

## **ANNEX VIII**

REFERRED TO IN ARTICLE 3.21

LISTS OF MFN-EXEMPTIONS

APPENDIX 1: Indonesia

APPENDIX 2: Iceland

APPENDIX 3: Liechtenstein

APPENDIX 4: Norway

APPENDIX 5: Switzerland

APPENDIX 1 TO ANNEX VIII

**INDONESIA - LIST OF MFN EXEMPTIONS**

| <b>Sector or sub-sector</b> | <b>Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement</b>                                                         | <b>Countries to which the measure applies</b>                                                                                          | <b>Intended duration</b> | <b>Conditions creating the need for the exemption</b>                                                                                       |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| All Sectors                 | Any measures relating to the supply of services accorded to services or service suppliers from any ASEAN member state, based on any agreements concluded between ASEAN member states. | All ASEAN member states, which membership is in accordance with Article 4 of ASEAN Charter and its subsequent amendment in the future. | Indefinite               | To take into account ASEAN regional economic relations under the ASEAN Economic Community framework.                                        |
| Maritime Related Services   | Any measures granting better treatment relating to maritime transport companies whose home countries conclude an agreement with Indonesia providing such better treatment.            | All countries                                                                                                                          | indefinite               | To take into account any agreement on the access of maritime related services concluded between Indonesia and any bilateral partner.        |
| Air Transport Services      | Any measures granting better treatment relating to air transport service suppliers whose home countries conclude an agreement with Indonesia providing such better treatment.         | All countries                                                                                                                          | indefinite               | To take into account any preferential access on the basis of air services agreements concluded between Indonesia and any bilateral partner. |

APPENDIX 2 TO ANNEX VIII

**ICELAND – LIST OF MFN EXEMPTIONS**

| <b>Sector or sub-sector</b>                                  | <b>Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement</b>                                                                                                                                                                                                                                                                                                               | <b>Countries to which the measure applies</b>                                                                                                                                                                                | <b>Intended duration</b> | <b>Conditions creating the need for the exemption</b>                                                                                        |
|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| All Sectors                                                  | Measures aimed at promoting Nordic Cooperation such as:<br>guarantees and loans to investment projects and exports (The Nordic Investment Bank)<br>financial support to R&D projects (The Nordic Industrial Fund)<br>funding of feasibility studies for international projects (The Nordic Fund for Project Exports)<br>financial assistance to companies* utilizing environmental technology (The Nordic Environment Finance Corporation). | Denmark, Finland, Iceland, Norway and Sweden<br><br>(* ) 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 European Economic Area (hereinafter referred to “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 sub-sector                                                                                 | Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement                                                                                                                                                                   | 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)                                                                                                                                                  | Denmark, Finland, Norway and Sweden                                                                                                                             | Indefinite                                                                          | To maintain and develop Nordic cooperation                                               |
|                                                                                                      | 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 | All countries with whom cultural cooperation may be desirable (agreements already exist, or are being negotiated, with the following countries: France, Canada) | Indefinite (The promotion of cultural links between countries cannot be time bound) | The aim of these agreements is to promote cultural links between the countries concerned |

## APPENDIX 3 TO ANNEX VIII

### **LIECHTENSTEIN - LIST OF MFN-EXEMPTIONS**

| <b>Sector or sub-sector</b>          | <b>Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement</b>                                                                                                                                                                                                                                                       | <b>Countries to which the measure applies</b>                  | <b>Intended duration</b> | <b>Conditions creating the need for the exemption</b>                                                                                 |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| 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 sub-sector                            | Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement                                                                                                                                                                                                                                                         | 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 approximately 45 countries) | Exemption needed until multilateral liberalisation 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                                     | <p>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.</p> <p>According to the Liechtenstein legislation the right of presence of natural persons in all sectors is dependent on reciprocity for services providers from Liechtenstein</p> | <p>Switzerland</p> <p>All countries</p>                                                                                                                                           | <p>Indefinite</p> <p>Indefinite</p>                                                                                                                                                             | <p>Elements of a comprehensive set of bilateral agreements between Switzerland and Liechtenstein</p> <p>To ensure adequate market access to services providers from Liechtenstein</p> |

