

## **GATS 2000**

### **REQUEST FROM THE EC AND ITS MEMBER STATES (HEREINAFTER THE EC)**

#### **TO**

#### **SWITZERLAND**

#### **GENERAL REMARKS**

At the WTO Ministerial Conference in Doha in November 2001, Ministers agreed that initial requests for specific commitments should be submitted by 30 June 2002.

In line with this decision, and committed to the objectives and principles stated in Article IV and XIX GATS, as well as the negotiating guidelines agreed by the Council for Trade in Services on 29 March 2001, the EC encourages Switzerland to participate actively in the negotiations.

The EC considers that the progressive liberalisation of services is of benefit for all members, including developing and least developed countries. In this context, the EC recognises the importance of liberalisation being underpinned by domestic regulatory frameworks designed to ensure the achievement of public policy objectives.

This request covers horizontal commitments and the following service sectors:

- Professional services
- Business services (other than professional services)
- Postal and courier services
- Telecommunication services
- Construction and related engineering services
- Distribution services
- Environmental services
- Financial services
- Tourism and travel related services
- Transport services
- Energy services

The EC proposes that Switzerland's current GATS commitments are revised in accordance with this request. The EC is both seeking improved commitments and clarification of existing commitments as set out in this Request. The EC is furthermore looking for a reduction in scheduled

limitations whether these are horizontal or sector specific in nature. In so doing, the EC is not seeking the dismantling of public services nor the privatisation of state owned companies.

In conformity with the objectives set out in the EC's overall approach to services negotiations (document S/CSS/W /15), the EC reiterates its commitment to promote regulatory disciplines in accordance with Article VI:4 of the GATS. The EC, however, reserves its right to address at any time to Switzerland specific requests concerning regulatory issues.

The EC further requests that commitments are entered in accordance with the scheduling guidelines adopted by the Council of Trade in Services on 23 March 2001 (S/L/92). In particular, for each commitment or limitation entered the EC requests:

- that the sector and sub-sector are clearly identified in accordance with the classification list in Document MTN.GNS/W/120 or other internationally recognised classification (e.g. Financial Services Annex) and/or corresponding CPC number. If this is not possible, the schedule should contain a sufficiently detailed definition to avoid any ambiguity as to the scope of the commitment. In that respect the EC would like to recall the classification or list of activities proposed in its negotiating proposals with regard to postal and courier, environmental and energy services. While discussions on classification in these sectors are still ongoing, the EC would like to invite Switzerland to present its offer in accordance with this approach.
- that any remaining limitation on market access (hereinafter "MA") or on national treatment (hereinafter "NT") are clearly described and only be inscribed in the market access or national treatment columns if the measure is of a nature foreseen by Articles XVI-XVII GATS.

The EC remains available to provide any clarification and answer any question on this request. Questions can be addressed to the European Commission via the EC contact point, (mailbox address: TRADE-GATS-CONTACT-POINTS@cec.eu.int), via the Delegation of the European Commission in Geneva, or directly to the European Commission (Directorate-General Trade Unit D2 (Trade in services, including e-commerce), Brussels, B-1049, Belgium, fax 32-2-299 24 35) .

*Note : The EC reserves the right to revise and/or supplement this request. For each service sector, W120 classification has been followed unless expressly indicated and CPCs refer to the Provisional CPC classification. The precise scope for each sector is without prejudice to the EC's final positions on classification issues and to the EC's classification of their existing commitments.*

## **HORIZONTAL COMMITMENTS**

### **EC REQUEST TO SWITZERLAND**

#### **SUBSIDIES, TAX INCENTIVES AND TAX CREDITS**

Modes 1 and 2: Unbound for NT. **EC requests:** Please clarify scope and rationale for this restriction.

#### **NATIONALITY AND RESIDENCY REQUIREMENTS**

Mode 3: NT - Switzerland maintains various nationality and residency requirements in relations to members of the board of directors of a “joint stock company”, managers of a “corporation with limited liability”, the administrators of a “co-operative society”, representatives of branches, and associates in connection with establishment of a commercial presence by natural persons or in the form of an enterprise without juridical personality according to Swiss law. **EC requests:** Remove these restrictions.

