

ANNEX XVI

REFERRED TO IN ARTICLE 4.21

LIST OF MFN EXEMPTIONS

APPENDIX 1: Costa Rica

APPENDIX 2: Panama

APPENDIX 3: Iceland

APPENDIX 4: Liechtenstein

APPENDIX 5: Norway

APPENDIX 6: Switzerland

APPENDIX 1 TO ANNEX XVI

COSTA RICA – LIST OF MFN EXEMPTIONS REFERRED TO IN ARTICLE 4.4

Costa Rica may maintain measures inconsistent with Article 4.4 provided that such measures have been listed in its list of MFN exemptions under the GATS.

APPENDIX 2 TO ANNEX XVI

PANAMA - LIST OF MFN EXEMPTIONS REFERRED TO IN ARTICLE 4.4

Sector / Sub-sector	Description of the measure indicating its inconsistency with Article 4.4	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
All sectors	Legal agreements between countries of the region. Preferential treatment for suppliers of services of different kinds.	Guatemala, Costa Rica, Honduras, El Salvador and Nicaragua.	Indefinite	Arrangements agreed in order to promote trade in various economic areas, including services of different kinds.
Professional services	Authorisation to exercise a profession is granted on the basis of reciprocity.	All countries	Indefinite	Lack of reciprocity.
Audiovisual services	(a) Ibero-American Cinematographic Integration Agreement. Free movement of natural persons. The showing of Ibero-American cinematographic works facilitated in the signatory countries (on existing channels or by creating channels). (b) Latin American Cinematographic Agreement. National treatment, suppliers must be nationals or residents, facilities for artistic and technical personnel, facilitation of the import and export of material and equipment whatever system for the use or exchange of audiovisual services may be agreed.	Ecuador, Argentina, Brazil, Colombia, Cuba, Spain, Italy, Mexico, Nicaragua, Peru and the Dominican Republic	Indefinite	To facilitate the exchange of audiovisual services between signatory countries.
Maritime	Panama reserves the right to adopt or maintain measures that accord differential treatment to countries under a bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving maritime services. ¹	All countries	Indefinite	

¹ It is understood that Panama shall not introduce cargo-sharing arrangements in future bilateral agreements with third countries concerning maritime transport services, including dry and liquid bulk and liner trade, and terminate, within a reasonable period of time, such cargo-sharing arrangements in case they exist in previous bilateral agreements.

APPENDIX 3 TO ANNEX XVI

ICELAND – LIST OF MFN EXEMPTIONS REFERRED TO IN ARTICLE 4.4

Sector or Subsector	Description of measure indicating its inconsistency with Article 4.4	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
ALL SECTORS	Measures aimed at promoting Nordic cooperation such as: - guarantees and loans to investment projects and exports (The Nordic Investment Bank) - financial support to R&D projects (The Nordic Industrial Fund) - funding of feasibility studies for international projects (The Nordic Fund for Project Exports) - financial assistance to companies* utilizing environmental technology (The Nordic Environment Finance Corporation).	Denmark, Finland, Iceland, Norway and Sweden (*) Applies to East European companies, which are co-operating with a Nordic company.	Indefinite	To maintain and develop Nordic Cooperation
Audiovisual services; transmission of audiovisual programmes	Measures that are adopted for the implementation and in conformity with the regulations such as the EC Television Broadcasting Directive (no. 89/552) and which define programmes of European origin in order to extend national treatment to audiovisual programmes meeting specific origin criteria	Parties to the Council of Europe Convention on Transfrontier Television or other European countries parties to the EEA Agreement with whom an agreement may be concluded	Indefinite	The promotion of cultural identity within the broadcasting sector in Europe, as well as achievement of certain linguistic policy objectives

Sector or Subsector	Description of measure indicating its inconsistency with Article 4.4	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services; production and distribution of cinematographic works and television programmes	Measures that are adopted for the implementation of benefits in conformity with such support programmes as MEDIA and EURIMAGES to audiovisual programmes and suppliers to these programmes, meeting specific European origin criteria	European countries	Indefinite	Preservation and promotion of the regional identity of the countries concerned
	Support programmes for the production and distribution of cinematographic works and television programmes (The Nordic Film and TV Fund) Measures based upon government-to-government framework agreements, and plurilateral agreements, on co-production of audiovisual works, which confer National Treatment to audiovisual works covered by these agreements, in particular in relation to distribution and access to funding	Denmark, Finland, Norway and Sweden All countries with whom cultural cooperation may be desirable (agreements already exist, or are being negotiated, with the following countries: France, Canada)	Indefinite Indefinite (The promotion of cultural links between countries cannot be time bound)	To maintain and develop Nordic cooperation The aim of these agreements is to promote cultural links between the countries concerned

