

## **GATS 2000**

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

#### **TO**

#### **VENEZUELA**

#### **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 Venezuela 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, MFN exemptions 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
- News agency services
- Transport services
- Energy services

The EC proposes that Venezuela'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 Venezuela 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, there is no appropriate classification, 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 proposal 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 Venezuela to present its offer in accordance with this approach.
- that any remaining limitation on market access (hereafter "MA") or on national treatment ("hereafter 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 GATS 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 VENEZUELA

### MODE 4

#### **Quantitative Restriction**

- 90% of employees must be Venezuelan. **EC Request** : Eliminate this requirement for intra-corporate transfers and where a service supplier has no commercial presence in Venezuela.
- Total remuneration paid to foreign personnel should not exceed 20% of total remuneration of that type of personnel within the company. **EC Request** : Eliminate this requirement for intra-corporate transfers and where a service supplier has no commercial presence in Venezuela.
- Certain activities are reserved for Venezuelan nationals. **EC Request**: Eliminate.

#### **Intra-corporate transferees**

An intra-corporate transferee (ICT) is an employee of a foreign firm, who is temporarily transferred to an affiliate of that firm (branch, subsidiary, office, joint venture etc.) in your country.

The EC considers that Venezuela's horizontal Mode 4 commitments cover intra-corporate transfers of "administrative staff, managers and executives" and "specialists". **EC request:**

- Please confirm this understanding and clarify whether there are any limitations in relation to the degree of affiliation which must exist between companies, the length of stay or minimum prior employment requirements.
- Please clarify whether economic needs tests are applied to intra-corporate transferees.
- The EC also requests that a commitment be made to allow as intra-corporate transferees without requiring an economic needs test « 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.

#### **Business Visitors**

A Business Visitor is a representative of a foreign services supplier who is seeking temporary entry into your country for one of the following purposes: (a) to hold meetings and/or to negotiate the sale of services; (b) to conclude contracts to sell services; or (c) to set up a Mode 3 presence. A Business Visitor does not himself directly provide services or sell to the public.

The EC considers that Venezuela's horizontal Mode 4 commitments cover Business Visitors who are "administrative staff, managers and executives" and "specialists".  
**EC request:**

- Please confirm this understanding and clarify whether any economic needs tests apply.
- For type (a) and (b) Business Visitors, eliminate the restriction for the financial service sector ("This category is not included in the case of the financial services sector")

#### **Other**

The EC considers that Venezuela's horizontal Mode 4 commitments cover the provision of services under contract where the service supplier has no commercial presence in Venezuela and where that service is provided by "administrative staff, managers, executives" and/or specialists. **EC request:**

- Please confirm this understanding and clarify whether there are any limitations on the length of stay.

#### **Other**

- Preference is given to foreigners with a close connection with Venezuela, either through birth, marriage or domicile. **EC Request:** Please clarify how this scheduling language affects Mode 4 provision of services for (a) intra-corporate transferees, (b) business visitors and (c) the provision of services under contract where the service supplier has no commercial presence in Venezuela.

*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 VENEZUELA

Venezuela has committed this sector only partially and made it subject to a MFN exemption. The EC requests that this sector is committed as follows:

#### **MFN EXEMPTION**

MFN exemption for authorisations to exercise a profession granted on the basis of reciprocity. **EC Request:** Remove. MFN exemptions based on reciprocal recognition of professional qualifications do not need to be scheduled, as any mutual recognition agreement would be covered by GATS Article VII and subject to notification on the basis of this provision.

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

- Modes 1 and 3: MA and NT – These modes remain unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT, as regards consultancy on international public law and on law of jurisdiction where the service supplier or its employees are qualified lawyers

#### **B. ACCOUNTING, AUDITING AND BOOKKEEPING SERVICES (CPC 862)**

- This sub-sector is not committed for bookkeeping services (CPC 8622). **EC Request:** Extend sectoral coverage of commitments to this CPC
- Mode 1: MA and NT – This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT for accounting and bookkeeping services
- Mode 3: MA and NT – This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT for the entire CPC 862

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

#### **F. INTEGRATED ENGINEERING SERVICES (CPC 8673)**

For each of the above sub-sectors :

- Modes 1 and 3: MA and NT – these modes remain unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT

The EC also invites Venezuela to consider taking commitments in the sub-sector of taxation services and improving current commitments in the sub-sectors of architectural services and urban planning and landscape architectural services.

