#### **CHAPTER 7**

## TRADE IN SERVICES

**Article 1: Definitions** 

For the purposes of this Chapter:

aircraft repair and maintenance services means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service but does not include line maintenance:

**airport operation services** means the supply of air terminal, airfield and other airport infrastructure operation services on a fee or contract basis. Airport operation services does not include air navigation services;

**commercial presence** means any type of business or professional establishment, including one operating through:

- (a) the constitution, acquisition or maintenance of an enterprise; or
- (b) the creation or maintenance of a branch or a representative office;

within the territory of a Party for the purposes of supplying a service;

**computer reservation system services** means services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued;

ground handling services means the supply at an airport, on a fee or contract basis, of the following: airline representation, administration and supervision; passenger handling; baggage handling; ramp services; catering (except the preparation of the food); air cargo and mail handling; fuelling of an aircraft; aircraft servicing and cleaning; surface transport; and flight operations, crew administration and flight planning. Ground handling services do not include self-handling; security; line maintenance; aircraft repair and maintenance; or management or operation of essential centralised airport infrastructure such as de-icing facilities, fuel distribution systems, baggage handling systems, and fixed intra-airport transport systems;

measures adopted or maintained by a Party means any measure taken by:

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

Such measures include measures in respect of:

- (a) the purchase, payment or use of a service;
- (b) the access to and use of, in connection with the supply of a service, services which are required by a Party to be offered to the public generally; and
- (c) the presence, including commercial presence, of persons of a Party for the supply of a service in the territory of another Party;

**monopoly supplier of a service** means any person, public or private, who in the relevant market of the territory of a Party is authorised or established formally or in effect by that Party as the sole supplier of that service;

person means either a natural person or an enterprise;

#### **sector of a service** means:

- (a) with reference to a specific commitment, one or more, or all subsectors of that service, as specified in a Party's Schedule of Specific Services Commitments at Annex 7-A to this Agreement;
- (b) otherwise, the whole of that service sector, including all of its subsectors;

**selling and marketing of air transport services** means opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions;

# **service of another Party** means a service which is supplied:

- (a) from or in the territory of that other Party; or in the case of maritime transport, by a vessel registered under the laws of that other Party, or by a person of that other Party who supplies the service through the operation of a vessel or its use in whole or in part; or
- (b) in the case of the supply of a service through commercial presence or through the presence of natural persons, by a service supplier of that other Party;

service consumer means any person that receives or uses a service;

service supplier of a Party means a person of a Party that supplies a service;<sup>1</sup>

<sup>&</sup>lt;sup>1</sup>Where the service is not supplied directly by an enterprise but through other forms of commercial presence such as a branch or a representative office, the service supplier (*i.e.*, enterprise) shall, nonetheless, through such presence be accorded the treatment provided for service suppliers under this Agreement. Such treatment shall be extended to the presence through which the service is supplied and need not be extended to any other parts of the supplier located outside the territory where the service is supplied.

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

services 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;

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

**supply of a service** includes the production, distribution, marketing, sale and delivery of a service;

**trade in services** means the supply of a service:

- (a) from the territory of one Party into the territory of another Party ('Mode 1');
- (b) in the territory of one Party to the service consumer of another Party ('Mode 2');
- (c) by a service supplier of one Party, through commercial presence in the territory of another Party ('Mode 3');
- (d) by a service supplier of one Party, through presence of natural persons of a Party in the territory of another Party ('Mode 4');

**traffic rights** means the right for scheduled and non-scheduled services to operate or carry passengers, cargo and mail for remuneration or hire from, to, within, or over the territory of a Party, including points to be served, routes to be operated, types of traffic to be carried, capacity to be provided, tariffs to be charged and their conditions, and criteria for designation of airlines, including such criteria as number, ownership, and control.

## **Article 2: Scope**

- 1. This Chapter applies to measures affecting trade in services adopted or maintained by a Party.
- 2. This Chapter shall not apply to:
  - (a) services supplied in the exercise of governmental authority;<sup>2</sup>
  - (b) any measures adopted or maintained by a Party with respect to government procurement;

<sup>&</sup>lt;sup>2</sup> For greater certainty, nothing in this Chapter shall be construed as requiring the privatisation of public services supplied in the exercise of government authority.

- (c) subsidies or grants provided by a Party, including government-supported loans, guarantees, and insurance, or any conditions attached to the receipt or continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to domestic services, service consumers or service suppliers;
- (d) in respect of air transport services, measures affecting traffic rights however granted; or measures affecting services directly related to the exercise of traffic rights, other than measures affecting:
  - (i) aircraft repair and maintenance services;
  - (ii) the selling and marketing of air transport services;
  - (iii) computer reservation system services;
  - (iv) specialty air services;
  - (v) ground handling services; and
  - (vi) airport operation services.
- 3. For greater certainty, the Parties recognise the right of all Parties to regulate and to introduce new regulations to regulate the supply of services within their territory in order to meet national policy objectives, provided that such regulation is not inconsistent with this Chapter.<sup>3</sup>
- 4. Nothing in this Chapter shall apply to measures affecting natural persons seeking access to the employment market of another Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

## **Article 3: Most-Favoured-Nation Treatment**

- 1. With respect to any measure covered by this Chapter, each Party shall accord immediately and unconditionally to services and service suppliers of another Party treatment no less favourable than that it accords to like services and service suppliers of a non-party.
- 2. A Party may maintain a measure inconsistent with Paragraph 1 provided that such a measure falls within the scope of any exemptions list in Annex I (Schedule of Most-Favoured-Nation Exemptions on Services and Investment).

# **Article 4: Increasing the Participation of Forum Island Countries**

1. The increasing participation of Forum Island Countries in services trade shall be

<sup>&</sup>lt;sup>3</sup> For greater certainty, the Parties mutually understand that Parties have the right to regulate, provided that regulation does not nullify or impair obligations and commitments of this Chapter.

facilitated through negotiated specific commitments pursuant to Article 5, Article 6, Article 7 and Article 8 relating to:

- (a) the strengthening of their domestic services capacity and its efficiency and competitiveness *inter alia* through access to technology on a commercial basis;
- (b) the improvement of their access to distribution channels and information networks; and
- (c) the liberalisation of market access in sectors and modes of supply of export interest to Forum Island Countries.
- 2. Within one year of the date of entry into force of this Agreement, each Party shall establish contact points to facilitate the access of service suppliers to information related to their respective markets in relation to commercial and technical aspects of the supply services, registration, recognition and the obtaining of professional qualifications and the availability of technology.

#### **Article 5: Market Access**

- 1. With respect to market access through the modes of supply identified in the definition of "trade in services" in Article 1, each Party shall accord services and service suppliers of another Party treatment no less favourable than that provided for under the terms, limitations and conditions specified in its Schedule of Specific Services Commitments at Annex 7-A to this Agreement.
- 2. In the sectors where market access commitments are undertaken, a Party shall not maintain or adopt, either on the basis of a regional subdivision or on the basis of its entire territory, unless otherwise specified in its Schedule, measures which:
  - (a) limit the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirement of an economic needs test:
  - (b) limit the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
  - (c) limit 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, except measures of a Party which limit inputs for the supply of services;
  - (d) limit the total number of natural persons who may be employed in a particular service sector or who 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 the requirement of an economic needs test;

- (e) restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service; and
- (f) limit the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or of the total value of individual or aggregate foreign investment.
- 3. If a Party undertakes a market access commitment in relation to the supply of a service through Mode 1, and if the cross-border movement of capital is an essential part of the service itself, it shall allow such movement of capital.
- 4. If a Party undertakes a market access commitment in relation to the supply of a service through Mode 3, it shall allow related transfers of capital into its territory.

## **Article 6: National Treatment**

- 1. In the sectors specified in its Schedule of Specific Services Commitments at Annex 7-A to this Agreement, and subject to any conditions and qualifications set out therein, each Party shall accord to services and service suppliers of another 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.
- 2. A Party may meet the requirement in paragraph 1 by according to services and service suppliers of another Party either formally identical treatment or formally different treatment to that which 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 the like service or service suppliers of another Party.
- 4. 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 7: Additional Commitments**

The Parties may negotiate commitments with respect to measures affecting trade in services not subject to scheduling under Article 5 and Article 6, including those regarding qualifications, standards or licensing matters. Such commitments shall be entered in a Party's Schedule of Specific Services Commitments at Annex 7-A to this Agreement.

# **Article 8: Specific Commitments**

1. The specific commitments undertaken by each Party under Article 5 and Article 6 shall be set out in the Schedule of Specific Services Commitments under Annex 7-A to this

Agreement. 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 related to additional commitments; and
- (d) where appropriate, the time-frame for implementation of such commitments.
- 2. Measures inconsistent with both Article 5 and Article 6 are inscribed in the column relating to Article 5. In this case, the inscription shall be considered to also provide a condition or qualification to Article 6.

## **Article 9: Modification of Schedules**

- 1. (a) A Party (referred to in this Article as the "modifying Party") may modify or withdraw any commitment in its Schedule, at any time after three years have elapsed from the date on which that commitment entered into force, in accordance with the provisions of this Article.
  - (b) A modifying Party shall notify its intent to modify or withdraw a commitment pursuant to this Article to the Joint Committee no later than three months before the intended date of implementation of the modification or withdrawal.
- 2. (a) At the request of any Party whose benefits under this Agreement may be affected (referred to in this Article as an "affected Party") by a proposed modification or withdrawal notified under paragraph 1(b), the modifying Party shall enter into negotiations with a view to reaching agreement on any necessary compensatory adjustment. In such negotiations and agreement, the Parties concerned shall endeavour to maintain a general level of mutually advantageous commitments not less favourable to trade than that provided for in Schedules of specific commitments prior to such negotiations.
  - (b) Compensatory adjustments shall be made on a most-favoured-nation basis.
- 3. (a) If agreement is not reached between the modifying Party and any affected Party before the end of the period provided for negotiations, such affected Party may refer the matter to the Joint Committee. Any affected Party that wishes to enforce a right that it may have to compensation must participate in meetings that may be convened by the Joint Committee to resolve this matter.
  - (b) If no affected Party has requested the intervention of the Joint Committee, the modifying Party shall be free to implement the proposed modification or withdrawal.

- 4. (a) The modifying Party may not modify or withdraw its commitment until it has made compensatory adjustments in conformity with the findings of the Joint Committee.
  - (b) If the modifying Party implements its proposed modification or withdrawal and does not comply with the recommendations of the Joint Committee, any affected Party that participated in the Joint Committee's meetings may modify or withdraw substantially equivalent benefits in conformity with those findings. Notwithstanding Article 3, such a modification or withdrawal may be implemented solely with respect to the modifying Party.
- 5. The Joint Committee shall establish procedures for the rectification or modification of Schedules. Any Party which has modified or withdrawn scheduled commitments under this Article shall modify its Schedule according to such procedures.

# **Article 10: 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. (a) 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, including correction of the contested final administrative actions. Where such tribunals or procedures are not independent of the agency responsible for the administrative action concerned, the Party shall ensure that the tribunals or procedures provide for an objective and impartial review.
  - (b) Each Party shall ensure that, in any such tribunal or under any such procedures referred to in subparagraph (a), the parties to any proceedings are provided with the right to:
    - (i) a reasonable opportunity to support or defend their respective positions; and
    - (ii) a decision in accordance with the Party's laws.
  - (c) Each Party shall ensure, subject to appeal or further review as provided in its law, that any decision referred to in subparagraph (b) shall be implemented in accordance with its laws.
  - (d) The provisions of subparagraph (a) shall not be construed to require a Party to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.

- 3. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures do not constitute unnecessary barriers to trade in services, the Parties shall jointly review the results of the WTO negotiations on disciplines on such measures pursuant to Article VI:4 of GATS, and shall amend this Article, as appropriate, after consultations among the Parties to bring the results of those negotiations into effect under this Agreement. The Parties note that the disciplines arising from such negotiations shall aim to ensure that qualification requirements and procedures, technical standards and licensing requirements and procedures 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. In sectors in which a Party has undertaken specific commitments under Article 5, Article 6 and Article 7, pending the incorporation of the disciplines referred to in paragraph 3, that Party shall not apply licensing and qualification requirements and technical standards that nullify or impair such specific commitments under this Agreement in a manner which:
  - (a) does not comply with the criteria outlined in paragraph 3(a), (b) or (c); and
  - (b) could not reasonably have been expected of that Party at the time the specific commitments in those sectors were made.
- 5. In determining whether a Party is in conformity with its obligations under paragraph 3, account shall be taken of international standards of relevant international organisations applied by that Party.<sup>4</sup>
- 6. If authorisation is required for the supply of a service on which a specific commitment has been made, the competent authorities of that Party shall:
  - (a) in the case of an incomplete application, at the request of the applicant, identify all the additional information that is required to complete the application and provide the opportunity to remedy deficiencies within a reasonable timeframe;
  - (b) within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application;
  - (c) at the request of the applicant, provide, without undue delay, information concerning the status of the application under consideration; and

<sup>&</sup>lt;sup>4</sup> The term "relevant international organisations" refers to international bodies whose membership is open to the relevant bodies of all of the Parties.

- (d) if an application is rejected, to the maximum extent possible, inform the applicant in writing, and without delay, the reasons for the rejection of the application and of the timeframe to appeal against the decision. An applicant should be permitted, within reasonable time limits, to resubmit an application.
- 7. In sectors where specific commitments regarding professional services are undertaken, each Party shall provide for adequate procedures to verify the competence of professionals of any other Party.
- 8. Subject to its domestic laws and regulations, each Party shall permit service suppliers of the other Parties to use the business names under which they ordinarily trade in the territories of the other Parties and otherwise ensure that the use of business names is not unduly restricted.

## **Article 11: Recognition**

- 1. For the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorisation, licensing or certification of service suppliers, and subject to the requirements of paragraph 4, a Party may recognise the education or experience obtained, requirements met, or licenses or certifications granted in a particular country. Such recognition, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement with the country concerned or may be accorded autonomously.
- 2. Where a Party recognises, autonomously or by agreement or arrangement, the education or experience obtained, requirements met, or licences or certifications granted in the territory of a non-party, nothing in Article 3 shall be construed to require the Party to accord such recognition to the education or experience obtained, requirements met, or licences or certifications granted in the territory of another Party.
- 3. A Party that is a party to an agreement or arrangement of the type referred to in paragraph 2, whether existing or future, shall afford adequate opportunity for other interested Parties to negotiate their accession to such an agreement or arrangement or to negotiate comparable ones with it. Where a Party accords recognition autonomously, it shall afford adequate opportunity for another Party to demonstrate that education, experience, licences, or certifications obtained or requirements met in that other Party's territory should be recognised.
- 4. A Party shall not accord recognition in a manner which would constitute a means of discrimination between other Parties 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.
- 5. If appropriate, recognition should be based on multilaterally agreed criteria. In appropriate cases, Parties shall work in cooperation with relevant inter-governmental and non-governmental organisations towards the establishment and adoption of common international standards and criteria for recognition and common international standards for the practice of relevant services trades and professions.

6. The Parties shall actively encourage their competent bodies to consult with each other and with relevant regional bodies after the entry into force of this Agreement to explore the possibilities for recognition of qualifications or professional recognition or registration. The Parties shall report periodically to the Joint Committee for review.

## **Article 12: Payments and Transfers**

- 1. Except under the circumstances envisaged in Article 2 of Chapter 11 (General Provisions and Exceptions), a Party shall not apply restrictions on international transfers and payments for current transactions relating to its specific commitments.
- 2. Nothing in this Chapter shall affect the rights and obligations of a Party as a Member of the International Monetary Fund (IMF) under the IMF Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistent with its specific commitments regarding such transactions, except under Article 3 of Chapter 11 (General Provisions and Exceptions), or at the request of the IMF.

# **Article 13: Monopolies and Exclusive Service Suppliers**

- 1. Each Party shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Party's obligations under Article 3, Article 5, Article 6 and Article 7.
- 2. If a Party's monopoly supplier competes, either directly or through an affiliated company, in the supply of a service which is outside the scope of its monopoly rights and which is subject to that Party's specific commitments, the Party shall ensure that such a supplier does not abuse its monopoly position to act in its territory in a manner inconsistent with such commitments.
- 3. If a Party has a reason to believe that a monopoly supplier of a service of another Party is acting in a manner inconsistent with paragraph 1 or 2, it may request the Party establishing, maintaining or authorising such supplier to provide specific information concerning the relevant operations.
- 4. This Article shall also apply to cases of exclusive service suppliers, where a Party, formally or in effect:
  - (a) authorises or establishes a small number of service suppliers; and
  - (b) substantially prevents competition among those suppliers in its territory.

## **Article 14: Emergency Safeguard Measures**

1. The Parties note the multilateral negotiations pursuant to Article X of GATS on the question of emergency safeguard measures based on the principle of non-discrimination. On

the conclusion of such multilateral negotiations, the Parties shall conduct a review for the purposes of discussing appropriate amendments to this Chapter so as to incorporate the results of such multilateral negotiations.

- 2. In the event that the implementation of the commitments made under this Agreement causes substantial adverse impact to a service sector of a Party before the conclusion of the multilateral negotiations referred to in paragraph 1, that affected Party may request to hold consultations with the other Party or Parties. The requested Party or Parties shall respond to such a request in good faith.
- 3. In undertaking such consultations, the Parties shall endeavour to reach a mutually agreed solution within a reasonable period of time.
- 4. The consulting parties shall notify the agreed solution to all other Parties as soon as practicable and by no later than the next meeting of the Joint Committee.

#### **Article 15: Subsidies**

- 1. Notwithstanding Article 2.2(c), where one Party considers that subsidies provided by another Party affecting trade in services nullify or impair any benefits it expected to receive under this Chapter, the Parties agree to consult with a view to reaching a mutually satisfactory solution.
- 2. Notwithstanding Article 2.2(c), following the conclusion of the negotiations on trade distorting subsidies on trade in services under Article XV of the GATS, the Parties agree to review the operation of this Article with a view to considering the possible modification or elimination of this Article.

#### **Article 16: Denial of Benefits**

- 1. A Party may deny the benefits of this Chapter to a service supplier of another Party where the Party establishes that:
  - (a) the service is being supplied by an enterprise that is owned or controlled by persons of a non-party and the enterprise has no substantive business operations in the territory of any Party; or
  - (b) the service is being supplied by an enterprise that is owned or controlled by persons of the denying Party and the enterprise has no substantive business operations in the territory of any Party.
- 2. In the case of the supply of maritime transport services, a Party may deny the benefits of this Chapter to a service supplier of another Party if it establishes that the service is supplied by a vessel registered under the laws of a non-party, and by a person who operates or uses the vessel in whole or in part but is of a non-party.

## **Article 17: Contact Points and Transparency**

- 1. Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by this Chapter, and shall provide details of such contact point to the other Parties. The Parties shall notify each other promptly of any amendments to the details of their contact points.
- 2. Each Party shall publish promptly or otherwise make publicly available international agreements pertaining to or affecting trade in services to which it is a signatory.
- 3. To the extent of its capacity, each Party shall ensure that all measures of general application relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards are published promptly through printed or electronic means, or otherwise. Information regarding these measures shall include, where applicable:
  - (a) requirements for authorisation, including for application and periodic renewal of such authorisation, and generally applicable terms and conditions of such authorisation;
  - (b) licensing requirements and procedures, including requirements, criteria and procedures for application and renewal, and applicable fees;
  - (c) qualification requirements and procedures, including requirements, criteria and procedures for application and renewal, and procedures for verification and assessment of qualifications, and applicable fees;
  - (d) technical standards;
  - (e) procedures relating to appeals or reviews of decisions concerning applications;
  - (f) procedures for monitoring or enforcing compliance with the terms and conditions of licences:
  - (g) an established timeframe for the processing of an application.
- 4. Each Party shall respond promptly to all requests by another Party for specific information on any measures of general application which pertain to or affect the operation of this Chapter or international agreements within the meaning of paragraph 2.

#### **Article 18: Review of Commitments**

1. The Parties shall review commitments on trade in services, with the first review within three years of entry into force of this Agreement and periodically thereafter as determined by the Joint Committee, with the aim of improving the overall commitments undertaken by the Parties under this Chapter so as to progressively liberalise trade in services among the Parties.