Switzerland has maintained restriction according to which “joint stock companies are not prohibited to foresee in their articles of incorporation that shareholders can be denied registration in the shareholder register, inter alia in case federal law requires a certain composition of shareholders” as a NT restriction. **EC requests:** Please clarify the nature and purpose of this restriction.

#### **ACQUISITION OF REAL ESTATE**

Switzerland has scheduled a NT restriction under the horizontal commitments the acquisition of real estate by prohibiting “purely financial investments, real estate business operations, acquisition, on a professional basis, of holiday apartments and facilities other than hotels (e.g. apartment houses, camps, sport areas) and acquisition of agricultural real estate”. **EC requests:** Removal of the prohibition against acquisition, on a professional basis, of holiday apartments and facilities other than hotels (e.g. apartment houses, camps, sport areas). Please clarify the nature of the prohibition against acquisition for "purely financial investment", and of "agricultural real estate".

#### **MODE 4**

##### **Quantitative Restriction**

- Switzerland reserves the right to apply numerical quotas for Intra-corporate transferees (category I). **EC request :** Eliminate.
- Each Canton applies quantitative restrictions on the number of foreign business personnel. **EC request:** Eliminate.

## **Intra-corporate transferees**

- The EC requests that a commitment be made to allow as intra-corporate transferees « persons with a university degree or equivalent technical qualification who are transferring for career development purposes or to obtain training in business techniques or methods ». The maximum prior employment requirement should be one year.

## **National Treatment**

- Switzerland does not appear to apply national treatment in relation of « measures limiting professional and geographical mobility within Switzerland ». Separate work permits are required for each Canton in which work is performed **EC request** : Eliminate requirement for separate work permits. Clarify extent of entry in national treatment column.

## **Contractual Service Suppliers**

A contractual service supplier is a juridical person with no commercial presence in Switzerland, who has obtained a service contract in Switzerland requiring the presence of its employees in Switzerland in order to fulfil that contract. Contractual service suppliers are covered by Switzerland's commitments under IIc.

- In addition to relevant qualifications, persons entering as contractual service suppliers are required to have five years related experience. **EC request**: Reduce to three years and waive requirement where professional qualifications have been obtained in the case of the professional services listed in section IA of W/120 and of surveyors.
- Switzerland's commitments are limited to engineers and some computer services. **EC request**: Extend list of services sectors covered to include the following:

List of sectors :

### 1. Business Services

Legal Services  
Accounting and bookkeeping services  
Taxation services  
Architectural services  
Urban planning and landscape architectural services  
All Other Computer and Related Services  
Research and Development Services  
Advertising  
Management consulting services  
Services related to management consulting  
Technical testing and analysis services  
Related scientific and technical consulting services

Maintenance and repair of equipment  
Interpreters

3. Construction and related engineering services

Site investigation work (CPC 5111)

4. Distribution Services

Wholesale trade services (CPC 622)

6. Environmental Services

All sub-sectors

7. Financial Services

Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services

Advisory and other auxiliary financial services on all the activities listed in the subparagraphs (v) to (xv) of the classification of the Annex on Financial Services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy

**Additional commitments**

- Difficulties are experienced as a result of the length of time taken to process work and residence permits. The EC wishes to discuss the possibility of taking additional commitments to address this issue.

*Note : Mode 4 is covered horizontally in this part for all service sectors. The sectoral requests in the following pages only refer to mode 4 when specifically related to one particular service sector.*

# PROFESSIONAL SERVICES

## EC REQUEST TO SWITZERLAND

Switzerland has committed this sector only partially. The EC requests that this sector is committed as follows:

### **A. LEGAL SERVICES (CPC 861)**

This sub-sector is not committed for practice of third country law and for practice through lawyers qualified in Switzerland. **EC Request:** Extend sectoral coverage of commitments to consultancy on law of jurisdiction where the service supplier or its personnel are qualified lawyers

- Mode 3: NT – Nationality requirement applicable in St. Gallen. **EC Request:** Remove

### **D. ARCHITECTURAL SERVICES (CPC 8671)**

### **E. ENGINEERING SERVICES (CPC 8672)**

For each of the above two sub-sectors:

- Modes 1, 3 and 4: NT - Prior practice requirement applicable in the canton of Lucerne. **EC Request:** Remove the prior practice requirement.