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

### **EC REQUEST TO VENEZUELA**

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

- Mode 1: MA and NT – legal representation required. **EC request:** Eliminate requirement.

#### **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..*

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

**d) Services related to management consulting (CPC 866)**

**e) Technical testing and analysis services (CPC 8676)**

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

**n) Maintenance and Repair of Equipment (not including transport equipment) (CPC 633 + 8861-8866)**

**EC Request** for each of the above 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".

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

**EC Request:**

- 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)**

- Venezuela has committed this sector only partially. **EC Request:** Extend sectoral coverage to all of CPC 871.
- Mode 1 : MA and NT - Legal representation required. **EC Request :** Take full commitments, i.e. schedule « none » under MA and NT.

- Mode 1 : MA and NT - Legal representation required. **EC Request** : Take full commitments, i.e. schedule « none » under MA and NT.

**c) Management consulting services (CPC 865)**

- Modes 1 and 3: MA and NT – These modes remain unbound. **EC Request**: Take full commitments, i.e. schedule « none » under MA and NT.

**o) Building cleaning services (CPC 874)**

Venezuela has not committed this sub-sector. **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”.

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

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

Venezuela 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”.

The EC also invites Venezuela to consider taking commitments on Research and Development Services (CPC 85), Real estate Services (CPC 82), Rental and leasing services without Operators (CPC 831), placement and supply services of personnel (CPC 872), packaging services (CPC 876), printing and publishing services (CPC 884420 and convention services (part of CPC 87909).

# POSTAL AND COURIER SERVICES

## EC REQUEST TO VENEZUELA

Venezuela has only partially committed this sector (commitments in courier services). This request is based on the EC proposal for the classification of postal and courier services. While discussions on classification in this sector are still ongoing, the EC would like to invite Venezuela 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.**

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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.



**EC Request** for sub-sectors B., C., E., F. and G. :

- Modes 1, 2 and 3 : Undertake full commitments for MA and NT
- Mode 4 : Commit as referred to in the section « Horizontal commitments ».

**EC Request** for sub-sectors A. and D. :

- Undertake commitments for MA and NT.
- Mode 4 : Commit as referred to in the section « Horizontal commitments ».

Venezuela's current commitments :

Market access : Mode 1 : « Unbound ». **EC Request** : Schedule « None ».

National treatment : Mode 1 : « Unbound ». **EC Request** : Schedule « None ».

# TELECOMMUNICATION SERVICES

## EC REQUEST TO VENEZUELA

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

### ALL MODES

There are no commitments in Telex services, Telegraph services, Facsimile services, Electronic mail, Voice mail, On-line information and data base retrieval, electronic data interchange (EDI), enhanced/value-added facsimile services, incl. store and forward, store and retrieve, code and protocol conversion, and on-line information and/or data processing services. **EC Request:** Make full commitments for all these sub-sectors, i.e. schedule “None”.

Services can only be provided if the supplier owns its facilities. **EC Request:** remove this requirement.

A concession granted by the Venezuelan State is required in order to set up and operate any telecommunications service. Concessions will not be granted to natural or legal persons not domiciled in the Republic of Venezuela nor to foreign governments. **EC Request:** remove this provision in the schedule.

Long-distance traffic must be routed through operators licensed to supply long-distance telephone services. **EC Request:** remove this provision in the schedule.

Deliberately reversing the real direction of international traffic (call-back) is not allowed. **EC Request:** remove this restriction.

### MODE 1 – CROSS-BORDER SUPPLY

This mode is unbound for Packet-switched data transmission network services (CPC 7523\*\*), (c) Circuit-switched data transmission network services, (CPC 7523\*\*), (g) Owned or leased integrated telecommunications services (CPC 75260), Paging services (CPC 75291), Teleconferencing services (CPC 75292). **EC Request:** Make full commitments for all these sub-sectors, i.e. schedule “None” under this mode.

