.</li></ul>		
--	---	--	--

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<p>1. BUSINESS SERVICES</p> <p>A. Professional Services</p> <p>(a) Legal services - legal advice on foreign law (concerned parts of CPC 861)</p> <p>(b) Accounting, auditing and bookkeeping services (CPC 862)</p> <p>- Auditing services by registered and licensed auditors</p>	<p>1) None</p> <p>2) None</p> <p>3) The advocate is personally responsible for his activities. To have an interest (own shares and/or be a member of the board of the firm) in a firm of Norwegian advocates is only possible when taking active part in the business.</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) Foreign advocates can give advice on foreign law and international law after application. Some restrictions on co-operation with Norwegian advocates as a consequence of legislation on how a firm of Norwegian advocates may be organised.</p> <p>4) Unbound except as indicated in the horizontal section. As for 3), but no restrictions on advice on a strictly occasional basis.</p> <p>1) Unbound</p> <p>2) None</p> <p>3) Public certification required based on Norwegian exam and two years' experience in Norway. Audit reports must be drafted in Norwegian. Permanent residence in Norway required.</p> <p>4) Unbound except as indicated in the horizontal section. As 3).</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
- Accounting and bookkeeping services	1) Accounting shall take place in Norway. The King may decide that accounting takes place abroad. 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. For authorised accountants, permanent residence in Norway required, and a minimum of two years practice in Norway during the five preceding years.	
(c) Taxation services (CPC 863)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(d) Architectural services (CPC 8671)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(e) Engineering services (CPC 8672)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
(g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(h) Medical and dental services (CPC 9312)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Must fulfil requisite qualification measures, including national exams and minimum periods of practice in Norway. Foreign exams giving equivalent competence may be recognized. 4) Unbound except as indicated in the horizontal section. As 3).	
(i) Veterinary services (CPC 932)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(j) Deliveries and related services, nursing services, physiotherapeutic and para-medical services (CPC 93191)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. Must fulfil requisite qualification measures, including national exams and minimum periods of practice in Norway. Foreign exams giving equivalent competence may be recognised.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<p>B. Computer and Related Services</p> <p>- CPC 84 according to the attached description of sectoral coverage</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>C. Research and Development Services</p> <p>(b) R&amp;D services on social sciences and humanities (CPC 852)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>D. Real Estate Services</p> <p>(b) Real Estate Services on a fee or contract basis (CPC 822)</p> <p>- Real estate agency</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section. Upon request, education/examination from abroad may be accepted.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
- Real estate agent	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section. Upon request, education/examination from abroad may be accepted.	
E. Rental/Leasing Services without Operators			
a), b), c) Relating to ships <sup>2</sup> , aircraft, other transport equipment (CPC 83102, CPC 83103, CPC 83104, CPC 83105)	1) None 2) None 3) None other than: Aircrafts: to be registered in the aircraft register of Norway, the aircraft must be owned either by Norwegian natural persons or by Norwegian juridical persons. 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(c) Car-hiring (CPC 83101)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(d) Relating to other machinery and equipment (CPC 83106-83109)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

<sup>2</sup> Registration requirements for ships in the Norwegian shipping registries (NIS and NOR) are described in Section 11A - Maritime Transport.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
F. Other Business Services			
(a) Advertising services (CPC 871)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(c),(d) Management and administrative services (including management, consultancy) (CPC 865, CPC 866)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(e) Technical testing and analysis services (CPC 8676), except for public services functions such as statutory classification required for ships and floating vessels registered in NIS and NOR.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(f) Advisory and consulting services related to agriculture, hunting and forestry (concerned parts of CPC 881)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

**Modes of supply:**      (1) **Cross-border supply**      (2) **Consumption abroad**      (3) **Commercial presence**      (4) **Presence of natural persons**

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
(g) Advisory and consulting services related to fishing (concerned parts of CPC 882)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(i) Advisory and consulting services related to manufacturing (CPC 884, CPC 885)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(j) Services incidental to mining (CPC 883 + 5115)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(k) Placement and supply services of personnel - Labour recruitment and provision of personnel (nationals and residents with work permit) (concerned parts of CPC 872)	1) Requires registration, the appointment of a representative in Norway, and a bank guarantee equal to the amount required as minimum capital for a limited liability company 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
- Executive search services (CPC 87201)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
l) Investigation and security activities (CPC 873)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) Manager must be a Norwegian citizen resident in Norway 4) Unbound except as indicated in the horizontal section. As 3).	
(m) Related scientific and technical consulting services (CPC 8675),	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 and CPC 8861-8866)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(o) Building-cleaning services (CPC 874)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(p) Photographic services (CPC 875)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

\* Unbound due to lack of technical feasibility.

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
(q) Packaging services (CPC 876)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(r) Printing and publishing (CPC 88442)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(s) Convention services (CPC 87909)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(t) Other			
- Exhibition management services (parts of CPC 87909)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
- Interior design (concerned parts of CPC 87907)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
- Translation and interpretation services, except government authorised translators (part of CPC 87905)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 7512)	1) None 2) None 3) No limitations except as specified for transportation services 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
C. Telecommunication Services			
(a) Voice telephony	1) None	1) None	
(b) Packet-switched data transmission services	2) None	2) None	
(c) Circuit-switched data transmission	3) None	3) None	
(d) Telex services	4) Unbound except as indicated in horizontal commitments	4) Unbound except as indicated in horizontal commitments	
(e) Telegraph services			
(f) Facsimile services			
(g) Leased circuit services			
(o) Other			
- Mobile and personal communications services and systems			
- Value-added services (excludes voice telephony, telegraph and telex, packet- and circuit-switched data services, mobile radio telephony, paging and satellite services)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General Construction Work for Buildings (CPC 512)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
B. General Construction Work for Civil Engineering (CPC 513)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
C. Installation and Assembly Work (CPC 514, CPC 516)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. For electrical work, plumbing and water sanitation, foreign exams giving equivalent competence may be recognized on a case by case basis.	
D. Building Completion and Finishing Work (CPC 517)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
E. Other - Pre-erection work at construction sites (CPC 511) - Special trade construction work (CPC 515) - Renting services relating to equipment for construction/demolition of buildings/civil engineering works, with operator (CPC 518)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<p>4. DISTRIBUTION SERVICES First hand sales of raw fish and private import of alcohol are exempted</p>			
<p>A. Commission agents' services (CPC 621) (Trade in arms, alcohol and pharmaceuticals exempted)</p>	<p>1) None, except unbound for electricity 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None, except unbound for electricity 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>B. Wholesale Trade Services (CPC 622) (Import and trade in arms and pharmaceuticals exempted)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>C. Retailing Services (CPC 631+632+6111+6113+6121) (Trade in pharmaceutical products, alcohol and arms exempted)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>D. Franchising (CPC 8929)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<p>5. EDUCATION SERVICES</p> <p>Educational services leading to the conferring of State recognized exams and/or degrees</p> <p>- Primary and lower secondary education services</p> <p>- Upper secondary education services</p> <p>- Higher education services</p> <p>- Adult education</p> <p>Educational services not leading to the conferring of State recognized exams and/or degrees</p>	<p>1) As 3)</p> <p>2) None</p> <p>3) Primary and secondary education are public service functions. Authorisation may be given to foundations and other legal entities to offer additional parallel or specialized education.</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<p>6. ENVIRONMENTAL SERVICES</p> <p>With the exemption of public service functions whether owned and operated or contracted out by local, regional or central government.</p>			
<p>A. Wastewater management (CPC 9401)</p>	<p>1) Unbound, except for advisory services 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound, except for advisory services 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>B. Solid/Hazardous waste management. - Refuse Disposal Services (CPC 9402) - Sanitation and Similar Services (CPC 9403)</p>	<p>1) Unbound, except for advisory services 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound, except for advisory services 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>C. Protection of ambient air and climate - Services to reduce exhaust gases and other emissions and improve air quality (CPC 94040)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	
<p>D. Remediation and cleanup of soil &amp; water - Treatment, remediation of contaminated/polluted soil and water (part of CPC 94060)</p>	<p>1) Unbound, except for advisory services 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound, except for advisory services 2) None 3) None 4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
E. Noise & vibration abatement - Noise abatement services (CPC 94050)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
F. Protection of biodiversity and landscape - Nature and landscape protection services (part of CPC 94060)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
G. Other environmental & ancillary services - Other environmental protection services not classified elsewhere (CPC 94090)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
7. FINANCIAL SERVICES			
<p>i. Norway undertakes commitments on financial services in accordance with the "Understanding on Commitments in Financial Services" (the Understanding) of the WTO General Agreement on Trade in Services (GATS).</p> <p>ii. The market access commitments in respect of modes 1) and 2) apply to the transactions indicated in paragraphs B.3 and B.4 of the market access section of the Understanding respectively.</p> <p>iii. The restrictions and limitations listed in the schedule under mode 1) apply to regulatory measures directed towards non-resident financial service suppliers established outside the European Economic Area. The limitations listed in the schedule under mode 2) apply to regulatory measures directed towards financial service consumers residing in Norway.</p> <p>iv. The following restrictions and limitations apply:</p>			
A. Insurance and Insurance-Related Services	<p>1) In addition to the services listed in paragraph B.3 (a) of the Understanding, non-resident insurance companies may supply insurance related to passenger vessels (including cruise vessels), ocean-going fishing vessels, offshore exploration or insurance contracts regarding domestic companies with an activity of at least 10-man-years or annual sales above a certain threshold. As of 2005 this threshold is set at NOK 50 million.</p> <p>Non-resident insurance companies must supply the services listed above and in paragraph B.3(a) of the Understanding through an insurance broker authorised in Norway.</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
	<p>3) No single or coordinated group of investors may acquire or hold more than 10 per cent of the share capital in a Norwegian insurance company. A foreign or Norwegian financial institution may however, subject to approval acquire and hold up to 25 per cent of such shares when this is part of a strategic alliance agreement. The Ministry of Finance and Customs may in special circumstances make exemptions from these limitations on single investor ownership.</p> <p>Notwithstanding the foregoing, foreign insurance companies may establish partly or wholly owned subsidiaries in Norway. The other owners of such partly owned subsidiaries must be foreign or Norwegian financial institutions.</p> <p>For subsidiaries or branches of financial institutions not incorporated within Norway, a separation requirements applies between life insurance, non-life insurance and credit risk insurance.</p> <p>Insurance companies incorporated in Norway must be organised as joint stock companies or mutual insurance companies. Insurance brokerage firms incorporated in Norway must be organised as joint stock companies.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>3) For mutual insurance companies the manager, at least half the members of the board of directors and half the members of the corporate assembly must be permanent residents of Norway. The Ministry of Trade, Industry and Fisheries may grant exemptions from these rules.</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<p>B. Banking and Other Financial Services (excluding insurance)</p>	<p>1) None                  2) None                  3) No single or coordinated group of investors may acquire or hold more than 10 per cent of the share capital of commercial banks, central securities depositories or financing undertakings, or more than 10 per cent of the equity certificates of savings banks. A foreign or Norwegian financial institution may, however, subject to approval acquire and hold up to 25 per cent of such shares, except for clearing houses, or equity certificates when this is part of a strategic alliance agreement. In addition, the Ministry of Finance and Customs may in special circumstances make exemptions from these limitations on single investor ownership in such institutions.</p> <p>Notwithstanding the foregoing, foreign banks and financing undertakings may establish partly or wholly owned subsidiaries in Norway. The other owners of such partly owned subsidiaries must be banks or financial institutions respectively.</p> <p>Commercial banks, central securities depositories, securities firms and management companies for collective investment funds incorporated in Norway must be organised as joint stock companies.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None                  2) None                  3) None</p> <p>In savings banks and financing undertakings which are not organised as joint stock companies, the members of decision-making bodies must be Norwegian citizens and permanently residing in Norway. The Ministry of Finance and Customs may grant exemptions from these rules.</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels and Restaurants			
Hotels, camping sites and other commercial accommodations, restaurants, cafes, pubs, bars (CPC 641, CPC 642, CPC 643)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
B. Travel Agencies and Tour Operators Services (CPC 7471)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
C. Tourist Guides Services (CPC 7472)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
B. News Agency Services (CPC 962)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
11. TRANSPORT SERVICES			
<p>A. Maritime Transport<sup>3</sup></p> <p>International transport (freight and passengers) (CPC 7211 and 7212 and CPC 7213 wherever applicable) International towing and pushing services (part of CPC 7214). Less domestic transport (1) and domestic towing and pushing services</p>	<p>1) None 2) None 3) (a) Ships on the Norwegian Ordinary Ship Register (NOR). Ships have to be owned by Norwegian citizens or by a Norwegian company where Norwegian citizens own at least 60 per cent of the capital. Exemptions from the 60 per cent rule may be granted.</p> <p>(b) Ships on the Norwegian International Ship Register (NIS): None</p> <p>(c) Other forms of commercial presence (2): None</p>	<p>1) None 2) None 3) (a) NOR: When the ship-owning company is a limited liability company, it must be headquartered in the Norway. The majority of the members of the board, including the chairman, must be Norwegian citizens resident in the EEA area having resided in the Norway the preceding two years.</p> <p>(b) NIS: Ships with more than 40 per cent non Norwegian ownership must have a management function in Norway. This may be the operation by a Norwegian ship-owning company with head office in Norway, or a Norwegian management company or if the ship is registered directly in the NIS by a foreign company, a Norwegian representative is required. The representative must be domiciled in Norway and be authorised to receive a lawsuit on behalf of the ship owner.</p> <p>(c) Other forms of commercial presence (2): None</p>	

