

Chapter 9

Trade in Services

Article 9.1: Definitions

For the purpose of this Chapter:

a service supplied in the exercise of governmental authority means any service which is supplied neither on a commercial basis, nor in competition with one or more service suppliers;

aircraft repair and maintenance services means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance;

airport operation services means passenger air terminal services and ground services on air fields, including runway operating services, on a fee or contract basis covered under CPC 7461, excluding airport security services and services covered in ground-handling services;

commercial presence means any type of business or professional establishment, including, *inter alia*, through the constitution, acquisition or maintenance of a juridical person, as well as branches or representative offices within the territory of a Party for the purpose of supplying a service;

computer reservation system services means services provided by computerised systems that contain information about air carrier's schedules, availability, fares, and fare rules, through which reservations can be made or tickets may be issued (part of CPC 7523);

juridical person means any legal entity duly constituted or otherwise organised under applicable law, whether for profit, including governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;

measure means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;

measures adopted or maintained by a Party means measures adopted or maintained by:

- (a) central, regional, or local governments and authorities; and
- (b) non-governmental bodies in the exercise of powers delegated by central, regional, or local governments or authorities;

natural person of a Party means a natural person who resides in the territory of a Party and who under the law of that Party is a national of that Party;

selling and marketing of air transport services has the same meaning as such term is defined in paragraph 6 (b) of GATS Annex on Air Transport Services, except that the term marketing shall be limited to market research, advertising and distribution;

service supplier means any juridical or natural person that seeks to supply or supplies a service;

services means any service in any sector except services supplied in the exercise of governmental authority;

specialty air services means any non-transportation air services, such as aerial fire-fighting, sightseeing, spraying, surveying, mapping, photography, parachute jumping, glider towing, and helicopter-lift for logging and construction, and other airborne agricultural, industrial, and inspection services;

state enterprise means a juridical person that is owned, or controlled through ownership interests by a Party; and

trade in services means the supply of a service:

- (a) from the territory of a Party into the territory of the other Party (mode 1);
- (b) in the territory of a Party by a person of that Party to a person of the other Party (mode 2);
- (c) by a service supplier of a Party, through commercial presence in the territory of the other Party (mode 3); and
- (d) by a service supplier of a Party through presence of natural persons in the territory of the other Party (mode 4).

Article 9.2: Scope and Coverage

1. This Chapter shall apply to measures adopted or maintained by a Party affecting trade in services by a service supplier of the other Party, including those related to:

- (a) the production, distribution, marketing, sale and delivery of a service;
- (b) the purchase or use of, or payment for, a service;
- (c) the access to and use of, in connection with the supply of a service, services which are required by the Parties to be offered to the public generally; and
- (d) the presence in its territory of a service supplier of the other Party.

2. This Chapter shall not apply to:
- (a) financial services as defined in Article 10.1 (Definitions);
 - (b) government procurement;
 - (c) subsidies or grants provided by a Party or a state enterprise, including government-supported loans, guarantees, and insurance;
 - (d) air services, including domestic and international air transportation services, whether scheduled or non-scheduled, and related services, other than:
 - (i) aircraft repair and maintenance services;
 - (ii) the selling and marketing of air transport services;
 - (iii) computer reservation system (CRS) services;
 - (iv) specialty air services;
 - (v) airport operation services; and
 - (vi) ground handling services; and
 - (e) measures affecting natural persons seeking access to the employment market of a Party, or measures regarding citizenship, residence or employment on a permanent basis.
3. This Chapter shall not prevent a Party from applying measures to regulate the entry of natural persons 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 a Party under the terms of a specific commitment⁵.

Article 9.3: Market Access⁶

1. With respect to market access through the modes of supply identified in Article 9.1, each Party shall accord to services and service suppliers of the other Party treatment no less favourable than that provided for under the terms, limitations and conditions agreed and specified in its Schedule referred to in Article 9.6.

⁵ The sole fact of requiring a visa shall not be regarded as nullifying or impairing benefits under a specific commitment.

⁶ Nothing in this Article should be interpreted to impede a Party to adopt or maintain non-discriminatory quantitative restrictions related to paragraphs 2 (a) and 2 (e).

2. In sectors where market access commitments are undertaken, the measures which a Party shall not maintain or adopt, unless otherwise specified in its Schedule referred to in Article 9.6, are defined as:

- (a) limitations on the number of services suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;
- (b) limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limitations on the total number of service operations or on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test;⁷
- (d) limitations on the total number of natural persons that may be employed in a particular service sector or that a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service in the form of numerical quotas or a requirement of an economic needs test;
- (e) measures which restrict or require specific types of legal entities or joint ventures through which a service supplier of the other Party may supply a service; and
- (f) limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

Article 9.4: National Treatment

1. In the sectors inscribed in its Schedule referred to in Article 9.6, and subject to any conditions and qualifications set out therein, each Party shall accord to services and service suppliers of the other Party, in respect of all measures affecting the supply of services, treatment no less favourable than that it accords to its own like services and service suppliers.⁸

2. A Party may meet the requirement of paragraph 1 by according to services and service suppliers of the other Party, either formally identical treatment or formally different treatment to that it accords to its own like services and service suppliers.

3. Formally identical or formally different treatment shall be considered to be less favourable if it modifies the conditions of competition in favour of services or service suppliers of the Party compared to like services or service suppliers of the other Party.

⁷ Paragraph 2(c) does not cover measures of a Party which limit inputs for the supply of services.

⁸ Specific commitments assumed under this Article shall not be construed to require any Party to compensate for any inherent competitive disadvantages which result from the foreign character of the relevant services or service suppliers.

Article 9.5: Additional Commitment

Where a Party undertakes specific commitments on measures affecting trade in services not subject to scheduling under Articles 9.3 and 9.4, such commitments are inscribed in its Schedule as additional commitments.

Article 9.6: Schedule of Specific Commitments

1. The specific commitments undertaken by each Party under Articles 9.3 and 9.4 are set out in the Schedule included in Annex 9.6. 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; and
- (d) where appropriate, the time-frame for implementation of such commitments and the date of entry into force of such commitments.

2. Measures inconsistent with both Articles 9.3 and 9.4 are inscribed in the column relating to Article 9.3. In this case, the inscription will be considered to provide a condition or qualification to Article 9.4 as well.

Article 9.7: Modification of Schedules

Any modification or withdrawal of specific commitments on trade in services shall be made in accordance with of Article 16.2 (Amendments). In the negotiations for such modification or withdrawal, the Parties shall enter into negotiations with a view to reaching an agreement on any necessary compensatory adjustment. In such negotiations and agreements, the Parties shall maintain a general level of mutually advantageous commitments not less favourable to trade than that provided for in their Schedules in Annex 9.6 prior to such negotiations.

Article 9.8: 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. 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, 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.

3. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards, and licensing requirements do not constitute unnecessary barriers to trade in services, including that such measures are, *inter alia*:

- (a) based on objective and transparent criteria, such as competence and the ability to supply the service;
- (b) not more burdensome than necessary to ensure the quality of the service; and
- (c) in the case of licensing procedures, not in themselves a restriction on the supply of the service.

4. Where a Party maintains measures relating to qualification requirements and procedures, technical standards and licensing requirements, the Party shall:

- (a) make publicly available:
 - (i) information on requirements and procedures to obtain, renew or retain any licences or professional qualifications; and
 - (ii) information on technical standards;
- (b) where any form of authorisation is required for the supply of a service, ensure that it will:
 - (i) within a reasonable period of time after the submission of an application deemed complete under its domestic laws and regulations, consider the application and make a decision as to whether or not to grant the relevant authorisation;
 - (ii) promptly inform the applicant of the decision whether or not to grant the relevant authorisation;
 - (iii) upon the request of the applicant, provide without undue delay, information concerning the status of the application; and
 - (iv) where practicable, upon the written request of an unsuccessful applicant, provide written reasons for a decision not to grant the relevant authorisation; and
- (c) provide for adequate procedures to verify the competency of professionals of the other Party.

5. Notwithstanding subparagraph (b) of the definition of **measures adopted or maintained by a Party** in Article 9.1, paragraphs 1 to 3 shall not apply where the relevant measures are the responsibility of non-governmental bodies. However, each Party shall encourage such non-governmental bodies to comply with the requirements of paragraphs 1 to 3.

6. If the results of the negotiations related to Article VI.4 of GATS (or the results of any similar negotiations undertaken in other multilateral fora in which both Parties participate) enter into effect, this Article shall be amended, as appropriate, after consultations between the Parties, to bring those results into effect under this Agreement. The Parties agree to coordinate on such negotiations as appropriate.

Article 9.9: Recognition

1. Where a Party recognises, autonomously or by agreement or arrangement, the education or experience obtained, requirements met, or licenses or certifications granted in the territory of a non-Party, nothing in this Chapter shall be construed to require the Party to accord such recognition to the education or experience obtained, requirements met, or licenses or certifications granted in the territory of the other Party.

2. A Party shall not accord recognition in a manner which would constitute a means of discrimination between countries in the application of its standards or criteria for the authorisation, licensing, or certification of services suppliers, or a disguised restriction on trade in services.

Article 9.10: Emergency Safeguard Measures

The Parties take note of the multilateral negotiations pursuant to Article X of GATS on the question of emergency safeguard measures. Upon the conclusion of such multilateral negotiations, the Parties shall conduct a review for the purpose of discussing appropriate amendments to this Agreement so as to incorporate the results of such multilateral negotiations.

Article 9.11: Denial of Benefits

Subject to prior notification, a Party may deny the benefits of this Chapter to:

- (a) service suppliers of the other Party where the service is being supplied by a juridical person that is owned or controlled by persons of a non-Party and the juridical person has no substantial business activities in the territory of the other Party; or
- (b) service suppliers of the other Party where the service is being supplied by a juridical person that is owned or controlled by persons of the denying Party and the juridical person has no substantial business activities in the territory of the other Party.

Article 9.12: Review

Three (3) years after the entry into force of this Agreement or upon request of a Party and in pursuit of the objectives and purposes of this Chapter, the Commission may review this Chapter, taking into account the developments and regulations on trade in services of the Parties as well as the progress made at the WTO, including discussions regarding Emergency Safeguard Measures and other specialised forums, where both Parties are members.

Article 9.13: Committee on Trade in Services

1. The Parties hereby establish a Committee on Trade in Services (hereinafter referred to as “the Committee”).
2. The functions of the Committee shall be:
 - (a) reviewing the implementation and operation of this Chapter;
 - (b) exchanging information on domestic laws and regulations;
 - (c) discussing any issues related to this Chapter as may be agreed upon;
 - (d) reporting the findings of the Committee to the Commission; and
 - (e) carrying out other functions which may be delegated by the Commission pursuant to Article 13.1.4 (Free Trade Commission).

Annex 9.6

Schedule of Specific Commitments on Trade in Services

Section A

Chile's Schedule

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments	
I. HORIZONTAL COMMITMENTS				
ALL SECTORS INCLUDED IN THIS SCHEDULE	i. Payments and transfers 1), 2), 3) and 4). Unbound, with respect to the measures adopted or to be adopted by the Central bank of Chile in conformity with its Constitutional Organic Law (“<i>Ley Orgánica Constitucional del Banco Central de Chile, Ley 18.840</i>”) or other legislation, in order to ensure currency stability and the normal operation of domestic and foreign payments. For this purpose, the Central Bank of Chile is empowered to regulate the supply of money and credit in circulation and international credit and foreign exchange operations. The Central Bank of Chile is empowered as well to issue regulations governing monetary, credit, financial, and foreign exchange matters. Such measures include, inter alia, the establishment of restrictions or limitations on current payments and transfers (capital movements) to or from Chile, as well as transactions related to them, such as requiring that deposits, investments or credits from or to a foreign country, be subject to a reserve requirement (“<i>encaje</i>”). ii. Decree Law 600 (“<i>Decreto Ley 600</i>”)			

⁹ For illustrative purposes, CPC references means Central Product Classification established by the United Nations Statistics Division (CPC), Series M, N°77, *Provisional Central Product Classification*, 1991.

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial
presence

(4) Presence of natural
persons

Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
	Decree Law 600 (1974), the Foreign Investment Statute, is a voluntary and special investment regime. As an alternative to the common regime for the entry of capital into Chile, potential investors may apply to the Foreign Investment Committee to be subject to the regime set out in Decree Law 600. The obligations and commitments contained in the Trade in Services Chapter and in this Annex do not apply to Decree Law 600, Foreign Investment Statute, Law 18.657 Foreign Capital Investment Funds Law, to the continuation or prompt renewal of such laws, to amendments to those laws or to any special and / or voluntary investment regime that may be adopted in the future by Chile. For greater certainty, it is understood that the Foreign Investment Committee of Chile has the right to reject applications to invest through Decree Law 600 and Law 18.657. Additionally, the Foreign Investment Committee has the right to regulate the terms and conditions of foreign investment under the aforementioned Decree Law 600 and Law 18.657. iii. Original ethnic groups Nothing in this Schedule may be understood as limiting the right to adopt measures establishing rights or preferences to original ethnic groups. iv. Commercial Presence (mode 3) This Schedule applies only to the following types of commercial presence for foreign investors: <i>sociedades anónimas abiertas y cerradas</i> (public corporations open or closed), <i>sociedades de responsabilidad limitada</i> (private-limited companies), and <i>agencias de sociedades extranjeras</i> (subsidiaries). Real estate acquisitions and the performance of other legal acts in border areas must comply with the provisions of the relevant legislation, which is unbound for the purposes of this Schedule. The border area is defined as land situated within a distance of ten (10) km from the border and up to five (5) km from the coast and the province of Arica.		