2. The Parties recognise the limited capacities of developing country Parties which will be taken into account in the review process. When improving the overall commitments undertaken by the Parties, appropriate flexibility will be given to the developing country Parties to opening fewer sectors, liberalising fewer types of transaction, progressively extending market access in line with their development situation and, when making access to their markets available to foreign service suppliers, attaching to such access conditions aimed at achieving the objectives referred to in Article 4.

## **Article 19: Joint Committee**

The Parties shall, through the Joint Committee or a relevant subsidiary body, consult regularly to consider the implementation of their commitments under this Chapter.

# ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

## SCHEDULE OF AUSTRALIA

- 1. Unless otherwise stated, all CPC references correspond to the United Nations Provisional Central Product Classification.
- 2. Measures inconsistent with both Article 5 (Market Access) and Article 6 (National Treatment) shall be inscribed in the column relating to Market Access. In this case the inscription will be considered to provide a condition or qualification to Article 6 (National Treatment) as well.
- 3. For greater certainty, an entry of 'none' means no limitations except as listed elsewhere in the schedule, including in either or all of Part I, the Limitations on Market Access, Limitations on National Treatment or Additional Commitments columns. The inscription 'unbound' means that no commitments are taken with respect to a particular subsector or area.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
PART I. HORIZONTAL COMM	MITMENTS		
ALL SECTORS INCLUDED IN PART II OF THIS SCHEDULE	3) Under Australia's Foreign Investment Framework, which comprises Australia's Foreign Investment Policy, the Foreign Acquisitions and Takeovers Act 1975 (Cth) (FATA); Foreign Acquisitions and Takeovers Regulations 2015 (Cth);	<ul> <li>3) Australia's foreign investment policy guidelines apply to foreign-owned or controlled enterprises after establishment in Australia.</li> <li>3) Unbound for any measure with respect to:</li> </ul>	
	Foreign Acquisitions and Takeovers Fees Imposition Act	<ul> <li>the privatisation of government owned entities or</li> </ul>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	2015 (Cth); Foreign	assets; and	
	Acquisitions and Takeovers	<ul> <li>the devolution to the private</li> </ul>	
	Fees Imposition Regulation	sector of services provided in	
	2015 (Cth); Financial Sector	the exercise of governmental	
	(Shareholdings) Act 1998	authority at the date of entry	
	(Cth); and Ministerial	into force of this Agreement.	
	Statements, the following		
	investments <sup>1</sup> are subject to	3) At least one director of a private	
	approval by the Australian	company must be ordinarily	
	Government and may also	resident in Australia. At least	
	require notification <sup>2</sup> to the	two of the directors of a public	
	Government:	company must be ordinarily	
	<ul> <li>a proposed investment by a</li> </ul>	resident in Australia. At least	
	'foreign person' in an entity	one secretary of a private	
	or Australian business	company (if such a private	
	valued above A\$252	company appoints one or more	
	million <sup>†</sup> ;	secretaries) must be ordinarily	
	<ul> <li>a proposed direct investment</li> </ul>	resident in Australia. At least	
		one secretary of a public	

<sup>&</sup>lt;sup>1</sup> "Investment" means activities covered by Part II of the Foreign Acquisitions and Takeovers Act 1975 (Cth) or, where applicable, ministerial statements on foreign investment policy. Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment.

<sup>&</sup>lt;sup>2</sup> The Foreign Acquisitions and Takeovers Fees Imposition Act 2015 (Cth) and the Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015 (Cth) sets the fees for foreign investment applications and notices. Fees are indexed annually on 1 July.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
	by a 'foreign government investor' <sup>3</sup> of any interest regardless of value;  - a proposed investment by a foreign person* of 5 per cent or more in the media sector, regardless of the value of the investment;  - a proposed acquisition by a foreign person* of an interest in developed commercial land <sup>4</sup> where the value of the interest is more than A\$252 million†, unless the land meets the conditions for the lower developed commercial land threshold of A\$55million†5.	company must be ordinarily resident in Australia.  3) Australian States and Territories maintain limitations on the establishment of Associations as follows:  Australian Capital Territory  An application for incorporation of an association must be made by a person who is a resident of the Australian Capital Territory. The public officer of an incorporated association must be a person who is a resident of the Australian Capital Territory.  Northern Territory  An application for the	

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<sup>&</sup>lt;sup>3</sup>The term "foreign government investor" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

<sup>&</sup>lt;sup>4</sup> The term "developed commercial land" means commercial land that is not vacant within the meaning of the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

<sup>&</sup>lt;sup>5</sup> The conditions for the lower threshold are those set out in *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

<sup>\*</sup> The term "foreign person" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
	Investments may be refused, subject to orders, and/or approved subject to conditions. Foreign persons* that do not comply with the foreign investment framework may be subject to civil and criminal penalties.  The acquisition of a stake in an existing financial sector company by a foreign investor, or entry into an arrangement by a foreign investor, that would lead to an unacceptable shareholding situation or to practical control <sup>6</sup> of an existing financial sector company, may be refused, or be subject to certain conditions <sup>7</sup> ;	incorporation of an association <sup>8</sup> must be made by a person who is a resident of the Northern Territory. The public officer of an incorporated association must be a person who is a resident of the Northern Territory.  Queensland The office of secretary shall become vacant if the person holding that office ceases to be a resident in Queensland, or in another State but not more than 65 kilometres from the Queensland border. The management committee of an incorporated association must ensure the secretary is an individual residing in Queensland, or in another State	

<sup>&</sup>lt;sup>†</sup> This is the figure as at 1 January 2016. To be indexed on 1 January each year to the GDP implicit price deflator in the Australian National Accounts for the previous financial year.

<sup>&</sup>lt;sup>6</sup> "Unacceptable shareholding situation" and "practical control" as defined in the *Financial Sector (Shareholdings) Act 1998* (Cth).

Ministerial statements on foreign investment policy including the Treasurer's Press Release No. 28 of 9 April 1997.

\*Association" includes a trading association.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
	Unbound with respect to the	but not more than 65 kilometres	
	proposed acquisition by a	from the Queensland border. The	
	foreign person* of an interest in	members of the management	
	agricultural land where the	committee of an incorporated	
	cumulative value of agricultural	association must ensure that the	
	land owned by the foreign	association has an address	
	person* alone or together with	nominated for the service of	
	associates, including the	documents on the association.	
	proposed acquisition, is above	The nominated address must be	
	A\$15 million;	a place in the State where a	
		document can be served	
	Unbound with respect to the	personally on a person. A post	
	proposed acquisition by a	office box is not a place that can	
	foreign person* of an interest in	be shown as a nominated	
	an agribusiness <sup>10</sup> where the	address.	
	cumulative value of the interest		
	held the foreign person* in that	South Australia	
	agribusiness, alone or together	The public officer of an	
	with associates, including the	incorporated association must be	
	proposed acquisition, is above	a person who is a resident of	
	A\$55 million <sup>†</sup> ;	South Australia.	
	Unbound with respect to	Tasmania	

<sup>&</sup>lt;sup>9</sup> The term "agricultural land" has the meaning set out in the Foreign Acquisitions and Takeovers Act 1975 (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

10 The term "agribusiness" has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

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

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
	proposed acquisitions by a	A person is not eligible to be	
	foreign person* of an interest in	appointed as a public officer of	
	Australian land, 11 other than	an incorporated association	
	developed commercial land or	unless the person is resident in	
	land that is used whole and exclusively for a primary	Tasmania.	
	production business;	Victoria	
		A person applying for the	
	For greater certainty, where an	incorporation of an association	
	investment could qualify for the	must be an Australian resident.	
	application of one or more of	The first secretary and secretary	
	the above screening thresholds, approval and/or notification	of an incorporated association must be Australian residents.	
	requirements apply from the		
	lowest applicable threshold.	3) All Australian States and	
		Territories maintain limitations	
	Unbound for any measure that	on the establishment of Co-	
	Australia considers necessary	operatives as follows:	
	for the protection of its	(a) The secretary of a co-	
	essential security interests with	operative must be a person	
	respect to proposals by foreign	ordinarily resident in Australia.	
	persons* to invest in Australia.	At least two of the directors of a	
		co-operative must be Australian	

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<sup>&</sup>lt;sup>11</sup> The terms "Australian land" and "interest in Australian land" have the meanings set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
	For greater certainty, terms	residents.	
	used in the above entries should	(b) For Co-operative National	
	be interpreted in accordance	Law (CNL) jurisdictions	
	with Australia's Foreign	(currently New South Wales,	
	Investment Framework as at the	Victoria, South Australia, the	
	date of entry into force of this	Northern Territory, and	
	Agreement.	Tasmania): A co-operative	
		registered under the Co-	
	1), 2) and 3) Unbound for any	operatives National Law must	
	measure according preferences	have a registered office in the	
	to any Indigenous person or	jurisdiction in which it was first	
	organisation or providing for	incorporated as a co-operative. It	
	the favourable treatment of	does not need to have a	
	any Indigenous person or	registered office in any other	
	organisation in relation to	jurisdiction that has applied the	
	acquisition, establishment or	CNL.	
	operation of any commercial	(c) For non-CNL jurisdictions: A	
	or industrial undertaking in the	co-operative must have a	
	service sector. Unbound for	registered office in each State or	
	any measure with respect to	Territory in which it operates. A	
	commercial presence that	foreign co-operative must	
	accords preferences to any	appoint a person who will act as	
	Indigenous person or	agent of the co-operative in each	
	organisation providing for the	State or Territory in which it	
	favourable treatment of any	operates. A foreign co-operative	
	Indigenous person or	must appoint a person resident in	
	organisation. For the purposes	each state or territory in which it	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
	of this Schedule, an Indigenous person means a person of the Aboriginal and Torres Strait Islander peoples.  1), 2) and 3) Unbound with respect to the provision of law enforcement and correctional services, and the following services <sup>12</sup> to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care,	operates as a person on whom all notices and legal processes may be served on behalf of the cooperative.  3) In the Australian Capital Territory, New South Wales, Northern Territory, Queensland, South Australia, Tasmania and Victoria, a limited partnership or an incorporated limited partnership established in a State or Territory must have an office, principal office or registered office in that State or Territory.	
	public utilities, public transport and public housing.		

<sup>&</sup>lt;sup>12</sup>This includes any measure with respect to: the collection of blood and its components; the distribution of blood and blood-related products, including plasma derived products; plasma fractionation services; and the procurement of blood and blood-related products and services.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
PART II. SECTOR-SPECIFIC COMMITMENTS				
1. BUSINESS SERVICES				
A. <u>Professional Services</u>				
a) Legal services <sup>13</sup>				

<sup>&</sup>lt;sup>13</sup> For the purposes of this entry:

"legal advisory services" – includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law. Does not include advice, consultation and documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade marks attorneys.

"legal representational services" – includes preparation of documents intended to be submitted to courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of law; and appearance before courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of the specified body of law. (Note 1: The inclusion of representational services before administrative agencies and other duly constituted official tribunals within the context of legal services does not necessarily mean that a licensed lawyer must supply such services in all cases. The precise scope of services subject to licensing requirements is subject to the discretion of the relevant regulatory authority.) Does not include documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade marks attorneys.

"legal arbitration, conciliation and mediation services" – preparation of documents to be submitted to, preparation for and appearance before, an arbitrator, conciliator or mediators in any dispute involving the application and interpretation of law. Does not include arbitration, conciliation and mediation services in disputes for which the law has no bearing which fall under services incidental to management consulting. As a sub-category, international legal arbitration, conciliation and mediation services refer to the same services when the dispute involves parties from two or more countries.

"domestic law (host country law)" - the law of Australia.

"foreign law" - the law of the territories of PACER Plus Parties and other countries other than the law of Australia.

"international law" - includes law established by international treaties and conventions, as well as customary law.

For the purposes of these definitions:

"arbitration" is taken to mean a process in which the parties to a dispute present arguments and evidence to a dispute resolution practitioner (the arbitrator) who makes a determination.

"mediation" is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
i) Legal advisory and representational services in domestic law (host-country law)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
ii) Legal advisory services in foreign law and international law and (in relation to foreign and international law only) legal arbitration and conciliation/mediation services.	1) None 2) None 3) None	1) None 2) None 3) None	Limited Licence only is required: Only registration with limited licence is required, rather than full admission/ licence, in order to provide: (a) legal advisory services in foreign law, where licensed in the relevant foreign jurisdiction(s); (b) legal advisory services in international law; or (c) legal arbitration and conciliation/mediation services in relation to foreign and international law. (By contrast, a Full Licence is required for (a)(i) above (legal advisory and representational

<sup>&</sup>quot;conciliation" is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the conciliator), identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role on the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted, and may make suggestions for terms of settlement, give expert advice on likely settlement terms, and may actively encourage the participants to reach an agreement.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			services in domestic law (host-country law)), for which full admission is required: i.e. practitioners must satisfy admission requirements, including qualification requirements, applicable to domestic legal practitioners.)
			3) Joint offices involving revenue- sharing between foreign law firms and Australian local law firms are permitted in New South Wales, Victoria, Queensland, Tasmania, Western Australia, the Australian Capital Territory and the Northern Territory subject to the foreign law firms satisfying certain requirements, including in relation to liability, standard of conduct and professional ethics.
b) Accounting, auditing and book-keeping services (CPC 862)	<ol> <li>None</li> <li>None</li> <li>None.</li> </ol>	<ol> <li>None</li> <li>None, except a person who is not ordinarily resident in Australia may be refused registration as a company auditor or liquidator.</li> </ol>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		At least one partner in a firm providing auditing services must be a registered company auditor who is ordinarily resident in Australia.  A person must be ordinarily resident in New South Wales in order to be an auditor of specified kinds of societies and associations.  In Victoria, a firm of auditors cannot audit an estate agent's accounts unless at least one member of the firm of auditors is an Australian resident.	
c) Taxation services (CPC 863)	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None, except in the Northern         Territory, to qualify for         registration as an architectural partnership or company, the partnership/company must have</li> </ol>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		a place of business or be carrying on business within the Northern Territory.	
e) Engineering services (CPC 8672)	1) None 2) None	1) None 2) None	
	3) None	3) None	
f) Integrated engineering services (CPC 8673)	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Dental services (CPC 93123)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Computer and related  services (CPC 84), excluding audio visual and	1) None 2) None	1) None 2) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
broadcasting content <sup>14</sup>	3) None	3) None	
C. Research and development services			
a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) None	1), 2) and 3) None, except that under Queensland's <i>Biodiscovery Act</i> 2004 (Qld), benefit sharing agreements require sublicences for use of samples or derivates to conduct biodiscovery research and commercialisation to be offered first to Queensland-based entities, then to Australian-based entities, and then to overseas-based entities. Any entity with a benefit sharing agreement must obtain consent before granting a sublicence to an overseas-based entity.	
b) R&D services on social sciences and humanities	<ul><li>1) None</li><li>2) None</li></ul>	1) None 2) None	

<sup>&</sup>lt;sup>14</sup> For greater certainty, Australia's commitments do not impose any obligations on Australia with respect to measures affecting services in other sectors, including audio-visual services, however delivered.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 852)	3) None	3) None	
c) Interdisciplinary sciences (CPC 853)	1) None 2) None 3) None	1) None 2) None 3) None	
<ul> <li>D. Real Estate Service</li> <li>a) Involving own or leased property (CPC 821)</li> <li>b) On a fee or contract basis (CPC 822)</li> </ul>	<ol> <li>Commercial presence required</li> <li>Commercial presence required</li> <li>None</li> </ol>	1), 2) and 3) None, except: In the Australian Capital Territory, an estate agent must have their principal place of business in the Australian Capital Territory.  In the Northern Territory, a licensed agent 15 must maintain an office in Australia at or from which the conduct of business under the licence is to occur.  In New South Wales, a person cannot be appointed as an agent (for a proprietor of a development lot,	

<sup>&</sup>lt;sup>15</sup> A "licensed agent" includes a real estate agent, business agent or conveyancing agent.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		neighbourhood lot or strata lot)	
		if they are not an Australian	
		resident. A person cannot be	
		appointed as an agent (for an	
		owner of a lot, for dealings with	
		the owner's corporation) if they	
		are not an Australian resident.	
		To be licensed as a property,	
		stock, business, strata managing	
		or community managing agent	
		in New South Wales, licensees	
		must have a registered office in	
		New South Wales.	
		In Victoria, a person cannot be	
		licensed as an estate agent	
		unless they have a registered	
		office in Victoria and they must	
		maintain a principal office in	
		Victoria. An agent's	
		representative must have a	
		registered address in Victoria to	
		which documents can be sent.	
		A person cannot be licensed as	
		a conveyancer or carry on a	
		conveyancing business in	
		Victoria unless they maintain a	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		principal place of business in Victoria.	
		In Western Australia, a person seeking to carry on business as a real estate or business agent in Western Australia must establish and maintain a registered office in the State. A person seeking to carry on business as a settlement agent (conveyancer) in Western Australia must ordinarily reside in the State. A licensed settlement agent must establish and maintain a registered office in the State.	
		In Queensland, in order to operate as a real estate agent, auctioneer, or commercial agent in Queensland, a person must have a business address in Queensland. This must be a physical address and not a post box.	

) None 2) None 3) None	1) None 2) None	
2) None	,	
	3) None	
None None None	1) None 2) None 3) None	
None None None None	1) None 2) None 3) None	
None None None None	1) None 2) None 3) None	
) None 2) None 3) None	1) None 2) None 3) None	
(a) (b) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c	None None None None None None None None	None   1   None   2   None   3   None   None   1   None   None   2   None   None   3   None   None   3   None   None   3   None   None   1   None   None   2   None   Non

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
creating and placing			
advertising in periodicals,			
newspapers, radio and			
television for clients; outdoor			
advertising; media			
representation i.e. sale of time			
and space for various media;			
distribution and delivery of			
advertising material or			
samples. Does not include			
production or broadcast/			
screening of advertisements			
for radio, television or			
cinema.			
b) Market research and public	1) None	1) None	
opinion polling services	2) None	2) None	
(CPC 864)	3) None	3) None	
(CI C 804)	3) None	3) None	
c) Management consulting	1) None	1) None	
services (CPC 865)	2) None	2) None	
, ,	3) None	3) None	
d) Services related to	1) None	1) None	
management consulting	2) None	2) None	
(CPC 86601, 86609)	3) None	3) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Excludes arbitration and conciliation services			
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 8811**, 8812**, 8814**)	1) None 2) None 3) None	1) None 2) None 3) None	
Provision of advice and guidance relating to crop and livestock management on consultancy basis. Includes specialised consultancy services only, related to forestry activities, timber evaluation, forest management or planning. Does not include logging.			
g) Services incidental to fishing (CPC 882**)	1) None 2) None 3) None	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	
Consists of specialised			