APPENDIX 4 TO ANNEX XVI

LIECHTENSTEIN - LIST OF MFN EXEMPTIONS REFERRED TO IN ARTICLE 4.4

Sector or subsector	Description of measure indicating its inconsistency with Article 4.4	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services	To confer national treatment to audiovisual works covered by bi- or plurilateral agreements on co-production in the field of audiovisual works, in particular in relation to access to funding and to distribution	All countries with whom cultural co-operation may be desirable	Indefinite	Promotion of common cultural objectives
	Measures granting the benefit of support programmes, such as MEDIA and EURIMAGES, and measures relating to the allocation of screentime which implement arrangements such as the Council of Europe Convention on Transfrontier Television and confer national treatment, to audiovisual works and/or to suppliers of audiovisual services meeting specific European origin criteria	European countries	Indefinite	Promotion of cultural objectives based on long standing cultural links
	Concessions for the operation of radio or television broadcast stations may be granted to persons of countries other than Liechtenstein	All countries with whom cultural co-operation may be desirable	Indefinite	Promotion of common cultural objectives, and to regulate access to a market limited in scale in order to preserve diversity of supply
Construction and related Engineering	The right of commercial presence and the right of presence of natural persons is dependent on reciprocity for service providers from Liechtenstein	All countries	Indefinite	To ensure adequate market access to services providers from Liechtenstein

Sector or subsector	Description of measure indicating its inconsistency with Article 4.4	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Road transport services (passenger and freight)	To regulate, on the basis of mutual access to the market, transport of goods and/or passengers by vehicles registered in countries other than Liechtenstein in, into, out of, or in transit through Liechtenstein territory, normally pursuant to bilateral agreements	All countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be desirable (at present approx. 45 countries)	Exemption needed until multilateral liberalization of road transport services, taking into account regional specificity and environmental effects of road transport, will have been agreed upon	To take into account regional specificity of the provision of road transport services and to protect the integrity of road infrastructure and environment
All sectors	Measures based on bilateral agreements between Switzerland and Liechtenstein, with the objective of providing for the movement of all categories of natural persons supplying services.	Switzerland	Indefinite	Elements of a comprehensive set of bilateral agreements between Switzerland and Liechtenstein.
	According to the Liechtenstein legislation the right of presence of natural persons in all sectors is dependent on reciprocity for services providers from Liechtenstein	All countries	Indefinite	To ensure adequate market access to services providers from Liechtenstein

APPENDIX 5 TO ANNEX XVI

NORWAY – LIST OF MFN EXEMPTIONS REFERRED TO IN ARTICLE 4.4

Sector or Subsector	Description of measure indicating its inconsistency with Article 4.4	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Road transport: Passenger and Freight	Provisions of existing and future road transport agreements with one or more countries to reserve traffic rights for carriage to/from Norway and between third countries concerned. Road cabotage can also be allowed for specific countries	All countries	Indefinite	Regional specificity of road transport services
Audiovisual services: Transmission of audiovisual programmes to the public	Measures that are taken for the implementation and in conformity with the regulations such as the EC Television Broadcasting Directive (No. 89/552) and which define programmes of European origin in order to extend national treatment to audiovisual programs meeting specific origin criteria	Parties to the Council of Europe Convention on Transfrontier Television or other European countries with whom an agreement may be concluded	Indefinite	The promotion of cultural identity within the broadcasting sector in Europe, as well as achievement of certain linguistic policy objectives
Audiovisual services: Motion picture and video tape production and distribution services	To confer national treatment on audiovisual works through government-to-government framework agreements on film co-production. Such works may in some cases receive access to funding when this would not otherwise be available to co-production.	All countries	Indefinite	The aim of such agreements is to promote cultural links between the countries concerned