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial
presence

(4) Presence of natural
persons

Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
	v. Presence of natural persons (mode 4) Unbound, except for transfers of natural persons within a foreign enterprise established in Chile, in accordance to commercial presence, of senior and specialized personnel who have been employed by the organization for a period of at least two (2) years immediately preceding the date of their application for admission, performing the same type of duties in the parent company of their country of origin. In any case, foreign natural persons may not represent more than fifteen percent (15%) of the total staff employed in Chile, when the employer hires more than twenty-five (25) persons. Senior personnel are those executives who come under the direct supervision of the board of directors of the enterprise established in Chile and who, inter alia: • conduct the management of the organization or one of its departments or subdivisions; • supervise and control the work of other supervisory, professional or managerial employees; • are personally authorized to hire and fire or recommend hiring or firing or any other measure related to personnel. Specialised personnel are those highly qualified persons who are indispensable to the supply of the service because of their professional knowledge or: • possession of qualifications for a particular type of work or activity requiring specialized technical expertise; • essential knowledge for the supply of the service, research equipment, techniques or management; and • the non-availability of such specialized personnel in Chile. The category of senior and specialized personnel does not include the members of the board of directors of a company established in Chile. For all legal purposes, senior and specialized personnel must establish domicile or residence in Chile. Providers of services are admitted temporarily, for a period of two (2) years, extendable to		

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

Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
	two (2) more years. Personnel admitted under these conditions will be subject to the provisions of the labor and social security legislation in force. The temporary presence of natural persons includes also the following categories : a) A natural person seeking temporary entry, for the purpose of participating in business meetings, performing market or investment studies, generating business contacts or participating in negotiations related to the supply of services in the future, including the setting up of a business or enterprise in the territory of Chile. Temporary entry shall be granted when the business visitor: a) does not perceive remuneration in Chile; b) is not involved in making direct sales to the public; c) does not personally supply a service. b) Persons working in a senior position, as defined above, within a legal person, who are responsible for setting up in Chile a commercial presence of a service provider of Thailand when: - the representatives are not engaged in making direct sale or supplying services; and - the service provider has its principal place of business in the territory of Thailand and has no other representative, office, branch or subsidiary in Thailand. vi. Chile reserves the right to adopt or maintain any measure according rights and preferences to socially or economically disadvantaged minorities.		
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
a. <u>Professional services</u>	Without prejudice to what is established in Section I (Horizontal Commitments), suppliers of the professional services included in this Schedule may be subject to assessment by the competent		

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

Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
International legal services¹⁰ i. Advisory services on matters of international law and foreign law. (part of CPC 86190) ii. Arbitration and mediation/conciliation services (86602)	authorities in connection with which they must show that they fulfil the requirements designed to ensure that they perform competently in the sector. (1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section. (1) None, except for arbitration proceedings which, under Chilean legislation, fall within the sole jurisdiction of the national arbitration courts or may be heard by legal arbitrators. (2) None, except for arbitration proceedings which, under Chilean legislation, fall within the sole jurisdiction of the national arbitration courts or may be heard by legal arbitrators. (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, except for arbitration proceedings which, under Chilean legislation, fall within the sole jurisdiction of the national arbitration courts or may be heard by legal arbitrators. (2) None, except for arbitration proceedings which, under Chilean legislation, fall within the sole jurisdiction of the national arbitration courts or may be heard by legal arbitrators. (3) None (4) Unbound, except as indicated in the horizontal section.	

¹⁰ Refers solely and exclusively to matters relating to international and foreign law. If an advisory service involves an appearance before a Chilean court of justice or administrative body, then this must be conducted by a lawyer authorised to practice in Chile who fulfills the requirement of being a Chilean national. The same requirement must be fulfilled whenever there is a need for a written instrument to be submitted or a formal procedure carried out before the above-mentioned court or administrative body. The provision of advisory services does not confer the right to use the title of Attorney and therefore does not include representation or advisory services in contentious or non-contentious matters.

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments	
b. Accounting, auditing and bookkeeping services ¹¹ :				
i. Financial auditing services (86211)	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.		
ii. Accounting review services (86212)	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.		
c. Architectural services				
i. Advisory and pre-design architectural services (86711)	(1) None (2) None (3) None	(1) None (2) None (3) None		
ii. Architectural design services (86712)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.		
d. Engineering services:				
i. Advisory and consultative engineering	(1) None	(1) None		

¹¹ Financial statements must be endorsed by a professional legally authorized to practise in Chile.

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments	
services (86721)	(2) None (3) None (4) Unbound, except as indicated in the horizontal section	(2) None (3) None (4) Unbound, except as indicated in the horizontal section		
ii. Engineering design services for industrial processes and production (part of CCPC 86725)	(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		
iii. Engineering design services relating to sanitary works (CPC 86726)	(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. Integrated engineering services:				
Integrated engineering services for energy services (86733)	(1) Unbound (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.	(1), (2) and (3) Unbound for anthropological, archaeological and palaeontological studies, research or any other activity conducted in the 200-nautical-mile maritime zone under national jurisdiction and studies in border areas. (4) Unbound, except as indicated in the horizontal section, in which case the restrictions for Modes 1, 2 and 3 apply.		
2. COMPUTER AND RELATED SERVICES	(1) None (2) None	(1) None (2) None		
a. Consultancy services related to the				

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial
presence

(4) Presence of natural
persons

Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
installation of computer hardware CPC841 b. Maintenance and repair services of office machinery and equipment including computers CPC845	(3) None (4) Unbound, except as indicated in the horizontal section	(3) None (4) Unbound, except as indicated in the horizontal section	
3. Research and development services a. Research and development services on natural sciences (part of CPC 851) (part of CPC 853) (part of CPC 86751)	(1) and (3) None, except: The Directorate of Borders and Frontiers may stipulate that an expedition include one or more representatives of relevant Chilean activities. These representatives would participate in and learn about the studies and their scope. The Directorate of Borders and Frontiers may authorize or refuse geographical explorations in Chile of any kind planned by foreign legal or natural persons. (2) None	(1) and (3) None, except: Foreign natural or legal persons intending to conduct research in the 200-nautical-mile maritime zone under national jurisdiction must obtain an authorization from the <i>Instituto Hidrográfico de la Armada de Chile</i> (Hydrographic Institute of the Chilean Army), in accordance with the relevant regulation. For this purpose, they must submit a request at least six months in advance of the date on which the research is intended to start The Directorate of Borders and Frontiers may authorize or refuse geographical explorations in Chile of any kind planned by foreign legal or natural persons. (2) None	

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial
presence

(4) Presence of natural
persons

Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
4. Real-estate services			
a. Real-estate services involving own or leased property (CPC 821)	(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. Real-estate services on a fee or contract basis (CPC 822)	(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.	
5. OTHER BUSINESS SERVICES			
a. Advertising services (CPC 871), except other advertising services (CPC8719)	(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. Packaging services	(1) Unbound*	(1) Unbound*	

Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
			(4) Presence of natural persons
Sector or subsector⁹	Limitations on market access	Limitations on national treatment	Additional commitments
(CPC 876)	(2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
Management consulting services			
a. General management consulting services (CPC 86501)	(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. Financial management consulting services (CPC 86502)	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.	
c. Marketing management consulting services (CPC 86503)	(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. Production management consulting services (CPC 86505)	(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 subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
e. Human resources management consulting services (CPC 86504)	(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. Public relations services (CPC 86506)	(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	
7. SERVICES INCIDENTAL TO THE MANUFACTURE			
a. Services incidental to the manufacture of metal products, machinery and equipment (CPC 885) Except Manufacture of electrical machinery and apparatus n.e.c., on a fee or contract basis (CPC 8855) and Manufacture of medical precision and optical instruments, watches and clocks, on a fee or contract basis, and Manufacture of medical precision and optical instruments, watches and clocks, on a fee or contract basis (CPC 8857)	(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. Manufacture of textiles, wearing apparel and leather products on a fee or contract basis (CPC 8842)	(1) None (2) None (3) None	(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 ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
c. Manufacture of other non-metallic mineral products, on a fee or contract basis (CPC 8848)	(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.	
8. LEASING SERVICES (WITHOUT OPERATOR)			
a. Leasing or rental services concerning aircraft (without operator) (CPC 83104)	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.	
b. Leasing or rental services concerning agricultural machinery and equipment (without operator) (CPC 83106)	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.	
c. Leasing or rental services concerning construction machinery and equipment (without operator) (CPC 83107)	(1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section	1) Unbound (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.	
9.COMMUNICATIONS SERVICES			

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial
presence

(4) Presence of natural
persons

Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
Telecommunications services Basic telecommunication services Telecommunications services consist of the transport of electromagnetic signals (sound, data, image and any combination thereof), regardless of the type of technology used. This definition does not cover the economic activity consisting of the provision of a service the content of which requires the use of telecommunications services for its transport. The provision of a service the content of which is transported via telecommunications services is subject to the terms and conditions established for that sector, subsector or activity in Chile's Schedule of Specific Commitments.	In the case of private services the purpose of which is to meet the specific telecommunications needs of particular enterprises, entities or persons by prior agreement, the supply of these services does not give access to traffic from or to public telecommunications network users.		
Chile's Schedule of Commitments excludes basic local telecommunications services, one-way satellite transmissions of Direct-to-Home and Direct-Broadcast-Satellite television services and digital audio services. It also excludes free reception broadcasting services.			

Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
			(4) Presence of natural persons
Sector or subsector⁹	Limitations on market access	Limitations on national treatment	Additional commitments
It includes only international and domestic long-distance basic telecommunications services:			
(a) Voice telephone services (CPC 7521)	(1) None	(1) None	
(b) Packet-switched data transmission services (CPC 7523** ¹²)	(2) None	(2) None	
(c) Circuit-switched data transmission services (CPC 7523**)	(3) Subject to a concession, licence or permit from the Undersecretariat for Telecommunications (SUBTEL). A supplier providing a (domestic and international) long-distance telephone service must be an open corporation.	(3) None	
(d) Telex services (CPC 7523**)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section	
(e) Telegraph services (CPC 7522)			
(f) Facsimile services (CPC 7521** + 7529**)			
(g) Private leased circuit services (CPC 7522** + 7523**) Other: Domestic and international satellite services and			

¹² The “**” indicates that the service specified 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 subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
satellite links/capacity. Mobile/cellular services: personal communications services, paging services, mobile data transmission services.			
Value-added services On-line information retrieval Electronic mail Facsimile Data processing Voice mail Electronic data interchange Code and protocol conversion. n. a.	(1) None Subject to a correspondent agreement with an international services concessionaire. (2) Unbound (3) Subject to obtaining a permit. Contract with a public service concessionaire. Complementary service authorization from the Undersecretariat for Telecommunications (SUBTEL). (4) Unbound, except as indicated in the horizontal section.	(1) None (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.	
Private leased circuits Voice telephone service Data transmission Electronic mail	(1) Unbound * (2) Unbound (3) Subject to the granting of limited service. (4) Unbound, except as indicated in the horizontal section.	(1) Unbound * (2) Unbound (3) None (4) Unbound, except as indicated in the horizontal section.	
10. TOURISM AND TRAVEL RELATED SERVICES			

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial
presence

(4) Presence of natural
persons

Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
a. Hotels and Restaurants (including catering) (CPC 64) (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 agency and tour operator services Travel agencies and tour operators (CPC 74710)	(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 guide services (CPC 74720)	(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.	
11. DISTRIBUTION SERVICES			
a. Wholesale trade services (CPC 622) (CPC 61111) (CPC 6113) (CPC 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.	
b. Retailing services of products manufactured under its own brand (Part of CPC 631 +632)	(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	

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial
presence

(4) Presence of natural
persons

Sector or subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
		horizontal section.	
c. 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.	
13.SPORTING SERVICES			
a. Sporting and other Recreational Services (CPC 9641), including Muay Thai (kick boxing)	1) 2) and 3) None, except that a specific type of legal entity may be required for sporting organisations that develop professional activities. In addition, on a National Treatment basis: i) it is not permitted to participate with more than one (1) team in the same category of a sport competition, ii) specific regulations may be established on equity ownership in sporting companies; iii) minimal capital requirement may be imposed. 4) Unbound, except as indicated in the Horizontal Commitments	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal	
15. TRANSPORT SERVICES AUXILIARY AIR TRANSPORT SERVICES			
a. Selling and marketing of air transport services	(1) None (2) None (3) None	(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 ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in the horizontal section.	
b. Aircraft repair and maintenance services (CPC 8868)	(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. Computer reservation system (CRS) 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.	
d. Ground Handling	(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.	
e. Airport Operation	(1) Unbound * (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.	(1) Unbound * (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	
f. Specialty Air Services	(1) None (2) None (3) Unbound (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) Unbound (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 subsector ⁹	Limitations on market access	Limitations on national treatment	Additional commitments
ROAD TRANSPORT SERVICES Maintenance and repair of road transport equipment	(1), (2), (3) None (4) Unbound, except as indicated in the Horizontal Commitments	(1), (2), (3) None (4) Unbound, except as indicated in the Horizontal Commitments	
16. OTHER SERVICES a. Thai Massage (excluding therapeutic massage) (part of CPC 97029)	(1), (2), (3) None (4) Unbound, except as indicated in the Horizontal Commitments	(1), (2), (3) None (4) Unbound, except as indicated in the Horizontal Commitments	