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
consultancy services only, related to marine or freshwater fisheries, fish hatchery services. Does not include fishing.			
h) Services incidental to mining and site preparation work for mining (CPC 883, 5115)	1) None 2) None 3) None	1), 2) and 3) None, except the operator of Mount Isa Mines shall, so far as is reasonably and economically practicable: (a) use the services of professional consultants resident and available within Queensland; (b) use labour available within Queensland; (c) when preparing specifications, calling for tenders and letting contracts for works, materials, plant, equipment and supplies ensure that Queensland suppliers, manufacturers, and contractors are given reasonable opportunity to tender or quote; and (d) give proper consideration and where possible preference to Queensland suppliers,	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		manufacturers and contractors when letting contracts or placing orders for works, materials, plant, equipment and supplies where price, quality, delivery and service are equal to or better than that obtainable elsewhere.	
i) Services incidental to manufacturing (CPC 884 + 885 except for 88442)	1) None 2) None 3) None	1) None 2) None 3) None	
<ul><li>j) Services incidental to energy distribution (CPC 887**)</li><li>Covers consultancy services</li></ul>	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and			
hot water to household, industrial, commercial and other users.			
k) Placement and supply services of personnel (CPC 872)	1) Unbound 2) None	<ol> <li>Unbound</li> <li>None</li> </ol>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
1) Investigation and security (CPC 873)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None, except in New South         Wales, a person must be an         Australian citizen or an         Australian permanent resident         to obtain a licence to carry on a         security activity.</li> </ol>	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 + 8861 - 8866)	1) None 2) None 3) None	1) None 2) None 3) None	
o) Building-cleaning services (CPC 874)	<ol> <li>Unbound*</li> <li>None</li> <li>None</li> </ol>	<ol> <li>Unbound*</li> <li>None</li> <li>None</li> </ol>	
p) Photographic services (CPC 875)	1) None 2) None	1) None 2) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
s) Convention services (CPC 87909**)  Activities of establishments engaged in provision of planning, organising, managing and marketing services for conventions and similar events (including catering and beverage	1) None 2) None 3) None	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	
services).  t) Other: Telephone answering services(CPC 87903)  Duplicating services (CPC 87904)	<ol> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>None</li> </ol>	<ol> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>None</li> </ol>	
Translation and interpretation services (CPC 87905)	<ul><li>3) None</li><li>1) None</li><li>2) None</li><li>3) None</li></ul>	<ul><li>3) None</li><li>1) None</li><li>2) None</li><li>3) None</li></ul>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Mailing list compilation and mailing services (CPC 87906)	1) None 2) None 3) None	1) None 2) None 3) None	
Interior design (CPC 87907)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
Specialised consultancy services related to the post- construction design and fitting out of interior living and working spaces. Includes purchase of necessary goods.			
2. COMMUNICATION SERVI	ICES		
C. <u>Telecommunications services</u>			
Covers the following sub-sectors from the Services Sectoral Classification List (W/120) and related CPC numbers 7521,7522,7523, 7529**			
(a) Voice telephone services	1) None	1) None	Australia undertakes additional commitments as indicated in the
(b) Packet-switched data transmission services	2) None	2) None	attached Reference Paper on telecommunications.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Circuit-switched data transmission services  (d) Telex services  (e) Telegraph services  (f) Facsimile services  g) Private leased circuit services  o) Other  Digital Cellular services  Paging services  Personal Communications Services  Trunked Radio System Services  Mobile Data Services  Services covered by the Broadcasting Services Act 1992  (Cth) are excluded from the basic	3) None, except that: i) An entity holding a new carrier licence must be a public body or a constitutional corporation under Australian law or a partnership where each partner is a constitutional corporation under Australian law.  ii) The maximum aggregate foreign ownership allowed in Telstra is 35 per cent. The maximum individual foreign ownership allowed in Telstra is 5 per cent.	3) None, except that the Chairperson and majority of directors of Telstra must be Australian citizens. Telstra must maintain its head office, main base of operations and place of incorporation in Australia.	Additional Commitments
telecommunications sector			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
h) Electronic mail	1) None	1) None	
(CPC 7523**)	2) None	2) None	
	3) None	3) None	
i) Voice mail	1) None	1) None	
( CPC 7523**)	2) None	2) None	
	3) None	3) None	
	1) N	1) N	
j) On-line information and	1) None	1) None	
data base retrieval	2) None	2) None	
(CPC 7523**)	3) None	3) None	
k) Electronic data interchange	1) None	1) None	
(EDI) (CPC 7523**)	2) None	2) None	
(LDI) (CI C 7323 )	3) None	3) None	
	3) INOTIC	3) None	
l) Enhanced/value-added	1) None	1) None	
facsimile services, including	2) None	2) None	
store and retrieve (CPC	3) None	3) None	
7523**)			
m) Code and protocol	1) None	1) None	
conversion (CPC 7523**)	2) None	2) None	
	3) None	3) None	
3. CONSTRUCTION AND REI	ATED ENGINEERING SERVICE	S	
A. General construction work for	1) Unbound*	1) Unbound*	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
buildings (CPC 512)	2) None	2) None	
	3) None	3) None	
B. General construction work for	1) Unbound*	1) Unbound*	
civil engineering (CPC 513)	2) None	2) None	
	3) None	3) None	
		<b>.</b>	
C. Installation and assembly	1) Unbound*	1) Unbound*	
work (CPC 514, 516)	2) None	2) None	
	3) None	3) None	
D. Building completion and	1) Unbound*	1) Unbound*	
finishing work (CPC 517)	2) None	2) None	
(====,/	3) None	3) None	
		1.	
E. Other (CPC 511 + 515 + 518)	1) Unbound*	1) Unbound*	
	2) None	2) None	
	3) None	3) None	
	,	,	
4. DISTRIBUTION SERVICES		1	1
A. Commission agents' services	1) None	1) None	
(CPC 62113-62118)	2) None	2) None	
	3) None	3) None	
Includes services by		,	
commission agents,			
commodity brokers,			
auctioneers and other			

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
wholesalers who trade on behalf of others, of food products, and non-alcoholic beverages. Excludes tobacco alcoholic beverages, and firearms.			
B. Wholesale trade services (CPC 6221**, 6222**, 6223-6228**)  Wholesale trade services of agricultural raw materials and live animals. Excludes wholesale trade services of unmanufactured tobacco, tobacco products, alcoholic beverages, and firearms.	1) None 2) None 3) None	1) None 2) None 3) None	
C. Retailing services (CPC 631, 63212, 6322, 6323, 6324, 6325, 6329, 61112, 6113, 6121)  Australia's commitments in relation to these services extend to cover the following	<ol> <li>Unbound except for mail order</li> <li>None</li> <li>None</li> </ol>	1) None 2) None 3) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services not listed in relevant CPC classifications: inventory management of goods, assembling, sorting and grading of goods, breaking bulk, re-distribution and delivery services for retailing.  Does not cover dispensing of pharmaceuticals, retailing services of alcoholic beverages, tobacco products, and firearms.	Limitations on Warket Access	Elimitations of National Treatment	Additional Communents
D. Franchising (CPC 8929)	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
5. EDUCATIONAL SERVICES	8		
B. Secondary education services (CPC 922**)  Covers general as well as technical and vocational education at the secondary level in private institutions	1) None 2) None 3) None	<ul><li>1) None</li><li>2) None</li><li>3) Unbound</li></ul>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Higher education services	1) None	1) None	
(CPC 923**)	2) None	2) None	
	3) None	3) Unbound	
Covers provision of private			
tertiary education services			
including at university level			
E. Other education services	1) None	1) None	
(CPC 929**)	2) None	2) None	
	3) None	3) Unbound	
Covers tuition and testing in			
English and other languages.			
Tuition in cuisine and			
traditional therapies (including			
massage, acupuncture), music,			
dance and martial arts.			
6. ENVIRONMENTAL SERVI	ICES 16		
A. Wastewater management	1) None	1) None	
(CPC 9401)	2) None	2) None	
	3) None	3) None	
This covers removal,			
treatment and disposal of			

<sup>&</sup>lt;sup>16</sup> Australia's commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal and treatment of solid wastes.			
B. Waste management (CPC 9402, 9403)  This covers hazardous and non-hazardous waste collection, treatment and disposal (including incineration, composting and landfill); sweeping and snow removal, and other sanitation services.	1) None 2) None 3) None	1) None 2) None 3) None	
C. Protection of ambient air and climate (CPC 9404)  This covers services at power stations or industrial complexes to remove air pollutants; monitoring of mobile emissions and	1) None 2) None 3) None	1) None 2) None 3) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
implementation of control systems or reduction programmes.			
D. Remediation and cleanup of soil and water (CPC 9406**) <sup>17</sup> This covers cleaning- up systems in situ or mobile, emergency response, clean-up and longer term abatement of spills and natural disasters; and rehabilitation programmes (e.g. recovery of mining sites) including monitoring.	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	
E. Noise and vibration abatement (CPC 9405)  This covers monitoring programmes, and installation of noise reduction systems and screens.	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>&</sup>lt;sup>17</sup> Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
F. Protection of biodiversity and landscape (CPC 9406**) <sup>18</sup>	1) None	1) None	
landscape (CPC 9406****)	2) None 3) None	2) None 3) None	
This covers ecology and habitat protection and promotion of forests and promoting sustainable forestry.			
G. Other environmental and	1) None	1) None	
ancillary services (CPC 9409)	2) None 3) None	2) None 3) None	
This covers other environment protection services, including services related to environmental impact			
assessment.			

<sup>&</sup>lt;sup>18</sup> Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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#### 7. FINANCIAL SERVICES

Australia undertakes its specific commitments on financial services in accordance with the World Trade Organisation's (WTO) "Understanding on Commitments in Financial Services" (hereinafter referred to as the "Understanding") subject to Article 2 (Scope) of the Trade in Services Chapter of this Agreement.

The obligations under the Understanding are addressed in this Schedule additionally to those covered by Article 5 (Market Access), Article 6 (National Treatment), and Article 7 (Additional Commitments) of the Trade in Services Chapter of this Agreement, as well as the WTO Annex on Financial Services.

The market access commitments with respect to "cross-border supply" and "consumption abroad" (as described in paragraph (s) of Article 1 (Definitions) of the Trade in Services Chapter) bound in this Schedule are limited to the services indicated in paragraphs B.3 and B.4 of the Understanding, respectively. These specific commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of this Schedule.

A.	Insurance and insurance-related services	3) Approval of non-resident life insurers is restricted to subsidiaries.	3)	Sub-national guarantees are provided to some State and Territory Insurance Offices.	
		Most State and Territory Governments maintain restrictions, by way of monopolies or licensing provisions and associated controls on premiums and other terms of policies, in the following areas of insurance:			

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	Compulsory Third Party Motor Vehicle Accident: Victoria, Western Australia, Tasmania, Northern Territory (monopolies); New South Wales, Queensland, South Australia, Australian Capital Territory (licensing, premiums/policy terms).		
	Workers Compensation: South Australia, Victoria, Queensland (monopolies); New South Wales, Western Australia, Tasmania (licensing, premiums/policy terms).		
	Comcare is the monopoly provider of workers' compensation insurance to Commonwealth Government employees.		
B. Banking and Other	1), 3) To undertake banking	1), 3) Liabilities of the	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
financial services (excluding insurance) <sup>19</sup>	business in Australia an entity must be a body corporate and authorised by the Australian Prudential Regulation Authority (APRA) as an	Commonwealth Bank, previously Commonwealth Government-owned, are covered by transitional guarantee arrangements.	
	authorised deposit-taking institution (ADI). Foreign deposit-taking institutions (including foreign banks) may only operate a banking business in Australia through locally incorporated deposit-taking subsidiaries or authorised branches (foreign ADIs), or through both structures. A foreign ADI is not permitted to	1), 3) The financial operations of some State or Territory owned entities may be guaranteed by the State or Territory Governments. A number of State and Territory Governments have also provided transitional guarantees to some of the assets and liabilities of former	
	accept initial deposits (and other funds) from individuals and non-corporate institutions of less than A\$250,000.  A foreign deposit-taking	State-owned or controlled banks.  3) In Western Australia, a natural person (whether alone or in partnership with other persons)	
	institution that operates a representative office in Australia is not permitted to	or an incorporated body seeking to carry on a business of providing credit in Western	

10

 $<sup>^{\</sup>rm 19}$  Including remittance centres and remittance centre services.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	undertake any banking	Australia (including where the	
	business, including advertising	provision of the credit is	
	for deposits, in Australia. Such	connected with the carrying on	
	a representative office is only	of another business), must have	
	permitted to act as a liaison	a principal office in Australia	
	point.	and a principal place of	
		business in Western Australia.	
	Foreign banks located overseas	Any person (including an	
	may only raise funds in	incorporated body) seeking to	
	Australia through the issue of	exercise or carry on the	
	debt securities provided those	business or any functions of a	
	securities are offered/traded in	debt collector in Western	
	parcels of not less than	Australia, must have a principal	
	A\$500,000 and the securities	place of business in the State. A	
	and any associated information	natural person seeking to carry	
	memoranda clearly state the	on business as a finance broker	
	issuing bank is not authorised	in Western Australia must be	
	under the Banking Act 1959	ordinarily resident in Western	
	(Cth) in Australia.	Australia. A finance broker	
		must have a registered office in	
	1), 3) A number of State and	Western Australia while	
	Territory Governments operate	carrying on business as a	
	central financing authorities	broker.	
	through which the		
	Government's wholly or	3) A person operating as a second-	
	partly-owned statutory	hand dealer or as a pawnbroker	
	authorities and business	must have a principal place of	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	enterprises are obliged to borrow (and in some cases invest) their funds, or otherwise obtain certain financial services: South Australia – South Australian Government Financing Authority, Local Government Finance Authority of South Australia Tasmania – Tascorp New South Wales – New South Wales Treasury Corporation Victoria – Treasury Corporation of Victoria Queensland – Queensland Treasury Corporation, Queensland Investment Corporation Northern Territory – Northern Territory Treasury Corporation Western Australia – Western Australian Treasury Corporation	business in Queensland where a document can be served personally. A post office box does not suffice.	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) To obtain an Australian market licence, an applicant must be a body corporate. The responsible entity of a registered managed investment scheme must be a public company that holds an Australian financial services licence authorising it to operate a managed investment scheme.		
8. HEALTH-RELATED AND S			
A. Private hospital services (CPC 93110**)  Covers delivery of services under the direction of registered medical doctors to patients in hospital institutions that are not funded, owned or operated by or on behalf of the federal government or a State or Territory government in Australia.	Unbound     None     None, except that measures in the form of economic needs tests, limitations on the number of services operations and types of legal entity may apply.	1) Unbound 2) None 3) None	
B. Other human health services	1) Unbound	1) Unbound	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 93199**)	2) None	2) None	
	3) None	3) None	
Covers podiatry and			
chiropody services. Includes			
podiatry services carried out			
in health clinics, and in			
residential health facilities			
other than hospitals, as well as			
in own consulting rooms,			
patients' homes or elsewhere.			
	NEL A FED GEDVICEG		
9. TOURISM AND TRAVEL F			
A. Hotels and restaurants	1) Unbound*	1) Unbound*	
(CPC 641, 642, 643)	2) None	2) None	
	3) None	3) None	
B. Travel agencies and tour	1) None	1) None	
operator services	2) None	2) None	
(CPC 7471)	3) None	3) None	
C. Tourist guide services	1) None	1) None	
(CPC 7472)	2) None	2) None	
	3) None	3) None	
10. RECREATIONAL, CULTU	RAL AND SPORTING SERVICE	S	
B. News agency services	1) None	1) None	
(CPC 962)	2) None	2) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
D. Sporting and other recreational services			
Sporting services (CPC 9641)	1) None 2) None 3) None	1) None 2) None 3) None	
Other recreational services (CPC 96491)  Covers recreation park and beach services	1) None 2) None 3) None	1), 2) and 3) None, except: The Chief Executive of Queensland's Department of Environment and Heritage Protection may grant a wildlife authority, <sup>20</sup> other than a wildlife movement permit, to a corporation only if the corporation has an office in the State. The chief executive may approve a person to be an authorised cultivator or propagator for protected plants only if: (a) in the case of a natural person, the person is a resident of the	

<sup>&</sup>lt;sup>20</sup> This term is defined in Schedule 7 of the Nature Conservation (Administration) Regulation 2006 (Qld).

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		State; or  (b) if the person is a corporation, the corporation has premises in the State at which the plants are to be cultivated or propagated. An individual or corporation is only taken to be a "person aggrieved" by a decision, failure to make a decision or conduct under the Act if the individual is an Australian citizen or ordinarily resident in Australia or, if a corporation, established in Australia.	
11. TRANSPORT SERVICE	ES		
A. Maritime transport services			The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: pilotage, towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; Port Captain's services; navigation aids (a); shore-based

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			operational services essential to ship operations, including communications water and electrical supplies; emergency repair facilities; anchorage, berth and berthing services.  (a): except for Queensland, where vessels of 35 m and above must pay conservancy fees to fund navigational aids, while this obligation applies only to Australian vessels of 50m and above.  Where road, rail and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability, on reasonable and non-discriminatory terms and conditions, to rent, hire or charter trucks, railway carriages, ships and related equipment for the purpose of onward forwarding of international cargoes carried by sea, or have access to and use of these forms

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			of transport services for the purpose of providing multimodal transport services.
International transport (freight and passengers) (CPC 7211 and 7212 less cabotage and offshore transport - as defined in Note to Schedule) <sup>21</sup>	1) a) Liner Shipping: None, except that every ocean carrier who provides international liner cargo shipping services to or from Australia must, at all times, be represented by a natural person who is resident in Australia.  1) b) Bulk, tramp and other international shipping, including international passenger transportation: None.	1) a) None 1) b) None	See Note to Schedule
	3) a) Establishment of registered	3) a) Unbound	

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<sup>&</sup>lt;sup>21</sup> Only a person affected by a registered conference agreement or by a registered non-conference ocean carrier with substantial market power may apply to the Australian Competition and Consumer Commission to examine whether conference members, and non-conference operators with substantial market power, are hindering other shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent that is reasonable. For greater certainty, matters which are relevant to the determination of 'reasonable' include Australia's national interest and the interests of Australian shippers. For the purposes of this entry, sections 10.48 and 10.58 of Part X of the *Competition and Consumer Act 2010* (Cth) list the categories of persons to whom this reservation will apply.

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	company for the purpose of operating a fleet under the national flag of Australia: nationality requirements for ownership and registration of vessels as defined by the <i>Shipping Registration Act 1981</i> (Cth).  3) b) Other forms of commercial presence for the supply of international maritime transport services (as defined in Note to Schedule): None	3) b) None	See Note to Schedule
Maritime auxiliary services  International rental of vessels with crew (less cabotage and offshore transport - as defined in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime cargo handling	1) Unbound*	1) Unbound*	
services (as described in Note to	2) None	2) None	
Schedule)	3) None, except Unbound in South Australia. Licences/concessions are granted by port authorities. Public utility concession or licensing procedures may apply in the case of the occupation of the public domain for the conduct of these activities.	3) None	
Storage and warehousing services (CPC 742)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Maritime freight forwarding services (as defined in Note to	1) None 2) None	1) None 2) None	
Schedule)	3) None	3) None	
Customs clearance services (as	1) Unbound*	1) Unbound*	
described in Note to Schedule)	2) None 3) None	2) None 3) None	
Preshipment inspection (as	1) None	1) None	
defined in Note to Schedule)	2) None	2) None	
	3) None	3) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime agency services (as	1) None	1) None	
described in Note to Schedule)	2) None	2) None	
	3) None	3) None	
C. Air Transport Services			
d) Maintenance and repair of	1) Unbound	1) Unbound	
aircraft (CPC 8868**)	2) None	2) None	
	3) None	3) None	
Covers establishments			
mainly engaged in periodic			
maintenance and repair			
(routine and emergency) of			
airframes (including wings,			
doors, control surfaces)			
avionics, engines and engine			
components, hydraulics,			
pressurisation and electrical			
systems and landing gear.			
Includes painting, other			
fuselage surface treatments			
and repair of flight-deck (and			
other) transparencies. Further			
includes rotary and glider			
aircraft.			
	10.01	1) N	
Computer reservation systems	1) None	1) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 7523**)	2) None	2) None	
	3) None	3) None	
Activities of establishments			
engaged in providing and			
maintaining computer			
reservation to other			
enterprises engaged in the			
provision of travel agency			
services, including transport			
and accommodation booking,			
tour and travel			
wholesaling/retailing – to			
establishments engaged in			
providing reservation services			
(such as travel agencies etc.).			
CRS services related to air			
carriers include the provision			
of information on air carrier			
schedules, space availability			
and tariffs.			
A:	1) 17 1	1) 11 1 19	
Airport operation services (excl.	1) Unbound*	1) Unbound*	
cargo handling) (CPC 7461)	2) None	2) None	
	3) None	3) None	
Ground handling services	1) Unbound*	1) Unbound*	
- Cargo handling (CPC 74110	2) None	2) None	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
and 74190 air transport sector only)  - Other supporting services for air transport (CPC 7469**) (excludes airport rescue and terminal firefighting services)	3) None	3) None	
Selling and marketing of air transport services <sup>22</sup> This commitment confirms, without extending, the application to air transport services of the specific commitments made elsewhere in this Schedule in the following sections, subject to all limitations, exceptions and qualifications set out in those sections:  - Travel agencies and tour operator services (CPC 7471),  - Market research and public	1) None, except: Retailing services (CPC 631, 63212, 6322-5, 6329, 61112, 6113, 6121) are unbound except for mail order.  2) None  3) None	1) None 2) None 3) None	

<sup>&</sup>lt;sup>22</sup> For the purposes of this commitment, 'selling and marketing of air transport services' is defined as in paragraph 6(b) of the GATS Annex on Air Transport Services, except that the aspects of 'marketing' covered by this commitment are limited to market research, advertising and distribution

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
opinion polling services (CPC 864),  - Advertising services (CPC 87110, 87120**, 87190) (as described in this schedule),  - Distribution: Commission agents' services (CPC 62113-62118); Wholesale trade services (CPC 6223-6228); Retailing services (CPC 631, 63212, 6322, 6323, 6324, 6325, 6329, 61112, 6113, 6121) (as described in this schedule); and Franchising (CPC 8929).			
<ul> <li>E. Rail transport services</li> <li>b) Freight transportation (CPC 7112);</li> <li>c) Pushing and towing services (CPC 7113); and</li> <li>e) Supporting services for rail</li> </ul>	<ol> <li>None</li> <li>None</li> <li>Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no</li> </ol>	1) None 2) None 3) None	

Sector or Sub-sector		Limitations on Market Access	Limitations on National Treatment	Additional Commitments
transport services (	(CPC 743).	restrictions on the right to establish new networks but access to public land may not be guaranteed.		
		Above track (rail transport services (such as trains) that operate over the rail-track infrastructure): none except that access to rail infrastructure is allocated under pro-competitive principles for safety, efficiency and the long term interests of users.		
F. Road transport ser	vices			
a) Passenger transpo (CPC 71213, 712) Does not include a urban bus services	14, 7122) regular	1) Unbound* 2) None 3) None	Unbound     None     None, except Australian States     and Territories maintain     limitations including     a) in the Australian Capital     Territory, an application for accreditation to run a public     transport service must be made     by an Australian citizen or	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		permanent resident of Australia. b) in the Northern Territory, a taxi licence will be cancelled where the holder, being an individual, has not been ordinarily resident in the Northern Territory for more than six months or, being a body corporate, has ceased for more than six months to have its principal place of business in the Northern Territory. c) in Western Australia, to hold a Government Lease taxi plate, the plate holder must be an Australian citizen or a permanent resident.	
b) Freight transportation (CPC 7123)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Rental of commercial vehicles with operator (CPC 7124)	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
G. Pipeline transport			

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) Transportation of fuels (CPC 7131)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
b) Transportation of other goods (CPC 7139)	1) None 2) None 3) None	1) None 2) None 3) None	
H. Services auxiliary to all modes of transport			
<ul> <li>a) Cargo-handling services in relation to rail, road and air transport only (CPC 741**)</li> <li>(Note also that maritime cargo handling services are dealt with under "Maritime Services" above)</li> </ul>	1) Unbound* 2) None 3) None	<ul><li>1) Unbound*</li><li>2) None</li><li>3) None</li></ul>	

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
b) Storage and warehouse services (CPC 742 excluding maritime)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 742: distribution centre services and materials handling and equipment services such as container station and depot services (excluding maritime).			
c) Freight transport agency services (CPC 748 excluding maritime)	1) None 2) None 3) None	1) None 2) None 3) None	
Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 748: customs agency services and load scheduling services			

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(excluding maritime).			
d) Other supporting and	1) None	1) None	
auxiliary transport services	2) None	2) None	
(CPC 749 excluding maritime)	3) None	3) None	
Australia's commitment in relation to these services extends to cover the following services in addition to those listed under CPC 749: container leasing and rental services (excluding maritime).			