Sector or Subsector	Description of measure indicating its inconsistency with Article 4.4	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services: Production and distribution of cinematographic works and television programmes in Nordic countries	Measures that are adopted for the implementation of benefits in conformity with such support programs as the NORDIC FILM and TV FUND in order to enhance production and distribution of audiovisual works produced in Nordic countries	Finland, Norway, Sweden, Iceland and Denmark	Indefinite	Preservation and promotion of the regional identity of the countries concerned
All sectors	Measures that are adopted for the implementation of benefits in conformity with such support programs as MEDIA and EURIMAGES to audiovisual programs and suppliers to these programs, meeting specific European origin criteria	European countries	Indefinite	Preservation and promotion of the regional identity of the countries concerned
	Measures aimed at promoting Nordic co-operation, such as: - guarantees and loans to investment projects and exports (The Nordic Investment Bank); - financial support to R&D projects (The Nordic Industrial Fund);	Denmark, Sweden, Finland, Iceland and Norway	Indefinite	To maintain and develop Nordic co-operation

Sector or Subsector	Description of measure indicating its inconsistency with Article 4.4	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
CRS and sales and marketing of air transport services	- funding of feasibility studies for international projects (The Nordic Fund for Project Exports); - financial assistance to companies* utilizing environmental technology (The Nordic Environment Finance Co-operation) The obligations of CRS system vendors or of parent and participating air carriers shall not apply where equivalent treatment is not accorded in the country of origin of the parent carrier or of the system vendor	(*) Applies to East European companies, which are co-operating with one or more Nordic companies. All countries where a CRS system vendor or a parent air carrier is located	Indefinite	The need for the exemption results from the insufficient development of multilaterally agreed rules for the operation of CRS
Maritime	Norway reserves the right to adopt or maintain measures that accord differential treatment to countries under a bilateral or multilateral international agreement in force, or signed after the date of entry into force of this agreement involving maritime services ¹	All countries	Indefinite	

¹ It is understood that Norway shall not introduce cargo-sharing arrangements in future bilateral agreements with third countries concerning maritime transport services, including dry and liquid bulk and liner trade, and terminate, within a reasonable period of time, such cargo sharing arrangements in case they exists in previous bilateral agreements.

APPENDIX 6 TO ANNEX XVI

SWITZERLAND – LIST OF MFN EXEMPTIONS REFERRED TO IN ARTICLE 4.4

Sector or Subsector	Description of measure indicating its inconsistency with Article 4.4	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Audiovisual services	To confer national treatment to audiovisual works covered by bilateral or plurilateral agreements on co-production in the field of audiovisual works, in particular in relation to access to funding and to distribution Measures granting the benefit of support programmes, such as MEDIA and EURIMAGES, and measures relating to the allocation of screen time which implement arrangements such as the Council of Europe Convention on Transfrontier Television and confer national treatment, to audiovisual works and/or to suppliers of audiovisual services meeting specific European origin criteria	All countries with whom cultural cooperation may be desirable (at present agreements exist with member countries of the Council of Europe and with Canada) European countries	Indefinite Indefinite	Promotion of common cultural objectives Promotion of cultural objectives based on longstanding cultural links
Audiovisual services - only terrestrial broadcasting or when broadcaster wants to be supported financially through revenues of reception fees	Concessions for the operation of radio or television broadcast stations may be granted, on the basis of reciprocity with regard to foreign capital participation in this sector	All countries in which access to broadcasting services is granted on the same basis as under Swiss law	Indefinite	Promotion of common cultural objectives, and to regulate access to a market limited in scale (given the size of Switzerland) in order to preserve diversity of supply

Sector or Subsector	Description of measure indicating its inconsistency with Article 4.4	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Internal waterways transport	To allow transport services on the Rhine including cabotage to vessels registered in countries other than Switzerland on the basis of the Mannheim Convention (including related additional articles and protocols) and other agreements on internal waterways transport in Europe	Beneficiaries of the Mannheim Convention and other agreements relating to internal waterways transport in Europe to which Switzerland may be a member	Indefinite	To regulate transport capacity on inland waterways
Road transport services (passenger and freight)	To regulate, on the basis of mutual access to the market, transport of goods and/or passengers by vehicles registered in countries other than Switzerland in, into, out of, or in transit through Swiss territory, normally pursuant to bilateral agreements	All countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be desirable (at present approximately 45 countries)	Exemption needed until multilateral liberalization of road transport services, taking into account regional specificity and environmental effects of road transport, will have been agreed upon	To take into account regional specificity of the provision of road transport services and to protect the integrity of road infrastructure and environment
All sectors	Measures based on bilateral agreements between the Principality of Liechtenstein, or the European Community or respectively the European Union and/or its Member States and Switzerland, with the objective of providing for the movement of all categories of natural persons supplying services	The Principality of Liechtenstein and the EC	Indefinite	Elements of a comprehensive set of bilateral agreements between Switzerland and the Principality of Liechtenstein and between Switzerland and the EC