Section B

Thailand's Schedule

Modes of Supply:	1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment		Additional Commitments
I. HORIZONTAL COMMITMENTS				
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Unless otherwise specified at the sector- specific level, commercial presence in sectors or sub-sectors in this schedule is permitted only through limited liability company which is registered in Thailand, pursuant to Thai laws and regulations, with foreign equity participation not exceed seventy percent (70%) of the registered capital and shall only operate through joint-venture with a juridical person of Thai national.	(3) Legal entity which is owned or controlled by foreigner(s) must meet the requirements as stipulated by laws and regulations regarding foreign investment. Prior to obtaining a license or certificate, legal entity which is owned or controlled by foreigner(s) must meet the criteria required by relevant authorities. In establishing its commercial presence, a legal entity which is owned or controlled by foreigner(s) must apply for a certificate of business operation pursuant to a treaty or obligation under section XI of the Foreign Business Act; Ministerial Regulation Prescribing Rules and procedures Pertaining to the Application for a Foreign Business certificate B.E. 2546 (2003). According to article XIV and XIV bis of GATS, service supplier is required to comply with section V of the Foreign Business Act. Unbound for the measures pertaining to subsidies or privileges, minimum capital requirements, acquisition and usage of		

¹³ The scope and classification of sub-sectors contained in this schedule, unless otherwise specified, corresponds to the explanatory notes for services listed in the 1991 Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering is based on the Services Sectoral Classification List set out in document MTN.GNS/W/120 dated 10 July 1991.

Modes of Supply:

1) Cross-border supply

2) Consumption aboard

3) Commercial presence

4) Presence of natural persons

Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
		land, taxation measures, and nationality requirement.	
	(4) Temporary movement of natural persons is <u>unbound except</u> in the following categories: I. Business Visitor : A natural person who stays in Thailand for the purpose of participating in business meetings or contacts, entering into contract to sell or purchase services, visiting of business establishments or other similar activities and entering with a purpose to establish a commercial presence in Thailand. Such temporary entry will be permitted for an initial period of not more than ninety (90) days and may be extended for a further period of not more than one (1) year. II. Intra-corporate Transferee : A corporate transferee of the managerial or executive level or a specialist provided that such person has been employed by the company concerned outside Thailand for a period of not less than one (1) year immediately preceding the date of his or her application for admission and has satisfied the criteria for	(4) Unbound, except as provided in the MA column	

Modes of Supply:	1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment		Additional Commitments
	management needs ¹⁴ stipulated by the Department of Employment. The temporary stay is limited to a one (1) year period and may be extended for a further three terms of not more than one (1) year each.			
	(3), (4) Acquisition and usage of land: according to the Land Code of Thailand, foreign nationals or domestic companies which are deemed foreigners are not allowed to purchase or own land in Thailand. However, they may lease land and own buildings. A natural person or juridical person of another member that acquires or gains ownership of land, shall be deemed ineligible to exercise rights and privileges under this agreement	(3), (4) The board of directors, including administrative and executive position or alike in the legal entity must be of Thai national and have permanent domicile in Thailand. The person or the representative of the juridical person who apply for a license must be of Thai national. A natural person or a juridical person who receive other special privileges or incentives from Thai authorities other than those provided under this agreement may not claim benefits under this agreement.		
II. SECTOR SPECIFIC COMMITMENTS				
BUSINESS SERVICES				
A. Professional Services				
(a) Legal advisory for drafting of documents concerning only international commercial law,	(1) None (2) None	(1) None (2) None		

¹⁴ In considering managerial needs, the following facts shall be taken into consideration by the relevant authority, namely: (1) size of fully paid-up capital; (2) employment creation; (3) extent of foreign investment; (4) export promotion; (5) transfer of technology; (6) special needs of the management.

Modes of Supply:			
	1) Cross-border supply	2) Consumption aboard	3) Commercial presence
4) Presence of natural persons			
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
excluding local laws and regulations (CPC 1.1: 82119** ¹⁵)	(3) None (4) Unbound	(3) None (4) Unbound	
(e) Engineering advisory and pre-design services for traffic control systems (CPC 1.1: 83339)	(1) None (2) None (3) None (4) Unbound	(1) Services must be authenticated by licensed engineer in Thailand (2) None (3) None (4) Unbound	
(f) Integrated engineering services Integrated engineering services for traffic control systems (CPC 1.1: 83319)	(1) None (2) None (3) None (4) Unbound	(1) Services must be authenticated by licensed engineer in Thailand (2) None (3) None (4) Unbound	
(g) Urban planning services Development services for programmes concerning land use, site selection, control and utilization, road systems and servicing of land with a view to creating and maintaining systematic, coordinated urban development (CPC 1.1: 83221**)	(1) None (2) None (3) None (4) Unbound	(1) Services must be authenticated by licensed architect in Thailand (2) None (3) None (4) Unbound	

¹⁵ The “**” indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons			
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
(k) Other professional services Weather forecasting and meteorological services (CPC 1.1: 83550)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
B. Computer and Related Services			
(a) Hardware consultancy services (CPC 1.1: 83141**)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(b) Software consultancy services (CPC 1.1: 83142**)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(c) Data processing services (excluding those provided over public telecommunications network) (CPC 1.1: 85960)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(d) Data base services (excluding those provided over public	(1) None	(1) None	

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons			
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
telecommunications network) (CPC 844)	(2) None (3) None (4) As indicated in the horizontal section	(2) None (3) None (4) As indicated in the horizontal section	
C. Research and development services			
(a) Research and experimental development on physical sciences (CPC 1.1: 81110)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(b) Research and experimental development services in linguistics and languages (CPC 1.1 : 81240)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(c) Interdisciplinary R&D services Interdisciplinary research and experimental development services (CPC 1.1: 81300)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
E. Rental/Leasing Services without Operator			

Modes of Supply:		1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³		Limitation on Market Access	Limitation on National Treatment		Additional Commitments
(a) Relating to ships:	Leasing or rental services concerning non-Thai flag vessels without operator (CPC 1.1: 73115) This subclass does not include: - leasing, renting or hiring services concerning vessels for coastal and transoceanic water transport with operator, 65130. - leasing, renting or hiring services concerning cabotage and inland water vessels with operator, 65230. - leasing, renting or hiring services concerning pleasure craft, 73240.	(1) None	(1) None		
		(2) None	(2) None		
		(3) None	(3) None		
		(4) Unbound	(4) Unbound		
(c) Relating to other transport equipment :	- Leasing or rental services concerning space transport without operator	(1) None	(1) None		
		(2) None	(2) None		
		(3) None	(3) None		
		(4) Unbound	(4) Unbound		
- Computer server (CPC 1.1 : 73124)		(1) None	(1) None		
		(2) None	(2) None		
		(3) None	(3) None		
		(4) Unbound	(4) Unbound		
(e) Leasing or rental services		(1) None	(1) None		