<sup>3</sup> See Attachment II on Notes to Maritime Transport.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<p>Domestic freight transportation (part of CPC 7212), limited to the following services</p> <ul style="list-style-type: none"> <li>- Transport feeder services related to international cargo</li> <li>- Transport of empty containers for international trade</li> </ul>	<p>4) (a) Ships' crew NOR: Unbound except as indicated in the horizontal section.</p> <p>(b) Ships' crew NIS: Unbound except as indicated in the horizontal section.</p> <p>(c) Shore personnel: Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) (a) Ships on the Norwegian Ordinary Ship Register (NOR). Ships have to be owned by Norwegian citizens or by a Norwegian company where Norwegian citizens own at least 60 per cent of the capital. Exemptions from the 60 per cent rule may be granted.</p> <p>(b) Other forms of commercial presence: None</p> <p>4) Unbound, except as indicated in the horizontal section</p>	<p>4) (a) NOR: Unbound except as indicated in the horizontal section.</p> <p>(b) NIS: None, except for the captain who must be a Norwegian citizen. Exemptions from this rule may be granted.</p> <p>(c) Shore personnel: Unbound except as indicated in the horizontal section.</p> <p>1) None</p> <p>2) None</p> <p>3) (a) NOR: When the ship-owning company is a limited liability company, it must be headquartered in the Norway. The majority of the members of the board, including the chairman, must be Norwegian citizens resident in Norway, having resided in Norway the preceding two years.</p> <p>(b) Other forms of commercial presence: None</p> <p>4) Unbound, except as indicated in the horizontal Section</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
Maritime auxiliary services:			
Maritime cargo handling services (3)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
- Storage and warehousing services (CPC 742); customs clearance services (4); container station and depot services (5)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	
- Maritime agency services (6); freight forwarding services (7)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
- Other supporting auxiliary transport services (8)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	

\* Unbound due to lack of technical feasibility

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
Auxiliary services as required by maritime transport operators:			<p>The following services are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and tug assistance</li> <li>3. Provisioning, fuelling, watering</li> <li>4. Garbage collecting, ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations, including communications, water, electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth, berthing services</li> <li>10. Container handling, storage and warehousing, freight transport.</li> </ol>



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
			<p>Where the road, rail, coastal shipping and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability to rent, hire or charter trucks, railway carriages and related equipment, for the purpose of onward forwarding of international cargoes carried by sea, or have access to and use of these forms of transport services for the purpose of providing multimodal transport services.</p>

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<p>C. Air Transport Services (Definitions of services are found in the Air Transport Annex of GATS)</p> <p>- Computer reservations systems (CRS) services</p> <p>- Selling and marketing of air transport services</p> <p>- Aircraft repair and maintenance services</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound for obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries</p> <p>2) None</p> <p>3) Unbound for obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) Unbound for distribution through CRS of air transport services provided by CRS parent carrier.</p> <p>2) None</p> <p>3) Unbound for distribution through CRS of air transport services provided by CRS parent carrier.</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
- Ground handling	1) Unbound 2) None 3) None, except that categories of activities depend of the size of the airport. The number of providers in each airport can be limited due to available space constraints and to not less than two suppliers for other reasons. Non-discriminatory preapproval may apply. 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	
E. Rail Transport Services			
(c) Pushing and towing services (CPC 7113)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(d) Maintenance and repair of rail transport equipment (CPC 8868) <sup>4</sup>	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(e) Supporting services for rail transport services (CPC 743)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section	

<sup>4</sup> Service specific constitutes only a part of the total range of activities covered by the CPC concordance.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
<p>F. Road Transport Services</p> <p>a),b) Passenger and freight transportation (CPC 7121, CPC 7122, CPC 7123; not including domestic transport)</p> <p>(e) Supporting services for road transport services (CPC 744)</p> <p>G. Pipeline transportation</p> <p>- Offshore upstream pipeline transportation of petroleum and natural gas. Central network control and monitoring services exempted (concerned parts of CPC 71310)</p> <p>H. Services Auxiliary to All Modes of Transport</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None, except for passenger transportation for which regular trips and shuttle services are conditioned by an economic needs test based on traffic criteria.</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment <sup>1</sup>	Additional Commitments
(a) Cargo-handling services (CPC 741)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	
(b) Storage and warehouse services (CPC 742)	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section	

---

\* Unbound due to lack of technical feasibility.

## ATTACHMENT I

### **UNDERSTANDING ON THE SCOPE OF COVERAGE OF CPC 84 - COMPUTER AND RELATED SERVICES**

1. CPC 84 covers all computer and related services.
2. Technological developments have led to the increased offering of these services as a bundle or package of related services that can include some or all of the basic functions listed in paragraph 3. For example, services such as web or domain hosting, data mining services and grid computing each consist of a combination of basic computer services functions.
3. Computer and related services, regardless of whether they are delivered via a network, including the Internet, include all services that provide any of the following or any combination thereof:
  - consulting, adaptation, strategy, analysis, planning, specification, design, development, installation, implementation, integration, testing, debugging, updating, support, technical assistance, or management of or for computers or computer systems;
  - consulting, strategy, analysis, planning, specification, design, development, installation, implementation, integration, testing, debugging, updating, adaptation, maintenance, support, technical assistance, management or use of or for software;<sup>5</sup>
  - data processing, data storage, data hosting or database services;
  - maintenance and repair services for office machinery and equipment, including computers; and
  - training services for staff of clients, related to software, computers or computer systems, and not elsewhere classified.
4. In many cases, computer and related services enable the provision of other services<sup>6</sup> by both electronic and other means. However, in such cases, there is an important distinction between the computer and related service (e.g., web-hosting or application hosting) and the other service<sup>2</sup> enabled by the computer and related service. The other service, regardless of whether it is enabled by a computer and related service, is not covered by CPC 84.

---

<sup>5</sup> The term “software” may be defined as the sets of instructions required to make computers work and communicate. A number of different programmes may be developed for specific applications (application software), and the customer may have a choice of using ready-made programmes off the shelf (packaged software), developing specific programmes for particular requirements (customized software) or using a combination of the two.

<sup>6</sup> E.g., W/120.1.A.b. (accounting, auditing and bookkeeping services), W/120.1.A.d. (architectural services), W/120.1.A.h. (medical and dental services), W/120.2.D (audiovisual services), W/120.5 (educational services).

## ATTACHMENT II

### NOTES TO MARITIME TRANSPORT

"Reasonable and non-discriminatory terms and conditions" means, for the purpose of multimodal transport operations, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date. A "multimodal transport operator" means the person on whose behalf the bill of lading/multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

1. "Domestic transport" is defined as maritime transport of goods and passengers between ports in Norway, including locations on the continental shelf where petroleum is explored or produced.

2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of the other members to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerized information systems and electronic data interchange (subject to the provisions of the Annex on telecommunications);
- (e) the setting of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally

(or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

5. "Container station and depot services" means activities consisting in storing containers, whether in a port area or inland, with a view to their stuffing/stripping, repairing, and making them available for shipments.

6. "Maritime agency services" means the activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

7. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

8. "Other supporting and auxiliary transport services" means freight brokerage services; bill auditing and freight rate information services; transportation document preparation services; packing and crating and unpacking and de-crating services; freight inspection, weighing and sampling services; and freight receiving and acceptance services (including local pick-up and delivery).

---



APPENDIX 5 TO ANNEX XI

**SWITZERLAND – SCHEDULE OF SPECIFIC COMMITMENTS REFERRED TO IN ARTICLE 6.16**

**Modes of supply:**            (1) **Cross-border supply**            (2) **Consumption abroad**            (3) **Commercial presence**            (4) **Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<ul style="list-style-type: none"> <li>- The level of commitments in a particular services sector shall not supersede the level of commitments undertaken with respect to any other services sector to which such service is an input for the particular service or to which it is otherwise related.</li> <li>- CPC numbers indicated in parenthesis are references to the UN Provisional Central Product Classification (Statistical Papers, Series M, n° 77, Provisional Central Product Classification, Department of International Economics and Social Affairs, Statistical Office of the United Nations, New York, 1991).</li> <li>- Unless otherwise provided for, requirements of residency, domicile, commercial presence, etc. in a commitment relate to the territory of Switzerland.</li> <li>- Attachments I and II to this schedule form an integral part thereof.</li> </ul>			
<p><b>PART I.            HORIZONTAL COMMITMENTS</b></p>			
<p>This Part sets out those commitments that apply to trade in services in all scheduled services sectors unless otherwise specified. Those commitments that apply to trade in specific services sectors are listed in Part II.</p>			
<p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p>1) None 2) None</p>	<p>1) None except unbound for subsidies, tax incentives and tax credits 2) None except unbound for subsidies, tax incentives and tax credits</p>	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) None</p>	<p>3) None except for the following:</p> <p><u>I. Composition of governing boards</u></p> <ul style="list-style-type: none"> <li>- for a “joint-stock company” (société anonyme/ Aktiengesellschaft) or a “stock company with unlimited partners” (société en commandite par actions/ Kommanditaktiengesellschaft): the majority of the board of directors must be citizens with domicile in Switzerland;</li> <li>- for a “limited liability company” (société à responsabilité limitée/ Gesellschaft mit beschränkter Haftung): at least one manager must be domiciled in Switzerland;</li> <li>- for a “co-operative society” (société coopérative/ Genossenschaft): the majority of the administrators must be domiciled in Switzerland.</li> </ul> <p><u>II. Shareholders’ circles</u></p> <p>“Joint-stock companies” are not prohibited to foresee in their articles of incorporation that the company may reject persons as acquirers of registered shares, as far and as long as their recognition by the company might prevent the company from providing proof of the composition of the shareholders’ circle required by federal law.</p> <p><u>III. Branching</u></p> <p>For a branch a representative (natural person) who is duly authorised by the company to fully represent it must be domiciled in Switzerland.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p><u>IV. Commercial presence without juridical personality</u>                      The establishment of a commercial presence by natural persons or in the form of an enterprise without juridical personality according to Swiss law (<i>i.e.</i> in a form other than “joint-stock company”, “limited liability company” or “co-operative society”) is subject to the requirement of a permanent residency permit of the associate(s) by cantonal law.</p> <p><u>V. Eligibility for subsidies</u>                      Eligibility for subsidies, tax incentives and tax credits may be limited to persons established in a particular geographical subdivision of Switzerland.</p> <p><u>VI. Acquisition of real estate</u>                      The acquisition of real estate by foreigners who are not permanently established in Switzerland and by enterprises with headquarters abroad or under foreign control is subject to authorisation. Authorisation is granted upon verification of the purpose for:</p> <ul style="list-style-type: none"> <li>(a) the acquisition of premises for professional use and business activities;</li> <li>(b) the acquisition of main residences for the purpose of personal housing needs by foreigners who are domiciled in Switzerland.</li> </ul> <p>For the acquisition of holiday residences and secondary residences for the purpose of personal housing needs, authorisation is granted upon verification of the purpose.</p>	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>Prohibited are purely financial investments and trade in apartments, with the following exceptions:</p> <ul style="list-style-type: none"> <li>(a) foreigners can invest without authorisation in financial participations (<i>i.e.</i> shares) in juridical persons that own and trade housing properties, provided such participations are quoted in a stock exchange in Switzerland;</li> <li>(b) foreign and foreign-controlled banks and insurance companies are granted authorisation to acquire property that serves as a security for mortgage loans in case of bankruptcy or liquidation;</li> <li>(c) foreign and foreign-controlled insurance companies are granted authorisation to invest in real estate, provided the total value of the buyer's property does not exceed the technical reserves required for the company's activities in Switzerland.</li> </ul>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>4) Unbound except for measures concerning the entry and temporary stay of natural persons of the Philippines (hereafter “persons”) falling within the categories defined in paragraphs A, B and C below, and subject to the limitations and conditions set out under the national treatment column and to the condition that entry and stay of service suppliers of the Philippines in Switzerland are subject to authorisation (requirement of residency permit and work permit). Authorisation is granted subject to measures fixing the overall numbers of work permits allocated. Any limitations scheduled in Part II shall apply.</p> <p>For essential personnel as defined in paragraph A below, the period of stay is limited to a period of three years, which may be extended to a maximum of four years. For other essential personnel as defined in paragraphs B, C and D below, the period of stay is limited to 90 days within one year; if an authorisation for such a period of stay is renewed the following year, the applicant must stay abroad at least two months between the two consecutive periods of stay in Switzerland.</p> <p>Persons staying in or entering Switzerland with an open-ended or extendable residence permit based on an employment contract not limited in time for Switzerland are not considered as persons residing in or entering Switzerland for the purpose of temporary stay or temporary employment in Switzerland.</p>	<p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column, subject to the following limitations and conditions:</p> <ul style="list-style-type: none"> <li>(a) working conditions prevailing in the branch and the place of activity provided by law and/or collective agreement (with respect to remuneration, working hours, etc.);</li> <li>(b) measures limiting professional and geographical mobility within Switzerland;</li> <li>(c) regulations related to statutory systems of social security and public retirement plans (with respect to qualifying period, residency requirement, etc.); and</li> <li>(d) all other provisions of the legislation relating to immigration, entry, stay and work.</li> </ul> <p>The enterprise employing such persons shall cooperate, upon request, with the authorities in charge of the enforcement of these measures.</p> <p>Eligibility for subsidies, tax incentives and tax credits may be limited to persons domiciled in a particular geographical subdivision of Switzerland.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>A. INTRA-CORPORATE TRANSFEREES (ICT)</p> <p>Essential persons transferred to Switzerland within a specific business or company of the Philippines and defined under (a) and (b) below who are employees of that business or company (hereafter enterprise) supplying services in Switzerland through a branch, subsidiary or affiliate established in Switzerland and who have been beforehand employees of their enterprise located in the Philippines for a period of not less than one year immediately preceding their application for admission.</p> <p>(a) Executives and senior managers: Persons who primarily direct the enterprise or one of its departments and who receive only general supervision or direction from high-level executives, the board of directors or the stockholders of the enterprise. Executives and senior managers would not directly perform tasks related to the actual supply of services of the enterprise.</p> <p>(b) Specialists: Highly qualified persons who, within an enterprise, are essential for the supply of a specific service by reason of their knowledge at an advanced level of expertise in the field of services, research equipment, techniques or management of the enterprise.</p>		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>B. BUSINESS VISITORS (BV) AND SERVICES SALESPERSONS (SS)</p> <p>(a) Business visitors responsible for establishing a commercial presence (BV): Persons who are employees of an enterprise not having commercial presence in Switzerland and who have been beforehand employees of that enterprise located in the Philippines for a period of not less than one year immediately preceding their application for admission, and who fulfil the conditions of paragraph A.(a) above, and who are entering Switzerland for the purpose of establishing a commercial presence of that enterprise in Switzerland. Persons responsible for establishing a commercial presence may not sell services directly to the general public or supply services themselves.</p> <p>(b) Services salespersons (SS): Persons employed or mandated by an enterprise and who stay temporarily in Switzerland in order to conclude the contract for the sale of a service on behalf of the enterprise which employs them or has mandated them. Services salespersons may not sell services directly to the general public or supply services themselves.</p>		