<sup>\*</sup> Unbound due to lack of technical feasibility
\*\* Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

### NOTE TO SCHEDULE OF AUSTRALIA: MARITIME TRANSPORT SERVICES

## **DEFINITIONS**

- 1. Multimodal Transport Operator: the person on whose behalf the bill of lading/multimodal 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.
- 2. Cabotage: for the purposes of this Schedule only, cabotage is defined as the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia.
- 3. Offshore Transport refers to shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to, the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.
- 4. Other Forms of Commercial Presence for the Supply of International Maritime Transport Services: for the purposes of this Schedule, means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. This commitment shall not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery.

#### These activities include:

- marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;

- the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the GATS Annex on Telecommunications);
- the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 5. International Rental of Vessels with Crew: rental and/or leasing services of all types of sea-going vessels with crew (such as tankers, bulk dry cargo vessels, cargo and freight vessels) for the purpose of international trade.
- 6. Maritime Cargo Handling Services: 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 of terminal operator companies. The activities covered include the organisation and supervision of: the loading/discharging of cargo to/from a ship; the lashing/unlashing of cargo; and, the reception/delivery and safekeeping of cargoes in the wharf area before shipment or after discharge.
  - The organisation and supervision includes the arrangements for (1) engaging skilled labour (dockers), (2) using all the necessary equipment for on-board or shore use and the appropriate storage space, whether by ownership, rental or otherwise, (3) the checking of parcels and markings, the weighing and measuring of cargo (upon request of the owner), and (4) the administrative duties as well as the responsibility related to the services.

Container terminal operators can furthermore be appointed for stuffing/stripping containers and e.g. the survey and supply of electricity to containers.

7. Maritime Freight Forwarding Services: the organisation and monitoring of shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

- 8. Customs Clearance Services: activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through-transport of cargoes, whether this is the main activity of the service provider or a usual complement of its main activity.
- 9. Preshipment Inspection: all services performed on a fee or contract basis involved in the verification of the quality, quantity, price (including currency exchange rate and financial terms), and/or the customs classification of goods to be exported. Does not include customs or quarantine inspection.
- 10. Maritime Agency Services: activities consisting in representing, within a given geographic area, as an agent, the business interests of one or more shipping line or shipping companies, for the following purposes:
  - marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information

- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

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## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

### SCHEDULE OF THE COOK ISLANDS

1. The inscription 'none' means that, for the listed sector or sub-sector, no limitations to the obligations of national treatment are maintained. The inscription 'unbound' means that no commitments are taken with respect to a particular subsector or area. Limitations listed in the horizontal section condition all sector-specific commitments.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional
		Treatment	Commitments
1. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS	Investment <sup>2</sup> in the Cook Islands by a	The ownership of freehold	
SCHEDULE	natural person or by an enterprise of	interest in land is restricted	
	another Party requires approval from the	only to Cook Islanders.	
	Business Trade Investment Board	Natural persons who are not	
	(BTIB). <sup>3</sup>	Cook Islanders and who are	
		Permanent Residents of the	
	The BTIB shall approve a foreign	Cook Islands or who are	
	enterprise to carry on business in the Cook	Enterprises may only acquire	
	Islands if it is satisfied that the investment	a leasehold interest in land to	

<sup>&</sup>lt;sup>1</sup> CPC in the sectoral column means the Provisional Central Product Classification, United Nations, 1991.

<sup>2</sup> Investment is defined in this Schedule as an enterprise in which Cook Islanders own less than 66 per cent of shares or when they do not have management control of the enterprise.

This entry in the schedule is in accordance with the Cook Islands' foreign investment law at the time of entry into force, which consists of the Development Investment Act 1995-96, the Development Investment (Investment Code) Order 2003, and the Development Investment Regulations 1995-96. The Cook Islands has interest in further refining and improving its laws regulating foreign investment. Should the Cook Islands adopt, after entry into force, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
	would likely result in a net benefit to the Cook Islands. <sup>4</sup> Investments in the following areas are reserved to Cook Islanders and to enterprises fully-owned by Cook Islanders:  Visitor accommodation; Diving operations; Water-sports operations (water skis, parasailing, jet-skis, etc.);	Treatment  a maximum term of 60 years but subject to approval from the Leases Approval Tribunal under a non- discriminatory process.	Commitments
	Tourist tours or transfers; Eco-tourism; Cinema operations; Cultural attractions (including cultural performances); Bakeries or pastry shops; Grocery retail outlets (including sundry stores, superettes, and supermarkets); Ownership of galleries for paintings or other visual arts;		

<sup>&</sup>lt;sup>4</sup> The criteria on which this decision will be based includes: (a) the demand for the product to be provided; (b) whether the product to be provided is currently available in the Cook Islands; (c) the participation by Cook Islanders in the enterprise; (d) the employment of Cook Islanders in the enterprise; (e) training to be provided to Cook Islanders; (f) the degree of innovations, new processes or products, or new skills and technology associated with the proposed activity; (g) whether a significant proportion of financing for the enterprise would be sourced from outside the Cook Islands; (h) whether a significant proportion of the capital expenditure proposed in relation to the enterprise would be spent on businesses in the Cook Islands; (i) whether the activities concerned would be carried out in an island other than Rarotonga; (j) whether the activities concerned would generate a demonstrable net economic benefit to the Cook Islands or to at least one island in the Cook Islands; (k) whether the activities concerned would have a significant adverse effect on the social and cultural fabric of the Cook Islands, or the island or community where the activities would be carried out.

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional
	Motor vehicle dealers;	Treatment	Commitments
	,		
	Restaurants, cafés, or other food		
	preparation and sale operations;		
	Retail of traditional or cultural handicrafts		
	and artefacts (including commercial		
	reproductions);		
	Sale or supply of computer hardware or		
	related services;		
	Trucking and cartage operations;		
	Taverns or public bars;		
	Duty free shops;		
	Laundry or dry-cleaning;		
	Places offering Internet access (e.g.		
	internet cafés);		
	Audio or video production, hire, or sale;		
	Hair dressing salons, beauty parlours, or		
	health spas. <sup>5</sup>		
	However, investments in the reserved		
	areas may be approved if: Cook Islanders		
	or enterprises owned by Cook Islanders		
	are not providing the service, or; the		
	foreign investor brings a capital		
	investment of, in the case of Rarotonga,		
	not less than NZ\$1 million, and in the case		

<sup>5</sup> For greater certainty, nothing in section II of this schedule (Sector-Specific Commitments) can be taken to somehow lessen or modify the limitations listed in this section.

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	<b>Limitations on National</b>	Additional
		Treatment	Commitments
	of other islands of the Cook Islands, not		
	less than NZ\$500,000. Approval shall		
	also be based on the criteria indicated		
	above.		

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
II. Sector-Specific Commitments		Treatment	Commitments
1.BUSINESS SERVICES			
A. Professional Services			
a) Legal Services (CPC 861)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
b) Accounting, auditing and	1) None	1) None	
bookkeeping services (CPC 862)	2) None	2) None	
, ,	3) None	3) None	
c) Taxation services (CPC 863)	1) None	1) None	
,	2) None	2) None	
	3) None	3) None	
d) Architectural services (CPC 8671)	1) None	1) None	
2,	2) None	2) None	
	3) None	3) None	
e) Engineering services (CPC 8672)	1) None	1) None	
( = = 00, <b>=</b> )	2) None	2) None	
	3) None	3) None	
f) Integrated engineering services (CPC	1) None	1) None	
8673)	2) None	2) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional
		Treatment	Commitments
	3) None	3) None	
g) Urban planning and	1) None	1) None	
landscape architectural	2) None	2) None	
services (CPC 8674)	3) None	3) None	
h) Medical and dental services (CPC	1) None	1) None	
9312)	2) None	2) None	
	3) None	3) None	
i) Veterinary services (CPC 932)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
j) Midwives, nurses, physiotherapists and	1) None	1) None	
paramedical personnel	2) None	2) None	
(CPC 93191)	3) None	3) None	
B. Computer and Related Services (CPC	1) None	1) None	
84)	2) None	2) None	
	3) None	3) None	
C. Research and Development Services			
a) R&D services on natural sciences (CPC	1) None	1) None	
851)	2) None	2) None	
	3) A research permit is required, the granting of which is based on an	3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	assessment of the potential for the proposed research to address national priorities, deliver benefits, and strengthen national research capacity.		
b) R&D services on social sciences and humanities (CPC 852)	1) None 2) None 3) A research permit is required, the granting of which is based on an assessment of the potential for the proposed research to address national priorities, deliver benefits, and strengthen national research capacity.	1) None 2) None 3) None	
c) Interdisciplinary R&D services (CPC 853)	1) None 2) None 3) A research permit is required, the granting of which is based on an assessment of the potential for the proposed research to address national priorities, deliver benefits, and strengthen national research capacity.	1) None 2) None 3) None	
D. Real Estate Services			
a) Involving own or leased property (CPC 821)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	Additional
		Treatment	Commitments
b) On a fee or contract basis (CPC 822)	1) Unbound	1) Unbound	
b) On a fee of contract basis (CFC 822)	· ·	2) None	
	2) None		
E. Dantal/Landing Commission with and	3) None	3) None	
E. Rental/Leasing Services without Operators			
Operators			
a) Relating to ships (CPC 83103)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
b) Relating to aircraft (CPC 83104)	1) None	1) None	
o) Relating to univial (C1 C 05101)	2) None	2) None	
	3) None	3) None	
	1) N	1) ) ]	
d) Relating to other machinery and	1) None	1) None	
equipment (CPC 83106-83109)	2) None	2) None	
	3) None	3) None	
e) Other (CPC 832).	1) None	1) None	
, , , ,	2) None	2) None	
	3) None	3) None	
		,	

F. Other Business Services		
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None	1) None 2) None 3) None
f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) None 2) None 3) None	1) None 2) None 3) None
g) Services incidental to fishing (CPC 882**)	1) None 2) None 3) None	1) None 2) None 3) None

Consists of specialised consultancy services only, related to fisheries. Does not include fishing.		
h) Services incidental to mining (CPC 883)	1) None 2) None 3) None	1) None 2) None 3) None
i) Services incidental to manufacturing (CPC 884+885, except 88442)	1) None 2) None 3) None	1) None 2) None 3) None
j) Services incidental to energy distribution (CPC 887**)	1) None 2) None 3) None	1) None 2) None 3) None
Covers specialised consultancy services only, in relation to energy distribution.		
k) Placement and supply services and personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None
l) Investigation and security (CPC 873)	1) None 2) None 3) None	1) None 2) None 3) None
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None

n) Maintenance and repair of equipment	1) None	1) None
(not including maritime vessels, aircraft or	2) None	2) None
other transport equipment) (CPC 633+8861-8866)	3) None	3) None
o) Building-cleaning services (CPC 874)	1) None	1) None
	2) None	2) None
	3) None	3) None
p) Photographic services (CPC 875)	1) None	1) None
	2) None	2) None
	3) None	3) None
q) Packaging services (CPC 876)	1) None	1) None
	2) None	2) None
	3) None	3) None
r) Printing, publishing (CPC 88442)	1) None	1) None
	2) None	2) None
	3) None	3) None
t) Other (CPC 8790)	1) None	1) None
	2) None	2) None
	3) None	3) None
2. COMMUNICATION SERVICES		
B. Courier Services (CPC 7512)	1) None	1) None
	2) None	2) None

	3) None	3) None
C. Telecommunication Services <sup>6</sup>	1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES		
A. General construction work for buildings (CPC 512)	1) None 2) None 3) None	1) None 2) None 3) None
B. General construction work for civil engineering (CPC 513)	1) None 2) None 3) None	1) None 2) None 3) None
C. Installation and assembly work (CPC 514+516)	1) None 2) None 3) None	1) None 2) None 3) None
D. Building completion and finishing work (CPC 517)	1) None 2) None 3) None	1) None 2) None 3) None

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<sup>&</sup>lt;sup>6</sup> The Cook Islands has interest in introducing competition in the telecommunications market and in further developing appropriate regulatory frameworks, including to ensure universal service. Relevant assistance for this purpose will be sought through the Chapter on Development Assistance of PACER Plus after entry into force of the Agreement. Should competition be introduced and adequate regulatory frameworks be introduced in the future, the Cook Islands would consider reflecting these under PACER Plus through an amended schedule of specific commitments on Trade in Services.

E. Other (CPC 511+515+518)	1) None 2) None	1) None 2) None
	3) None	3) None
4. DISTRIBUTION SERVICES (excluding distribution services in relation		
to alcohol, tobacco, fresh fish, pearls)		
A. Commission agents' services (CPC	1) None	1) None
621, 61111**, 6113**, 6121**)	2) None	2) None
	3) None	3) None
B. Wholesale trade services	1) None	1) None
(CPC 622, 61111**, 6113**, 6121**)	2) None	2) None
	3) None	3) None
C. Retailing services (CPC 632, 61112,	1) None	1) None
6113**, 6121**)	2) None	2) None
	3) None	3) None
D. Franchising (CPC 8929)	1) None	1) None
	2) None	2) None
	3) None	3) None
5. EDUCATIONAL SERVICES		
(limited to services provided by privately-		
owned institutions)		
A. Primary education services (CPC	1) None	1) None
921**)	2) None	2) None
	3) Approval of privately-owned	3) None
	institutions subject to prior national	

	approval, which is conditional on local authorities being satisfied that the proposed institution would meet an educational need not currently met in the Cook Islands.		
B. Secondary education services (CPC 922**)	1) None 2) None 3) Approval of privately-owned institutions subject to prior national approval, which is conditional on local authorities being satisfied that the proposed institution would meet an educational need not currently met in the Cook Islands.	1) None 2) None 3) None	
C. Higher education services in private institutions (CPC 923**)	1) None 2) None 3) Approval of privately-owned institutions subject to prior national approval, which is conditional on local authorities being satisfied that the proposed institution would meet an educational need not currently met in the Cook Islands.	1) None 2) None 3) None	
D. Adult education (CPC 924**)	<ol> <li>None</li> <li>None</li> <li>Approval of privately-owned institutions subject to prior national</li> </ol>	1) None 2) None 3) None	

E. Other education services (CPC 929**)	approval, which is conditional on local authorities being satisfied that the proposed institution would meet an educational need not currently met in the Cook Islands.  1) None 2) None 3) Approval of privately-owned institutions subject to prior national approval, which is conditional on local authorities being satisfied that the proposed institution would meet an educational need not currently met in the Cook Islands.	1) None 2) None 3) None	
6. ENVIRONMENTAL SERVICES			
Consultancy related to the provision of the following environmental services:			
A. Sewage Services (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Refuse disposal services (CPC 9402**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Sanitation and similar services (CPC	1) None	1) None	

9403**)	2) None 3) None	2) None 3) None
D. Other environmental services (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None
7. FINANCIAL SERVICES		
Excluding: activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; activities forming part of a statutory system of social security or public retirement plans; and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.  A. Insurance and insurance-related		
services		
<ul><li>(i) Direct insurance (including coinsurance):</li><li>(A) life</li><li>(B) non-life</li></ul>	<ol> <li>Only through an established agent or broker.</li> <li>None</li> <li>Incorporation in the Cook Islands is required.</li> </ol>	1) None 2) None 3) None
(ii) Reinsurance and retrocession;	1) None	1) None

	<ul><li>2) None</li><li>3) Incorporation in the Cook Islands is required.</li></ul>	2) None 3) None
(iii) Insurance intermediation, such as brokerage and agency;	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None
(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.	1) None 2) None 3) None	1) None 2) None 3) None
B. Banking and other financial services (excluding insurance)		
(a) Acceptance of deposits and other repayable funds from the public;	1) None 2) None 3) None	1) None 2) None 3) None
(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;	1) None 2) None 3) None	1) None 2) None 3) None
(c) Financial leasing;	1) None 2) None 3) None	1) None 2) None 3) None

(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;	1) None 2) None 3) None	1) None 2) None 3) None
(e) Guarantees and commitments;	1) None 2) None 3) None	1) None 2) None 3) None
<ul> <li>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: <ol> <li>(i) money market instruments</li> <li>(including cheques, bills, certificates of deposits);</li> <li>(ii) foreign exchange;</li> <li>(iii) derivative products including, but not limited to, futures and options;</li> <li>(iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;</li> <li>(v) transferable securities;</li> <li>(vi) other negotiable instruments and financial assets, including bullion.</li> </ol> </li> </ul>	1) None 2) None 3) None	1) None 2) None 3) None
(g) Participation in issues of all kinds of	1) None	1) None
securities, including underwriting and placement as agent (whether publicly or	2) None 3) None	2) None 3) None
pracoment as agent (whether publicly of	0/11010	<i>5)</i> 110110

privately) and provision of services		
related to such issues;		
(h) Money broking;	1) None 2) None 3) None	1) None 2) None 3) None
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;	1) None 2) None 3) None	1) None 2) None 3) None
(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;	1) None 2) None 3) None	1) None 2) None 3) None
(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;	1) None 2) None 3) None	1) None 2) None 3) None
(1) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate	1) None 2) None 3) None	1) None 2) None 3) None

restructuring and strategy.		
8.HEALTH RELATED AND SOCIAL SERVICES (limited to services provided by privatelyowned institutions)		
A. Hospital Services(CPC 9311**)	1) None 2) None 3) None	1) None 2) None 3) None
B. Other Human Health Services (CPC 9319**)	1) None 2) None 3) None	1) None 2) None 3) None
C. Social Services (CPC 933**)	1) None 2) None 3) None	1) None 2) None 3) None
9. TOURISM AND TRAVEL SERVICES		
A. Hotels and restaurants (CPC 641-643)	1) None 2) None 3) None	1) None 2) None 3) None
B. Travel agencies and tour operator services	1) None 2) None 3) None	1) None 2) None 3) None

C. Tourist guide services (CPC 7472)	1) None 2) None 3) None	1) None 2) None 3) None	
11. TRANSPORT SERVICES			
A. Maritime Transport Services  International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)	1)Local agent or registration in the Cook Islands required.  For transport of cargo, supply of the service is conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on existing service.	1) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions  1. Pilotage 2. Towing and the tug
	2) None	2) None	assistance 3.Provisioning, fuelling
	3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: none	3)(a) None	<ul><li>and watering</li><li>4. Garbage collecting</li><li>and ballast waste disposal</li><li>5. Port Captain's</li><li>services</li><li>6. Navigation aids</li></ul>
	3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none	3)(b) None	7. Shore-based operational services essential to ship operations including communications, water and electrical supplies

			<ul><li>8. Emergency repair facilities</li><li>9. Anchorage, berth and berthing services</li></ul>
d) Maintenance and repair of vessels (CPC 8868**)	1) None 2) None 3) None	1) None 2) None 3) None	
MARITIME AUXILIARY SERVICES			
Container Station and Depot Services (as defined in Annex)	1) None 2) None 3) None	1) None 2) None 3) None	
Maritime Freight Forwarding Services (as defined in Annex)	<ol> <li>Suppliers of international maritime transport services are required to go through a local agent established in the Cook Islands.</li> <li>None</li> <li>None</li> </ol>	1) None 2) None 3) None	
Storage and Warehousing Services (as defined in Annex)	1) Unbound 2) None 3) None	1) None 2) None 3) None	
Maritime Agency Services (as defined in Annex)	1) None 2) None	1) Unbound 2) None	

	3) None	3) None
Customs clearance services (as defined in	1) Unbound	1) Unbound
Annex)	2) None	2) None
Time <i>x</i> )	3) None	3) None
C. Air Transport Services <sup>7</sup>	3)110110	S) Hone
CVIII IIIIII POIT ZOI VICES		
Aircraft repair and maintenance services;	1) None	1) None
	2) None	2) None
	3) None	3) None
Selling and marketing of air transport	1) None	1) None
services;	2) None	2) None
	3) None	3) None
Computer reservation system services;	1) None	1) None
	2) None	2) None
	3) None	3) None
Specialty air services.	1) None	1) None
	2) None	2) None
	3) None	3) None
II Conviges Appelliant to All Modes of		
H. Services Auxiliary to All Modes of		

 $<sup>\</sup>frac{1}{7}$  As defined in Article 1 of Chapter 7 (Trade in Services).