This mode is unbound as regards national treatment for long distance, international long distance services (CPC 75211/75212), Rural telephone services (CPC 75212), and Mobile telephone services (CPC 75213). **EC Request:** Make full commitments for all these sub-sectors, i.e. schedule “None” under this mode regards national treatment.

## **MODE 2 – CONSUMPTION ABROAD**

For all services, the schedule indicates that the second paragraph of the general limitations on market access applies. **EC Request:** remove this restriction.

## **ADDITIONAL COMMITMENTS**

Venezuela has adopted some principles of the reference paper as additional commitments. **EC Request:** Commit to the full reference paper of the Basic Telecommunications negotiations.

## **MFN EXEMPTION**

Venezuela has registered an MFN exemption on radio amateur. **EC Request:** explain the rationale for that MFN exemption.

## **CONSTRUCTION AND RELATED ENGINEERING SERVICES**

### **EC REQUEST TO VENEZUELA**

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

#### **ALL SUB-SECTORS (CPC 511 to CPC 518)**

This Sector is committed only partially. **EC Request:**

- Extend commitments coverage to the whole Sector CPC 51
- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Commit as referred to in the section “Horizontal commitments”.

## **DISTRIBUTION SERVICES**

### **EC REQUEST TO VENEZUELA**

Venezuela has not 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)**

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

**D. FRANCHISING (CPC 8929)**

For each of the above sub-sectors :

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

*Note : The EC is prepared to discuss exceptions for a very limited number of extremely sensitive goods, such as arms, ammunitions and explosives.*

*Note : In accordance with the W120 classification, the EC Request on "Repair services of personal and household goods" (CPC 633) is included under "1. Business services / F. Other business / n. Maintenance and repair".*

## **ENVIRONMENTAL SERVICES**

### **EC REQUEST TO VENEZUELA**

Venezuela has not undertaken commitments in environmental services. 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 Venezuela 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.

- Mode 3: Take commitments under MA and NT.
- Mode 4: Commit as referred to in the section 'Horizontal commitments'.

**Waste water services (CPC 9401)**

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

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

**Refuse disposal services (CPC 94020)**

**Sanitation and similar services (CPC 94030)**

#### **C. PROTECTION OF AMBIENT AIR AND CLIMATE**

**Services to reduce exhaust gases and other emissions and improve air quality (CPC 94040)**

#### **D. REMEDIATION AND CLEANUP OF SOIL & WATER**

**Treatment, remediation of contaminated/polluted soil and water (part of CPC 94060)**

#### **E. NOISE & VIBRATION ABATEMENT**

**Noise abatement services (CPC 94050)**

## **F. PROTECTION OF BIODIVERSITY AND LANDSCAPE**

**Nature and landscape protection services (part of CPC 94060)**

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

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

**EC Request** for each of the above sub-sectors (B-G):

- Modes 1 (where technically feasible), 2 and 3 : Undertake full commitments for MA and NT.
- Mode 4 : Commit as referred to in the section “Horizontal commitments”.

## FINANCIAL SERVICES

### EC REQUEST TO VENEZUELA

Venezuela has committed this sector only partially. The EC requests that it be committed as follows:

#### GENERAL

- **EC Request:** Undertake commitments in accordance with the Understanding on Commitments in Financial Services.
- **EC Request:** Follow the classification of the Annex on Financial Services.