APPENDIX 4 TO ANNEX VIII

**NORWAY – LIST OF MFN EXEMPTIONS**

| <b>Sector or sub-sector</b>                                                   | <b>Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement</b>                                                                                                                                                                     | <b>Countries to which the measure applies</b>                                                                                               | <b>Intended duration</b> | <b>Conditions creating the need for the exemption</b>                                                                                       |
|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Road transport:<br>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:<br>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 |

| <b>Sector or sub-sector</b>                                                                                                 | <b>Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement</b>                                                                                                                      | <b>Countries to which the measure applies</b> | <b>Intended duration</b> | <b>Conditions creating the need for the exemption</b>                                   |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------|-----------------------------------------------------------------------------------------|
| Audiovisual services:<br>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 |
| Audiovisual services:<br>Production and distribution of cinematographic works and television programmes in Nordic countries | Measures that are adopted for the implementation of benefits in conformity with such support programs as the NORDIC FILM and TV FUND in order to enhance production and distribution of audiovisual works produced in Nordic countries             | Finland, Norway, Sweden, Iceland and Denmark  | Indefinite               | Preservation and promotion of the regional identity of the countries concerned          |
| Audiovisual services:<br>Production and distribution of cinematographic works and television programs                       | Measures that are adopted for the implementation of benefits in conformity with such support programs as MEDIA and EURIMAGES to audiovisual programs and suppliers to these programs, meeting specific European origin criteria                    | European countries                            | Indefinite               | Preservation and promotion of the regional identity of the countries concerned          |

| Sector or sub-sector                                  | Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement                                                                                                                                                                                                                                                                                                                                                                                                              | Countries to which the measure applies                                                                                                                      | Intended duration | Conditions creating the need for the exemption                                                                               |
|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------------------------------------------------------------------------------------------------------------|
| All Sectors                                           | <p>Measures aimed at promoting Nordic cooperation, such as:</p> <ul style="list-style-type: none"> <li>- guarantees and loans to investment projects and exports (The Nordic Investment Bank);</li> <li>- financial support to R&amp;D projects (The Nordic Industrial Fund);</li> <li>- funding of feasibility studies for international projects (The Nordic Fund for Project Exports);</li> <li>- financial assistance to companies* utilising environmental technology (The Nordic Environment Finance Co-operation)</li> </ul> | <p>Denmark, Sweden, Finland, Iceland and Norway</p> <p>(*) Applies to East European companies, which are cooperating with one or more Nordic companies.</p> | Indefinite        | To maintain and develop Nordic co-operation                                                                                  |
| CRS and sales and marketing of air transport services | The obligations of CRS system vendors or of parent and participating air carriers shall not apply where equivalent treatment is not accorded in the country of origin of the parent carrier or of the system vendor                                                                                                                                                                                                                                                                                                                 | All countries where a CRS system vendor or a parent air carrier is located                                                                                  | Indefinite        | The need for the exemption results from the insufficient development of multilaterally agreed rules for the operation of CRS |

| Sector or sub-sector                               | Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement | Countries to which the measure applies            | Intended duration | Conditions creating the need for the exemption                                                                                                                                                                                              |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Domestic maritime transport: passenger and freight | Provisions of agreements on access to domestic maritime transport                                                      | Denmark, Finland, Iceland, Germany, Sweden and UK | Indefinite        | These agreements go beyond the rights covered by the European Economic Area (hereinafter referred to as “EEA”) agreement and are thus applicable. The exemption will allow for entering partial and progressive commitments in this sector. |

APPENDIX 5 TO ANNEX VIII

**SWITZERLAND – LIST OF MFN EXEMPTIONS**

| Sector or sub-sector                                                                                                                             | Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Countries to which the measure applies                                                                                                                                                      | Intended duration                   | Conditions creating the need for the exemption                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Audiovisual services                                                                                                                             | <p>To confer national treatment to audiovisual works covered by bilateral or plurilateral agreements on co-production in the field of audiovisual works, in particular in relation to access to funding and to distribution</p> <p>Measures granting the benefit of support programmes, such as MEDIA and EURIMAGES, and measures relating to the allocation of screen time which implement arrangements such as the Council of Europe Convention on Transfrontier Television and confer national treatment, to audiovisual works and/or to suppliers of audiovisual services meeting specific European origin criteria</p> | <p>All countries with whom cultural cooperation may be desirable (at present agreements exist with member countries of the Council of Europe and with Canada)</p> <p>European countries</p> | <p>Indefinite</p> <p>Indefinite</p> | <p>Promotion of common cultural objectives</p> <p>Promotion of cultural objectives based on longstanding cultural links</p>                                           |
| Audiovisual services<br>- 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 sub-sector                            | Description of measure indicating its inconsistency with Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement                                                                                                                                                                           | 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 Union (hereinafter referred to as the "EU") 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 EU                                                                                                                                      | Indefinite                                                                                                                                                                                      | Elements of a comprehensive set of bilateral agreements between Switzerland and the Principality of Liechtenstein and between Switzerland and the EU      |