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>C. CONTRACTUAL SERVICE SUPPLIERS (CSS)</p> <p>Persons who are employees of an enterprise (juridical person) located in the Philippines not having commercial presence in Switzerland (and other than enterprises supplying services as defined by CPC 872), which has concluded a services contract with an enterprise engaged in substantive business in Switzerland, and who have been beforehand employees of the enterprise located in the Philippines for a time period of not less than one year immediately preceding their application for admission, who have three years of related experience, and who fulfil the conditions of paragraph A.(b) above and who supply a service in Switzerland as a professional in a service sector as set out below on behalf of the enterprise located in the Philippines; as a further requirement five years of related experience is required. Per contract, temporary entry for a limited number of service suppliers will be granted for a single period of three months, the number of service suppliers depending on the size of the task to be performed under the contract. Individual service suppliers not employed by such enterprise located in the Philippines are considered as persons seeking access to the Swiss employment market.</p>		



Modes of supply:           (1) Cross-border supply           (2) Consumption abroad           (3) Commercial presence           (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Services sectors:</p> <ul style="list-style-type: none"> <li>- Engineering services (CPC 8672)</li> <li>- Consultancy services related to the installation of computer hardware (CPC 841)</li> <li>- Software implementation services (CPC 842)</li> </ul> <p>D. OTHER</p> <p>Installers and maintainers (IM): Qualified specialists who are employees of an enterprise located in the Philippines not having commercial presence in Switzerland, supplying installation or maintenance services for machinery or industrial equipment. The supply of that service has to occur on a fee or contractual basis (installation/maintenance contract) between the builder of the machinery or equipment and the owner of that machinery or equipment, both of them being enterprises (excluding any supply of services in connection with enterprises mentioned by CPC 872).</p> <p>1), 2), 3) and 4) Unbound for all sub-federal measures (however, some sub-federal measures may be scheduled for transparency)</p>	<p>1), 2), 3) and 4) Unbound for all sub-federal measures (however, some sub-federal measures may be scheduled for transparency)</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>PART II. SECTOR-SPECIFIC COMMITMENTS</b>			
<p>1. BUSINESS SERVICES</p> <p>A. <u>Professional Services</u></p> <p>(b) Accounting, auditing and bookkeeping services</p> <p>- Accounting services (CPC 862 except 86211)</p> <p>- Financial auditing services, excluding auditing of banks (part of CPC 86211)</p> <p>(c) Taxation services (CPC 863)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None except that at least one auditor of a “joint-stock company” (société anonyme/ Aktiengesellschaft) or a “stock company with unlimited partners” (société en commandite par actions/ Kommanditaktiengesellschaft) must have his domicile, his principal office, or a registered branch in Switzerland</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I; at least one auditor of a “joint-stock company” or a “stock company with unlimited partners” must have his domicile, his principal office, or a registered branch in Switzerland</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Architectural services (CPC 8671)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(e) Engineering services (CPC 8672)	1) None  2) None 3) None  4) Unbound except as indicated in Part I	1) None except that for survey activities for official public purposes <sup>1</sup> , a Swiss licence is necessary, which is delivered to qualified surveyors after passing an exam 2) None 3) None except that for survey activities for official public purposes, a Swiss licence is necessary, which is delivered to qualified surveyors after passing an exam 4) Unbound except as indicated in Part I; for survey activities for official public purposes, a Swiss licence is necessary, which is delivered to qualified surveyors after passing an exam	
(f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

<sup>1</sup> “Survey activities for official public purposes” means cadastral activities and related activities.

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Medical and dental services (CPC 9312)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) None except that Swiss nationality is necessary to practise independently 4) Unbound except as indicated in Part I; Swiss nationality necessary to practise independently	
(i) Veterinary services (CPC 932)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) None except that Swiss nationality is necessary to practise independently 4) Unbound except as indicated in Part I; Swiss nationality necessary to practise independently	
<b>B. <u>Computer and Related Services</u></b>			
(a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(b) Software implementation services (CPC 842)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(c) Data processing services (CPC 843)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(d) Data base services (CPC 844)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Other			
- Maintenance and repair services of office machinery and equipment including computers (CPC 845)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
- Data preparation services (CPC 8491)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
C. <u>Research and Development Services</u>			
Excluding projects financed in whole or in part by public funds			
(a) R&D services on natural sciences (part of CPC 851)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(b) R&D services on social sciences (part of CPC 852)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(c) Interdisciplinary R&D services (part of CPC 853)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>E. <u>Rental/Leasing Services without Operators</u></p> <p>(a) Relating to ships</p> <p>- For maritime transport (part of CPC 83103)</p> <p>- For internal waterway transport on the Rhine (part of CPC 83103)</p> <p>(b) Relating to aircraft</p> <p>- Relating to aircraft, excluding rental/leasing to companies flying on regular schedule or on charter (part of CPC 83104)</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None except that in order to sail under Swiss flag, vessels must be 100 per cent owned and controlled by Swiss nationals, 3/4 of which having residency in Switzerland</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None except that in order to sail under Swiss flag, vessels must be owned by a company which is substantially influenced (at least 66 per cent of capital and vote) by persons domiciled in Switzerland or in a country according to the Mannheim Convention and the protocols related to it</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None except that board of directors and management of companies owning ships sailing under Swiss flag must be composed of Swiss nationals, the majority of which having residency in Switzerland</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound</p> <p>2) None</p> <p>3) None except that traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it; owner of vessels must have an appropriate managing agency in Switzerland</p> <p>4) Unbound except as indicated in Part I; traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	

**Modes of supply:**      (1) **Cross-border supply**      (2) **Consumption abroad**      (3) **Commercial presence**      (4) **Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(c) Relating to other transport equipment (CPC 83101 + 83102 + 83105)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(d) Relating to other machinery and equipment (CPC 83106-83109)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
<b>F. <u>Other Business Services</u></b>			
(a) Advertising services			
- Advertising services, excluding outdoor advertising and excluding advertising for goods subject to import authorisation and excluding pharmaceutical products, alcoholic beverages, tobacco products and electronic cigarettes/ ENDS <sup>2</sup> , toxics, explosives, weapons and ammunition (part of CPC 8711 + part of 8712)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

<sup>2</sup> Electronic cigarettes (e-cigarettes) or ENDS (Electronic Nicotine Delivery Systems): Battery-operated products designed to deliver nicotine, flavour or other chemicals. Chemicals, including highly addictive nicotine, are turned into an aerosol that is inhaled by the user. The exclusion under this footnote does also include e-cigarettes/ENDS marketed for therapeutic purposes.

**Modes of supply:**      (1) **Cross-border supply**      (2) **Consumption abroad**      (3) **Commercial presence**      (4) **Presence of natural persons**

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Management consulting services (CPC 865)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(d) Services related to management consulting (CPC 866)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(f) Services incidental to agriculture, hunting and forestry  - Consulting services on agriculture, hunting and forestry (part of CPC 881)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(g) Services incidental to fishing  - Consulting services relating to fishing (part of CPC 882)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	



**Modes of supply:**      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(h) Services incidental to mining  - Services incidental to mining, excluding prospection, surveying, exploration and exploitation (part of CPC 883 + part of 5115)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(i) Services incidental to manufacturing  - Consulting services relating to manufacturing (part of CPC 884 + part of 885 except 88442)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(m) Related scientific and technical consulting services  - Related scientific and technical consulting services, excluding prospection, surveying, exploration and exploitation (part of CPC 8675)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 + 8861-8866)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Switzerland required for group CPC 633	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Switzerland required for group CPC 633	
(o) Building cleaning services			
- Building cleaning services (CPC 874 except 87409)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Switzerland required	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Switzerland required	
(p) Photographic services (CPC 875)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(q) Packaging services (CPC 876)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Switzerland required	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Switzerland required	
(r) Printing, publishing (CPC 88442)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(s) Convention services (part of CPC 87909)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
C. <u>Telecommunications Services</u>			
For the purposes of the commitments below, telecommunications services are the transport of electro-magnetic signals – sound, data, image and combinations thereof – excluding broadcasting. <sup>3</sup>			
<u>Basic Telecommunications Services</u>			
(a) Voice telephone services (CPC 7521)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(b) Packet-switched data transmission (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(c) Circuit-switched data transmission (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

<sup>3</sup> “Broadcasting” is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

**Modes of supply:**      (1) **Cross-border supply**      (2) **Consumption abroad**      (3) **Commercial presence**      (4) **Presence of natural persons**

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Telex services (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(e) Telegraph services (CPC 7522)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(f) Facsimile services (part of CPC 7521 + 7529)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(g) Private leased circuit services (part of CPC 7522 + 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
<u>Enhanced/Value-added Telecommunications Services</u>			
(h) Electronic mail (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(i) Voice mail (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

**Modes of supply:**      (1) **Cross-border supply**      (2) **Consumption abroad**      (3) **Commercial presence**      (4) **Presence of natural persons**

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(j) Online information and data base retrieval (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(k) Electronic data interchange (EDI) (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(l) Enhanced/value-added facsimile service, incl. store and forward, store and retrieve (part of CPC 7523)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(m) Code and protocol conversion	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(n) Online information and/or data processing (incl. transaction processing) (part of CPC 843)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(o) Other - Videotext	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

**Modes of supply:**      (1) **Cross-border supply**      (2) **Consumption abroad**      (3) **Commercial presence**      (4) **Presence of natural persons**

<b>Sector or Subsector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
- Enhanced/value added services, based on licensed wireless networks including enhanced/value added paging services	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. <u>General Construction Work for Buildings</u> (CPC 512)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	
B. <u>General Construction Work for Civil Engineering</u>			
- General Construction Work for Civil Engineering (CPC 5131-5132)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	
C. <u>Installation and Assembly Work</u> (CPC 514 + 516)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) Unbound for installations in the area of energy, heating, water, communications and elevators 4) Unbound except as indicated in Part I; unbound for installations in the area of energy, heating, water, communications and elevators	
D. <u>Building Completion and Finishing Work</u> (CPC 517)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. <u>Other</u> - Pre-erection work at construction sites (CPC 511)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	



Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>4. DISTRIBUTION SERVICES</p> <p>A. <u>Commission Agents' Services</u></p> <p>- Commission agents' services, excluding services related to goods subject to import authorisation, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals (part of CPC 621)</p> <p>B. <u>Wholesale Trade Services</u></p> <p>- Wholesale trade services, excluding services related to goods subject to import authorisation, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals (part of CPC 622)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) Some cantons have restrictions on sales area</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. <u>Retailing Services</u>			
- Retailing services, excluding services related to goods subject to import authorisation, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals; and excluding retailing through mobile sales unit (part of CPC 631 + part of 632 + CPC 6111 + 6113 + 6121) <sup>4</sup>	1) None 2) None 3) Some cantons have restrictions on sales area 4) Unbound except as indicated in Part I; commercial presence in Switzerland required	1) None 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Switzerland required	
D. <u>Franchising</u> (CPC 8929)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

<sup>4</sup> This subsector includes wholesale distribution services related to motor vehicles and parts thereof contained in CPC 6111 + 6113 + 6121.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
Private education services			
A. <u>Compulsory Education Services (primary &amp; secondary I)</u> (part of CPC 921 + part of 922)	1) Unbound 2) Unbound 3) None 4) Unbound	1) Unbound 2) Unbound 3) None 4) Unbound	
B. <u>Non-Compulsory Secondary Education Services (secondary II)</u> (part of CPC 922)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
C. <u>Higher Education Services</u> (part of CPC 923)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
D. <u>Adult Education Services</u> (part of CPC 924)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>6. ENVIRONMENTAL SERVICES</p> <p>Excluding public utilities whether owned and operated by municipalities, cantons or federal government or contracted out by them</p> <p>A. <u>Sewage Services</u> (part of CPC 9401)</p> <p>B. <u>Refuse Disposal Services</u> (part of CPC 9402)</p> <p>C. <u>Sanitation and Similar Services</u> (part of CPC 9403)</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None except unbound for garbage dump</p> <p>4) Unbound except as indicated in Part I; commercial presence in Switzerland required</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I; commercial presence in Switzerland required</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	

**Modes of supply:**      (1) **Cross-border supply**      (2) **Consumption abroad**      (3) **Commercial presence**      (4) **Presence of natural persons**

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. <u>Other</u></p> <ul style="list-style-type: none"> <li>- Cleaning services of exhaust gases (part of CPC 9404)</li> <li>- Noise abatement services (part of CPC 9405)</li> <li>- Nature and landscape protection services (part of CPC 9406)</li> <li>- Other environmental and ancillary services, excluding mandatory environmental impact assessment and services associated with toxins or radioactivity (part of CPC 9409)</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound due to lack of technical feasibility</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in Part I</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound due to lack of technical feasibility</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in Part I</li> </ul>	

Modes of supply:           (1) Cross-border supply           (2) Consumption abroad           (3) Commercial presence           (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES</p> <p>Commitments on financial services (insurance, banking and other financial services) are in accordance with the “Understanding on Commitments in Financial Services” prepared under the GATS (hereafter “Understanding”) and subject to limitations and conditions as contained in Part I (horizontal commitments) and as listed below. The commitments in this sector shall not impose any obligation to allow non-resident financial service suppliers to solicit business.</p>			
<p><u>Insurance and Insurance-related Services</u></p>	<p>Monopoly rights as indicated in paragraph B.1 of the “Understanding”: a public monopoly on fire and natural damage insurance on buildings exists in the following cantons: Zürich, Bern, Luzern, Nidwalden, Glarus, Zug, Fribourg, Solothurn, Basel-Stadt, Basel-Landschaft, Schaffhausen, Aargau, St. Gallen, Graubünden, Appenzell Ausserrhoden, Thurgau, Vaud, Neuchâtel, Jura. In the cantons of Nidwalden and Vaud, the public monopoly on fire and natural damage insurance covers also movable property located in the buildings.</p>		

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) Representative offices cannot conduct business or act as an agent; for insurance companies incorporated in Switzerland, the legal form of a “joint-stock company” (société anonyme/ Aktiengesellschaft) or a “co-operative society” (société cooperative/ Genossenschaft) is required; for branches of foreign insurance companies, the legal form of the insurance company in the head office country must be comparable to a Swiss “joint-stock company” or to a Swiss “co-operative society”;</p> <p>participation in the basic health insurance scheme requires health insurance suppliers to be organised in one of the following forms of legal entities: “association” (association/ Verein), “co-operative society”, “foundation” (fondation/ Stiftung) or “joint-stock company”;</p> <p>participation in the statutory pension funds scheme (prévoyance professionnelle/ berufliche Vorsorge) requires pension funds to be organised in the form of a “foundation”</p> <p>4) Unbound except as indicated in Part I</p>	<p>2) None</p> <p>3) A minimum of three years of experience in the direct insurance business in the head office country is required</p> <p>4) Unbound except as indicated in Part I</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Banking and Other Financial Services</u> (excluding insurance)</p>	<p>Monopoly rights as indicated in paragraph B.1 of the “Understanding”: two mortgage bonds issuance institutes have been granted an exclusive right for the issuance of specific mortgage bonds (lettre de gage/ Pfandbrief); with regard to the first institute only Swiss cantonal banks are accepted as members; in the case of the second institute banks with head office in Switzerland whose national mortgage loan business amounts to at least 60 per cent of the balance sheet can be members; the issue of other mortgage-backed bonds is not affected by this regulation.</p> <p>1)<sup>5</sup> Foreign investment funds can only be marketed or distributed through a licensed representative agent resident in Switzerland</p> <p>3) Commercial presence may be denied to financial service suppliers whose ultimate shareholders and/or beneficial owners are persons of a non party; representative offices can neither conclude or deal business nor act as an agent</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) The issue of foreign collective investment funds is subject to stamp duty</p> <p>2) None</p> <p>3) Commercial presence of foreign financial service suppliers is subject to specific requirements relating to the name of the firm and the regulations on financial institutions in the country of origin</p> <p>4) Unbound except as indicated in Part I</p>	

<sup>5</sup> Not only transactions indicated in paragraph B.3 of the “Understanding” but the whole range of banking and other financial services transactions are covered (excluding insurance).