#### INSURANCE

- Modes 1 and 2: MA and NT - MAT insurance (including brokerage) is not committed. **EC Request:** Take full commitments in accordance with the Understanding.
- Modes 1,2 and 3: MA – Ban for insurance and reinsurance companies to conclude reinsurance contracts with certain companies. **EC Request:** Remove the ban.
- Modes 1 and 2: In reinsurance, requirement of deposits. **EC Request:** Clarify the regime of these deposits.
- Modes 1 and 2: NT – Existence of a 2% tax on reinsurance premiums ceded abroad. **EC Request:** “None” has been scheduled in modes 1 and 2, but EU industry raises this issue. Please explain.
- Mode 3: MA – Reciprocity condition in direct insurance, reinsurance and insurance brokerage. **EC Request:** Eliminate the reciprocity condition.
- Mode 3: MA – Unspecified economic needs test for the establishment of foreign direct insurance and reinsurance companies. **EC Request:** Eliminate the test.
- Mode 3: MA – Direct branching is not allowed in direct insurance, reinsurance and insurance brokerage. **EC Request:** Commit direct branching.
- Mode 3: MA – Nationality and residency requirements in direct insurance, reinsurance and insurance brokerage. **EC Request:** Remove these restrictions.
- Mode 3: MA – Unspecified conditions for the authorisation of representative offices in reinsurance and reinsurance brokerage. **EC Request:** Remove or clarify conditions.
- Foreign reinsurance companies must renew their registration every two years. **EC request:** Specify the regime of the registration.
- Mode 3: MA – Shareholders in insurance brokerage companies must be insurance agents or brokers authorised in Venezuela with at least three years of practice as insurance agents or brokers. **EC Request:** Authorise



banks to be shareholders of insurance brokerage firms and eliminate the requirement of three years of practice.

- Services auxiliary to insurance are not committed. **EC Request:** Take full commitments under mode 1, 2 and 3, and commit as referred to in the section “Horizontal commitments” in mode 4.

## **BANKING AND OTHER FINANCIAL SERVICES**

- Certain subsectors are not covered, including trading of money market instruments, derivative products, exchange rate and interest rate instruments, and other negotiable instruments, as well as money broking, pension fund management, settlement and clearing services, not all advisory and other auxiliary financial services and provision and transfer of financial information. **EC Request:** Take full commitments in modes 1, 2 and 3 for advisory and other auxiliary financial services and provision and transfer of financial information, in modes 2 and 3 for the other subsectors, and commit as referred to in the section “Horizontal commitments” in mode 4.
- Mode 2: MA and NT – Unbound in all subsectors. **EC request:** Take full commitments.
- Mode 3: MA – Reciprocity condition for banks and foreign exchange houses. **EC Request:** Eliminate the reciprocity condition.
- Mode 3: MA – Unspecified economic needs tests in banking and in investment advisory services. **EC Request:** Eliminate the tests.
- Mode 3: MA – Residency requirements for members of the boards of banks and other financial institutions. **EC Request:** Remove the residency requirements.
- Mode 3: MA – establishment is subject to the conditions laid down in the General law on Banks and Other Financial Institutions. **EC request:** Specify to what extent this Law sets market access limitations.
- Mode 3: MA - Prohibition applied to bank representative offices on advertising their services. **EC Request:** Eliminate this prohibition.
- Mode 3: MA - Ceiling of 10% for an investor in the shareholding of a Collective Investment Entity. **EC Request:** Eliminate this ceiling.
- Mode 3: MA – Prohibition on mutual fund management companies from managing more than one fund with similar objectives. **EC Request:** Remove this limitation.
- Mode 3: Requirement of a Central Bank approval to provide new services. **EC Request:** Eliminate this requirement.

## **MFN EXEMPTION**

- Banking and insurance - Reciprocity condition. **EC Request:** Remove the reciprocity condition.

# **TOURISM AND TRAVEL RELATED SERVICES**

## **EC REQUEST TO VENEZUELA**

Venezuela has committed this sector only partially. The EC requests that it be committed as follows:

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

#### **Mode 4**

Market access: Remove preferential treatment for graduates of Venezuelan tourism institutes, and commit as referred to in the section “Horizontal commitments”.

B. Travel agencies and tour operators services (CPC 7471)

(It is assumed that reference to CPC 6471 is an error and that CPC 7471 is meant)

### **B. TRAVEL AGENCIES AND TOUR OPERATORS SERVICES (CPC 7471)**

(It is assumed that reference to CPC 6471 is an error and that CPC 7471 is meant)

#### **Mode 4**

Market access: Remove preferential treatment for graduates of Venezuelan tourism institutes, and commit as referred to in the section “Horizontal commitments”.

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

Extend sectoral coverage to include tourist guide services, and undertake full commitments for mode 2 and 3.

Mode 4 : Commit as referred to in the section “Horizontal commitments”.