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons			
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
concerning furniture (CPC 1.1: 73230**)	(2) None (3) None (4) Unbound	(2) None (3) None (4) Unbound	
F. Other Business Services			
(a) Advertising services Sale of internet advertising space (except on commission) (CPC 1: 83633)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(b) Market research services (excluding public opinion polling services) (CPC 1.1: 83700)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(c) General management consulting services (CPC 86501) provided exclusively through regional operating headquarters (ROH), ROH's associated company or foreign branch.	(1) None (2) None (3) - Foreign equity participation of up to one hundred percent (100%) is permitted - A debt to equity ratio of 3:1 or lower shall be maintained (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Human resource management	(1) None	(1) None	

Modes of Supply:			
	1) Cross-border supply	2) Consumption aboard	3) Commercial presence
4) Presence of natural persons			
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
consulting services (CPC 1.1: 83113)	(2) None (3) None (4) Unbound	(2) None (3) None (4) Unbound	
(e) Technical testing and analysis services Composition and purity testing and analysis services (CPC 1.1: 83561)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(j) Services incidental to energy distribution, on fee or contract basis (excluding transport-related services on a fee or contract basis of petroleum and natural gas)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(m) Related scientific and technical consulting services: Scientific consulting services from mathematicians and statisticians (CPC 1.1: 83139**)	(1) Unbound* (2) None (3) None (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment):	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None	

Modes of Supply:			
	1) Cross-border supply	2) Consumption aboard	3) Commercial presence
4) Presence of natural persons			
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Repair services of medical, precision and optical instruments (CPC 1.1: 87154)	(4) Unbound	(4) Unbound	
(p) Photographic services: Photography processing services (CPC 1.1: 83820**)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
(q) Packaging services (CPC 1.1: 85400) This subclass does not include: - packing and crating services incidental to transport, cf. 64-67 - package design services, cf. 83490 - solely printing information on packaging materials, cf. 89121 - packaging services including processing of client owned materials into a different product (e.g. mixing water and concentrate to produce soft drinks, cooking fish prior to canning, blending creams and colouring materials into cosmetics), cf. 88 and 89	(1) Unbound* (2) None (3) None (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
(s) Convention services: Annual international trade fair and exhibition organization services on a fee or contract basis (CPC 1.1: 85970**)	(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 aboard 3) Commercial presence 4) Presence of natural persons

Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
COMMUNICATIONS SERVICES			
Telecommunications Services			
C. Telecommunications Services			
<u>Commitments undertaken in this offer are subject to the following general conditions:</u> - Any person or juridical person who intends to operate a telecommunication business in Thailand shall obtain a license from designated national authority(s). - Licenses are granted only to service suppliers duly constituted according to the Thai legislation, which requires head office and management located in the Thai territory. - The service provider shall operate for public use through existing facilities licensed by the designated national authority(s). - The designated national authority(s) may prohibit the license application or terminate the license of any telecommunication businesses which deemed to have any act of “business control” by a juridical person who is not of Thai national. - Basic necessary new telecommunication Acts are now in force. Commitments on public telecommunication services will be introduced and carried out in accordance with the implementing rules and regulations to be issued by virtue of those acts.			

Modes of Supply:	1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments	
Public local, domestic long distance and international services:	(1) None, other than - traffic shall be routed through a gateways in Thailand operated by a suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends.	(1) None	Telecommunication Acts are now in force. However, regulatory rules and regulations are gradually introduced-commencing from the year of 2006. Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.	
(a) Fixed-line voice telephone services				
(a) Mobile telephone services (CPC 75213)	(2) None, other than - traffic shall be routed through a gateways in Thailand operated by a suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends.	(2) None		
Paging services (CPC 75291)	(3) - Shall be a Thai registered company with foreign equity participation not exceeding forty nine percent (49%) of the registered capital - Must use networks operated by suppliers duly licensed	(3) None		
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section		
Telex services (CPC 7523*)	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the	(1) None	Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service,	
(e) Telegraph services (CPC 7523**)				

Modes of Supply:		1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments		
(f) Facsimile services (CPC 7521**+7529**)	supplier duly licensed of both ends. (2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (3) None (4) Unbound	(2) None (3) None (4) Unbound	public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.		
(h) Electronic mail (CPC 7523**) (i) Voice mail (CPC 7523**)	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (3) None	(1) None (2) None (3) None			

Modes of Supply:	1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment		Additional Commitments
	(4) As indicated in the horizontal section	(4) As indicated in the horizontal section		
(j) Data base access services (part of CPC 7523)	(1) Service providers must use networks operated by suppliers duly licensed (2) None (3) - Shall be a Thai registered company with foreign equity participation not exceeding twenty five percent (25%) of the registered capital - Must use networks operated by suppliers duly licensed (4) As indicated in horizontal section	(1) None (2) None (3) No limitations as long as foreign equity participation does not exceed twenty five percent (25%) (4) As indicated in the horizontal section		
(j) On-line information and data base retrieval (CPC 7523**)	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends.	(1) None		Telecommunication Acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.
(n) On-line information and/or data processing services provided over public telecommunications network (part of CPC 843, excluding transaction processing)	(2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends.	(2) None		
	(3) - Shall be a Thai registered company with foreign equity	(3) None		

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

Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
	participation not exceeding twenty five percent (25%) of the registered capital - Must use networks operated by suppliers duly licensed (4) As indicated in the horizontal section	(4) As indicated in the horizontal section	
(o) Other: Telecommunications terminal equipment leasing services (CPC 75410)	(1) None, subject to commercial arrangement with licensed operators (2) None (3) Shall be a Thai registered company with foreign equity participation not exceeding forty nine percent (49%) of the registered capital (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
Telecommunications equipment sales services (CPC 75420**)	(1) None (2) None (3) Shall be a Thai registered company with foreign equity participation not exceeding forty nine percent (49%) of the registered capital (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	
Telecommunications consulting	(1) None (2) None	(1) None (2) None	

Modes of Supply:		1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments		
services (CPC 75440)	(3) None (4) As indicated in the horizontal section	(3) None (4) As indicated in the horizontal section			
Dedicated network services (CPC75222)	(1) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (2) None, other than - traffic shall be routed through gateways in Thailand operated by suppliers duly licensed; - the provision of concerned services shall be agreed by the supplier duly licensed of both ends. (3) - Shall be a Thai registered company with foreign equity participation not exceeding twenty five percent (25%) of the registered capital - Must use networks operated by suppliers duly licensed (4) As indicated in the horizontal section	(1) None (2) None (3) None (4) As indicated in the horizontal section	Telecommunication Acts are now in force. However, regulatory rules and regulations are gradually introduced commencing from the year of 2006. Thailand will introduce into its Schedule of Specific Commitments on public telecommunication services its treatment on the subjects relating to competitive safeguards, interconnection, universal service, public availability of licensing criteria, separation of regulatory and operational functions, and the allocation and use of scarce resources.		
Videotext	(1) - Service providers must use public telecommunication network under national telecommunication	(1) None			
Teleconference					