Transport		
a) Cargo-handling services, except maritime and air cargo handling (CPC 741**)	1) None 2) None 3) None	1) None 2) None 3) None
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None

<sup>\*\*</sup> The service specified constitutes only part of the total range of activities covered by the CPC concordance.

### ANNEX TO SCHEDULE OF THE COOK ISLANDS: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in the Cook Islands and another port located in the Cook Islands, traffic originating and terminating in the same port located in the Cook Islands provided that this traffic remains within the Cook Islands' territorial waters, and traffic between a port located in the Cook Islands and installations or structures situated in the EEZ or relating to the continental shelf of the Cook Islands.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services:
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
- 4. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

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# ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

### SCHEDULE OF THE FEDERATED STATES OF MICRONESIA

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments		
1. HORIZONTAL COMMI	1. HORIZONTAL COMMITMENTS				
ALL SECTORS INCLUDED					
IN THIS SCHEDULE	3) Investment by an investor of	3) Natural persons that are not			
	another Party requires a Foreign	citizens of the Federated States of			
	Investment Permit in relation to	Micronesia and enterprises that are			
	economic sectors under national	not wholly-owned by citizens of			
	jurisdiction, and State Foreign	the Federated States of Micronesia			
	Investment Permits from any state	are prohibited from owning or			
	in which it wants to conduct	acquiring land or any interest in			
	business in relation to sectors under	land.			
	the jurisdiction of states. <sup>2</sup>				
		Limits to lease of land are:			
	Foreign Investment Permits are	<ul> <li>Up to 99 years in</li> </ul>			

<sup>&</sup>lt;sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>&</sup>lt;sup>2</sup> This entry in the schedule is in accordance with FSM's foreign investment rules at time of entry into force of the Agreement, which principally consists of the FSM Investment Law 2005, the Pohnpei Foreign Investment Act 2011, the Yap Foreign Investment Act 2012, the Chuuk State Foreign Investment Act 1998, Kosrae Foreign Investment Act 1998, and related instruments. Should the FSM adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services. Monetary amounts mentioned in this section can be adjusted for inflation after entry into force of the agreement. Permits may be refused to applicants that have criminal records, carry outstanding debts to FSM persons or governments, or that have had a Foreign Investment Permit revoked in the past. For the purpose of this schedule, no discriminatory economic needs tests are applied at the national level. Investment for the purpose of this entry is defined as per the relevant laws at the time of entry into force of the Agreement (see below).

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	subject to the following additional	Chuuk State;	
	limitations in the following states:	<ul> <li>Up to 55 years in Yap</li> </ul>	
		State;	
	Chuuk State:	<ul> <li>55 years renewable but</li> </ul>	
		no more than 99 years	
	Issuance of permits is based on an	for private land, and 40	
	economic needs test which is based	years renewable for	
	on the following criteria:	public land in Kosrae	
	- the value of the investment	State;	
	and its economic benefits	o 55 years renewable up	
	for Chuuk; effect on	to 99 years in Pohnpei	
	competition; impact on	State.	
	employment of locals.		
	This economic needs test does not	Natural persons that are not	
	apply to eco-tourism, professional	citizens of the Federated States of	
	services <sup>3</sup> , and services related to	Micronesia enterprises that are not	
	the exportation of local products.	wholly-owned by citizens of the	
		Federated States of Micronesia	
	Kosrae State:	cannot sub-lease land.	
	- For tourism other than eco-	3) The lease of real estate by	
	tourism, maintenance of a	natural persons who are not	
	minimum investment of	citizens of the Federated States of	
	US\$5,000 is required.	Micronesia and by enterprises that	

<sup>&</sup>lt;sup>3</sup> Includes services of computer consultants.

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		are not wholly-owned by citizens	
	Yap State:	of the Federated States of	
		Micronesia requires an	
	- All foreign investments in	authorization by the competent	
	which total capital is less	State authority which will consider	
	than US\$3 million shall	among other things whether	
	require a partner that is	important economic, social or	
	Yapese by birth.	cultural interests are affected.	
		3) An investor applying for a	
	Pohnpei State:	Foreign Investment Permit shall	
		designate a person residing within	
	Issuance of permits is based on an	the Federated States of Micronesia	
	economic needs test which is based	as a designated agent upon whom	
	on the following criteria:	the process can be served.	
	- the value of the investment		
	and its economic benefits	Holders of Foreign Investment	
	for Pohnpei; the degree of	Permits are required to produce an	
	domestic ownership; impact	annual report to the competent	
	on employment of locals.	authorities.	
	This economic needs test does not	3) Foreign service suppliers are	
	apply when these conditions are	required to provide training to	
	met:	local employees.	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	A) For professional services and tourism services <sup>4</sup> :  (i) the initial capital of the foreign investment is greater than US\$50,000 in the case of professional services or than US\$250,000 for other	3) Unbound for measures: a) as part of the act of devolving a service that is provided in the exercise of governmental authority at the time the Agreement enters into force; or, b) regarding the sale or disposal of government-owned entities or assets.	
	services sectors; and  (ii) the proposed investment is a joint venture where at least 60 per cent of the total equity is beneficially held by citizens of the Federated States of Micronesia;		
	B) For other services sectors: (i) the initial capital of the foreign investment is greater than US\$250,000; and		
	(ii) the proposed investment is a joint venture where at		

<sup>4</sup> For the purpose of this limitation, tourism services mean the hotels, visitors' lodge, golf courses, marinas or other recreational facilities that principally serve the visitor industry.

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	least 51 per cent of the total		
	equity is beneficially held by		
	citizens of the Federated		
	States of Micronesia.		
	3) Unbound for measures: a) as part of the act of devolving a service that is provided in the		
	exercise of governmental authority at the time the		
	Agreement enters into force; or,		
	b) regarding the sale or disposal		
	of government-owned entities		
	or assets.		

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
II. Sector-Specific Commitments				
1. BUSINESS SERVICES				
A. Professional Services				
a) Legal advisory services	1) None	1) None		
(CPC 861**)	2) None	2) None		
(Cr C 801 · )	3) None	3) None		
	3) None	3) None		
b) Accounting, auditing and	1) None	1) None		
bookkeeping services	2) None	2) None		
(CPC 862)	3) None	3) None		
, , ,				
c) Taxation services (CPC	1) None	1) None		
863)	2) None	2) None		
	3) None	3) None		
d) Architectural services	1) None	1) None		
(CPC 8671)	2) None	2) None		
	3) None	3) None		
	1) ) ]	12.27		
e) Engineering services (CPC	1) None	1) None		
8672)	2) None	2) None		
	3) None	3) None		

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
f) Integrated engineering	1) None	1) None	
services (CPC 8673)	2) None	2) None	
	3) None	3) None	
g) Urban planning and	1) None	1) None	
landscape architectural	2) None	2) None	
services (CPC 8674)	3) None	3) None	
h) Medical and dental services	1) None	1) None	
(CPC 9312)	2) None	2) None	
	3) None	3) None	
i) Veterinary services (CPC	1) None	1) None	
932)	2) None	2) None	
	3) None	3) None	
j) Midwives, nurses,	1) None	1) None	
physiotherapists and	2) None	2) None	
paramedical personnel (CPC	3) None	3) None	
93191)			
	4) 37	4) ) 7	
B. Computer and Related	1) None	1) None	
Services (CPC 84)	2) None	2) None	
	3) None	3) None	
C. Research and Development			
Services			
DCI VICCS			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) R&D services on natural	1) None	1) None	
sciences (CPC 851)	2) None	2) None	
	3) None	3) None	
b) R&D services on social	1) None	1) None	
sciences and humanities (CPC	2) None	2) None	
852)	3) None	3) None	
632)	3) None	3) None	
c) Interdisciplinary R&D	1) None	1) None	
services (CPC 853)	2) None	2) None	
	3) None	3) None	
E. Rental/Leasing Services			
without Operators			
a) Relating to ships (CPC	1) None	1) None	
83103)	2) None	2) None	
	3) None	3) None	
b) Relating to aircraft (CPC	1) None	1) None	
83104)	2) None	2) None	
	3) None	3) None	
d) Relating to other	1) None	1) None	
machinery and equipment	2) None	2) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 83106-83109)	3) None	3) None	
e) Other (CPC 832)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
F. Other Business Services			
a) Advertising services (CPC	1) None	1) None	
871)	2) None	2) None	
0,1)	3) None	3) None	
b) Market research and public	1) None	1) None	
opinion polling services (CPC	2) None	2) None	
864)	3) None	3) None	
c) Management consulting	1) None	1) None	
services (CPC 865)	2) None	2) None	
	3) None	3) None	
d) Services related to	1) None	1) None	
management consulting (CPC	2) None	2) None	
866)	3) None	3) None	
e) Technical testing and	1) None	1) None	
analysis services, including	2) None	2) None	
ship survey services	3) None	3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
f) Services incidental to	1) None	1) None	
agriculture, hunting and	2) None	2) None	
forestry (CPC 881**)	3) None	3) None	
g) Services incidental to	1) None	1) None	
fishing (CPC 882**)	2) None	2) None	
	3) None	3) None	
Consists of specialized			
consultancy services only,			
related to fisheries. Does not			
include fishing.			
h) Services incidental to	1) None	1) None	
mining (CPC 883+5115)	2) None	2) None	
	3) None	3) None	
i) Services incidental to	1) None	1) None	
manufacturing (CPC	2) None	2) None	
884+885)	3) None	3) None	
j) Services incidental to	1) None	1) None	
energy distribution (CPC	2) None	2) None	
997**)	3) None	3) None	
Covers specialised	1) None	1) None	
consultancy services only, in	2) None	2) None	
relation to energy distribution.	3) None	3) None	
relation to energy distribution.	3) 110110	3) 110110	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
k) Placement and supply	1) None	1) None	
services and personnel (CPC	2) None	2) None	
872)	3) None	3) None	
	1) N	1\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
m) Related scientific and	1) None	1) None	
technical consulting services	2) None	2) None	
(CPC 8675)	3) None	3) None	
m) Maintanana and marin af	1) M	1) NT	
n) Maintenance and repair of	1) None	1) None	
equipment (not including	2) None	2) None	
maritime vessels, aircraft or	3) None	3) None	
other transport equipment)			
(CPC 633+8861-8866)			
n) Photo anarhio comicos	1) Nana	1) None	
p) Photographic services	1) None	1) None	
(CPC 875)	2) None	2) None	
	3) None	3) None	
q) Packaging services (CPC	1) None	1) None	
876)	2) None	2) None	
870)	· · ·	· ·	
	3) None	3) None	
r) Printing, publishing (CPC	1) None	1) None	
88442)	2) None	2) None	
	3) None	3) None	
	3) 110110	3) Itolic	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
s) Convention services (CPC	1) None	1) None	
87909*)	2) None	2) None	
	3) None	3) None	
t) Other (CPC 8790)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
2. COMMUNICATION SERVICES			
B. Courier Services	1) None 2) None 3) None	1) None 2) None 3) None	
C. Telecommunication service	es <sup>5</sup>		
Basic Services			
<ul> <li>(a) Voice telephone services</li> <li>(b) Packet-switched data transmission services</li> <li>(c) Circuit-switched data</li> </ul>	1) Unbound 2) Unbound 3) Unbound	<ol> <li>Unbound</li> <li>Unbound</li> <li>Unbound</li> </ol>	

<sup>&</sup>lt;sup>5</sup> The Federated States of Micronesia has interest in introducing competition in the telecommunications sector and in further developing appropriate regulatory frameworks, including ensuring universal service. Should competition and adequate regulatory frameworks be introduced in the future, the Federated States of Micronesia would reflect these, where appropriate, under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
transmission services			
(d) Telex services			
(e) Telegraph services			
(f) Facsimile services			
(g) Private leased circuit			
services			
Value-added services	1) Unbound	1) Unbound	
(h) Electronic mail	2) Unbound	2) Unbound	
(i) Voice mail	3) Unbound	3) Unbound	
(j) On-line information and			
data base retrieval			
(k) Electronic data			
interchange (EDI)			
(l) Enhanced/value-added			
facsimile services,			
including store and			
forward, store and			
retrieve			
(m) Code and protocol			
conversion			
(n) On-line information			
and/or data processing			
(o) Other			
3. CONSTRUCTION AND			
RELATED ENGINEERING			
KELATED ENGINEERING			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
SERVICES			
A. General construction work for buildings (CPC 512)	1) None 2) None 3) None	1) None 2) None 3) None	
B. General construction work for civil engineering (CPC 513)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Installation and assembly work (CPC 514+516)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Building completion and finishing work (CPC 517)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other (CPC 511+515+518)	1) None 2) None 3) None	1) None 2) None 3) None	
4. DISTRIBUTION SERVICES (excluding distribution services in relation to alcohol,			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
tobacco, and oil)			
A. Commission agents' services (CPC 621**, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Wholesale trade services (CPC 622**, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
5. EDUCATIONAL SERVICES (limited to services provided by privately-owned institutions)			
A. Primary education services (CPC 921**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Secondary education services (CPC 922**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Higher education services	1) None	1) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
in private institutions (CPC	2) None	2) None	
923**)	3) None	3) None	
D. Adult	1) None	1) None	
education (CPC 924)	2) None	2) None	
	3) None	3) None	
E. Other education services	1) None	1) None	
(CPC 929)	2) None	2) None	
	3) None	3) None	
6. ENVIRONMENTAL			
SERVICES			
Consultancy related to the			
provision of the following			
environmental services:			
chynomichtal services.			
A. Sewage Services (CPC	1) None	1) None	
9401**)	2) None	2) None	
,	3) None	3) None	
B. Refuse disposal services	1) None	1) None	
(CPC 9402**)	2) None	2) None	
	3) None	3) None	
C. Sanitation and similar	1) None	1) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services (CPC 9403**)	2) None	2) None	
	3) None	3) None	
D. Other (CPC 9404-9409)	1) None	1) None	
, , , , , , , , , , , , , , , , , , ,	2) None	2) None	
	3) None	3) None	
7. FINANCIAL SERVICES			
Excluding: - activities			
conducted by a central bank			
or monetary authority or by			
any other public entity in			
pursuit of monetary or			
exchange rate policies; -			
activities forming part of a			
statutory system of social			
security or public retirement			
plans; - and other activities			
conducted by a public entity			
for the account or with the			
guarantee or using the			
financial resources of the			
government.			
A. All insurance and			
insurance related services			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-sector <sup>1</sup> (CPC 812)  (i) Direct insurance (including co-insurance): (A) life (B) non-life	1) 2) Suppliers of another Party need to be registered in the Federated States of Micronesia and must have a designated agent in the Federated States of Micronesia. A supplier of another Party who receives US\$2 million or more in income from premiums collected in the Federated States of Micronesia in each fiscal year for three consecutive fiscal years, shall be required to incorporate in the Federated States of Micronesia.  3) Incorporation required	1) 2)For services other than marine, aviation and transportation (MAT) insurance, suppliers of another Party are required to post a bond of, or deposit in an escrow account, US\$100,000.6	Additional Commitments
(ii) Reinsurance and retrocession	1) Unbound 2) Unbound	1) Unbound 2) Unbound	

<sup>6</sup> The monetary amount can be adjusted for inflation after entry into force of the Agreement.