### **D. OTHER**

Holiday camps (CPC 6419)

The EC considers that this is covered under CPC 641 which is committed under 9.A in the Venezuelan schedule. Clarify possible overlap of commitments.

#### **Mode 4**

Market access: Remove preferential treatment for graduates of Venezuelan tourism institutes, and commit as referred to in the section “Horizontal commitments”.

Auxiliary tourism enterprises (CPC 83101-951-963-964-9701-0702)

#### **Mode 4**

Market access: Remove preferential treatment for graduates of Venezuelan tourism institutes, and commit as referred to in the section “Horizontal commitments”.

## **NEWS AGENCY SERVICES**

### **EC REQUEST TO VENEZUELA**

Venezuela has not committed this sector (CPC 962). The EC requests that this Sector be committed as follows:

#### **EC Request (CPC 962):**

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

## TRANSPORT SERVICES

### EC REQUEST TO VENEZUELA

#### A. MARITIME TRANSPORT

Venezuela has specific commitments for international maritime transport (CPC 7212) with certain restrictions (i.e. Mode 1 not committed).

**EC Request:** Take commitments in accordance with the attached model schedule (Annex 1). In particular for the following areas:

- 1) **International transport (freight and passengers) CPC 7211 and 7212**
- 2) **Additional commitments for access to and use of ports facilities**
- 3) **Maritime auxiliary services (maritime cargo handling, storage and warehouse services, customs clearance services, container station and depot services, maritime agency services)**
- 4) **Multimodal activities: for inland forwarding of cargoes – commit the ability to rent or lease or to have access to and use of multimodal facilities (as specified in the note to the schedule).**
- 5) **Definitions – commit definitions as specified in the model schedule**

The EC also requests the following additional maritime commitments from Venezuela:

- 6) **Equipment:** To facilitate planning of their businesses, operators should be allowed to reposition their equipment, such as empty containers, between ports of Venezuela, when it is not carried against payment. This is requested to be committed in a new footnote:

*“9. Movement of equipment. International maritime transport suppliers can move/reposition equipment (i.e. empty containers, flatbeds etc.) on their vessels between ports of Venezuela.”*

- 7) **International cargo.** With the development of containerisation and high frequency networking services and with the ever-larger vessels having to limit direct port calls for physical or economic reasons, the feeding of cargoes between main ports and way ports is becoming more important as an integral part of efficient international maritime transport. An international maritime transport supplier should be allowed to operate feeder services for its international cargo between ports of Venezuela. This is requested to be committed in a new footnote:

*"10. International maritime transport suppliers can operate vessels of any flag for the purposes of pre- and onward carriage of the international cargo between ports of Venezuela."*

In this context Venezuela may wish to take one or more of the following principles into consideration:

- Size of the port. Only valid for international cargo relayed between national ports handling more than [25.000 TEU] on an annual basis.
- Binding existing ad hoc practices. To the extent exceptions are already granted for use of foreign flagged vessels such practices could be bound to explicitly cover pre- and onward carriage of international cargo.
- Geographical limitations: Transport of international cargo between ports within the same state/dependency [or other relevant entity] remains excluded.

A final Request related to maritime transport is:

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

**EC request:**

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

**C. AIR TRANSPORT**

Venezuela has no commitments for air transport

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

**EC Request:**

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

**2) Selling and marketing**

**EC Request:**

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

**3) Computer Reservation Systems**

**EC Request:**

- Modes 1,2 and 3: 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)**

##### **EC Request:**

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

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

##### **EC Request:**

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

### **F. ROAD TRANSPORT**

Venezuela has no commitments for road transport.