Modes of supply:           (1) Cross-border supply           (2) Consumption abroad           (3) Commercial presence           (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. <u>Hotels and Restaurants</u> (including catering) (CPC 641-643)</p> <p>B. <u>Travel Agencies and Tour Operators Services</u> (CPC 7471)</p>	<p>1) Unbound due to lack of technical feasibility, except unbound for catering (CPC 6423)</p> <p>2) None</p> <p>3) Federal law enables cantons to grant licence for restaurants based on economic needs (assessment of economic needs is based on criteria such as population, degree of built-up area, type of neighbourhood, touristical interests, number of existing restaurants)</p> <p>4) Unbound except as indicated in Part I; commercial presence in Switzerland required</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) Unbound due to lack of technical feasibility, except unbound for catering (CPC 6423)</p> <p>2) None</p> <p>3) Residency of licence holder in same canton may be required in some cantons; passing an examination in same canton may be required</p> <p>4) Unbound except as indicated in Part I; commercial presence in Switzerland required; residency of licence holder in same canton is required in some cantons</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual)  B. <u>News Agency Services</u> (CPC 962)  D. <u>Sporting and Other                      Recreational Services</u>  - Sporting services (CPC 9641)	1) None 2) None 3) None 4) Unbound except as indicated in Part I          1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I          1) None 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>11. TRANSPORT SERVICES</p> <p>C. <u>Air Transport Services</u></p> <p>(d) Maintenance and repair of aircraft (part of CPC 8868)</p> <p>D. <u>Space Transport</u> (CPC 733)</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I; commercial presence in Switzerland is required</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I; commercial presence in Switzerland is required</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound</p>	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. <u>Rail Transport Services</u>			
(a) Passenger transportation (CPC 7111)	1) Unbound 2) None 3) None except that concession is required, for granting of concession there has to be a need for such a railways undertaking and there is no other means of transport which could handle that service in an ecologically and economically more reasonable way 4) Unbound except as indicated in Part I	1) Unbound 2) None 3) None 4) Unbound except as indicated in Part I	
(b) Freight transportation (CPC 7112)	1) Unbound 2) None 3) None except that concession is required, for granting of concession there has to be a need for such a railways undertaking and there is no other means of transport which could handle that service in an ecologically and economically more reasonable way 4) Unbound except as indicated in Part I	1) Unbound 2) None 3) None 4) Unbound except as indicated in Part I	
(c) Pushing and towing services (CPC 7113)	1) Unbound 2) None 3) None except that concession is required, for granting of concession there has to be a need for such a railways undertaking and there is no other means of transport which could handle that service in an ecologically and economically more reasonable way 4) Unbound except as indicated in Part I	1) Unbound 2) None 3) None 4) Unbound except as indicated in Part I	
(d) Maintenance and repair of rail transport equipment (part of CPC 8868)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	

Modes of supply:      (1) Cross-border supply      (2) Consumption abroad      (3) Commercial presence      (4) Presence of natural persons

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
F. <u>Road Transport Services</u>			
(a) Passenger transportation			
- regular, "closed-door" tours only (part of CPC 7121)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
- occasional, excluding empty entrance, cabotage and taxi services (part of CPC 7122)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(c) Rental of commercial vehicles with operator (CPC 7124)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(d) Maintenance and repair of road transport equipment (CPC 6112 + 8867)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	
H. <u>Services Auxiliary to All Modes of Transport</u>			
(a) Cargo-handling services (CPC 741)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	

**Modes of supply:**      (1) **Cross-border supply**      (2) **Consumption abroad**      (3) **Commercial presence**      (4) **Presence of natural persons**

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(b) Storage and warehouse services (CPC 742)	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I	
(c) Freight transport agency services (CPC 748)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(d) Other auxiliary transport services (part of CPC 749)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	1) None 2) None 3) None 4) Unbound except as indicated in Part I	

ATTACHMENT I

**ENGLISH TRANSLATIONS USED IN THIS SCHEDULE  
(MODE 3 – FORMS OF LEGAL ENTITIES)**

The list below compiles the translations into English of forms of legal entities as, and to the extent that, they are used in this schedule:<sup>6</sup>

“Association” :	association, Verein, associazione
“Co-operative society” :	société coopérative, Genossenschaft, società cooperativa
“General partnership” :	société en nom collectif, Kollektivgesellschaft, società in nome collettivo
“Foundation” :	fondation, Stiftung, fondazione
“Joint-stock company” :	société anonyme (SA), Aktiengesellschaft (AG), società anonima (SA)
“Limited liability company” :	société à responsabilité limitée (sàrl), Gesellschaft mit beschränkter Haftung (GmbH), società a garanzia limitata (Sagl)
“Limited partnership” :	société en commandite, Kommanditgesellschaft, società in accomandita
“Sole proprietorship” :	entreprise individuelle, Einzelunternehmen, ditta individuale
“Stock company with unlimited partners” :	société en commandite par actions, Kommanditaktiengesellschaft, società in accomandita per azioni

---

<sup>6</sup> These unofficial translations are based on the ones prevailing most widely in the literature.

## **ANNEX XII**

REFERRED TO IN ARTICLE 6.3

LIST OF MFN EXEMPTIONS

APPENDIX 1: The Philippines

APPENDIX 2: Iceland

APPENDIX 3: Liechtenstein

APPENDIX 4: Norway

APPENDIX 5: Switzerland



APPENDIX 1 TO ANNEX XII

**PHILIPPINES – LIST OF MFN EXEMPTIONS REFERRED TO IN ARTICLE 6.3**

Sector or sub sector	Description of measure indicating its inconsistency with Article 6.3	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
<p>ALL SECTORS</p> <p>Entry and temporary stay of natural persons supplying services</p>	<p>A special visa category is provided for traders and investors of countries with which the Philippines has concluded treaties on entry rights for traders and investors</p> <p>Under this special category, the labor market test is waived and simplified entry procedures are provided</p>	<p>All countries</p>	<p>Expiry date or termination of bilateral treaties on entry rights for traders and investors</p>	<p>To facilitate entry into the Philippines, on the basis of reciprocity, of foreign nationals for purposes of trade, investment and related activities</p>
<p><u>Maritime Transport Services</u></p> <p>Liner cargo trade</p>	<p>Executive Order 769 provides for a preferential cargo sharing arrangement with countries which are parties to the UNCTAD Liner Code</p> <p>Under the above-mentioned arrangement, a Party to the UNCTAD Liner Code effectively implementing the Code is assured of at least 40 per cent share of its bilateral export and import liner cargo trade with the Philippines</p>	<p>All countries which have acceded to the UNCTAD Liner Code</p>	<p>Indefinite</p>	<p>Ensure effective participation of Philippine ocean-going fleet in Philippine liner cargo trade</p>

Sector or sub sector	Description of measure indicating its inconsistency with Article 6.3	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Coastwise and inter-island trade or transport of domestic cargoes	<p>Access to domestic shipping of domestic cargoes is reserved for Philippine owned or registered vessels</p> <p>However, limited access to domestic shipping is granted to countries with which the Philippines has concluded agreements on Amity, Commerce and Navigation</p>	All countries	Expiry date or termination of bilateral agreements on Amity, Commerce and Navigation	Allow limited access to cabotage transport on a reciprocal basis
<u>Banking and Other Financial Services</u> (including insurance)	With respect to the granting of authorization for the establishment of commercial presence or expansion of existing operations in Financial Services in the Philippines, favourable treatment would be accorded, on a discretionary basis, to financial service suppliers of another Member that accords favourable treatment to financial service suppliers of the Philippines	All countries	Indefinite	To promote greater liberalization in financial services between the Philippines and other Members in a manner that would contribute to the attainment of Philippine development objectives in the financial sector

APPENDIX 2 TO ANNEX XII

**ICELAND – LIST OF MFN EXEMPTIONS REFERRED TO IN ARTICLE 6.3**

Sector or Subsector	Description of measure indicating its inconsistency with Article 6.3	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
ALL SECTORS	Measures aimed at promoting Nordic cooperation such as: - guarantees and loans to investment projects and exports (The Nordic Investment Bank) - financial support to R&D projects (The Nordic Industrial Fund) - funding of feasibility studies for international projects (The Nordic Fund for Project Exports) - financial assistance to companies* utilizing environmental technology (The Nordic Environment Finance Corporation).	Denmark, Finland, Iceland, Norway and Sweden  (* Applies to East European companies, which are co-operating with a Nordic company.	Indefinite	To maintain and develop Nordic Cooperation.
Audiovisual services; transmission of audiovisual programmes	Measures that are adopted for the implementation and in conformity with the regulations such as the EC Television Broadcasting Directive (no. 89/552) and which define programmes of European origin in order to extend national treatment to audiovisual programmes meeting specific origin criteria.	Parties to the Council of Europe Convention on Transfrontier Television or other European countries parties to the EEA Agreement with whom an agreement may be concluded.	Indefinite	The promotion of cultural identity within the broadcasting sector in Europe, as well as achievement of certain linguistic policy objectives.
Audiovisual services; production and distribution of	Measures that are adopted for the implementation of benefits in conformity with such support programmes as MEDIA and	European countries	Indefinite	Preservation and promotion of the regional identity of the countries concerned.

Sector or Subsector	Description of measure indicating its inconsistency with Article 6.3	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
cinematographic works and television programmes	EURIMAGES to audiovisual programmes and suppliers to these programmes, meeting specific European origin criteria.			
	<p>Support programmes for the production and distribution of cinematographic works and television programmes (The Nordic Film and TV Fund).</p> <p>Measures based upon government-to-government framework agreements, and plurilateral agreements, on co-production of audiovisual works, which confer National Treatment to audiovisual works covered by these agreements, in particular in relation to distribution and access to funding.</p>	<p>Denmark, Finland, Norway and Sweden</p> <p>All countries with whom cultural cooperation may be desirable (agreements already exist, or are being negotiated, with the following countries: France, Canada).</p>	<p>Indefinite</p> <p>Indefinite (The promotion of cultural links between countries cannot be time bound)</p>	<p>To maintain and develop Nordic cooperation</p> <p>The aim of these agreements is to promote cultural links between the countries concerned.</p>

---

APPENDIX 3 TO ANNEX XII

**LIECHTENSTEIN - LIST OF MFN-EXEMPTIONS REFERRED TO IN ARTICLE 6.3**

<b>Sector or subsector</b>	<b>Description of measure indicating its inconsistency with Article 6.3</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
Audiovisual services	<p>To confer national treatment to audiovisual works covered by bi- or plurilateral agreements on co-production in the field of audiovisual works, in particular in relation to access to funding and to distribution.</p> <p>Measures granting the benefit of support programmes, such as MEDIA and EURIMAGES, and measures relating to the allocation of screentime which implement arrangements such as the Council of Europe Convention on Transfrontier Television and confer national treatment, to audiovisual works and/or to suppliers of audiovisual services meeting specific European origin criteria.</p> <p>Concessions for the operation of radio or television broadcast stations may be granted to persons of countries other than Liechtenstein.</p>	<p>All countries with whom cultural co-operation may be desirable.</p> <p>European countries</p> <p>All countries with whom cultural co-operation may be desirable.</p>	<p>Indefinite</p> <p>Indefinite</p> <p>Indefinite</p>	<p>Promotion of common cultural objectives.</p> <p>Promotion of cultural objectives based on long standing cultural links.</p> <p>Promotion of common cultural objectives, and to regulate access to a market limited in scale in order to preserve diversity of supply.</p>
Construction and related Engineering	<p>The right of commercial presence and the right of presence of natural persons is dependent on reciprocity for service providers from Liechtenstein.</p>	<p>All countries</p>	<p>Indefinite</p>	<p>To ensure adequate market access to services providers from Liechtenstein.</p>

Sector or subsector	Description of measure indicating its inconsistency with Article 6.3	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Road transport services (passenger and freight)	To regulate, on the basis of mutual access to the market, transport of goods and/or passengers by vehicles registered in countries other than Liechtenstein in, into, out of, or in transit through Liechtenstein territory, normally pursuant to bilateral agreements.	All countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be desirable (at present approx. 45 countries).	Exemption needed until multilateral liberalization of road transport services, taking into account regional specificity and environmental effects of road transport, will have been agreed upon.	To take into account regional specificity of the provision of road transport services and to protect the integrity of road infrastructure and environment.
All sectors	Measures based on bilateral agreements between Switzerland and Liechtenstein, with the objective of providing for the movement of all categories of natural persons supplying services.  According to the Liechtenstein legislation the right of presence of natural persons in all sectors is dependent on reciprocity for services providers from Liechtenstein.	Switzerland  All countries	Indefinite  Indefinite	Elements of a comprehensive set of bilateral agreements between Switzerland and Liechtenstein.  To ensure adequate market access to services providers from Liechtenstein.