For engineering services:

- Modes 1, 3 and 4: NT - Swiss nationality necessary for survey activities for official public purposes. **EC Request:** Please clarify what is meant by “official public purposes”

# **BUSINESS SERVICES (OTHER THAN PROFESSIONAL SERVICES)**

## **EC REQUEST TO SWITZERLAND**

### **B. COMPUTER AND RELATED SERVICES**

This sub-sector has only been partially committed. **EC request:** Extend coverage to include rest of CPC 849 and schedule commitments at the two-digit level – i.e. CPC 84.

### **D. REAL ESTATE SERVICES:**

Switzerland has not committed this Sector. The **EC requests** that it be committed as follows :

#### **a) Involving own or leased property (CPC 821)**

#### **b) On a fee or contract basis (CPC 822)**

For each of the above two sub-Sectors:

- Modes 1, 2, 3 : Take full commitments, i.e. schedule "none" under MA and NT.
- Mode 4 : Commit as referred to in the section "Horizontal commitments".

### **E. RENTAL AND LEASING WITHOUT OPERATORS**

#### **a) Relating to ships**

- Switzerland commitment covers only part of CPC 83103 (maritime transport services). **EC requests:** Commit all of CPC 83101
- Mode 3: MA – Access to sail under Swiss is restricted by nationality and residency requirements. **EC request:** Eliminate these requirements.
- Mode 3: NT – the composition of the Board of directors and management of companies owning ships sailing under Swiss flag is restricted by nationality and residency requirements. **EC request:** Eliminate these requirements.

### **F. OTHER BUSINESS SERVICES :**

*NB: Requests (if any) on (h) - services incidental to mining, and (j) - services incidental to energy distribution, are covered in those sections of the request dealing with Energy Services and Construction Services.*

Switzerland has not committed the following sub-Sectors. The **EC requests** that they be committed as follows :

#### **k) Placement and supply services of personnel (CPC 872)**

#### **t) Translation Services (CPC 87905)**

For each of the above three sub-Sectors (k), (t):

- Modes 1, 2, 3 : Take full commitments, i.e. schedule "none" under MA and NT.
- Mode 4 : Commit as referred to in the section "Horizontal commitments".

**l) Security Services (CPC 87302 – 87309)**

- Mode 3 : MA - Commit with no form of establishment or equity limitation. Full NT commitment - i.e. schedule "none".
- Mode 4 : Commit as referred to in the section "Horizontal commitments".

**a) Advertising (CPC 871)**

- Switzerland has committed this sub-sector only partially. **EC request:** Extend sectoral coverage to all services of CPC 871.

**m) Related scientific and technical consulting (CPC 8675)**

- This sub-sector has not been committed for “prospection, surveying, exploration and exploitation”. **EC request:** Extend sectoral coverage to all of CPC 8675.

**n) Maintenance and Repair of Equipment (CPCs 633 + 8861-8866)**

- Mode 1: MA and NT – unbound due to apparent lack of technical feasibility. **EC request:** Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: MA and NT: Commercial presence requirement for CPC 633. **EC request:** Eliminate.

**o) Building cleaning services**

This sub-sector has not been committed for CPC 87409 (Other building cleaning services). **EC request:** Extend sectoral coverage to all of CPC 874).

**q) Packaging Services (CPC 876)**

- Mode 1: MA and NT – unbound due to apparent lack of technical feasibility. **EC request:** Take full commitments scheduled as “none”.
- Mode 4: MA and NT: Commercial presence requirement for CPC 876. **EC request:** Eliminate.

**Grounds maintenance (part of CPC 88110) and**

**Washing and Cleaning services (CPC 97011-97014)**

Switzerland has not committed these two sub-sectors. **EC request:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Commit as referred to in the section “Horizontal commitments”.