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

Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Domestic leased circuits	authorities - Radio application service is subject to frequency availability (2) None (3) - Shall be a Thai registered company with foreign equity participation not exceeding forty percent (40%) of the registered capital and the number of foreign shareholders must not exceed forty percent (40%) of the total number of shareholders of the company - Must use public telecommunication network under national telecommunication authorities - Selection of service providers shall be based on open tender (4) As indicated in the horizontal section	(2) None (3) No limitation as long as foreign equity participation does not exceed forty percent (40%) (4) None	
D. Audiovisual Services			
(a) Video tape production services for scientific education (CPC 1.1: 96121**)	(1) Unbound (2) None (3) None (4) Unbound	(1) Unbound (2) None (3) None (4) Unbound	
(e) Production of sound recording for higher education in University only (excl. all broadcasting and AV services)	(1) None (2) None	(1) None (2) None	

Modes of Supply:	1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments	
	(3) None	(3) None		
	(4) Unbound	(4) Unbound		
E. Other	(1) None	(1) None		
Communication equipment maintenance services on a fee or contract basis (CPC 75450)	(2) None	(2) None		
	(3) None	(3) None		
	(4) Unbound	(4) Unbound		
CONSTRUCTION SERVICES				
A. General construction work for Buildings	(1) Unbound*	(1) Unbound*		
	(2) None	(2) None		
General construction services of mines and industrial plant (CPC 1.1 54260)	(3) None	(3) None		
This subclass does not include construction services of warehouses and industrial buildings, cf. 54121	(4) Unbound	(4) Unbound		
B. General construction work for Civil Engineering				
Excavating and earthmoving services (CPC 517 1.1 : 54330)				
Of harbours, waterways, dams, irrigation and other water works (CPC 1.1: 54230)				
C. Installation and assembly work				

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons			
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
Installation and Assembly Work Assembly and erection of Prefabricated constructions (CPC1.1 : 54400) D. Building completion and finishing work Glazing services (CPC 1.1 : 54710) E. Other: Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator (CPC 1.1 : 54800)			
Construction services relating to basic services to the public in public utilities or transport requiring special tools, machinery, technology or construction expertise (CPC 51**)	(1) Unbound* (2) None (3) - Foreign equity participation of up to one hundred percent (100%) is permitted - A debt to equity ratio of 3:1 or lower shall be maintained - Minimum paid-up registered capital of 1,000 million baht is required. (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound	
DISTRIBUTION SERVICES			
A. Commission Agents' Services	(1) None	(1) None	
Sales, on a fee or contract basis, of	(2) None	(2) None	

Modes of Supply:	1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments	
medical goods (CPC 62117**)	(3) None (4) Unbound	(3) None (4) Unbound		
B. Wholesale trade services: Wholesale trade services, on a fee or contract basis, of medical goods (CPC 1.1: 61273)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound		
Wholesale trade services relating to the distribution and installation of products manufactured by Chilean juridical persons established in Thailand	(1) None (2) None (3) - Foreign equity participation of up to one hundred percent (100%) is permitted - A debt to equity ratio of 3:1 or lower shall be maintained - The services must be provided by such juridical persons (4) Unbound	(1) None (2) None (3) None (4) Unbound		
C. Retailing services Retailing services by Foreign service supplier established in Thailand of the products manufactured in Thailand under its own brand (CPC 1.1: 624**)	(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 aboard 3) Commercial presence 4) Presence of natural persons

Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
EDUCATION SERVICES			
<u>Commitments undertaken in this offer are subject to the following general conditions:</u> - Specific commitments on Market Access and National Treatment through any mode of supply shall not be construed to apply to the recognition of degrees for the purpose of admission, registration and qualification for a higher education, employment or professional practice in Thailand - Services suppliers may be subject to notification or registration with the authority concerned.			
C. Higher education services:	(1) None	(1) None	
Science and technology faculty (CPC 92390**)	(2) None	(2) None	
	(3) None	(3) At least half of the university council members must be of Thai nationality	
	(4) Unbound	(4) Unbound	
ENVIRONMENTAL SERVICES			
A. Sewage removal services usually provided using equipment such as waste pipes, sewers or drains (CPC 1.1: 94110**)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound	(4) Unbound	
B. Refuse Disposal Services	(1) Unbound*	(1) Unbound*	
Hazardous waste treatment and disposal services (CPC 1.1: 94222)	(2) None	(2) None	
	(3) None	(3) None	
	(4) Unbound	(4) Unbound	
C. Sanitation and Similar Services	(1) Unbound*	(1) Unbound*	
Beach cleaning services drain unblocking services	(2) None	(2) None	

Modes of Supply:	1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments	
(CPC 1.1: 94390**)	(3) None (4) Unbound	(3) None (4) Unbound		
D. Marine environmental protection services (CPC 1.1 : 94900**)	(1) Unbound* (2) None (3) None (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound		
HEALTH RELATED AND SOCIAL SERVICES				
Specialised medical services provided in private hospital (CPC 1.1: 93122**) This subclass includes: - consultation services in paediatrics, gynaecology-obstetrics, neurology and psychiatry - surgical consultation services - analysis and interpretation of medical images (x-ray, electrocardiograms, endoscopies and the like) This subclass does not include services of medical laboratories, cf. 93199	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound		
(j) Nursing department of physiotherapeutic and paramedical services provided in a hospital. (CPC 1.1: 93191)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound		
A. Private hospital services	(1) None	(1) None	The person who applies for the	

Modes of Supply:		1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments		
(CPC 1.1: 93110) This subclass does not include: - services delivered by hospital out-patient clinics, cf. 9312 - dental services, cf. 93123 - ambulance services, cf. 93192 - military hospital services - prison hospital services - nursing services - chronic case services	(2) None (3) None (4) Unbound	(2) None (3) None (4) Unbound	license to operate must have a domicile in Thailand. One license can operate one overnight sanatorium only. This measure applies to both foreigners and Thais.		
B. Other human health services (CPC 1.1: 93199**) Residential health facilities services other than hospital services, excluding non-overnight stay (CPC 1.1: 93193**)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	The person who applies for the license to operate must have a domicile in Thailand. One license can operate one overnight sanatorium only. This measure applies to both foreigners and Thais.		
C. Social services Day-care services for children with disabilities (CPC 1.1: 93321)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound			
D. Other Diagnostic imaging services without analysis or interpretation e.g. x-ray, ultrasound, and magnetic resonance imaging (MRI)	(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 aboard 3) Commercial presence 4) Presence of natural persons

Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
TOURISM AND TRAVEL RELATED SERVICES			
A. Superior Deluxe or Six-star plus rated hotel (CPC 1.1: 63110**)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound	
Full restaurant services (food and beverage preparation and serving services with or without entertainment) (CPC 64210**)	(1) None (2) None (3) - Foreign equity participation of up to sixty percent (60%) is allowed - A debt to equity ratio of 3:1 or lower shall be maintained - Minimum paid-up registered capital of 50 million baht is required. - The facility must have a minimum area of 450 square meters. (4) Unbound	(1) None (2) None (3) None (4) Unbound	