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
(iii) Insurance intermediation,	1) None	1) None	
such as brokerage and agency;	2) None	2) None	
	3) None	3) None	
(iv) Services auxiliary to			
insurance, such as	1) None	1) None	
consultancy, actuarial, risk	2) None	2) None	
assessment and claim	3) None	3) None	
settlement services.			
B. Banking and other			
financial services (excl.			
<u>insurance</u> )			
(a) Acceptance of deposits	1) Unbound	1) Unbound	
and other repayable funds	2) Unbound	2) Unbound	
from the public;	3) None	3) Lower minimum capital	
from the public,	3) 140HC	requirements are imposed on	
(b) Lending of all types,		'domestic banks', which are	
including consumer credit,		banks in which at least two	
mortgage credit, factoring and		thirds of the capital stock is	
financing of commercial		held by persons who are	
transaction;		citizens of the Federated States	
, ,		of Micronesia and have resided	
(c) Financial leasing;		in the Federated States of	
		Micronesia for at least one year	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) All payment and money		prior to the initial application	
transmission services,		for the establishment of the	
including credit, charge and		bank.	
debit cards, travellers cheques			
and bankers drafts;			
(e) Guarantees and			
commitments;			
(f) Trading for own account or			
for account of customers,			
whether on an exchange, in an			
over-the-counter market or			
otherwise, the following:			
(i) money market			
instruments (including			
cheques, bills, certificates			
of deposits);			
(ii) foreign exchange;			
(iii) derivative products			
including, but not limited			
to, futures and options;			
(iv) exchange rate and			
interest rate instruments,			
including products such			
as swaps, forward rate			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
agreements;			
(v) transferable securities;			
(vi) other negotiable			
instruments and financial			
assets, including bullion.			
(g) Participation in issues of			
all kinds of securities,			
including underwriting and			
placement as agent (whether			
publicly or privately) and			
provision of services related			
to such issues;			
(h) Money broking;			
(i) Asset management, such as			
cash or portfolio management,			
all forms of collective			
investment management,			
pension fund management,			
custodial, depository and trust			
services;			
(j) Settlement and clearing			
services for financial assets,			
including securities,			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
derivative products, and other negotiable instruments;			
(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;			
(l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.			
8. HEALTH RELATED AND SOCIAL SERVICES (limited to services provided by privately-owned institutions)			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. Hospital Services (CPC 9311**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Other Human Health Services (CPC 9319**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Social Services (CPC 933**)	1) None 2) None 3) None	1) None 2) None 3) None	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels and Restaurants (including catering) (CPC 641-643)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Travel agencies and tour operator services (CPC 7471)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Tourist guide services (CPC 7472)	1) None 2) None	1) None 2) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
10. RECREATIONAL,			
CULTURAL AND			
SPORTING SERVICES			
A. Entertainment Services	1) None	1) None	
(CPC 9619)	1) None 2) None	1) None 2) None	
(CFC 9019)	3) None	3) None	
	3) None	3) Ivolic	
B. News agency services	1) None	1) None	
(CPC 962)	2) None	2) None	
	3) None	3) None	
C. Libraries, archives,	1) None	1) None	
museums, and other cultural	2) None	2) None	
services (CPC 963)	3) None	3) None	
D. Sporting and other	1) None	1) None	
recreational	2) None	2) None	
services (CPC 964**)	3) None	3) None	
- Excluding gambling			
and betting			
and sommy			

Sector or Sub-sector I	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<ul><li>1) (a) Liner shipping:</li><li>Conditional on the granting of a license, the issuance of which is based on such criteria as the</li></ul>	Limitations on National Treatment  1) (a) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions  1. Pilotage
International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)	frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters.  Licenses granted preferably to carriers owned by Federated States of Micronesia citizens, that employ Federated States of Micronesia citizens, and that conduct training for Federated States of Micronesia citizens.  Vessels owned and operated by the Federated States of Micronesia government do not require a license to be granted on the basis of the criteria mentioned above.  Local agent in the Federated		<ol> <li>Towing and the tug assistance</li> <li>Provisioning, fuelling and watering</li> <li>Garbage collecting and ballast waste disposal</li> <li>Port Captain's services</li> <li>Navigation aids</li> <li>Shore-based operational services essential to ship operations including communications, water and electrical supplies</li> <li>Emergency repair facilities</li> <li>Anchorage, berth and berthing services</li> </ol>

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-sector <sup>1</sup>	States of Micronesia or registration in the Federated States of Micronesia required.  (b) Bulk, tramp, and other international shipping, including passenger transportation: local agent in the Federated States of Micronesia or registration in the Federated States of Micronesia required.  3) (a) Establishment of registered company for the purpose of	(b) None  3) (a) Unbound	Additional Commitments
	operating a fleet under the national flag of the State of establishment: unbound  (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none	3) (b) None	
d) Maintenance and repair of	1) None	1) None	
vessels (CPC 8868**)	2) None	2) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
Maritime Agency Services (as defined in Annex)	1) Suppliers of international maritime transport services are required to go through a local agent established in the Federated States of Micronesia.  2) None  3) None	1) None 2) None 3) None	
C. Air Transport Services <sup>7</sup>			
- Aircraft repair and maintenance services;	1) None 2) None 3) None	1) None 2) None 3) None	
- Selling and marketing of air transport services;	1) None 2) None 3) None	1) None 2) None 3) None	
Computer reservation system services;	1) None 2) None	1) None 2) None	

 $<sup>^{7}</sup>$  As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of Supply: (1) Cross-border supply (2) Consumption abroad

Sector or Sub-sector<sup>1</sup> Limitations on Market Access Limitations on National Treatment **Additional Commitments** 3) None 3) None Ground handling 1) None 1) None services. 2) None 2) None 3) None 3) None Specialty air services 1) Unbound 1) Unbound 2) Unbound 2) Unbound 3) None 3) None G. Pipeline Transport (CPC 1) None 1) None 7131) 2) None 2) None 3) None 3) None H. Services Auxiliary to All Modes of **Transport** Cargo-handling services, 1) None 1) None except maritime cargo 2) None 2) None handling (CPC 741\*\*) 3) None 3) None b) Storage and warehouse services, except maritime 1) None 1) None storage and warehousing 2) None 2) None services (CPC 742\*\*) 3) None 3) None Freight transport agency 1) None 1) None

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services, except maritime	2) None	2) None	
freight agency services (CPC	3) None	3) None	
748**)			
d) Other (CPC 749)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	

## ANNEX TO SCHEDULE OF THE FEDERATED STATES OF MICRONESIA: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in the Federated States of Micronesia and another port located in the Federated States of Micronesia, traffic originating and terminating in the same port located in the FSM provided that this traffic remains within the Federated States of Micronesia's territorial waters, and traffic between a port located in the Federated States of Micronesia and installations or structures situated in the EEZ or relating to the continental shelf of the Federated States of Micronesia.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services:
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
- 4. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

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## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

## **SCHEDULE OF KIRIBATI**

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
1. HORIZONTAL COM	MITMENTS		1
ALL SECTORS INCLUDED		3) Enterprises that are not	
IN THIS SCHEDULE		wholly-owned by citizens of	
		Kiribati are required to provide	
		training to employees who are	
		natural persons of Kiribati to	
		allow transfer of skills.	
		3) Natural persons who are not	
		citizens of Kiribati and	
		enterprises that are not wholly-	
		owned by citizens of Kiribati are	
		prohibited from owning or	
		acquiring land or any interest in	
		land.	
		Such natural persons and	
		enterprises may lease land in	

<sup>&</sup>lt;sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment  Kiribati, provided that the lease is approved by the Competent Authority. Land may be leased for a period of 30 years renewable.  Sub-lease of land involving natural persons that are not citizens of Kiribati and enterprises that are not whollyowned by citizens of Kiribati is not allowed.	
	3) Investment by natural persons who are not I-Kiribati and by enterprises of another Party requires approval from the Foreign Investment Commission. <sup>2</sup> Approval is granted subject to meeting an		

<sup>&</sup>lt;sup>2</sup> This entry in the schedule is in accordance with Kiribati's foreign investment rules at the time of entry into force of the Agreement, which principally consists of the Foreign Investment (Amendment) Act 1985, the Foreign Investment (Amendment) Act 1989, the Foreign Investment (Amendment) Act 1997, and the Foreign Investment (Amendment) Act 2000. Kiribati has interest in further refining and improving its laws regulating the admission of foreign investment. Should Kiribati adopt, after entry into force of the PACER Plus Agreement, new or revised laws and regulations as a result, it would positively consider reflecting, where appropriate, such better treatment under PACER Plus through a revised Schedule of Commitments in Trade in Services.

Modes of supply:	1) Cross-border supply	2) Consumption abroad	3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	economic needs test on the basis of established criteria. <sup>3</sup>		
II. Sector-Specific Commitmen	ts		
1. BUSINESS SERVICES			
A. Professional Services			
a) Legal Services (CPC 861**) on foreign law and international law, excluding legal advisory and legal documentation and certification services performed by service suppliers entrusted with public functions, such as notary services.	1) None 2) None 3) None	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>&</sup>lt;sup>3</sup> The economic needs test is set out in Article 10(1) of the *Foreign Investment Act 1985* as at the time of entry into force of the PACER Plus Agreement.

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
c) Taxation services (CPC 863)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
d) Architectural services	1) None	1) None	
(CPC 8671)	2) None	2) None	
	3) None	3) None	
e) Engineering services	1) None	1) None	
(CPC 8672)	2) None	2) None	
	3) None	3) None	
f) Integrated engineering	1) None	1) None	
services (CPC 8673)	2) None	2) None	
	3) None	3) None	
g) Urban planning and	1) None	1) None	
landscape architectural services	2) None	2) None	
(CPC 8674)	3) None	3) None	
h) Medical and dental services	1) None	1) None	
(CPC 9312)	2) None	2) None	
	3) None	3) None	
i) Veterinary services	1) None	1) None	
(CPC 932)	2) None	2) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
	3) None	3) None	
i) Midwiyaa nuraa	1) Unbound*	1) Unbound*	
j) Midwives, nurses,	· ·		
physiotherapists and	2) None	2) None	
paramedical personnel (CPC 93191)	3) None	3) None	
B. Computer and Related			
Services (CPC 84)			
(a) Consultancy Services	1) None	1) None	
Related to the Installation of	2) None	2) None	
Computer Hardware (CPC 841)	3) None	3) None	
(b) Software Implementation	1) None	1) None	
Services (CPC 842)	2) None	2) None	
, ,	3) None	3) None	
(c) Data processing Services	1) None	1) None	
(CPC 843)	2) None	2) None	
	3) None	3) None	
(d) Data base services (CPC	1) None	1) None	
844)	2) None	2) None	
	3) None	3) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
	1) N	1	
(e) Maintenance and repair of	1) None	1) None	
office machinery and equipment	2) None	2) None	
including computers (CPC 845)	3) None	3) None	
C. Research and Development Services			
a) R&D services on natural	1) None	1) None	
sciences (CPC 851)	2) None	2) None	
	3) None	3) None	
b) R&D services on social	1) None	1) None	
sciences and humanities	2) None	2) None	
(CPC 852)	3) None	3) None	
c) Interdisciplinary R&D	1) None	1) None	
services (CPC 853)	2) None	2) None	
	3) None	3) None	
E. Rental/Leasing Services			
without Operators			

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
a) Relating to ships (CPC	1) None	1) None	
83103)	2) None	2) None	
	3) None	3) None	
b) Relating to aircraft	1) None	1) None	
(CPC 83104)	2) None	2) None	
	3) None	3) None	
c) Relating to transport	1) None	1) None	
equipment (CPC	2) None	2) None	
83101+83102+83105)	3) None	3) None	
d) Relating to other machinery	1) None	1) None	
and equipment	2) None	2) None	
(CPC 83106-83109)	3) None	3) None	
F. Other Business Services			
a) Advertising services (CPC	1) None	1) None	
871)	2) None	2) None	
,	3) None	3) None	
b) Market research and public	1) None	1) None	
opinion polling services	2) None	2) None	
(CPC 864)	3) None	3) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
c) Management consulting	1) None	1) None	
services (CPC 865)	2) None	2) None	
	3) None	3) None	
d) Services related to	1) None	1) None	
management consulting (CPC	2) None	2) None	
866)	3) None	3) None	
e) Technical testing and	1) None	1) None	
analysis services (CPC 8676)	2) None	2) None	
	3) None	3) None	
f) Services incidental to	1) None	1) None	
agriculture, hunting and forestry	2) None	2) None	
(CPC 881)	3) None	3) None	
g) Services incidental to fishing	1) None	1) None	
(CPC 882**)	2) None	2) None	
	3) None	3) None	
Consists of specialized consultancy services only, related to fisheries. Does not include fishing.			
h) Services incidental to mining	1) None	1) None	
(CPC 883)	2) None	2) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
	3) None	Treatment 3) None	
	3) None	3) 140110	
i) Services incidental to	1) None	1) None	
manufacturing (CPC 884)	2) None	2) None	
	3) None	3) None	
m) Related scientific and	1) None	1) None	
technical consulting services	2) None	2) None	
(CPC 8675)	3) None	3) None	
j) Services incidental to energy	1) None	1) None	
distribution (CPC 997**)	2) None	2) None	
	3) None	3) None	
Covers specialised consultancy services only, in relation to energy distribution.			
n) Maintenance and repair of	1) None	1) None	
equipment (not including	2) None	2) None	
maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	3) None	3) None	
o) Building-cleaning services	1) None	1) None	
(CPC 874)	2) None	2) None	
	3) None	3) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
p) Photographic services	1) None	1) None	
(CPC 875)	2) None	2) None	
	3) None	3) None	
q) Packaging services (CPC	1) None	1) None	
876)	2) None	2) None	
,	3) None	3) None	
r) Printing, publishing	1) None	1) None	
(CPC 88442)	2) None	2) None	
,	3) None	3) None	
t) Other (CPC 8790)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
2. COMMUNICATION			
SERVICES			
B. Courier Services	1) None	1) None	
(CPC 7512)	2) None	2) None	
	3) None	3) None	

1) Cross-border supply

2) Consumption abroad

Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1) None 2) None	1) None 2) None	Kiribati subscribes to the Reference Paper on Basic
3) None	3) None	Telecommunication Services, as attached.
1) None	1) None	,
	· ·	
3) None	3) None	
1) None	1) None	
2) None	2) None	
3) None	3) None	
1) None	1) None	
2) None	2) None	
3) None	3) None	
1) None	1) None	
	,	
3) None	3) None	
1) None	1) None	
7		
3) None	3) None	
	1) None 2) None 3) None 1) None 2) None 1) None 2) None 2) None 3) None	1) None 2) None 3) None 1) None 2) None 2) None 3) None

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
g. Private leased circuit services	1) None	1) None	
(CPC 7522**+7523**)	2) None	2) None	
	3) None	3) None	
h. Electronic mail (CPC	1) None	1) None	
7523**)	2) None	2) None	
	3) None	3) None	
i. Voice mail (CPC 7523**)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
j. On-line information and data	1) None	1) None	
base retrieval (CPC 7523**)	2) None	2) None	
	3) None	3) None	
k. Electronic data interchange	1) None	1) None	
(EDI) (CPC 7523**)	2) None	2) None	
	3) None	3) None	
l. enhanced/value-added	1) None	1) None	
facsimile services, incl. store	2) None	2) None	
and forward, store and retrieve (CPC 7523**)	3) None	3) None	
m. code and protocol	1) None	1) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
conversion (CPC n.a.)	2) None	2) None	
	3) None	3) None	
n. on-line information and/or	1) None	1) None	
data- processing (incl.	2) None	2) None	
transaction processing) (CPC 843**)	3) None	3) None	
o. other	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work	1) None	1) None	
for buildings (CPC 512)	2) None	2) None	
	3) None	3) None	
B. General construction work	1) None	1) None	
for civil engineering (CPC 513)	2) None	2) None	
	3) None	3) None	
C. Installation and assembly	1) None	1) None	
work (CPC 514+516)	2) None	2) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
	3) None	3) None	
	4) 37	10.07	
D. Building completion and	1) None	1) None	
finishing work (CPC 517)	2) None	2) None	
	3) None	3) None	
E. Other	1) None	1) None	
(CPC 511+515+518)	2) None	2) None	
	3) None	3) None	
5. EDUCATIONAL			
SERVICES			
(limited to services provided by			
privately-owned institutions)			
A. Primary education services	1) Unbound	1) Unbound	
(CPC 921**)	2) None	2) None	
	3) None	3) None	
B. Secondary education	1) None	1) None	
services (CPC 922**)	2) None	2) None	
SCI VICCS (CI C )22	3) None	3) None	
	3) None	3) None	
C. Higher education services in	1) None	1) None	
private institutions (CPC	2) None	2) None	
923**)	3) None	3) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Adult education (CPC 924)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other education services (CPC 929)	1) None 2) None 3) None	1) None 2) None 3) None	
6. ENVIRONMENTAL SERVICES			
B. Refuse disposal services (CPC 9402**) for recyclable items excluding PET 14, lead acid batteries and aluminium cans - services include collection, transport and reduction services	1) Services must be supplied through a commercial presence, except as regards consulting services 2) None 3) None	1) None 2) None 3) None	
Consultancy related to the provision of the following environmental services:			

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
A. Sewage Services (CPC	1) None	1) None	
9401**)	2) None	2) None	
	3) None	3) None	
B. Refuse disposal services	1) None	1) None	
(CPC 9402**)	2) None	2) None	
	3) None	3) None	
C. Sanitation and similar	1) None	1) None	
services (CPC 9403**)	2) None	2) None	
	3) None	3) None	
D. Other environmental services (CPC 9404-9409)	1) None 2) None	1) None 2) None	
services (Cr C )+0+->+0>)	3) None	3) None	
7. FINANCIAL SERVICES			
Excluding: - activities			
conducted by a central bank or			
monetary authority or by any			
other public entity in pursuit of			
monetary or exchange rate			
policies; - activities forming			

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.			
A. Insurance and insurance-related services  (i) Direct insurance (including co-insurance):  (A) life	1) Unbound 2) None 3) None	<ol> <li>Unbound</li> <li>None</li> <li>None</li> </ol>	
(B) non-life (ii) Reinsurance and			
retrocession;			
(iii) Insurance intermediation, such as brokerage and agency;			
(iv) Services auxiliary to insurance, such as consultancy,			

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
actuarial, risk assessment and claim settlement services.			
B. Banking and other financial services (excluding insurance)  (a) Acceptance of deposits and other repayable funds from the public;	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;			
(c) Financial leasing;			
(d) All payment and money transmission services, including credit, charge and debit cards, travelers cheques and bankers drafts;			
(e) Guarantees and commitments;			

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(D.T. 1' C			
(f) Trading for own account or			
for account of customers,			
whether on an exchange, in an			
over-the-counter market or			
otherwise, the following:			
(i) money market			
instruments (including			
cheques, bills,			
certificates of deposits);			
(ii) foreign exchange;			
(iii) derivative products			
including, but not			
limited to, futures and			
options;			
(iv) exchange rate and			
interest rate instruments,			
including products such			
as swaps, forward rate			
agreements;			
(v) transferable			
securities;			
(vi) other negotiable			
instruments and			
financial assets,			

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
including bullion.			
(g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;			
(h) Money broking;			
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;			
(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments.			
(k) Provision and transfer of	1) None	1) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
financial information, and financial data processing and related software by suppliers of other financial services;	2) None 3) None	2) None 3) None	
(l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	1) None 2) None 3) None	1) None 2) None 3) None	
8. HEALTH RELATED AND SOCIAL SERVICES (limited to services provided by privately-owned institutions)  A. Hospital Services (CPC 9311**)	1) None 2) None 3) None	1) None 2) None 3) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
B. Other Human Health	1) None	1) None	
Services	2) None	2) None	
(CPC 9319**)	3) None	3) None	
9. TOURISM AND TRAVEL			
RELATED SERVICES			
A. Hotels and restaurant (incl.	1) None	1) None	
catering) (CPC 641, 642, 643)	2) None	2) None	
(CPC 041, 042, 043)			
	3) None	3) None	
B. Travel agencies and tour	1) None	1) None	
operators services (CPC 7471)	2) None	2) None	
	3) None	3) None	
10. RECREATIONAL,			
CULTURAL AND SPORTING			
SERVICES			
A. Entertainment Services	1) None	1) None	
(CPC 9619)	2) None	2) None	
	3) None	3) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. News agency services (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
Library services (CPC 96311)	1) None 2) None 3) None	1) None 2) None 3) None	
Archive services (CPC 96312)	1) None 2) None 3) None	1) None 2) None 3) None	
<ul><li>D. Sporting and other recreational services (CPC 964**)</li><li>- Excluding gambling and betting</li></ul>	1) None 2) None 3) None	1) None 2) None 3) None	
11. TRANSPORT SERVICES  A. Maritime Transport Services	1) (a) Liner shipping:	1) (a) None	The following services at the port are made available

1) Cross-border supply

2) Consumption abroad

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	- Local agent in Kiribati required.		
	(b) Bulk, tramp, and other international shipping, including passenger transportation: Local agent in Kiribati required.	(b) None	
	2) None	2) None	
	3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound	3)(a) Unbound	
	(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none	3)(b) None	

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
d) Maintenance and repair of	1) None	1) None	
vessels (CPC 8868**)	2) None	2) None	
	3) None	3) None	
MARITIME AUXILIARY SERVICES			
Container Station and Depot	1) None	1) None	
Services (as defined in Annex)	2) None	2) None	
	3) None	3) None	
Storage and Warehousing	1) None	1) None	
Services	2) None	2) None	
	3) None	3) None	
Maritime Agency Services (as	1) Suppliers of maritime	1) None	
defined in Annex)	transport services are required	2) None	
	to go through a local agent established in Kiribati 2) None	3) None	
	3) None		

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Air Transport Services <sup>4</sup>			
Aircraft repair and maintenance services	1) None 2) None 3) None	1) None 2) None 3) None	
Selling and marketing of air transport services	1) None 2) None 3) None	1) None 2) None 3) None	
Computer reservation system services	1) None 2) None 3) None	1) None 2) None 3) None	
Specialty air services	1) None 2) None 3) None	1) None 2) None 3) None	
H. Services Auxiliary to All Modes of Transport			

<sup>&</sup>lt;sup>4</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

1) Cross-border supply

2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
\ C 1 111 11	1) ) ]		
a) Cargo-handling services,	1) None	1) None	
except maritime and air cargo	2) None	2) None	
handling (CPC 741**)	3) None	3) None	
b) Storage and warehouse	1) None	1) None	
services, except maritime	2) None	2) None	
storage and warehousing services (CPC 742**)	3) None	3) None	
c) Freight transport agency	1) None	1) None	
services, except maritime	2) None	2) None	
freight agency services (CPC 748**)	3) None	3) None	
d) Other (CPC 749)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	

#### ANNEX I TO THE SCHEDULE OF KIRIBATI: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in the Kiribati and another port located in the Kiribati, traffic originating and terminating in the same port located in the Kiribati provided that this traffic remains within the Kiribati's territorial waters, and traffic between a port located in the Kiribati and installations or structures situated in the EEZ or relating to the continental shelf of Kiribati.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services:
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "Maritime cargo handing 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 covered include the organisation and supervision of:
  - the loading/discharging of cargo to/from a ship;
  - the lashing/unlashing of cargo;
  - the reception/delivery and safekeeping of cargoes before shipment or after discharge.
- 4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
- 5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
- 6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

"Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalough the acquisition of transport and related services, preparation of documentation and provision of business information. I vices do not include postal services or courier services.	f of shippers, reight forwarding

#### ANNEX II TO THE SCHEDULE OF KIRIBATI: TELECOM REFERENCE PAPER

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### **Definitions**

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.
- 1. Competitive safeguards
- 1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

### 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
  - (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

### 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

#### 2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and

(c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

# 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

# 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

# 2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

### 3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

# 4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

# 5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

#### 6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

# ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

# **SCHEDULE OF NAURU**

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1. HORIZONTAL COMMI	TMENTS		
ALL SECTORS INCLUDED	3) The establishment or acquisition	3) Natural persons of another Party	
IN THIS SCHEDULE	of an enterprise in Nauru by natural persons who are not Nauruan	and enterprises that are not wholly- owned by citizens of Nauru are	
	citizens or by enterprises that are	prohibited from owning land, or	
	not wholly owned by Nauruan	acquiring any interest in or control	
	citizens requires approval from	over land in Nauru, whether by	
	Cabinet. Approval is granted	purchase, receipt of gift, transfers	
	subject to meeting the economic	by operation of law, or any other	
	needs criteria administered by	means. Lease of land by	
	Cabinet at the time the application	enterprises established in Nauru is	
	is made. <sup>2</sup>	subject to a non-discriminatory	
		approval process.	