# POSTAL AND COURIER SERVICES

## EC REQUEST TO SWITZERLAND

Switzerland has not undertaken commitments in postal and courier services. This request is based on the EC proposal for the classification of postal and courier services. While discussions on classifications in this sector are still ongoing, the EC would like to invite Switzerland to present its offer in accordance with this proposal, without prejudice to the outcome of the discussion on the classification of postal and courier services:

### **SERVICES RELATING TO THE HANDLING<sup>1</sup> OF POSTAL ITEMS<sup>2</sup>, WHETHER FOR DOMESTIC OR FOREIGN DESTINATIONS**

**A. Handling of addressed written communications on any kind of physical medium<sup>3</sup>, including:**

- Hybrid mail services

- Direct mail

**B. Handling of addressed parcels and packages<sup>4</sup>**

**C. Handling of addressed press products<sup>5</sup>**

**D. Handling of items referred to in A. to C. above as registered or insured mail.**

**E. Express delivery services<sup>6</sup> for items referred to in A. to C. above.**

**F. Handling of non-addressed items.**

**G. Document exchange.**

**H. Other services not elsewhere specified.**

For sub-sectors B., C., E., F. and G. :

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<sup>1</sup> The term "handling" should be taken to include clearance, sorting, transport and delivery.

<sup>2</sup> "Postal item" refers to items handled by any type of commercial operator, whether public or private.

<sup>3</sup> E.g. letter, postcards.

<sup>4</sup> Books, catalogues are included hereunder.

<sup>5</sup> Journals, newspapers, periodicals.

<sup>6</sup> Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and addressee in transit, confirmation of receipt.

- Modes 1, 2 and 3 : **EC request:** Undertake full commitments for market access and national treatment.
- Mode 4 : **EC request:** Commit as referred to in the section « Horizontal commitments ».

For sub-sectors A. and D. :

- Modes 1, 2 and 3 : **EC request:** Undertake commitments for market access and national treatment.
- Mode 4 : **EC request:** Commit as referred to in the section « Horizontal commitments ».

## **TELECOMMUNICATION SERVICES**

### **EC REQUEST TO SWITZERLAND**

Switzerland has only partially committed this Sector. The EC requests that this Sector is committed as follows :

#### **ENHANCED/VALUE-ADDED TELECOMMUNICATION SERVICES**

The provision of those services is subject to a “General condition applicable to all telecommunication sectors: federal monopoly on net work infrastructure, services have to be provided over the public network or over leased lines; wireless networks subject to licensing; pricing of leased lines not volume-sensitive, connection with the public network possible.” **EC request:** remove these restrictions which are not in line with the commitments made later on basic services.

# CONSTRUCTION AND RELATED ENGINEERING SERVICES

## EC REQUEST TO SWITZERLAND

### **A. GENERAL WORK FOR BUILDINGS (CPC 512)**

Switzerland has committed this Sector only partially. The EC requests that this Sector be committed as follows:

### **B. GENERAL CONSTRUCTION WORK FOR CIVIL ENGINEERING (CPC 513)**

This sub-sector is not committed for CPC 5133, 5134, 5135, 5136, 5137 and 5139. **EC Request for these CPCs:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Commit as referred in the section “Horizontal commitments”.

### **C. INSTALLATION AND ASSEMBLY WORK (CPC 514+516)**

- Mode 3 : NT – This Mode remains unbound for installations in the area of energy, heating, water, communications and elevators. **EC Request:** Take full commitments, i.e. schedule “none” under NT.
- Mode 4 : NT – This Mode remains unbound for installations in the area of energy, heating, water, communications and elevators. **EC Request:** Remove this restriction and commit under NT as referred in the section “Horizontal commitments”.

### **E. OTHER (CPC 511+515+518)**

This sub-sector is not committed for CPC 515\_(special trade construction work) and CPC 518 (renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator). **EC Request for these CPCs:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Commit as referred in the section “Horizontal commitments”.

## **DISTRIBUTION SERVICES**

### **EC REQUEST TO SWITZERLAND**

Switzerland has only partially committed this Sector. The **EC requests** that this Sector is committed as follows :

#### **A. COMMISSION AGENTS' SERVICES (CPC 621, 6111+6113+6121)**

#### **B. WHOLESALE TRADE SERVICES (CPC 622, 6111+6113+6121)**

For A. and B., the distribution of the following goods is not committed :

- motor vehicles (CPC 6111+6113+6121)
- "goods subject to import authorisation"
- pharmaceutical products
- precious metals

**EC Request** for these goods:

- Modes 1, 2, 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".
- Mode 3: Restrictions on sales area in some cantons. Eliminate such restrictions