Modes of Supply: 1) Cross-border supply 2) Consumption aboard 3) Commercial presence 4) Presence of natural persons			
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments
D. Other:	(1) None	(1) None	
Hotel management services (CPC 1.1: 63110**)	(2) None (3) None (4) As indicated in the horizontal section	(2) None (3) None (4) As indicated in the horizontal section	
RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment services	(1) Unbound*	(1) Unbound*	
Amusement park (CPC 1.1: 96910**)	(2) None (3) None (4) Unbound	(2) None (3) None (4) Unbound	
Theme park services (CPC 96194**)	(1) None	(1) None	
Zoological garden services (CPC 96321**)	(2) None (3) - Foreign equity participation of up to sixty percent (60%) is allowed - A debt to equity ratio of 3:1 or lower shall be maintained - Minimum paid-up registered capital of 1,000 million baht is required. - A total area of not less than 200 rai is required. (4) Unbound	(2) None (3) None (4) Unbound	
Aquariums services (CPC 96321**)	(1) None	(1) None	

Modes of Supply:		1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments		
	(2) None (3) - Foreign equity participation of up to sixty percent (60%) is permitted - A debt to equity ratio of 3:1 or lower shall be maintained - Minimum paid-up registered capital of 200 million baht is required. - A total area of not less than 10 rai is required.	(2) None (3) None			
C. Private library services (CPC 96311**)	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound			
E. Other: Marina Facilities (A small sea harbour with docking facilities for motor and sailing boats, Marina provide berths for long and short term use and some also offer boat charter)	(1) Unbound* (2) None (3) None (4) Unbound	(1) Unbound* (2) None (3) None (4) Unbound			
TRANSPORT SERVICES					
A. Maritime Transport Services					
(a) Passenger transportation(excluding	(1) None	(1) None			

Modes of Supply:	1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments	
cabotage transport: as defined below - 3.1)	(2) None	(2) None		
International sea cruises (cruise carrier with more than 200,000 DWT capacity) (CPC 1.1: 65119**)	(3) None	(3) None		
	(4) Unbound	(4) Unbound		
This subclass does not include transportation of passengers on coastal route between domestic port.				
b) Freight transportation (excluding cabotage transport: as defined below - 3.1)				
Transoceanic water transport services of refrigerated freight by refrigerator vessels (CPC 1.1: 65121**)				
This subclass does not include coastal and transoceanic water transportation of chemical, liquid gas, any form of gages or any form of liquids cf. 65122				
(d) Maintenance and repair of vessels exceeding 100,000 DWT (CPC 8868**)	(1) None	(1) None		
	(2) None	(2) None		
	(3) None	(3) None		
	(4) Unbound	(4) Unbound		

Modes of Supply:	1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³	Limitation on Market Access	Limitation on National Treatment	Additional Commitments	
(f) Supporting services for maritime transport Port and water waterway operation service including marina facilities (A small sea, lake or river harbour with docking facilities for motor and sailing boats with maintenance and supply services and berths for long and short term use)	(1) None (2) None (3) - Foreign equity participation of up to sixty percent (60%) is allowed - A debt to equity ratio of 3:1 or lower shall be maintained (4) Unbound	(1) None (2) None (3) Service supplier must have facilities including a ship lifter, inland berthing, and a shipyard for maintenance and repair (4) Unbound		
Vessel salvage and refloating services (CPC 1.1 67630) This subclass does not include: - towing services supplied to distressed vessels: - on coastal waters or on open sea, cf. 65140 - on inland waters, cf. 65240 - lifeboat services, marine fireboat services and other marine search and rescue services: - police services, cf. 91260 - marine fireboat services, cf. 91260 - other public order and safety affairs related services, cf. 91290	(1) None (2) None (3) None (4) Unbound	(1) None (2) None (3) None (4) Unbound		
D. Space Transport Services				
Transport services via space (CPC 1.1: 66300) This subclass includes: - space passenger transportation services This subclass does not include:	(1) Unbound* (2) None (3) None	(1) Unbound* (2) None (3) None		

Modes of Supply:		1) Cross-border supply	2) Consumption aboard	3) Commercial presence	4) Presence of natural persons
Sector of Subsector ¹³		Limitation on Market Access		Limitation on National Treatment	Additional Commitments
- launching and placing of satellites in space - services provided by space laboratories		(4) Unbound		(4) Unbound	
E. Rail Transport Services					
(d) Maintenance and repair of rail - transport equipment on a fee or contract basis (CPC 8868)		(1) None (2) None (3) None (4) (a) As indicated in the horizontal section (b) Unbound for civil engineer		(1) None (2) None (3) None (4) As indicated in the horizontal section	
- Railway car cleaning services under the service contract of railway authority		(1) None (2) None (3) None (4) Unbound		(1) None (2) None (3) None (4) Unbound	

Note to the Maritime Transport Schedule

1. Where road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator 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.

2. "Reasonable and non-discriminatory terms and conditions" means, for the purpose of multimodal transport operations, the ability of multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which enter the port at a later date.

3. Definitions:

3.1 "cabotage": for the purpose of this schedule, means the transportation or towage of passengers or goods, between a port or place located in Thai waters and another port or place located in Thai waters.

3.2 "Other forms of commercial presence for the supply of international maritime transport services": for the purpose of this schedule, means the ability for international maritime transport service suppliers of other members to undertake locally the following:

- (a) Marketing and sales of maritime transport services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself;
- (b) The procurement, on their own account of any transport and related services, necessary for the supply of the integrated service;
- (c) The preparation of documentation concerning transport documents, customer documents, or other document related to the origin and character of the goods transported; and
- (d) Setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally with any locally established shipping agency: As indicated in the horizontal section.

3.3 "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.

- 3.4 "Freight forwarding services" means the activity consisting of organizing and monitoring shipment operations on behalf of shippers, through the procurement of transport and related services, preparation of documentation and provision of business information.
- 3.5 "Customs clearance services" means activities consisting of carrying out on behalf of another party customs formalities concerning the import, export or through transport of cargoes, whether this service is the main activities of the service supplier or a usual
- 3.6 "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 include the organisation and supervision of:
- (a) the loading/discharging of cargo to/from a ship;
 - (b) the lashing/unlashing of cargo; and
 - (c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.
- 3.7 "Maritime agency services" means activities consisting of representing as an agent, the business interests of one or more shipping lines, for the following purposes:
- (a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuing of bill of lading of the shipping lines; procurement and resale of the necessary related services, preparation of documentation, and provision of business information;
 - (b) acting on behalf of the shipping lines organizing the call of a ship or taking over cargoes when required.
-