<sup>&</sup>lt;sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>&</sup>lt;sup>2</sup> Nauru has interest in further refining and improving its laws regulating foreign investment. Should Nauru adopt, after entry into force, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Investment.

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
II. SECTOR-SPECIFIC COMMITMENTS				
1. BUSINESS SERVICES				
A. Professional Services				
a) Legal Services (CPC 861)	1) None 2) None 3) None	1) None 2) None 3) None		
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None		
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None		
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None		
e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None		

Modes of Supply: (1) Cross-

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Computer and Related Services (CPC 84)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Research and Development Services			
a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) None	1) None 2) None 3) None	
b) R&D services on social sciences and humanities (CPC 852)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Interdisciplinary R&D	1) None	1) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services (CPC 853)	2) None	2) None	
	3) None	3) None	
D. Real Estate Services			
a) Involving own or leased	1) Unbound	1) Unbound	
property (CPC 821)	2) None	2) None	
	3) None	3) None	
b) On a fee an annual basis	1) II-b d	1) II-h 1	
b) On a fee or contract basis	1) Unbound	1) Unbound	
(CPC 822)	2) None	2) None	
	3) None	3) None	
E. Rental/Leasing Services			
without Operators			
a) Relating to ships (CPC	1) None	1) None	
83103)	2) None	2) None	
	3) None	3) None	
b) Relating to aircraft (CPC	1) None	1) None	
83104)	2) None	2) None	
,	3) None	3) None	
d) Relating to other	1) None	1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
machinery and equipment	2) None	2) None	
(CPC 83106-83109)	3) None	3) None	
e) Other (CPC 832)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
E Other Projects Comission			
F. Other Business Services	1) None	1) None	
<ul><li>a) Advertising services (CPC</li><li>871)</li></ul>	1) None 2) None	1) None 2) None	
871)	3) None	3) None	
	3) None	3) None	
b) Market research and public	1) None	1) None	
opinion polling services (CPC	2) None	2) None	
864)	3) None	3) None	
c) Management consulting	1) None	1) None	
services (CPC 865)	2) None	2) None	
	3) None	3) None	
d) Services related to	1) None	1) None	
management consulting (CPC	2) None	2) None	
866)	3) None	3) None	
e) Technical testing and	1) None	1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
analysis services (CPC 8676)	2) None	2) None	
	3) None	3) None	
f) Services incidental to	1) None	1) None	
agriculture, hunting and	2) None	2) None	
forestry (CPC 881)	3) None	3) None	
g) Services incidental to	1) None	1) None	
fishing (CPC 882**) (consists	2) None	2) None	
of specialized consultancy	3) None	3) None	
services only, related to			
fisheries. Does not include			
fishing)			
h) Services incidental to	1) None	1) None	
mining (CPC 883)	2) None	2) None	
mining (Cr C 863)	3) None	3) None	
	3) Trone	3) I volic	
i) Services incidental to	1) None	1) None	
manufacturing (CPC 884)	2) None	2) None	
	3) None	3) None	
j) Services incidental to	1) None	1) None	
energy distribution (CPC	2) None	2) None	
997**) (covers specialised	3) None	3) None	
consultancy services only, in			

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
relation to energy distribution)			
	4.37	45.37	
k) Placement and supply	1) None	1) None	
services and personnel (CPC	2) None	2) None	
872)	3) None	3) None	
m) Related scientific and	1) None	1) None	
		,	
technical consulting services	2) None	2) None	
(CPC 8675)	3) None	3) None	
n) Maintenance and repair of	1) None	1) None	
equipment (not including	2) None	2) None	
maritime vessels, aircraft or	3) None	3) None	
other transport equipment)			
(CPC 633+8861-8866)			
o) Building-cleaning services	1) None	1) None	
(CPC 874)	2) None	2) None	
	3) None	3) None	
p) Photographic services	1) None	1) None	
(CPC 875)	2) None	2) None	
·	3) None	3) None	
q) Packaging services (CPC	1) None	1) None	
876)	2) None	2) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
r) Printing, publishing (CPC	1) None	1) None	
88442)	2) None	2) None	
	3) None	3) None	
s) Convention services (CPC	1) None	1) None	
87909*)	2) None	2) None	
	3) None	3) None	
t) Other (CPC 8790)	1) None	1) None	
t) Other (CFC 8790)	1) None	,	
	2) None 3) None	2) None 3) None	
	3) None	3) None	
2. COMMUNICATION			
SERVICES			
	40.37		
B. Courier Services (CPC	1) None	1) None	
7512)	2) None	2) None	
	3) None	3) None	
D. Audiovisual services			
2. I ladio (ibadi bei (ice)			
b) Motion picture projection	1) None	1) None	
services (CPC 9612)	2) None	2) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
e) Sound recording services	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work	1) None	1) None	
for buildings (CPC 512)	2) None	2) None	
101 0 manigs (01 0 0 12)	3) None	3) None	
	,	,	
B. General construction work	1) None	1) None	
for civil engineering (CPC	2) None	2) None	
513)	3) None	3) None	
C. Installation and assembly	1) None	1) None	
work (CPC 514+516)	2) None	2) None	
	3) None	3) None	
D. Duilding completion and	1) None	1) None	
D. Building completion and finishing work (CPC 517)	1) None	1) None	
finishing work (CPC 517)	2) None	2) None	
	3) None	3) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. Other (CPC 511+515+518)	1) None 2) None 3) None	1) None 2) None 3) None	
4. DISTRIBUTION SERVICES (excluding distribution services in relation to alcohol, tobacco, phosphate, and handicrafts)			
A. Commission agents' services (CPC 621, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Wholesale trade services (CPC 622, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Retailing services (CPC 631, 632, 61112, 6113**, 6121**)  - Excluding small retail	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
shops (including mobile retail shops, open air vendors/takeouts), food takeout, tailor / sewing shops, bakeries and pastry shops.			
D. Franchising (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	
5. EDUCATIONAL SERVICES (limited to services provided by privately-owned institutions)			
B. Secondary education services (CPC 922**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Higher education services in private institutions (CPC 923**)	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

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Adult	1) None	1) None	Additional Communicitis
	,		
education (CPC 924)	2) None	2) None	
	3) None	3) None	
	40.35	40.55	
E. Other education services	1) None	1) None	
(CPC 929)	2) None	2) None	
	3) None	3) None	
6. ENVIRONMENTAL			
SERVICES			
Consultancy related to the			
provision of the following			
environmental services:			
A. Sewage Services (CPC	1) None	1) None	
9401**)	2) None	2) None	
,	3) None	3) None	
	3) 1 (6)16	5) 1 (6)16	
B. Refuse disposal services	1) None	1) None	
(CPC 9402**)	2) None	2) None	
(61 6 ) 702 )	3) None	3) None	
	3) None	3) None	
C. Sanitation and similar	1) None	1) None	
	1) None	1) None	
services (CPC 9403**)	2) None	2) None	
	3) None	3) None	

(1) Cross-border supply

(2) Consumption abroad

Contain on Cult good on	Limitations on Mouleat Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Other environmental	1) None	1) None	
services (CPC 9404-9409)	2) None	2) None	
	3) None	3) None	
7. FINANCIAL SERVICES			
Excluding: - activities			
conducted by a central bank			
or monetary authority or by			
any other public entity in			
pursuit of monetary or			
exchange rate policies; -			
activities forming part of a			
statutory system of social			
security or public retirement			
plans; - and other activities			
conducted by a public entity			
for the account or with the			
guarantee or using the			
financial resources of the			
government.			
A. Insurance and insurance-			
related services			
Totalog Sol vices	1) Unbound, except for marine,	1) Unbound, except for marine,	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			Additional Communents
(i) Direct insurance (including	aviation and transport (MAT)	aviation and transport (MAT)	
co-insurance):	insurance, where: none.	insurance, where: none.	
(A) life	2) Unbound, except for marine,	2) Unbound, except for marine,	
	aviation and transport (MAT)	aviation and transport (MAT)	
(B) non-life	insurance, where: none.	insurance, where: none.	
	3) None	3) None	
(iii) Insurance intermediation,			
such as brokerage and agency;			
	1) Unbound, except for marine,	1) Unbound, except for marine,	
	aviation and transport (MAT)	aviation and transport (MAT)	
	insurance, where: none.	insurance, where: none.	
	2) Unbound, except for marine,	2) Unbound, except for marine,	
	aviation and transport (MAT)	aviation and transport (MAT)	
	insurance, where: none.	insurance, where: none.	
	3) None	3) None	
	3) 140110	3) None	
(ii) Reinsurance and	1) None	1) None	
retrocession;	2) None	2) None	
Tetrocession,		,	
	3) None	3) None	
(iv) Services auxiliary to	1) None	1) None	
insurance, such as	2) None	2) None	
· ·			
consultancy, actuarial, risk	3) None	3) None	
assessment and claim			
settlement services.			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			Additional Communents
B. Banking and other	1) Unbound, except for	1) Unbound, except for	
financial services (excluding	subsectors 7.B.(k) and 7.B.(l), where: none.	subsectors 7.B.(k) and 7.B.(l), where: none.	
insurance)			
(-) A	2) Unbound, except for	2) Unbound, except for	
(a) Acceptance of deposits	subsectors 7.B.(k) and 7.B.(l),	subsectors 7.B.(k) and 7.B.(l),	
and other repayable funds	where: none.	where: none.	
from the public;	3) None	3) None	
(b) Lending of all types,			
including consumer credit,			
mortgage credit, factoring and			
financing of commercial			
transaction;			
(c) Financial leasing;			
(d) All payment and money			
transmission services,			
including credit, charge and			
debit cards, travellers cheques			
and bankers drafts;			
(e) Guarantees and			
commitments;			
(f) Trading for own account or			

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
for account of customers,			
whether on an exchange, in an			
over-the-counter market or			
otherwise, the following:			
,			
(i) money market			
instruments (including			
cheques, bills, certificates			
of deposits);			
(ii) foreign exchange;			
(iii) derivative products			
including, but not limited			
to, futures and options;			
(iv) exchange rate and			
interest rate instruments,			
including products such			
as swaps, forward rate			
agreements;			
(v) transferable securities;			
(vi) other negotiable			
instruments and financial			
assets, including bullion.			
(g) Participation in issues of			
all kinds of securities,			
including underwriting and			

(1) Cross-border supply

(2) Consumption abroad

	T	T	T
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
placement as agent (whether			
publicly or privately) and			
provision of services related			
to such issues;			
(h) Money broking;			
(i) Asset management, such as			
cash or portfolio management,			
all forms of collective			
investment management,			
pension fund management,			
custodial, depository and trust			
services;			
(j) Settlement and clearing			
services for financial assets,			
including securities,			
derivative products, and other			
negotiable instruments;			
(k) Provision and transfer of			
financial information, and			
financial data processing and			
related software by suppliers			
of other financial services;			
of other financial services,			

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(l) Advisory, intermediation			
and other auxiliary financial			
services on all the activities			
listed in subparagraphs (v)			
through (xv), including credit			
reference and analysis,			
investment and portfolio			
research and advice, advice on			
acquisitions and on corporate			
restructuring and strategy.			
9. TOURISM AND TRAVEL			
RELATED SERVICES			
A. Hotels and restaurant (incl.	1) None	1) None	
catering) (CPC 641, 642**,	2) None	2) None	
643)	3) None	3) None	
- Excluding Food take-out,			
bakeries and pastry shops.			
D. T. I.	1) N	1) N	
B. Travel agencies and tour	1) None	1) None	
operators	2) None	2) None	
services (CPC 7471)	3) None	3) None	
C Tourist guides services	1) None	1) None	
C. Tourist guides services	1) None	1) INOIR	

(1) Cross-border supply

(2) Consumption abroad

Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2) None	2) None	
3) None	3) None	
,		
· ·		
3) None	3) None	
· ·	,	
3) None	3) None	
10.37	42.27	
· ·		
3) None	3) None	
1) None	1) Name	
· ·		
3) Notice	3) None	
	2) None	2) None  2) None  3) None  1) None  2) None  2) None  3) None  1) None  1) None  2) None  1) None  2) None  3) None  1) None  2) None

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Caston on Cub asstanl	Limitations on Monket Access	Limitations on National Treatment	Additional Commitments
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. Maritime Transport Services  International Transport	1) (a) Liner shipping:     Conditional on the granting of a license, the issuance of	1) (a) None	The following services at the port are made available to international maritime transport suppliers on reasonable and
(freight and passengers) (CPC	which is based on such		non-discriminatory terms and
7211 and	criteria as the frequency,		conditions
7212), excluding cabotage transport (as defined below)	type, and price of the services proposed, as well as the impact on the		<ol> <li>Pilotage</li> <li>Towing and the tug</li> </ol>
	services provided by other		assistance
	transporters.		3. Provisioning, fuelling and
	- Local agent or registration in Nauru required.		<ul><li>watering</li><li>4. Garbage collecting and</li><li>ballast waste disposal</li><li>5. Port Captain's services</li></ul>
	b) Bulk, tramp, and other international shipping, including passenger transportation: None	(b) None	<ul><li>6. Navigation aids</li><li>7. Shore-based operational services essential to ship operations including communications, water and</li></ul>
	2) None	2) None	electrical supplies
			8. Emergency repair facilities
	3)(a) Establishment of registered	3)(a) unbound	9. Anchorage, berth and
	company for the purpose of		berthing services
	operating a fleet under the national		

Modes of Supply: (1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	flag of Nauru: unbound.		
	3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none.	3)(b) none	
d) Maintenance and repair of	1) None	1) None	
vessels (CPC 8868**)	2) None	2) None	
	3) None	3) None	
MARITIME AUXILIARY SERVICES			
Customs Clearance Services	1) Unbound	1) Unbound	
(as defined in Annex)	2) None	2) None	
	3) None	3) None	
Container Station and Depot	1) Unbound	1) Unbound	
Services (as defined in	2) None	2) None	
Annex)	3) None	3) None	
	1) Unbound	1) Unbound	
Storage and Warehousing	2) None	2) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Services	3) None	3) None	
Maritime Agency Services (as defined in Annex)	1) Suppliers of maritime transport services are required to go through a local agent established in Nauru. 2) None 3) None	1) None 2) None 3) None	
Maritime Freight Forwarding Services (as defined in Annex)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Air Transport Services <sup>3</sup>			
Aircraft repair and maintenance services;	1) None 2) None 3) None	1) None 2) None 3) None	
Selling and marketing of air transport services;	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>&</sup>lt;sup>3</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of Supply: (1)

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Computer reservation system services.	1) None 2) None 3) None	1) None 2) None 3) None	
Specialty air services	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
H. Services Auxiliary to All Modes of Transport			
a) Cargo-handling services, except maritime and air cargo handling (CPC 741**)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	

## ANNEX TO THE SCHEDULE OF NAURU: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in Nauru and another port located in Nauru, traffic originating and terminating in the same port located in Nauru provided that this traffic remains within Nauru's territorial waters, and traffic between a port located in Nauru and installations or structures situated in the EEZ or relating to the continental shelf of Nauru.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services:
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "Maritime cargo handing 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 covered include the organisation and supervision of:
  - the loading/discharging of cargo to/from a ship;
  - the lashing/unlashing of cargo;
  - the reception/delivery and safekeeping of cargoes before shipment or after discharge.
- 4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
- 5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
- 6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

7. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

## SCHEDULE OF NEW ZEALAND

- 1. Unless otherwise indicated, the classification of services sectors is based on the 1991 Provisional Central Product Classification of the United Nations Statistical Office and the ordering reflects the services sectoral classification list used in the WTO document MTN.GNS/W/120, dated 10 July 1991.
- 2. For clarity, an entry of 'none' means no limitations except as listed elsewhere in the schedule, including Part I, the Limitations on Market Access, Limitations on National Treatment, or the Additional Commitments columns. The inscription 'unbound' means that no commitments are taken with respect to particular subsector or area.

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

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
I. HORIZONTAL COMMITM	MENTS		
All sectors		3) Overseas Investment Office	
		(OIO) approval is required for	
		the following investments by an	
		"overseas person": 1	
		(a) acquisition or control of	
		25 per cent or more of	
		any class of shares <sup>2</sup> or	

<sup>&</sup>lt;sup>1</sup> An "overseas person" is defined as an individual not normally resident in New Zealand; a company not incorporated in New Zealand; a New Zealand-incorporated company in which 25 per cent or more of any class of shares or 25 per cent or more of the voting power is held by overseas persons; or a nominee of the overseas person, whether or not the nominee is himself/herself an overseas person.

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<sup>&</sup>lt;sup>2</sup> For greater certainty, the term 'shares' includes shares and other types of securities.

<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
	Treatment	
	voting power <sup>3</sup> in a	
	New Zealand entity	
	where either the	
	consideration for the	
	transfer or the value of	
	the assets exceeds NZ	
	\$10 million;	
	(b) commencement of	
	business operations or	
	_	
	_	
	· ·	
	· · · · =	
	_	` <b> </b>
	_	
	Limitations on Market Access	voting power <sup>3</sup> in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ \$10 million;

<sup>3</sup> For greater certainty, 'voting power' includes the power to control the composition of 25 per cent or more of the governing body of the New Zealand entity.