#### **C. RETAILING SERVICES (CPC 631+632, 6111+6113+6121+613)**

The distribution of the following goods is not committed :

- motor fuel (CPC 613)
- "goods subject to import authorisation"
- pharmaceutical products
- precious metals

**EC Request** for these goods:

- Modes 1, 2, 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".
- All modes : Retailing through mobile sales unit is not committed. Remove such restriction.
- Mode 3: Restrictions on sales area in some cantons. Eliminate such restriction

## **ENVIRONMENTAL SERVICES**

### **EC REQUEST TO SWITZERLAND**

This request is based on the EC proposal for the classification of environmental services. While discussions on classification in this sector are still ongoing, the EC would like to invite Switzerland to present its offer in accordance with this proposal, without prejudice to the outcome of the discussion on the classification of environmental services:

#### **A. WATER FOR HUMAN USE & WASTEWATER MANAGEMENT**

**Water collection, purification and distribution services through mains, except steam and hot water.**

This sub-sector only concerns the distribution of water through mains' (i.e. urban sewage systems). This excludes any cross-border transportation either by pipeline or by any other means of transport, nor does it imply access to water resources.

Extend sectoral coverage to include the above services.

- Mode 3: Take commitments under MA and NT.
- Mode : Commit as referred to in the section 'Horizontal commitments'.

#### **B. SOLID/HAZARDOUS WASTE MANAGEMENT**

**Refuse disposal services (CPC 94020)**

Mode 3: MA - Switzerland keeps an unbound for garbage dump. **EC request:** Fully commit also for garbage dump.

#### **G. OTHER ENVIRONMENTAL & ANCILLARY SERVICES**

**Other environmental protection services not classified elsewhere (CPC 94090)**

**EC requests:** Clarify which part of CPC 9409 is committed. Extend commitments to include all of 9409.

## FINANCIAL SERVICES

### EC REQUEST TO SWITZERLAND

#### GENERAL

- Modes 1 and 3: NT – Restrictions on foreign investment in real estate. **EC Request:** Remove.

#### INSURANCE

- Modes 1 and 2: MA – Cross-border aircraft liability insurance is not allowed. **EC Request:** Commit.
- Modes 1 and 2: MA and NT – No commitment has been taken on cross-border insurance of large non-MAT risks. **EC Request:** Take commitments on insurance of large risks, based on a definition to be determined in negotiations and accompanied by appropriate prudential regulations adopted by the regulatory authorities of the host country, and protecting policy-holders, avoiding discrimination between operators, in line with the principles agreed in the OECD Framework for Insurance Market Liberalisation.
- Mode 3: MA – Public monopoly in fire and natural damage insurance on buildings in several cantons. **EC Request:** Open to competition.

#### BANKING AND OTHER FINANCIAL SERVICES

- Modes 1 and 2: MA – Swiss Franc denominated issues can be lead-managed by a bank or a securities dealer with commercial presence. **EC Request:** Remove this restriction.
- Mode 3: MA – Exclusive rights on mortgage bonds. **EC Request:** Eliminate the exclusive rights.

# TOURISM AND TRAVEL RELATED SERVICES

## EC REQUEST TO SWITZERLAND

Switzerland has only partially committed this Sector. The **EC requests** that this sector is committed as follows :

### **A. HOTELS AND RESTAURANTS (INCL. CATERING) (CPC 641-643)**

#### **Restaurant services:**

- Mode 3: MA - Possibility for cantons to grant licences for restaurants on the basis of economic needs test. **EC request:** Remove ENT
- Mode 3: NT - Residency of licence holder, and passing of an examination, in same canton may be required. **EC request:** Remove residency requirement in same canton. Remove requirement for examination, if applied on a discriminatory basis.
- Mode 4: MA and NT - Commercial presence in Switzerland required. **EC request:** Remove requirement for commercial presence.
- Mode 4: NT: Residency of licence holder in same canton may be required. **EC request:** Remove residency requirement in same canton.

### **C. TOURIST GUIDES SERVICES (CPC 7472)**

NT: Passing of an examination in order to work as mountain guide or ski instructor, is required. Cantons may restrict access to such exams for foreigners, and may restrict ability for foreigners to practice independently. Residency in same canton may be required. **EC request:** Remove access restrictions to such examination for foreigners, as well as restrictions to practice independently. Remove residency requirement in same canton.