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

##### **EC Request:**

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

#### **d) Maintenance and Repair of Road Transport Equipment (CPC 6112)**

##### **EC Request:**

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

### **H. SERVICES AUXILIARY TO ALL MODES OF TRANSPORT**

#### **b) Storage and Warehouse Services (CPC 742)**

##### **EC Request:**

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

**c) Freight Transport Agency/Freight Forwarding Services (CPC 748) and Pre-Shipment Inspection (part of CPC 749)**

**EC Request:**

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



## ANNEX 1: SCHEDULE ON MARITIME TRANSPORT SERVICES

SECTOR OR SUB-SECTOR	LIMITATIONS ON MARKET ACCESS	Limitations on National Treatment	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
<p>MARITIME AUXILIARY SERVICES Maritime Cargo Handling Services (as defined below – 4)</p> <p>Storage and warehousing Services CPC 742</p> <p>Customs Clearance Services (as defined below – 5)</p> <p>Container Station and Depot Services (as defined below – 6)</p> <p>Maritime Agency Services (as defined below – 7)</p> <p>(Maritime) Freight Forwarding Services (as defined below – 8)</p>	<p>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</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in horizontal section</p>	<p>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</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p>	

\* 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)..

## **ANNEX 2: FACILITATING AIR TRANSPORT SERVICES**

### **Ground-handling Services**

Efficient ground-handling is essential to the proper functioning of air transport and competition between operators in this area ensures that proper use is made of air transport infrastructure. It helps reduce the operating costs of airlines and improves the quality of service for airport users.

For specialised groundhandling suppliers the following activities are requested:

Ground Administration – supervision and administration at the airport (CPC 7461);  
Passenger Handling – assisting arriving, departing and transfer passengers (CPC 7461);  
Baggage Handling – handling baggage in the sorting area (CPC 7461);  
Freight and Mail Handling – physical handling of freight and mail, dealing with security and customs procedures (CPC 74110 (container handling services) and 74190 (other cargo handling services));  
Ramp Handling – marshalling and moving the aircraft, loading and unloading of aircraft, transport of passengers, freight, supplies (CPC 7469).  
Aircraft Services – cleaning the aircraft, heating and cooling, removal of snow and ice (CPC 7469);  
Fuel and Oil Handling – organisation and provision of fuel and oil;  
Aircraft Maintenance – covered specifically by the Annex as above;  
Flight Operations and Crew Administration – preparation of the flight, inflight and post-flight assistance, crew administration;  
Surface Transport – organisation and execution of transport within airport – except to and from aircraft;  
Catering Services – administration, storage, preparation and delivery of bar and food supplies (CPC 6423).

### **Airport management services**

Airport management services constitute the core activities of airport services providers and cover: Airport operation services (excl. cargo handling), including passenger air terminal services and ground services on air fields, including runway operating services, on a fee or contract CPC 74610. Activities are also related to “other management consulting services” (CPC 86509) and activities separately specified under “other management services not elsewhere classified”(CPC 86609). A commitment will allow services suppliers to take an equity stake in - and engage in the overall operation and management of - airports when these are open for investments from private operators. Thereby it will bind existing common practices in the sector.

# ENERGY SERVICES

## EC REQUEST TO VENEZUELA

This Request includes services that are listed under the negotiating proposal of the EC (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 8675: Related scientific and technical consulting 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 (including power plants)**

**EC Request:**

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

### **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:**

Energy services

1

EC Request to Venezuela

- 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**

#### **CPC 62271: Wholesale trade services of solid, liquid and gaseous fuels and related products**

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".

#### **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**

#### **CPC 63297: Retail sale of fuel oil, bottled gas, coal and wood**

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".

#### **Retail sale trade services of electricity**

**EC Request:**

- Mode 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**

**EC Request:**

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

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

**EC Request:**

Energy services

2

EC Request to Venezuela

- Modes 1, 2, 3 : Take full commitments, i.e. schedule "None".

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

## **F. SERVICES FOR THE FINAL USE**

### **F.1 Energy audit**

#### **CPC 86505: Production management consulting services**

##### **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule “none”.

### **F.2 Energy management**

#### **CPC 86505: Production management consulting services**

##### **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule “none”.

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

##### **EC Request:**

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

## **MFN EXEMPTIONS**

### **Distribution of petroleum and petroleum products**

- Preferences granted for distribution and marketing of petroleum and petroleum products through bilateral agreements. **EC Request:** Eliminate



## **MFN EXEMPTIONS**

### **EC REQUEST TO VENEZUELA**

The Request on MFN exemption is addressed in the sectoral Request on Professional services, Financial services and Energy services.