APPENDIX 4 TO ANNEX XII

**NORWAY – LIST OF MFN EXEMPTIONS REFERRED TO IN ARTICLE 6.3**

<b>Sector or Subsector</b>	<b>Description of measure indicating its inconsistency with Article 6.3</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
Road transport: Passenger and Freight	Provisions of existing and future road transport agreements with one or more countries to reserve traffic rights for carriage to/from Norway and between third countries concerned. Road cabotage can also be allowed for specific countries	All countries	Indefinite	Regional specificity of road transport services
Audiovisual services: Transmission of audiovisual programmes to the public	Measures that are taken for the implementation and in conformity with the regulations such as the EC Television Broadcasting Directive (No. 89/552) and which define programmes of European origin in order to extend national treatment to audiovisual programs meeting specific origin criteria	Parties to the Council of Europe Convention on Transfrontier Television or other European countries with whom an agreement may be concluded	Indefinite	The promotion of cultural identity within the broadcasting sector in Europe, as well as achievement of certain linguistic policy objectives
Audiovisual services: Motion picture and video tape production and distribution services	To confer national treatment on audiovisual works through government-to-government framework agreements on film co-production. Such works may in some cases receive access to funding when this would not otherwise be available to co-production.	All countries	Indefinite	The aim of such agreements is to promote cultural links between the countries concerned

Sector or Subsector	Description of measure indicating its inconsistency with Article 6.3	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services: Production and distribution of cinematographic works and television programmes in Nordic countries	Measures that are adopted for the implementation of benefits in conformity with such support programs as the NORDIC FILM and TV FUND in order to enhance production and distribution of audiovisual works produced in Nordic countries	Finland, Norway, Sweden, Iceland and Denmark	Indefinite	Preservation and promotion of the regional identity of the countries concerned
Audiovisual services: Production and distribution of cinematographic works and television programs	Measures that are adopted for the implementation of benefits in conformity with such support programs as MEDIA and EURIMAGES to audiovisual programs and suppliers to these programs, meeting specific European origin criteria	European countries	Indefinite	Preservation and promotion of the regional identity of the countries concerned



Sector or Subsector	Description of measure indicating its inconsistency with Article 6.3	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All sectors	<p>Measures aimed at promoting Nordic co-operation, such as:</p> <ul style="list-style-type: none"> <li>- guarantees and loans to investment projects and exports (The Nordic Investment Bank);</li> <li>- financial support to R&amp;D projects (The Nordic Industrial Fund);</li> <li>- funding of feasibility studies for international projects (The Nordic Fund for Project Exports);</li> <li>- financial assistance to companies* utilizing environmental technology (The Nordic Environment Finance Co-operation)</li> </ul>	<p>Denmark, Sweden, Finland, Iceland and Norway</p> <p>(* Applies to East European companies, which are co-operating with one or more Nordic companies.</p>	Indefinite	To maintain and develop Nordic co-operation
CRS and sales and marketing of air transport services	The obligations of CRS system vendors or of parent and participating air carriers shall not apply where equivalent treatment is not accorded in the country of origin of the parent carrier or of the system vendor	All countries where a CRS system vendor or a parent air carrier is located	Indefinite	The need for the exemption results from the insufficient development of multilaterally agreed rules for the operation of CRS

<b>Sector or Subsector</b>	<b>Description of measure indicating its inconsistency with Article 6.3</b>	<b>Countries to which the measure applies</b>	<b>Intended duration</b>	<b>Conditions creating the need for the exemption</b>
Domestic Maritime Transport: Passenger and Freight	Provisions of agreements on access to domestic maritime transport	Denmark, Finland, Iceland, Germany, Sweden and UK	Indefinite	These agreements go beyond the rights covered by the EEA agreement and are thus applicable. The exemption will allow for entering partial and progressive commitments in this sector.

---

APPENDIX 5 TO ANNEX XII

**SWITZERLAND – LIST OF MFN EXEMPTIONS REFERRED TO IN ARTICLE 6.3**

Sector or Subsector	Description of measure indicating its inconsistency with Article 6.3	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services	<p>To confer national treatment to audiovisual works covered by bilateral or plurilateral agreements on co-production in the field of audiovisual works, in particular in relation to access to funding and to distribution</p> <p>Measures granting the benefit of support programmes, such as MEDIA and EURIMAGES, and measures relating to the allocation of screen time which implement arrangements such as the Council of Europe Convention on Transfrontier Television and confer national treatment, to audiovisual works and/or to suppliers of audiovisual services meeting specific European origin criteria</p>	<p>All countries with whom cultural cooperation may be desirable (at present agreements exist with member countries of the Council of Europe and with Canada)</p> <p>European countries</p>	<p>Indefinite</p> <p>Indefinite</p>	<p>Promotion of common cultural objectives</p> <p>Promotion of cultural objectives based on longstanding cultural links</p>
Audiovisual services - only terrestrial broadcasting or when broadcaster wants to be supported financially through revenues of reception fees	Concessions for the operation of radio or television broadcast stations may be granted, on the basis of reciprocity with regard to foreign capital participation in this sector	All countries in which access to broadcasting services is granted on the same basis as under Swiss law	Indefinite	Promotion of common cultural objectives, and to regulate access to a market limited in scale (given the size of Switzerland) in order to preserve diversity of supply

Sector or Subsector	Description of measure indicating its inconsistency with Article 6.3	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Internal waterways transport	To allow transport services on the Rhine including cabotage to vessels registered in countries other than Switzerland on the basis of the Mannheim Convention (including related additional articles and protocols) and other agreements on internal waterways transport in Europe	Beneficiaries of the Mannheim Convention and other agreements relating to internal waterways transport in Europe to which Switzerland may be a member	Indefinite	To regulate transport capacity on inland waterways
Road transport services (passenger and freight)	To regulate, on the basis of mutual access to the market, transport of goods and/or passengers by vehicles registered in countries other than Switzerland in, into, out of, or in transit through Swiss territory, normally pursuant to bilateral agreements	All countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be desirable (at present approximately 45 countries)	Exemption needed until multilateral liberalization of road transport services, taking into account regional specificity and environmental effects of road transport, will have been agreed upon	To take into account regional specificity of the provision of road transport services and to protect the integrity of road infrastructure and environment
All sectors	Measures based on bilateral agreements between the Principality of Liechtenstein, or the European Community or respectively the European Union and/or its Member States and Switzerland, with the objective of providing for the movement of all categories of natural persons supplying services	The Principality of Liechtenstein and the EC	Indefinite	Elements of a comprehensive set of bilateral agreements between Switzerland and the Principality of Liechtenstein and between Switzerland and the EC

## **ANNEX XIII**

REFERRED TO IN ARTICLE 6.19

FINANCIAL SERVICES



ANNEX XIII

REFERRED TO IN ARTICLE 6.19

FINANCIAL SERVICES

Article 1

*Scope and Definitions*

1. This Annex applies to measures by Parties affecting trade in financial services.<sup>1</sup>

2. For the purposes of this Annex:

- (a) **financial service** is any service of a financial nature offered by a financial service supplier of a Party. Financial services include all insurance and insurance-related services, and all banking and other financial services (excluding insurance). Financial services include the following activities:

*Insurance and insurance-related services*

- (i) direct insurance (including co-insurance):
  - (aa) life;
  - (bb) non-life;
- (ii) reinsurance and retrocession;
- (iii) insurance intermediation, such as brokerage and agency;
- (iv) services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services;

*Banking and other financial services (excluding insurance)*

- (v) acceptance of deposits and other repayable funds from the public;
- (vi) lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;
- (vii) financial leasing;
- (viii) all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;

---

<sup>1</sup> **Trade in financial services** shall be understood in accordance with the definition of trade in services as contained in subparagraph 2(a) of Article 6.2 (Definitions) of the Agreement.

- (ix) guarantees and commitments;
  - (x) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:
    - (aa) money market instruments (including cheques, bills, certificates of deposits);
    - (bb) foreign exchange;
    - (cc) derivative products including, but not limited to, futures and options;
    - (dd) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;
    - (ee) transferable securities;
    - (ff) other negotiable instruments and financial assets, including bullion;
  - (xi) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;
  - (xii) money broking;
  - (xiii) asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;
  - (xiv) settlement and clearing services for financial assets, including securities, derivative products and other negotiable instruments;
  - (xv) provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;
  - (xvi) advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy;
- (b) **financial service supplier** means any natural or juridical person of a Party wishing to supply or supplying financial services but the term “financial service supplier” does not include a public entity;
- (c) **public entity** means:



- (i) a government, a central bank or a monetary authority, of a Party, or an entity owned or controlled by a Party, that is principally engaged in carrying out governmental functions or activities for governmental purposes, not including an entity principally engaged in supplying financial services on commercial terms; or
  - (ii) a private entity, performing functions normally performed by a central bank or monetary authority, when exercising those functions;
- (d) For the purposes of subparagraph 2(b) of Article 6.2 (Definitions) of the Agreement, **services supplied in the exercise of governmental authority** means the following:
- (i) activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies;
  - (ii) activities forming part of a statutory system of social security or public retirement plans; and
  - (iii) other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the Government.
- (e) For the purposes of subparagraph 2(b) of Article 6.2 (Definitions) of the Agreement, if a Party allows any of the activities referred to in subparagraphs (d)(ii) or (d)(iii) of this paragraph to be conducted by its financial service suppliers in competition with a public entity or a financial service supplier, **services** shall include such activities.

3. Subparagraph 2(c) of Article 6.2 (Definitions) of the Agreement shall not apply to services covered by this Annex.

## Article 2

### *National Treatment*

1. Each Party shall grant, on a national treatment basis, to financial service suppliers of another Party established in its territory access to payment and clearing systems operated by public entities and to official funding and refinancing facilities available in the normal course of ordinary business in accordance with its domestic laws, rules and regulations. This paragraph is not intended to confer access to the Party's lender of last resort facilities.

2. Where:

- (a) membership or participation in, or access to, a self-regulatory body, securities or futures exchange or market, clearing agency, or any other organisation or association, is required by a Party in order for financial service suppliers of another Party to supply financial services on an equal basis with financial service suppliers of the Party; or
- (b) a Party provides directly or indirectly such entities, privileges or advantages in supplying financial services,

the Party shall ensure that such entities accord national treatment to financial service suppliers of another Party, which are residents in its territory in the sectors inscribed in its Schedule, and subject to any conditions and qualifications set out therein.

### Article 3

#### ***Transparency***

1. Each Party shall promote regulatory transparency in financial services taking into account:

- (a) the work undertaken by the Parties in the GATS relating to trade in financial services; and
- (b) the importance of regulatory transparency, of identifiable policy objectives, and of clear and consistently applied regulatory processes.

2. The competent authorities of each Party shall make available to interested persons domestic requirements and procedures for completing applications relating to the supply of financial services.

3. Where a licence is required for the supply of a financial service, the competent authorities of a Party shall make the requirements for such a licence publicly available. The period of time normally required to reach a decision concerning an application for a licence shall:

- (a) be made available to the applicant upon request;
- (b) be made publicly available; or
- (c) be made available by a combination of both.

### Article 4

#### ***Expeditious Application Procedures***

1. The competent authorities of each Party shall without undue delay process

applications related to the supply of financial services submitted by service suppliers of the other Parties.

2. If the competent authorities of a Party require additional information from the applicant in order to process its application, they shall notify the applicant without undue delay.

3. Upon request by the applicant, the competent authorities of a Party shall provide, without undue delay, information concerning the status of its application.

4. Where a licence is required for the supply of a financial service and if the applicable requirements are fulfilled, the competent authority of a Party shall grant the applicant a licence, as a rule, within six months from the submission of its application that has been considered complete under that Party's domestic laws, rules and regulations.

5. The competent authorities of a Party shall promptly notify the applicant of the outcome of its application after a decision has been taken. In case a decision is taken to deny an application, the reason for the denial shall, to the extent practicable, be made known to the applicant.

## Article 5

### ***Domestic Regulation***

1. Notwithstanding any other provisions of Chapter 6 of the Agreement, a Party shall not be prevented from adopting or maintaining reasonable measures for prudential reasons, including for:

- (a) the protection of investors, depositors, policy-holders, policy-claimants, persons to whom a fiduciary duty is owed by a financial service supplier, or any similar financial market participants; or
- (b) ensuring the integrity and stability of that Party's financial or monetary system.

Such measures shall not be used as a means to avoid that Party's commitments or obligations under Chapter 6 of the Agreement.

2. Measures referred to in paragraph 1 shall not be more burdensome than necessary to achieve their aim or constitute a disguised restriction on trade in services, and shall not discriminate against financial services or financial service suppliers of another Party in comparison to the Party's own like financial services or like financial service suppliers.

3. Nothing in Chapter 6 of the Agreement shall be construed to require a Party to disclose information relating to the affairs and accounts of individual customers or any confidential or proprietary information in the possession of public entities.

## Article 6

### ***Recognition of Prudential Measures***

Where a Party recognises, by agreement or arrangement, prudential measures of a non-party in determining how the Party's measures relating to financial services shall be applied, that Party shall afford adequate opportunity for another Party to negotiate its accession to such an agreement or arrangement, or to negotiate a comparable agreement or arrangement with it, under circumstances in which there would be equivalent regulation, oversight, implementation of such regulation and, if appropriate, procedures concerning the sharing of information between the parties to the agreement or arrangement. Where a Party accords such recognition autonomously, it shall afford adequate opportunity for another Party to demonstrate that such circumstances exist.

### **Article 7**

#### ***Transfers of Information and Processing of Information***

1. No Party shall, subject to its domestic laws, rules and regulations, take measures that prevent transfers of information into or out of the Party's territory or the processing of financial information, including transfers of data by electronic means, or that, subject to importation rules consistent with international agreements, prevent transfers of equipment, where such transfers of information, processing of financial information or transfers of equipment are necessary for the conduct of the ordinary business of a financial service supplier of another Party.

2. Nothing in this Article restricts the right of a Party to protect personal data, personal privacy and the confidentiality of individual records and accounts so long as such right is not used to circumvent the provisions of Chapter 6 of the Agreement.