# TRANSPORT SERVICES

## EC REQUEST TO SWITZERLAND

### A. MARITIME TRANSPORT AND B. INTERNAL WATERWAYS

Switzerland is landlocked but owns a significant international merchant fleet (ranking 15 in the world in terms of ownership). It also has heavy inland waterway traffic on the Basel-Rheinfelden and Schaffhausen-Bodensee stretches and 12 navigable lakes.

Switzerland may want to consider the following request:

#### **8) Rental and leasing of vessels with crew (CPC 7213, 7223).**

- Modes 1, 2 and 3: **EC request:** Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: **EC request:** Commit as in horizontal commitments.

### C. AIR TRANSPORT

Switzerland has commitments for maintenance and repair of aircraft and parts thereof with the exception of Mode 2. The following activities are also requested.

#### **1) Maintenance and repair of aircraft and parts thereof.**

##### **EC request:**

- Modes 2: Take full commitments, i.e. schedule “none”, under MA and NT

#### **2) Selling and marketing.**

- Modes 1, 2 and 3: **EC request:** Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: **EC request:** Commit as referred in the section “Horizontal commitments”

#### **3) Computer Reservation Systems.**

- Modes 1, 2 and 3: **EC request:** Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

#### **4) Groundhandling services, as specified in the attached definitions (Annex 2)**

- Modes 2 and 3: **EC request:** Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: **EC request:** Commit as referred in the section “Horizontal commitments”

**5) Airport management services, as specified in the attached definitions (Annex 2)**

- Mode 3: **EC request:** Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: **EC request:** Commit as referred in the section “Horizontal commitments”

**F. ROAD TRANSPORT**

Switzerland has no commitment for this activity.

**b) Freight Transportation (CPC 7123).**

- Mode 3: **EC request:** Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: **EC request:** Commit as referred in the section “Horizontal commitments”

## ANNEX 1: SCHEDULE ON MARITIME TRANSPORT SERVICES

A. SECTOR OR SUB-SECTOR	B. LIMITATIONS ON MARKET ACCESS	Limitations on National Treatment	C. ADDITIONAL COMMITMENTS
<p>TRANSPORT SERVICES MARITIME TRANSPORT SERVICES International Transport (freight and passenger) CPC 7211 and 7212 less cabotage transport (as defined below – 1)</p>	<p>1) (a) <u>Liner Shipping</u>: none (b) <u>Bulk, tramp, and other international shipping, including passenger transportation</u>; none</p> <p>2) None</p> <p>3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below – 2): none</p> <p>4) (a) Ships crews: unbound (b) Key personnel employed in relation to a commercial presence as defined under mode 3b) above: Unbound except as in horizontal section</p>	<p>1) (a) None (b) None</p> <p>2) None</p> <p>3) (a) Unbound</p> <p>(b) None</p> <p>4) (a) Unbound (b) Unbound except as in horizontal section</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and no 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 and watering</li> <li>4. Garbage collecting and 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 and electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth and berthing services</li> </ol>

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
MARITIME AUXILIARY SERVICES Maritime Cargo Handling Services (as defined below – 4)	1) Unbound* except for – no limitation on transshipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* except for no limitation on transshipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment 2) None 3) None 4) Unbound except as in the horizontal section	
Storage and warehousing Services CPC 742	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in the horizontal section	
Customs Clearance Services (as defined below – 5)	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in the horizontal section	
Container Station and Depot Services (as defined below – 6)	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in the horizontal section	
Maritime Agency Services (as defined below – 7)	1) None 2) None 3) None 4) Unbound except as in horizontal section	1) None 2) None 3) None 4) Unbound except as in the horizontal section	
(Maritime) Freight Forwarding Services (as defined below – 8)	1) None 2) None 3) None 4) Unbound except as in horizontal section	1) None 2) None 3) None 4) Unbound except as in the horizontal section	

\* A commitment on this mode of delivery is not feasible.

\*\* Public utility concession or licensing procedures may apply in case of occupation of the public domain.