---

**ANNEX XIV**

REFERRED TO IN ARTICLE 6.19

TELECOMMUNICATIONS SERVICES



ANNEX XIV

REFERRED TO IN ARTICLE 6.19

TELECOMMUNICATIONS SERVICES

Article 1

*Scope and Definitions*

1. This Annex applies to measures by Parties affecting trade telecommunications services.<sup>1</sup> It shall not apply to measures by a Party relating to broadcasting or to cable distribution of radio or television programming.<sup>2</sup>

2. For the purpose of this Annex:

- (a) **telecommunications services** means the transmission and reception of signals by any electromagnetic means. The sector of telecommunications services does not cover the economic activity consisting of content provision which requires telecommunications services for its transport;
- (b) **regulatory authority** means the body or bodies entrusted with any of the regulatory tasks assigned in relation to the issues mentioned in this Annex;
- (c) **essential facilities** means facilities of a public telecommunications transport network or service that:
  - (i) are exclusively or predominantly provided by a single or limited number of suppliers; and
  - (ii) cannot feasibly be economically or technically substituted in order to supply a service; and
- (d) **major supplier** means a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:
  - (i) control over essential facilities; or
  - (ii) the use of a position on the market.

---

<sup>1</sup> **Trade in telecommunications services** shall be understood in accordance with the definition contained in subparagraph 2(a) of Article 6.2 (Definitions) of the Agreement.

<sup>2</sup> **Broadcasting** shall be defined as provided for in the domestic laws, rules and regulations of each Party.

## Article 2

### ***Competitive Safeguards***

1. Each Party shall maintain appropriate measures for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.
2. The anti-competitive practices referred to in paragraph 1 shall include, in particular:
  - (a) engaging in anti-competitive cross-subsidisation;<sup>3</sup>
  - (b) using information obtained from competitors with anti-competitive results; and
  - (c) not making available to other service suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to supply services.

## Article 3

### ***Interconnection***

1. This Article applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services supplied by another supplier, where specific commitments are undertaken.
2. Each Party shall ensure that a major supplier provides interconnection at any technically feasible point in the network. Such interconnection shall be provided:
  - (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
  - (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the services to be supplied; and
  - (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

---

<sup>3</sup> As defined in the domestic laws, rules and regulations of each Party.



3. Each Party shall ensure that the procedures applicable for interconnection negotiations to a major supplier are made publicly available.

4. Each Party shall ensure that major suppliers either make their interconnection agreements available to service suppliers of another Party or publish reference interconnection offers.

5. Where suppliers are unable to resolve disputes regarding the negotiation of an interconnection agreement with a major supplier within a reasonable time, each Party shall ensure that the suppliers have recourse to assistance from an independent domestic body, which may be a regulatory authority as referred to in Article 6, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time. That body or authority shall fix the conditions for the interconnection in accordance with the normal principles governing the market and the sector in question and in accordance with the principles set out in this Annex. The assistance may include special conciliation proceedings.

#### Article 4

##### *Universal Service*

1. Each Party has the right to define the kind of universal service obligations it wishes to maintain.

2. Measures by Parties governing universal service shall be transparent, objective and non-discriminatory. They shall also be neutral with respect to competition and not be more burdensome than necessary.

#### Article 5

##### *Licensing Procedure*

1. Where a licence is required for the supply of a telecommunications service, the competent authority of a Party shall make the following publicly available:

- (a) the terms and conditions for such a licence;
- (b) the period of time normally required to reach a decision concerning an application for a licence; and
- (c) the criteria for the allocation of scarce resources, including criteria for allocation of frequency when excessive demand exists.

2. Except for licences relating to the use of frequency spectrum, where a licence is required for the supply of a telecommunications service, and if the applicable conditions are fulfilled, the competent authority of a Party shall grant the applicant a licence, within a reasonable period of time, after the submission of its application is considered complete under that Party's domestic laws, rules and regulations.

3. The competent authority of a Party shall notify the applicant of the outcome of its application promptly after a decision has been taken. In case a decision is taken to deny an application for a licence, the competent authority of the Party shall make known to the applicant, upon request, the reason for the denial.

#### Article 6

##### ***Regulatory Authority***

1. Each Party's regulatory authority for telecommunications services shall be separate from, and not accountable to, any supplier of basic telecommunications services.
2. Each Party shall ensure that the decisions of, and the procedures used by, its regulatory authority are impartial with respect to all market participants.
3. Each Party shall ensure that suppliers of another Party affected by the decision of the regulatory authority of the Party have recourse to appeal to an independent administrative body or a court, in accordance with that Party's laws, rules and regulations.

#### Article 7

##### ***Scarce Resources***

Each Party shall carry out its procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, in an objective, timely, transparent and non-discriminatory manner. Each Party shall make publicly available the current state of allocated frequency bands.

---

**ANNEX XV**

REFERRED TO IN ARTICLE 6.19

MOVEMENT OF NATURAL PERSONS SUPPLYING SERVICES



ANNEX XV

REFERRED TO IN ARTICLE 6.19

MOVEMENT OF NATURAL PERSONS SUPPLYING SERVICES

Article 1

***Scope***

This Annex applies to measures by a Party affecting natural persons of another Party covered by its Schedule of Specific Commitments.

Article 2

***General Principles***

This Annex reflects the preferential trade relations between the Parties, the common objective to facilitate entry, temporary stay and work of natural persons on a mutually advantageous basis and in accordance with the Parties' Schedules of Specific Commitments, and the need to establish transparent, secure, effective and comprehensive information and procedures for, entry, temporary stay and work.

Article 3

***Provision of Information***

1. In the application of Article 6.10 of the Agreement, each Party shall make publicly available, or shall ensure that its competent authorities make publicly available, information necessary for an effective application for the grant of entry, temporary stay and work in its territory. Such information shall be kept updated.

2. The information referred to in paragraph 1 shall include a description of, in particular:

- (a) all categories of visas and work permits relevant to the entry, temporary stay and work of natural persons covered by this Annex;
- (b) requirements and procedures for application for, and issuance of, first-time entry, temporary stay and, where applicable, work permits, including information on documentation required, conditions to be met and method of filing; and
- (c) requirements and procedures for application for, and issuance of, renewed temporary stay and, where applicable, work permits.

3. Each Party shall provide the other Parties with details of relevant publications or websites where information referred to in paragraph 2 is made available.

4. Should the implementation of paragraph 1 prove not to be practicable for a Party, that Party shall provide the information referred to in paragraph 2, as well as any subsequent change thereto, to the other Parties. In addition, that Party shall indicate to the other Parties the contact details of an authority where service suppliers of the other Parties can, upon request, obtain the information referred to under paragraph 2.

#### Article 4

##### ***Expeditious Application Procedures***

1. The competent authorities of each Party shall process expeditiously applications for granting entry, temporary stay or work permits submitted by service suppliers of other Parties, including applications for extensions thereof.

2. When the competent authorities of a Party require additional information from the applicant in order to process its application, they shall notify the applicant without undue delay.

3. Upon request by the applicant, the competent authorities of a Party shall provide, without undue delay, information concerning the status of its application.

4. The competent authorities of each Party shall notify the applicant for entry, temporary stay or work permit of the outcome of its application promptly after a decision has been taken. The notification shall include the period of stay and any other terms and conditions.

---

**ANNEX XVI**

REFERRED TO IN ARTICLE 6.19

MARITIME TRANSPORT AND RELATED SERVICES





ANNEX XVI

REFERRED TO IN ARTICLE 6.19

MARITIME TRANSPORT AND RELATED SERVICES

Article 1

*Scope*

This Annex applies to measures by Parties affecting trade in maritime transport and related services.<sup>1</sup>

Article 2

*Definitions*

For the purposes of this Annex:

- (a) **international maritime transport services** means the supply of international maritime transport of cargo and passengers, including door to door or multi-modal transport operations;
- (b) **door to door** and **multi-modal transport** mean carriage of goods using more than one mode of transport, involving an international sea-leg, under a single transport document, and the supply or access to other modes of transport;<sup>2</sup>
- (c) **maritime auxiliary services** means the following services:
  - (i) **Maritime cargo handling services** are activities exercised by stevedore companies, including cargo handling activities of terminal operators, but not including any direct activities of dockers when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:
    - (aa) loading/discharging of cargo to/from a ship;
    - (bb) lashing/unlashing of cargo; and

---

<sup>1</sup> This Annex applies without prejudice to the bilateral agreement on maritime transport between the Government of the Kingdom of Norway and the Government of the Republic of the Philippines which entered into force 6 March 2000.

<sup>2</sup> For the purpose of this definition, single transport document shall refer to a document that permits customers to conclude a single contract with a shipping company for a door to door transport operation.

- (cc) reception/delivery and safekeeping of cargoes before shipment or after discharge.
- (ii) **customs clearance services** (alternatively "customs house brokers' services") are activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity;
- (iii) **container station and depot services** are activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments;
- (iv) **maritime agency services** are activities which consist of representing as an agent, within a given geographic area, the business interests of one or more shipping lines or shipping companies, for the following purposes:
  - (aa) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
  - (bb) acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
- (v) **freight forwarding services** is any activity which consists of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.
- (d) **feeder services** means the pre-transportation and onward transportation by sea, between ports located in a Party, of international cargo, including containerised cargo, *en route* to a destination, or from a port of shipment, outside the territory of that Party;
- (e) **crew members** means the master and any person employed on board the vessel during a voyage in performance of functions related to the management, operation and maintenance of the vessel and any other person included in the crew list of that vessel;
- (f) **port** means a place where vessels may anchor or tie up for the purpose of shelter, repair, loading or discharge of cargo, embarking and disembarking of passengers, or for other such activities connected with water-borne commerce, and including all the land and water areas and the structure, equipment and facilities related to these functions.

Article 3

*Non-Discriminatory Market Access*<sup>3</sup>

1. International maritime transport service suppliers of a Party shall have unrestricted access to international maritime markets and trades on a commercial and non-discriminatory basis.
2. The Parties shall not introduce any unilateral measures and administrative, technical and other obstacles which could have discriminatory effects on the free supply of international maritime transport services.
3. Each Party shall grant to service suppliers of another Party non-discriminatory treatment<sup>4</sup> in its ports with regard to access to ports, the use of infrastructure and the following services of ports:
  - (a) pilotage;
  - (b) towing and tug assistance;
  - (c) provisioning;
  - (d) fuelling and watering;
  - (e) garbage collection and ballast water disposal;
  - (f) port captain services;
  - (g) navigation aids;
  - (h) shore-based operational services essential to ship operations, including communications, water and electrical supplies;
  - (i) emergency repair;
  - (j) anchorage, berth and berthing services,

and the use of maritime auxiliary services and supporting services,<sup>5</sup> customs facilities and the assignment of berths and facilities for loading and unloading.<sup>6</sup>

---

<sup>3</sup> This Article shall not apply to Switzerland.

<sup>4</sup> This provision does not require a Party to grant national treatment with regard to port fees and charges.

<sup>5</sup> For the purposes of this Annex, **supporting services** means: maintenance and repair of vessels (part of CPC 8868) and pushing and towing services (CPC 7214). The CPC numbers refer to the UN Provisional Central Product Classification (Statistical Paper Series M No 77, Statistical Office of the United Nations, New York, 1991).

<sup>6</sup> For greater clarity, this provision does not oblige a Party to require private sector terminal operators and providers of maritime auxiliary or supporting services to accord access to and use of their services on non-discriminatory terms and conditions.

4. No Party may introduce cargo-sharing arrangements in future agreements with other countries concerning international maritime transport services.
5. With respect to activities covered by this Annex, a Party shall permit companies of another Party to have a commercial presence in its territory in the form of subsidiaries, branches, or representative offices in accordance with its domestic laws, rules, and regulations. This commercial presence shall be subject to conditions of establishment and operation no less favourable than those accorded to subsidiaries, branches or representative offices of companies of the host Party.
6. A Party shall not adopt or maintain measures that prevent international maritime transport services suppliers of another Party from directly contracting with providers of other modes of transport for the provision of multi-modal transport services.
7. International maritime transport service suppliers of a Party are permitted to reposition owned or leased empty containers or equivalent, not being carried as cargo against payment, between ports of another Party.
8. Each Party shall permit international maritime transport service suppliers of another Party to provide feeder services between ports located in that Party.

#### Article 4

##### ***Applicability of Domestic Laws, Rules, and Regulations***

1. The vessels and crew members of a Party shall observe the relevant domestic laws, rules and regulations of another Party, during their stay including in the latter's territorial waters, inland waters and ports.
2. The competent authorities of a Party shall not interfere in the internal affairs of the vessels of another Party in its ports, except:
  - (a) at the request or with the consent of the diplomatic or consular authorities of the Party concerned;
  - (b) where peace and public order of the port or on shore have been affected or the public security disturbed through activities on the vessel or as a consequence thereof;
  - (c) where those involved in the matter are not members of the crew.
3. This Article does not restrict the rights of a Party to enforce its domestic laws, rules and regulations concerning port state control, immigration, customs, public health, protection of life, safety of vessels and security within ports, dangerous cargoes and pollution of the environment.
4. This Article does not apply to requests for a vessel to be arrested in pursuit of claims for which a lien may be placed.

Article 5

***Recognition of Vessel Documents***

1. Documents for a vessel of a Party, which have been issued or recognised in accordance with the relevant international conventions, shall be recognised by the other Parties.
2. The Parties recognise the International Tonnage Certificate (1969) duly issued in accordance with the *International Convention on Tonnage Measurement of Ships, 1969*. In cases where the port charges and expenses are collected on the basis of tonnage, the mentioned tonnage certificate (1969) shall be the basis of the calculation.

Article 6

***Identity Documents, Entry and Transit of Crew Members***

1. For the facilitation of international maritime transport services, each Party shall recognise the valid identification documents of seafarers and crew duly issued by the competent authorities of another Party.

These documents are:

- (a) for the Philippines, the “Passport” and “Seafarer’s Identification and Record Book”;
  - (b) for Iceland, the “Passport” and the “Sea Service Book”;
  - (c) for Norway, the “Passport” and the “Sea Service Book”; and
  - (d) for Switzerland, the “Passport” and the “Seaman Book”.
2. For nationals of a non-party working on board vessels of a Party, the identity documents are those issued by the competent authorities of the non-party.
  3. Subject to the immigration laws, rules and regulations of a Party, a crew member on a vessel of another Party, holding valid identity documents referred to in paragraph 1, shall:
    - (a) be admitted to the territory of that Party for temporary shore leave provided that the list of crew members is delivered to the passport control or the immigration authorities;
    - (b) be permitted to disembark a vessel as a crew member where this takes place in a port of that Party and leave the territory of that Party; and
    - (c) be admitted to the territory of that Party for the purpose of joining a vessel as a crew member, provided he is in possession of a declaration from the

shipping company or its agent stating that he is to join a specific vessel at a port of that Party.