## NOTE TO THE SCHEDULE

Where road, rail, inland waterways (and) (related) (auxiliary) services are not otherwise fully covered in (this) (a Member's) schedule, a multimodal transport operator (as defined below - 3) shall have the ability to rent or lease trucks, railway carriages or barges and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations. (« Reasonable and non-discriminatory terms and conditions» means, for the purpose of (multimodal transport operations), (this additional commitment), 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).

### DEFINITIONS

1. Without prejudice to the scope of activities which may be considered as «cabotage» under the relevant national legislation, this schedule does not include «maritime cabotage services », which are assumed to cover transportation of passengers or goods between a port located in ... [name of country] ... and another port located in ... [name of the country], traffic originating and terminating in the same port located in [name of country] provided that this traffic remains within ... [name of country]'s territorial waters and transportation of passengers and goods between a port located in ... [name of the country] ... and installations or structures situated on the continental shelf of [name of the country].

2. « Other forms of commercial presence for the supply of international maritime transport services » means the ability for international maritime transport service suppliers of 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 constituted 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 services;
- (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 up 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. « Multimodal transport operators » 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.

4. « 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 operation 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

5. « 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.

6. « 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.

7. « Maritime agency services » means 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.

8. « 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)..

# ENERGY SERVICES

## EC REQUEST TO SWITZERLAND

This request includes services that are listed under the negotiating proposal of the EU (S/CSS/W/60). The work on the classification of these services is still underway. For this reason, some activities therefore lacks reference to CPC.

The EC wishes to underline the significant contribution of an appropriate use of energy for the promotion of sustainable development.

The EC **requests** that this area is committed as follows :

### **A. SERVICES RELATED TO EXPLORATION AND PRODUCTION**

#### **CPC 883: Services incidental to mining**

- Mode 3 : **EC Request:** Take full commitments (Eliminate the exclusion of prospection, surveying, exploration and exploitation).

#### **CPC 8675: Related scientific and technical consulting services**

- Mode 3 : **EC Request:** Take full commitments (Eliminate the exclusion of prospection, surveying, exploration and exploitation)

#### **CPC 51360: Construction and related engineering services**

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

### **B. SERVICES RELATED TO THE CONSTRUCTION OF ENERGY FACILITIES**

#### **B.1 Construction of energy facilities**

##### **CPC 513: Construction work for civil engineering**

##### **CPC 51340: For long distance pipelines, communication and power lines (cables)**

##### **CPC 51350: For local pipelines and cables; ancillary works**

##### **CPC 51360: For constructions for mining and manufacturing**

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

## **B.2 Installation and assembly work**

**CPC 516: Installation and assembly work.** EC Request:

- Mode 3 and 4: Take full commitments (Eliminate the exclusion of energy).

## **C. SERVICES RELATED TO NETWORKS**

### **C.1 Operation of transportation/transmission and distribution facilities**

**Services incidental to energy distribution (including operation of transmission/distribution of electricity)**

This sub-sector is not committed. **EC Request:**

- Modes 3 : Take commitments
- Mode 4 : Commit as referred in the section "Horizontal commitments".

### **CPC 71310: Transportation of petroleum and natural gas**

This sub-sector is not committed. **EC Request:**

- Modes 3 : Take commitments.
- Mode 4 : Commit as referred in the section "Horizontal commitments".

## **E. SERVICES FOR THE SUPPLY OF ENERGY**

### **E.1 Wholesale of energy products**

**Wholesale trade services of electricity.** EC Request:

- Modes 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

### **E.2 Retail Sale of energy products**

**Retail sale trade services of electricity**

**EC Request:**

- Modes 3 : Take commitments for the supply to industrial customers.
- Mode 4 : Commit as referred in the section "Horizontal commitments".

### **E.3 Trading of energy products**

- Modes 1, 2, 3 : **EC Request:** Take full commitments, i.e. schedule "none".
- Mode 4 : **EC Request:** Commit as referred in the section "Horizontal commitments".

### **E.4 Brokering of energy products**

- Modes 1, 2, 3 : **EC Request:** Take full commitments, i.e. schedule "none".
- Mode 4 : **EC Request:** Commit as referred in the section "Horizontal commitments".

## **G. SERVICES RELATED TO DECOMMISSIONING**

- Modes 3 : **EC Request:** Take full commitments, i.e. schedule "none".
- Mode 4 : **EC Request:** Commit as referred in the section "Horizontal commitments".