4. A Party shall not take discriminatory measures against the crew members of another Party during their stay in its ports and territory.

5. If a crew member of a Party requires medical observation or treatment of an illness during the stay of the vessel in a port of another Party, the competent authorities of the latter shall give permission for the crew member to stay in its territory for medical attention until declared able for travel by the competent medical authority, for a period not exceeding three months. That Party shall give medical aid in accordance with its domestic laws, rules and regulations.

6. Nothing in this Article shall be construed so as to limit the right of a Party to deny any person whom they consider unacceptable from entering or remaining in its territory.

#### Article 7

##### ***Recruitment and Training***<sup>7</sup>

Each Party shall allow companies or industry organisations of another Party to establish a representation through a recruitment and placement agency on its territory, subject to the latter Party's laws, rules, regulations and policies. Such companies or industry organisations shall be allowed to provide financial support for training. Seafarers who agreed to avail of this support may, as a condition, be required to be contractually bound for a specific and reasonable period of time to serve the supporting company or industry organisation and its authorised recruitment and placement agency in accordance with the domestic laws, rules and regulations of each Party.

#### Article 8

##### ***Terms of Employment***

1. Each Party shall, when accepting crew members of another Party on its vessels, do so in accordance with international conventions in force between them.

2. The terms of employment of a national of a Party serving as a crew member on a vessel of another Party shall be stated in the contract of employment.

3. Each Party shall accept and respect the terms and conditions of employment of the crew members of a vessel of another Party, as established by employment contracts, collective bargaining agreements, social welfare standards and conditions of work and applicable for crew members on board the registered vessels of that Party.

---

<sup>7</sup> This Article shall not apply to Switzerland and Liechtenstein.

Article 9

***Rules on Labour Disputes***

1. Disputes or claims, including claims for torts arising from or related to the contract of employment or relations between a service supplier of a Party and a crew member of another Party, including but not limited to wage claims, and claims for damages as a result of the illness, personal injury or death of a crew member, shall be referred for determination and resolution solely to the exclusive jurisdiction of the competent courts, tribunals or authorities, as the case may be, of the Party where the vessel is registered or of the Party of which the complainant is a national provided that the procedure does not conflict with domestic laws, rules and regulations. The Parties will provide the appropriate mechanisms for such cases to be heard when raised.
2. This article does not affect a request for a vessel to be arrested in pursuit of claims for which a lien may be placed.

Article 10

***Assistance in Cases of Offences Committed by Crew on Board the Vessel***

1. If an offense might have taken place or a crew member is suspected of having committed an offense on board of a vessel and under the domestic laws, rules, and regulations of the Party where a vessel is registered, that Party may request another Party to obtain evidence and take proceedings in the case.
2. The competent authorities of the requested Party shall examine the request and decide, in accordance with its domestic laws, rules and regulations, which action to take.
3. If the requested Party considers that the information supplied by the requesting Party is not adequate, it may ask for additional information.
4. Proceedings may not be taken by the requested Party, unless the alleged offense would be an offense if committed in its territory and if, under these circumstances, the offender would also be liable to sanctions under its domestic laws, rules and regulations.
5. The requested Party shall promptly communicate its decision to the requesting Party and inform it of any procedural acts performed or measures taken.
6. All requests and communications between the Parties specified in this Article shall take place through diplomatic notes.

Article 11

***Treatment of Crew Members***

1. If a vessel of a Party suffers ship wreck, is grounded or suffers any other damage in the territorial water of another Party, the competent authorities of the latter shall render

the same help and assistance to the members of the crew and passengers of that vessel as it may give to its nationals.

2. When a maritime accident occurs within their jurisdiction, the Parties shall conduct any investigation in a fair and expeditious manner and take steps to ensure that the crew are permitted to re-embark or to be repatriated without undue delay once interviewed or if their presence is otherwise no longer required for the investigation.

3. The seafarer's entitlement to repatriation is regulated in accordance with *International Labour Organization's Maritime Labour Convention 2006*, as amended.

---



## **ANNEX XVII**

REFERRED TO IN ARTICLE 6.19

ENERGY RELATED SERVICES



## ANNEX XVII

### REFERRED TO IN ARTICLE 6.19

#### ENERGY RELATED SERVICES<sup>1</sup>

##### Article 1

###### *Scope*

This Annex applies to measures affecting trade in energy related services, irrespective of the energy source.

##### Article 2

###### *Definitions*

For the purposes of this Annex:

- (a) **energy related services** means services incidental to exploration, development, production, transmission, distribution or utilisation of energy or energy resources to the extent such specialised services are supplied to energy companies, directly or indirectly through their contractors or sub-contractors;
- (b) **energy companies** means natural or juridical persons holding the exclusive right to undertake exploration, development, production, transmission, distribution or utilisation of energy or energy resources.

##### Article 3

###### *Sovereignty over Energy Resources*

1. The Parties recognise state sovereignty and sovereign rights over energy resources. They reaffirm that such rights must be exercised in a manner consistent with the provisions of the Agreement.
2. The Agreement shall in no way prejudice the rules in the respective Parties governing the system of property ownership of energy resources.
3. Each Party continues to hold, in particular, the rights to decide the geographical areas to be made available for exploration, development, production, transmission, distribution or utilisation of its energy resources, the optimisation of their recovery and the rate at which they may be depleted or otherwise exploited, to specify and enjoy any

---

<sup>1</sup> This Annex does not apply to Switzerland.

taxes, royalties or other financial payments payable by virtue of such exploration, development, production, transmission, distribution or utilisation, and to regulate the environmental and safety aspects of such exploration, development, production, transmission, distribution or utilisation, and to participate in such exploration, development, production, transmission, distribution or utilisation, *inter alia*, through direct participation by the government or through state owned enterprises.

#### Article 4

##### ***Right to Regulate***

1. Consistent with the provisions of the Agreement, each Party retains the right to regulate and to introduce or maintain measures affecting trade in energy related services in order to meet legitimate national policy objectives. Each Party shall endeavour to ensure that such measures are clearly defined, transparent and objective.

2. Each Party shall endeavour to ensure that measures relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards affecting trade in energy related services shall be pre-established and published, based on objective and transparent criteria and relevant to the supply of the services to which they apply.

3. The Parties shall endeavour to ensure transparency of relevant processes relating to the development and application of domestic and international standards by non-governmental bodies.

4. Where technical standards are required and relevant international standards exist, each Party is encouraged to take the relevant parts of them into account in formulating their technical standards, except where such international standards or relevant parts would be an ineffective or inappropriate means for the fulfilment of national policy objectives.

---

## **ANNEX XVIII**

REFERRED TO IN ARTICLE 8

PROTECTION OF INTELLECTUAL PROPERTY



ANNEX XVIII

REFERRED TO IN ARTICLE 8

PROTECTION OF INTELLECTUAL PROPERTY

**SECTION I**

GENERAL PROVISIONS

Article 1

***Subject Matter***

The subject matter of this Annex on intellectual property comprises in particular:

- (a) international conventions related to intellectual property;
- (b) copyright<sup>1</sup> and related rights; trademarks for goods and services, false designations of origin, trade names, and unfair competition; geographical indications<sup>2</sup>; industrial designs; patents; plant variety protection; measures related to biological diversity and traditional knowledge; undisclosed information;
- (c) acquisition and maintenance of intellectual property rights; and
- (d) enforcement of intellectual property rights.

Article 2

***International Conventions***

1. The Parties reaffirm their obligations set out in the following multilateral agreements:

- (a) TRIPS Agreement;
- (b) *Paris Convention of 20 March 1883 for the Protection of Industrial Property, as revised by the Stockholm Act of 1967* (hereinafter referred to as the “Paris Convention”);

---

<sup>1</sup> Parties understand that computer programmes and compilations of data are covered by copyright. They must meet the general requirements for protection as provided under domestic law.

<sup>2</sup> Geographical indications may also refer to appellations of origin subject to the domestic law of a Party.

- (c) *Berne Convention of 9 September 1886 for the Protection of Literary and Artistic Works, as revised by the Paris Act of 1971* (hereinafter referred to as the “Berne Convention”);
- (d) *Patent Cooperation Treaty of 19 June 1970, as revised by the Washington Act of 2001*;
- (e) *International Convention of 26 October 1961 for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations* (hereinafter referred to as the “Rome Convention”);
- (f) *Protocol of 27 June 1989 relating to the Madrid Agreement concerning the International Registration of Marks*; and
- (g) *Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure*.

2. The Parties shall comply with the substantive provisions of the following agreements:

- (a) *World Intellectual Property Organisation* (hereinafter referred to as “WIPO”) *Copyright Treaty of 20 December 1996*;
- (b) *WIPO Performances and Phonogram Treaty of 20 December 1996* (hereinafter referred to as the “WPPT”); and
- (c) *Beijing Treaty on Audiovisual Performances of 24 June 2012*.

3. The Parties which are not yet a party to the *Nice Agreement of 25 June 1957 Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, as revised by the Geneva Act of 1979*, shall apply its classification system.

4. The Parties, which are not yet a party to the *Geneva Act of 1999 of the Hague Agreement Concerning the International Registration of Industrial Designs*, shall endeavour to accede to it.

5. The Parties agree to promptly hold expert meetings, upon request of a Party, on matters relating to the conventions referred to in Article or to future international conventions on harmonisation, administration and enforcement of intellectual property rights and on activities in international organisations, such as the WTO and the WIPO, as well as on relations of the Parties with non-parties on matters concerning intellectual property.

6. The provisions of Chapter 8 (Intellectual Property) of the Agreement and this Annex shall be without prejudice to the *Doha Declaration on the TRIPS Agreement and Public Health*, as well as the Amendment of the TRIPS Agreement as adopted by the WTO General Council on 6 December 2005.



## SECTION II

### STANDARDS CONCERNING THE AVAILABILITY, SCOPE AND USE OF INTELLECTUAL PROPERTY RIGHTS

#### Article 3

##### *Copyright and Related Rights*

1. Without prejudice to the obligations set out in the international agreements to which they are parties, each Party shall, in accordance with its domestic laws, rules and regulations, grant and ensure adequate and effective protection to the authors of works, performers, producers of phonograms, and broadcasting organisations.
2. The Parties shall promote the establishment of appropriate bodies for the collective management of copyright and related rights and encourage such bodies to operate in a manner which is efficient, transparent and accountable to their members.

#### Article 4

##### *Trademarks, False Designations of Origin, Trade Names, and Unfair Competition*

1. The Parties shall grant adequate and effective protection to trademark right holders of goods and services. The Parties shall further ensure in their domestic laws, rules and regulations adequate and effective means to protect against the use of any misleading, or if provided for in a Party's domestic laws and regulations, false, designation of origin or indications of source, including names and flags of countries, regional and city names, with regard to all goods and services. For the purposes of this Article, designations of origin or indications of source mean direct or indirect references to the geographical origin of goods or services.
2. Any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, shall be capable of constituting a trademark. Such signs, in particular, words including combinations of words, personal names, letters, numerals, figurative elements, shapes of goods, and combinations of colours, as well as any combination of such signs, shall be eligible for registration as trademarks. Where signs are not inherently capable of distinguishing the relevant goods or services, the Parties may make registrability depend on distinctiveness acquired through use. The Parties may require, as a condition of registration, that signs be visually perceptible.
3. The Parties shall grant the owner of a registered trademark the exclusive right to prevent all third parties not having the owner's consent from using in the course of trade identical or similar signs for goods or services which are identical or similar to those in respect of which the trademark is registered where such use would result in a likelihood of confusion. In case of the use of an identical sign for identical goods or services, a likelihood of confusion shall be presumed. The rights described above

shall not prejudice any existing prior rights, nor shall they affect the possibility of Parties making rights available on the basis of use.

4. The protection according to paragraph 3 shall not be limited to identical or similar goods or services where the trademark is well-known in the country where protection is being invoked, and the use of the conflicting mark would indicate a connection between those goods or services and the owner of the well-known mark, and that the interests of the owner of the well-known mark would likely be damaged by such use. Cases of likelihood of damage may be where the use of the trademark without due cause would be detrimental to the distinctive character, or take unfair advantage, or be detrimental to the repute of the well-known mark.

5. The Parties reaffirm the importance of the guiding principles contained in the *WIPO Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks*, adopted by the Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of the WIPO in 1999, and the *WIPO Joint Recommendation Concerning Provisions on the Protection of Marks and other Industrial Property Rights in Signs, on the Internet*, adopted by the Assembly of the Paris Union for the Protection of Industrial Property and the General Assembly of the WIPO in 2001.

6. The Parties shall provide the legal means for interested parties to prevent the use of any designation of origin or indication of source, for goods not originating in the place indicated by the designation in a manner which misleads the public, or is false<sup>3</sup>, as to the geographical origin of those goods, or which constitutes an act of unfair competition within the meaning of Article 10*bis* of the Paris Convention.

7. The Parties shall provide the legal means for interested parties to prevent the use of any designation of origin or indication of source for services, including cases where such indication is used as a trademark, trade name or business name, in a manner which misleads the public, or is false<sup>4</sup>, as to the geographical origin or constitutes an act of unfair competition within the meaning of Article 10*bis* of the Paris Convention.

8. The Parties shall prevent any misleading use or registration of country names of a Party or of its territory names, in particular as trademarks, company names, names of associations, and other trade or business names.

9. The Parties, in accordance with their obligations under Article 6*ter* of the Paris Convention, shall prevent that armorial bearings, flags and other State or regional emblems of a Party are used or registered in particular as a trademark, company name, name of association or other trade or business name, in non-compliance with the conditions laid down in the laws and regulations of that Party. This protection shall also apply to signs that may be confused with armorial bearings, flags and other State or regional emblems of the Parties.

---

<sup>3</sup> If a Party provides so in its domestic laws, rules and regulations.

<sup>4</sup> Id.

## Article 5

### ***Geographical Indications***

1. The Parties shall ensure in their domestic laws, rules and regulations adequate and effective means to protect geographical indications with regard to all goods.
2. For the purposes of this Annex, geographical indications are indications which identify goods as originating in the territory of a Party, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to their geographical origin.
3. The Parties reaffirm the importance that they give to the subject of protection of geographical indications with a view to preserve traditional methods of production and cultural heritage.

## Article 6

### ***Patents***

1. The Parties shall at least ensure in their domestic laws, rules and regulations that patents are available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application. Patents shall be available and patent rights enjoyable without discrimination as to the place of invention, the field of technology and whether products are imported or locally produced. Importation and offering on the market of a product shall be deemed to be “working of the patent” in the country of importation.
2. Each Party may exclude from patentability inventions, the prevention within their territory of the commercial exploitation of which is necessary to protect *ordre public* or morality, including to protect human, animal or plant life or health, or to avoid serious prejudice to the environment, provided that such exclusion is not made merely because the exploitation is prohibited by its domestic laws, rules and regulations.
3. Each Party may also exclude from patentability, in accordance with its domestic laws, rules and regulations:
  - (a) any invention of methods for treatment of the human or animal body by surgery or therapy or for diagnostic methods practiced on the human or animal body; this provision shall not apply to products, in particular substances or compositions, for use in any of these methods; and
  - (b) plant or animal varieties or essentially biological processes for the production of plants or animals; this provision shall not apply to microbiological processes or the products thereof.

Article 7

***Plant Variety Protection***

1. The Parties shall provide for adequate and effective protection of new varieties of plants. To ensure protection of plant varieties, the Parties that are not yet a party to the *International Convention for the Protection of New Varieties of Plants* (UPOV<sup>5</sup>) shall comply with the substantive provisions of this Article or may opt to join the UPOV Convention by 2019.

2. In respect of the propagating material, the breeder shall have the right to authorise any of the following acts<sup>6</sup>:

- (a) production or reproduction;
- (b) conditions for the purpose of propagation;
- (c) offering for sale;
- (d) selling or other marketing;
- (e) exporting;
- (f) importing; and
- (g) stocking for any of the purposes mentioned above.

3. The breeder may make his or her authorisation subject to conditions and limitations.

4. Subject to the exceptions in paragraph 6, the rights of the breeder stated in paragraph 2 shall also extend to harvested material, including entire plants and/or parts of plants, if the production thereof resulted directly from the unauthorised use of the plant's propagating material of the protected variety, unless the breeder has had reasonable opportunity to exercise such rights in relation to the said propagating material.

5. The rights of the breeder recognised in paragraph 2 shall also apply to:

- (a) varieties which are essentially derived<sup>7</sup> from the protected variety, where the protected variety is not itself an essentially derived variety;

---

<sup>5</sup> International Convention for the Protection of New Varieties of Plants 1978 or 1991 Act.

<sup>6</sup> The acts listed in this paragraph require the authorisation of the breeder.

<sup>7</sup> A variety shall be deemed to be essentially derived from the initial variety when:

- (a) it is predominantly derived from the initial variety, or from a variety that is itself predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;
- (b) it is clearly distinguished from the initial variety; and
- (c) except for the differences which result from the act of derivation, it conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

- (b) varieties which are not clearly distinct from the protected variety; and
  - (c) varieties whose production requires the repeated use of the protected variety.
6. The breeder's rights shall not extend to:
- (a) acts done for non-commercial purposes;
  - (b) acts done for experimental purposes;
  - (c) acts done for the purpose of breeding other varieties, and, except where the provisions of paragraph 5 apply, acts referred to in paragraph 2 in respect of such other varieties; and
  - (d) the traditional right of small farmers<sup>8</sup> to save, use, exchange, share or sell their farm produce of a protected variety, except when the sale is for the purpose of reproduction under a commercial marketing agreement. This provision shall also extend to the exchange and sale of seeds among and between small farmers for reproduction and replanting in their own land.
7. Each Party may, within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder, restrict the breeder's right in relation to any variety in order to permit farmers to use for propagating purposes, on their own holdings, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety.
8. A Party may restrict the exercise of the breeder's rights on matters of public interest and may take appropriate measures to prevent abuse of the availment of the exceptions and in the exercise of breeders' rights.
9. The rights granted under plant variety protection shall not extend to acts concerning any material of the protected variety, which has been sold or otherwise marketed by the breeder or with his consent, or any material derived from the said material, unless it:
- (a) involves further propagation of the variety in question; or
  - (b) involves the export of the variety, which enables the propagation of the variety, into a country that does not protect the variety of the plant

---

<sup>8</sup> In the Philippines, small farmer refers to natural persons dependent on small-scale subsistence farming as their primary source of income and whose sale, barter or exchange of agricultural products do not exceed a gross value of one hundred eighty thousand Philippine pesos (P180,000.00) per annum based on 1992 constant prices, subject to adjustment by the competent authorities.  
For the sake of clarity, the traditional rights of small farmers referred to apply in the Philippines only.

genus or species to which the variety belongs, except where the exported material is for final consumption purposes.

#### Article 8

##### ***Undisclosed Information***

1. The Parties, when requiring, as a condition of approving the marketing of pharmaceutical or of agricultural chemical products which utilise new chemical entities, the submission of undisclosed test or other data, the origination of which involves a considerable effort, shall protect such data against unfair commercial use. In addition, the Parties shall protect such data against disclosure, except where necessary to protect the public, or unless steps are taken to ensure that the data are protected from unfair commercial use.
2. If an issue pertaining to the implementation of paragraph 1 arises, the Parties shall jointly work and address the issue, and if necessary, establish a mechanism facilitating the cooperation, with a view to finding a mutually agreeable measure.

#### Article 9

##### ***Industrial Designs***

The Parties shall ensure in their domestic laws, rules and regulations, adequate and effective protection of industrial designs by providing, in particular, a period of protection of at least 15 years in total. Each Party may provide for a shorter period of protection for designs of component parts used for the purpose of the repair of a product.

#### Article 10

##### ***Measures Related to Biological Diversity and Traditional Knowledge<sup>9</sup>***

1. The Parties recognise the role of genetic resources and traditional knowledge in innovation.
2. In accordance with their domestic laws, rules and regulations, the Parties respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices.

---

<sup>9</sup> The provisions of this Article shall not apply to Iceland and Liechtenstein, until they have become parties to the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization*.

3. The Parties shall, in accordance with their domestic laws, rules and regulations, require that applicants for patent protection disclose the origin or source of the genetic resources if the invention is directly based on genetic resources. The Parties may require that the disclosure includes a statement that prior informed consent was obtained for access to the genetic resources. These disclosure requirements shall also apply to inventions that are directly based on the traditional knowledge associated with genetic resources that is held by indigenous and local communities. As far as provided in their domestic laws, rules and regulations, the Parties shall also apply this provision to other intellectual property rights applications.<sup>10</sup>

4. The Parties shall take legislative, administrative, or policy measures, as appropriate, for access to genetic resources and traditional knowledge associated with genetic resources, for fair and equitable sharing of benefits arising from their utilisation, and for compliance with domestic laws, rules and regulations or regulatory requirements on access and benefit-sharing, in accordance with the provisions of the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity*.

5. Each Party shall, if relevant and in accordance with its domestic laws, rules and regulations, take appropriate measures with the aim of ensuring that access to genetic resources and traditional knowledge associated with genetic resources held by indigenous and local communities is based on prior informed consent and that mutually agreed terms for the fair and equitable sharing of benefits have been established.

6. The Parties shall collaborate to address situations of non-compliance with the provisions of this Article.

### **SECTION III**

#### **ACQUISITION AND MAINTENANCE OF INTELLECTUAL PROPERTY RIGHTS**

##### Article 11

##### *Acquisition and Maintenance*

Where the acquisition of an intellectual property right is subject to the right being granted or registered, the Parties shall ensure that the procedures for granting or registration are at least of the same level as that provided in the TRIPS Agreement, in particular Article 62 thereof.

---

<sup>10</sup> Under the *Patent Cooperation Treaty* (PCT) and the *European Patent Convention* (EPC), there are no provisions regarding disclosure of origin for genetic resources and traditional knowledge. Parties are not required to request the information as per this paragraph in PCT and EPC patent applications.

## **SECTION IV ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS**

### Article 12

#### *General*

The Parties shall provide in their domestic laws, rules and regulations for enforcement provisions for rights covered by Article 1 (Subject Matter) that shall at least be of the same level as that provided in the TRIPS Agreement, in particular Articles 41 to 61 thereof.

### Article 13

#### *Suspension of Release*

1. The Parties shall adopt procedures to enable a right holder, who has valid grounds for suspecting that the importation and exportation<sup>11</sup> of counterfeit trademark or pirated copyright goods may take place, to lodge an application in writing with the competent authorities, administrative or judicial, for the suspension by the customs authorities of the release of such goods into free circulation. For goods protected by other intellectual property rights, the Parties allow a right holder to resort to other measures such as the filing of a form containing a description of the goods for the customs authorities' records, and action if warranted.
2. The Parties, in accordance with domestic laws, rules and regulations, shall enable their competent authorities to suspend the release of imported goods or goods for export when they have valid grounds for suspecting that the same are counterfeit or pirated.
3. The Parties shall authorise their customs authorities to inform the right holder in order to enable the lodging of an application under paragraph 1.
4. The Parties agree that there shall be no obligation to apply procedures set forth in paragraphs 1 and 2 to the suspension of the release of goods put on the market by or with the consent of the right holder.
5. In case of suspension pursuant to paragraphs 1 or 2 with respect to importation into or exportation from the customs territory of a Party, the competent authorities of the Party suspending the release of the goods shall notify the right holder of the suspension, including necessary information to enforce his rights.
6. The Parties shall ensure that the competent authorities, administrative or judicial, on request from the right holder, have the authority to decide that the goods, the release of which has been suspended pursuant to paragraphs 1 or 2, shall be held seized until a final decision is reached in the infringement dispute.

---

<sup>11</sup> It is understood that there shall be no obligation to apply such procedures to goods in transit.



7. The Parties shall provide that if the competent authorities have made a final determination that the suspected goods infringe an intellectual property right, procedures are made available to enable the right holder to seek recovery of, and be indemnified against, costs and expenses that the right holder may have incurred in connection with the exercise of rights and remedies provided in this Article.

#### Article 14

##### ***Right of Inspection***

1. The competent authorities shall give the applicant for the suspension of goods and other persons involved in the suspension sufficient opportunity to inspect goods whose release has been suspended.
2. When examining goods, the competent authorities may take samples and grant the right holder access to such samples for the purpose of analysis or facilitating subsequent procedures, in accordance with the domestic laws, rules and regulations of the Party concerned. The necessary evidence shall at all times be properly preserved.
3. The declarant, holder or owner of the suspected infringing goods may be present at the inspection with a view to protecting its trade secret, in accordance with the domestic laws, rules and regulations of the Party concerned.

#### Article 15

##### ***Injunctions***

1. Each Party shall ensure that its judicial authorities have the authority to order prompt and effective provisional measures:
  - (a) to prevent an infringement of any intellectual property right from occurring, and in particular to prevent the entry into channels of commerce in their jurisdiction of goods, including imported goods immediately after customs clearance;
  - (b) to preserve relevant evidence with regard to the alleged infringement.
2. The judicial authorities shall have the authority to adopt provisional measures *inaudita altera parte* where appropriate, in particular where any delay is likely to cause irreparable harm to the right holder, or where there is a demonstrable risk of evidence being destroyed. The Parties recognise the need to act expeditiously upon applications for provisional measures.
3. Each Party shall ensure that, in civil judicial proceedings concerning the enforcement of intellectual property rights, its judicial authorities have the authority to order a party to desist from an infringement, *inter alia*, to prevent the entry into the channels of commerce in their jurisdiction of imported goods that involve the

infringement of an intellectual property right, immediately after customs clearance of such goods.

#### Article 16

##### ***Removal from Commerce***

The Parties shall ensure that the competent judicial authorities in an infringement dispute may order, at the request of the right holder, that appropriate measures be taken with regard to goods that they have found to be infringing an intellectual property right and, in appropriate cases, with regard to materials and implements predominantly used in the creation or manufacture of those goods. Such measures include, primarily, effective removal from the channels of commerce or destruction. In considering a request for corrective measures, the need for proportionality between the seriousness of the infringement and the remedies ordered as well as the interests of third parties shall be taken into account.

#### Article 17

##### ***Civil Remedies***

Each Party shall provide that:

- (a) in civil judicial proceedings, its judicial authorities shall have the authority to order the infringer, who knowingly or with reasonable grounds to know engaged in infringing activity of intellectual property rights, to pay the right holder damages adequate to compensate for the actual injury the right holder has suffered as a result of the infringement; and
- (b) in determining the amount of damages for intellectual property rights infringement, its judicial authorities shall consider, *inter alia*, the actual damage, or a reasonable amount of compensation, taking into account the fair market value of the intellectual property rights in relation to the infringing goods.

#### Article 18

##### ***Criminal Remedies***

Each Party shall provide for criminal procedures and penalties to be applied at least in cases of wilful trademark counterfeiting or copyright or related rights piracy on a commercial scale.

Article 19

***Liability Declaration, Security or Equivalent Assurance***

The competent authorities shall have the authority to require an applicant to declare to accept liability towards the persons involved and, in justified cases, to provide a security or equivalent assurance, sufficient to protect the defendant and the competent authorities and to prevent abuse. Such security or equivalent assurance shall not unreasonably deter recourse to these procedures.

Article 20

***Cooperation in the Field of Intellectual Property***

1. The Parties, recognising the growing importance of intellectual property as a factor of economic, social, and cultural development, agree to enhance their cooperation in the field of intellectual property.
  2. The areas and forms of cooperation may include but not be limited to, as mutually agreed by the Parties:
    - (a) exchange of information, experiences, and experts in the field of intellectual property;
    - (b) promotion of public awareness on intellectual property;
    - (c) capacity building and technical assistance on intellectual property management and commercialisation;
    - (d) exchange of non-confidential information for the development of publicly accessible databases of intellectual property rights and reference to available literature on intellectual property;
    - (e) strengthening the intellectual property rights protection and enforcement system; and
    - (f) other cooperation activities as may be agreed upon by the Parties.
  3. The exchange of information on intellectual property covers only non-confidential information in electronic forms and in English, pertaining to statistics, activities, best practices, examination manuals, laws, regulations, decisions, and resolutions, as may be requested by a Party.
  4. Cooperation activities are subject to the availability of monetary funds and other resources.
-