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
		New Zealand's Overseas	
		Investment legislation;	
		and	
		(d) acquisition, regardless of	
		the dollar value, of 25 per	
		cent or more of any class	
		of shares or voting power	
		in a New Zealand entity	
		that owns commercial	
		fishing quota or annual	
		catch entitlement, or the	
		acquisition of commercial fishing quota or annual	
		catch entitlement.	
		Caten entitiement.	
		Overseas investors must comply	
		with the criteria set out in the	
		overseas investment regime and	
		any conditions specified by the	
		Regulator and the relevant	
		Minister or Ministers.	
		Unbound for enterprises	
		currently in State ownership.	
I. SECTOR-SPECIFIC COM	MITMENTS		
1. BUSINESS SERVICES			

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
A. <u>Professional services</u>		Treatment	
a) Legal services, in respect of the following areas of law: (CPC 861)			
Domestic law	1) None	1) None	
	2) None 3) None	2) None 3) None	
International law	1) None	1) None	
	2) None 3) None	2) None 3) None	
Foreign law	1) None	1) None	
	2) None 3) None	2) None 3) None	
b) Accounting, auditing and	1) None	1) None	
book-keeping services (CPC 862)	2) None 3) None	2) None 3) None	
c) Taxation services			
Tax preparation, tax planning	1) None	1) None	
and consulting services (CPC 86301-86303)	2) None 3) None	2) None 3) None	

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
d) Architectural services (CPC	1) None	1) None	
8671)	2) None	2) None	
	3) None	3) None	
e) Engineering services (CPC	1) None	1) None	
8672)	2) None	2) None	
	3) None	3) None	
f) Integrated engineering	1) None	1) None	
services (CPC 8673)	2) None	2) None	
	3) None	3) None	
i) Veterinary services (CPC	1) None	1) None	
9320)	2) None	2) None	
,	3) None	3) None	
B. Computer and Related Services			
a) Consultancy services related	1) None	1) None	
to the installation of computer	2) None	2) None	
hardware (CPC 841)	3) None	3) None	
Hardware (CFC 641)	3) Notice	3) None	
b) Software implementation	1) None	1) None	
services (CPC 842)	2) None	2) None	
	3) None	3) None	
c) Data processing services	1) None	1) None	

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
(CPC 843)	2) None	2) None	
	3) None	3) None	
d) Data base services (CPC 844)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
e) Maintenance and repair of	1) None	1) None	
office machinery and	2) None	2) None	
equipment including computers (CPC 845)	3) None	3) None	
Other computer services	1) None	1) None	
(CPC 849)	2) None	2) None	
	3) None	3) None	
D. Real estate services			
a) Involving own or leased	1) None	1) None	
property (CPC 821)	2) None	2) None	
	3) None	3) None	
b) On a fee or contract basis	1) None	1) None	
(CPC 822)	2) None	2) None	
	3) None	3) None	
E. Rental/leasing of equipment without crew			

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
a) Transport and non-transport	1) None	1) None	
(CPC 8310)	2) None	2) None	
	3) None	3) None	
F. Other business services			
A L L L L L CODO	40.37	4.37	
a) Advertising services (CPC	1) None	1) None	
871)	2) None	2) None	
	3) None	3) None	
b) Market research and public	1) None	1) None	
opinion polling services (CPC	2) None	2) None	
864)	3) None	3) None	
,	,		
c) Management consulting	1) None	1) None	
services (CPC 865)	2) None	2) None	
	3) None	3) None	
d) Services related to	1) None	1) None	
· ·	1) None	,	
management consulting (CPC	2) None	2) None	
866)	3) None	3) None	
f) Services incidental to	1) None	1) None	
agriculture, hunting and	2) None	2) None	
forestry (CPC 8811, 8813,	3) None	3) None	
8814)			

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
Services incidental to animal husbandry (CPC 8812)	1) None 2) None 3) Access to the national dairy herd testing database is only given where it is judged to be in the interests of the New Zealand industry.	1) None 2) None 3) None	
k) Placement and supply services of personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None	
o) Cleaning of buildings and similar activities (CPC 874)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
s) Convention services (CPC 87909**)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Credit reporting services (CPC 87901)	1) None 2) None 3) None	1) None 2) None 3) None	The <i>Privacy Act 1993</i> establishes New Zealand's regulatory framework for the

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
			treatment of personal
Collection agency services	1) None	1) None	information, in general
(CPC 87902)	2) None	2) None	accordance with the
	3) None	3) None	Recommendation of the Council
			of the OECD Concerning
t) Other			Guidelines Governing the
			Protection of Privacy and
Telephone answering services	1) None	1) None	Transborder Flows of Personal
(CPC 87903)	2) None	2) None	Data.
	3) None	3) None	
Translation services (CPC	1) None	1) None	
87905**)	2) None	2) None	
, and the second	3) None	3) None	
Mailing list compilation and	1) None	1) Unbound*	
mailing services (CPC 87906)	2) None	2) Unbound*	
	3) None	3) Unbound*	
Interior design services (CPC	1) None	1) None	
87907**)	2) None	2) None	
	3) None	3) None	
Duplicating services (CPC	1) None	1) None	
87904)	2) None	2) None	
,	3) None	3) None	
Other business services –	1) None	1) None	

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
services generally provided to	2) None	2) None	
business not elsewhere	3) None	3) None	
classified in the CPC and not			
including convention services.			
These include: business			
brokerage services, appraisal			
services (other than for real			
estate), secretarial services,			
demonstration exhibition			
services. (CPC 87909)			
2. COMMUNICATIONS SERVICES			
C. <u>Telecommunications</u> <u>services</u>			
a) Voice telephone services	1) None	1) None	The principles set forth in the
(CPC 7521)	2) None	2) None	attached reference paper are
b) Packet-switched data	3) None	3) None, other than:	incorporated in this schedule to
transmission services (CPC		shareholding by any single	the extent they are commitments
7523**)		overseas entity in Chorus	additional to the obligations
c) Circuit-switched data		Limited is limited to 49.9 per	flowing from Chapter 7 (Trade
transmission services (CPC		cent. At least half of Board	in Services).
7523**)		directors are required to be New	
d) Telex services (CPC 7523**)		Zealand citizens.	
e) Telegraph services (CPC			
7522)			

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
f) Facsimile services (CPC 7521**, 7529**) g) Private leased circuit services (CPC 7522**, 7523**) o) Other Paging services (CPC 75291) Teleconferencing services (CPC 75292) Personal communications services (CPC 75213*) Cellular services (CPC 75213*) Trunked radio system services (CPC 7523**, 75213*) Mobile data services (CPC 7523**)			
h) Electronic mail (CPC 7523**) i) Voice mail (CPC 7523**) j) Online information and database retrieval (CPC 7523**) k) Electronic data interchange (EDI) (CPC 7523**) l) Enhanced/value-added facsimile services (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) The Articles of Association of Chorus Limited limit the shareholding by any single overseas entity to 49.9 per cent. At least half of the Board of Directors are required to be New Zealand citizens.	

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
m) Code and protocol		Treatment	
conversion			
n) Online information and/or			
data processing (CPC 843**)			
guid processing (er e e le ')			
D. Audiovisual Services	1) None	1), 3) The Broadcasting	
		Commission has a	
Production, distribution,		statutory obligation to	
exhibition and broadcasting		promote Māori language	
of audiovisual works (CPC		and culture and allocates a	
9611-9613, 96192**, 7524,		proportion of its funding	
753)		for this purpose.	
		T. D. 1771 1 1	
		Te Reo Whakapuaki	
		Irirangi (the Māori Broadcasting Funding	
		Agency) allocates	
		government funding for the	
		promotion of Māori	
		language and culture.	
		Government assistance to	
		the film industry through	
		the New Zealand Film	
		Commission is limited to	
		New Zealand films as	
		defined in Section 18 of	
		the New Zealand Film	

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
		Commission Act 1978.	
	2) None 3) None	2) None	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work for buildings (CPC 512, 515)	<ol> <li>None for consultancy services</li> <li>None</li> <li>None</li> </ol>	1) None for consultancy services 2) None 3) None	
B. General construction work for civil engineering (CPC 513)	<ol> <li>None for consultancy services</li> <li>None</li> <li>None</li> </ol>	<ol> <li>None for consultancy services</li> <li>None</li> <li>None</li> </ol>	
C. Installation and assembly work (CPC 514, 516)	<ol> <li>None for consultancy services</li> <li>None</li> <li>None</li> </ol>	1) None for consultancy services 2) None 3) None	
D. <u>Building completion and</u> <u>finishing work</u> (CPC 517)	<ol> <li>None for consultancy services</li> <li>None</li> <li>None</li> </ol>	1) None for consultancy services 2) None 3) None	
E. Other			
Site preparation: new	1) None for consultancy services	1) None for consultancy services	

Sector or subsector	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
construction(other than	2) None	2) None	
pipelines) (CPC 511)	3) None	3) None	
Maintenance and repair of	1) None for consultancy services	1) None for consultancy services	
fixed structures	2) None	2) None	
	3) None	3) None	
Renting services related to	1) None	1) None	
equipment for construction or	2) None	2) None	
demolition of building or	3) None	3) None	
civil engineering, with			
operator (CPC 518)			
4. DISTRIBUTION SERVICES			
A. Commission agents' services	1) None	1) None	
(CPC 6211, excluding 62111,	2) None	2) None	
62112, and such services	3) None	3) None	
relating to 2613-2615)			
D. Wholesele trade (CDC	1) None	1) None	
B. Wholesale trade (CPC 622, excluding 6221, 6222	1) None 2) None	1) None 2) None	
and such services relating to	3) None	3) None	
2613-2615)	3) None	3) None	
2010 2010)			
C. Retail Trade (631, 632, 6111,	1) None	1) None	
6113 and 6121)	2) None	2) None	

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
	3) None	3) None	
5. EDUCATION SERVICES			
Primary, Secondary, and Tertiary education in private institutions (CPC 921, 922, 923)	1) None 2) None 3) None	1) None 2) None 3) None	
Other Education in respect of the following services only:			
Language training provided in private specialist language institutions;			
Tuition in subjects taught at the primary and secondary levels, provided by private specialist institutions operating outside the New Zealand compulsory school system. <sup>4</sup>			
(CPC 929**)			

<sup>&</sup>lt;sup>4</sup> Examples of these services might include the provision of extension or remedial tuition in relation to Maths, Science or History.

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
6. ENVIRONMENTAL SERVICES <sup>5</sup>			
A. Waste water management: (CPC 9401**)  i. consultancy relating to waste water management;	1) None 2) None 3) None	1) None 2) None 3) None	
ii. for all other aspects of this service: those contracted by private industry only.			
B. Waste Management (CPC 9402**)	1) None 2) None 3) None	1) None 2) None 3) None	
Refuse disposal services:  i. consultancy relating to refuse disposal;			
ii. for all other aspects of this service: those contracted by private industry only.			

<sup>&</sup>lt;sup>5</sup> New Zealand's commitments on environmental services exclude the collection, purification and distribution of water, including water for human use.

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
Sanitation and similar	1) None	1) None	
services: (CPC 9403**)	2) None	2) None	
	3) None	3) None	
<ul> <li>i. Consultancy relating to sanitation and similar services;</li> </ul>			
ii. for all other aspects of this service: those contracted by private industry only.			
C. Protection of ambient air and	1) None	1) None	
climate: consultancy only	2) None	2) None	
(CPC 9404**)	3) None	3) None	
D. Remediation and clean-up of	1) None	1) None	
soil and water: consultancy	2) None	2) None	
only (CPC 9406**) <sup>6</sup>	3) None	3) None	
E. Noise and vibration	1) None	1) None	
abatement: consultancy only	2) None	2) None	
(CPC 9405**)	3) None	3) None	
F. <u>Protection of biodiversity and</u>	1) None	1) None	

<sup>&</sup>lt;sup>6</sup> New Zealand's commitments under item 6.D and 6.F combine to cover the entirety of CPC 9406 services with respect to consultancy.

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
landscape: consultancy only	2) None	2) None	
$(CPC 9406**)^7$	3) None	3) None	
G. Other environmental and ancillary services: consultancy only (CPC 9409**)	1) None 2) None 3) None	1) None 2) None 3) None	

## 7. FINANCIAL SERVICES

New Zealand undertakes its specific commitments on Financial Services in accordance with the provisions of the WTO GATS Understanding on Commitments in Financial Services (the Understanding).

These commitments on financial services are subject to the general limitations contained in the Horizontal Commitments section of this Schedule.

Market Access and National Treatment commitments in Modes 1 and 2 are bound to the extent of the obligations in paragraphs B.3 and B.4 of the Understanding.

The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 4 of Chapter 11 (General Provisions and Exceptions).

Mode 3 commitments are subject to the provisions of the *Financial Reporting Act 1993* and the *Companies Act 1993*. These require overseas companies to prepare financial statements on an annual basis comprising a balance sheet, a profit and loss statement and (if required by an applicable financial reporting standard approved by the Accounting Standards Review Board) a statement of cash flows. The Acts also require such financial statements in relation to an overseas company's New Zealand business. The Acts require the following

<sup>7</sup> New Zealand's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services with respect to consultancy.

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>		
		Treatment			
1	companies to deliver annual audited financial statements to the Registrar of Companies for registration:				
	(a) issuers (i.e. those which have raised investment from the public);				
. ,	(b) overseas companies;				
•	bodies corporate incorporated outs				
	cent or more of the shares are held of	<u> </u>			
	mpany of body corporate incorpora		idiary of that subsidiary;		
	corporate outside New Zealand; or	r			
(iii) a person not ordinarily residen	nt in New Zealand.	T	T		
A. <u>Insurance and insurance-</u>					
related services					
a) Life insurance services (CPC	3) None	3) None			
8121)	3) None	3) None			
0121)					
b) Non-life insurance services	1), 3) The Accident				
(CPC 8129)	Rehabilitation and				
(01 0 012))	Compensation Insurance Act				
	1992 provides for compulsory				
	worker's compensation insurance				
	via levies on vehicle owners,				
	employers and the self-				
	employed. The Act is				
	administered by the Accident				
	Rehabilitation and				
	Compensation Insurance				
	Commission.				
	4. 0. 5				
ı	1), 3) The Earthquake				

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
	Commission is the sole insurer of residential property disaster insurance for replacement cover up to NZ\$100,000 per dwelling and NZ\$20,000 on personal property. These amounts may be increased by regulation.		
	1), 2) & 3) Unbound for marketing and sales related to products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261.		
c) Reinsurance and retrocession (CPC 81299)	3) None	3) None	
d) Insurance intermediation, such as brokerage and agency services (CPC 8140**)	1), 3) The Accident Rehabilitation and Compensation Insurance Act 1992 provides for compulsory worker's compensation insurance via levies on vehicle owners, employers, employees and the self-employed. The Act is administered by the Accident	3) None	

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
	Rehabilitation and Compensation Insurance Corporation.		
	1), 3) Under the Wheat Producers Levy Act 1987 (or regulations enacted under the Commodities Levy Act 1990), United Wheat growers (NZ) Ltd) has the power to organise compulsory disaster insurance on behalf of growers and to require them to pay a levy to recover the premium amount of this insurance.		
	1), 2), 3) Unbound for loss of products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261.		
e) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services (CPC 8140*)	3) None	3) None	
B. Banking and other financial	3) None	3) None	

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
services (excluding insurance)		Treatment	
a) Acceptance of deposits and other repayable funds from the public; (CPC 81115-81119)			
b) Lending of all types, including consumer credit, mortgage, credit, factoring and financing of commercial transaction; (CPC 8113)			
c) Financial leasing; (CPC 8112)			
d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts; (CPC 81339**)			
e) Guarantees and commitments; (CPC 81199**)			
f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or			

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
otherwise, the following:		Treatment	
i) money market instruments (cheques, bills, certificates of deposits etc.); (CPC 81339**)			
ii) foreign exchange; (CPC 81333)			
iii) derivative products including, but not limited to, futures and options; (CPC 81339**)			
iv) exchange rates and interest rate instruments, including products such as swaps, forward rate agreements etc.; (CPC 81339**)			
v) transferable securities; (CPC 81321)			
vi) other negotiable instruments and financial assets, including bullion. (CPC 81339**)			

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues; (CPC 8132)			
h) Money broking; (CPC 81339**)			
i) Asset management, such as cash or portfolio management; all forms of collective investment management, pension fund management, custodial, depository and trust services; (CPC 8119**, 81323*)			
j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments; (CPC 81339**, 81319**)			
k) Provision and transfer of			

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
financial information, and financial data processing and related software by providers of other financial services; (CPC 8131)			
1) Advisory, intermediation, and other auxiliary financial services on all the activities listed in (a) to (k) above, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. (CPC 8131, 8133)			
9. TOURISM AND TRAVEL- RELATED SERVICES			
A. Hotels and restaurants (CPC 641-643)	1) None 2) None 3) None	1) None 2) None 3) None	
B./ C. <u>Travel agencies</u> , tour guides and tour operator services (CPC 7471, 7472)	1) None 2) None 3) None	1) None 2) None 3) None	

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
11. TRANSPORT SERVICES  A. Maritime transport services	General condition applicable to all maritime service sectors: marketing and sales of maritime transport services for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261; unbound.		
International transport (freight and passengers) (CPC 7211 and 7212 less cabotage – as defined in Attachment A)	1) None 2) None 3) Unbound for establishment of registered company for the purpose of operating a fleet under the New Zealand flag.	<ol> <li>None</li> <li>None</li> <li>Unbound as described in the market access column.</li> </ol>	
Maritime Auxiliary Services			
Storage and warehousing services (CPC 742)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Maritime freight forwarding services	1) None 2) None 3) None	1) None 2) None 3) None	

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
C. <u>Air Transport Services</u>			
Selling and marketing of	1) 2) Unbound for products	1) None	
air transport services <sup>8</sup>	& 3) covered under CPC 01, 02,	2) None	
-	211, 213-216, 22, 2399 and 261.	3) None	
Computer reservation	1) None	1) None	
system services (CPC	2) None	2) None	
7523**) <sup>9</sup>	3) None	3) None	
Aircraft repair and	1) None	1) Unbound*	
maintenance services <sup>10</sup>	2) None	2) Unbound*	
	3) None	3) Unbound*	
Cargo and baggage	1) None	1) Unbound*	
handling services (CPC	2) None	2) None	
741**)	3) None	3) None	
E. Rail transport services (CPC	1) None	1) None	
711)	2) None	2) None	
	3) None	3) None	
F. Commercial road transport	1) None	1) None	

<sup>&</sup>lt;sup>8</sup> As defined in paragraph 6(b) of the GATS Annex on Air Transport Services.

<sup>9</sup> As defined in paragraph 6(a) of the GATS Annex on Air Transport Services.

<sup>10</sup> As defined in paragraph 6(a) of the GATS Annex on Air Transport Services.

Sector or subsector	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
services (passenger, goods,	2) None	2) None	
rental and vehicle recovery)	3) None	3) None	
(CPC 712 except 71235)			
G. Pipeline transport (CPC	1) None	1) None	
713)	2) None	2) None	
	3) None	3) None	
12. OTHER SERVICES NOT	1) None	1) None	
INCLUDED	2) None	2) None	
ELSEWHERE	3) None	3) None	
A. Other services			
Washing, cleaning and dyeing service (CPC 9701)			

<sup>\*</sup> Unbound due to lack of technical feasibility.

\*\* The service specified constitutes only part of the total range of activities covered by the CPC concordance.

#### ATTACHMENT A TO THE SCHEDULE OF NEW ZEALAND

### NOTES TO THE SCHEDULE

1. Specific commitments in this schedule are prepared in accordance with the WTO Secretariat paper entitled "Scheduling of Initial Commitments on Trade in Services: Explanatory Note" (MTN.GNS/W/164). The classification of sectors in this schedule is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering reflects the classification system used by the WTO Secretariat in MTN.GNS/W/120. In the context of CPC listings in the schedule, the use of \*\* against individual CPC listings indicates that the service specified constitutes only part of the total range of activities covered by the CPC concordance.

## Maritime Transport Services

- 2. <u>Cabotage</u>: for purposes of this schedule only, cabotage is defined as the transportation of passengers or goods between a port located in New Zealand and another port located in New Zealand and traffic originating and terminating in the same port located in New Zealand.
- 3. <u>Maritime Freight Forwarding Services</u>: the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

### REFERENCE PAPER FOR THE SCHEDULE OF NEW ZEALAND

# Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services. <sup>1</sup>

# **Definitions**

**Users** mean service consumers and service suppliers.

Essential facilities<sup>2</sup> mean facilities of a public telecommunications transport network or service that

- a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- a) control over essential facilities; or
- b) use of its position in the market.

## Competitive safeguards

<sup>&</sup>lt;sup>1</sup> This applies only to suppliers of basic telecommunications services and not to end-users of such services.

<sup>2</sup> The definition of "essential facilities" will be applied only to the extent consistent with New Zealand's competition policy regime, which regulates the activities of "dominant". suppliers".

1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

## 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- a) engaging in anti-competitive cross-subsidisation;
- b) using information obtained from competitors with anti-competitive results; and
- c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

### 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier.

### 2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;

- b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

# 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

# 2.4 <u>Transparency of interconnection arrangements</u>

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

# 2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- a) at any time or
- b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

# 3. <u>Universal service</u>

Any Member has the right to define the kind of universal service obligation it wishes to maintain.

Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

# 4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

# 5. <u>Independent regulators</u>

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

## 6. Allocation and use of scarce resources

Any procedures<sup>3</sup> for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

<sup>3</sup> Such procedures may be administered by means of a variety of mechanisms, including laws and regulations, public tendering processes and consultative processes.

# ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

### SCHEDULE OF NIUE

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1. HORIZONTAL COMMIT	MENTS		
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) Foreign enterprises seeking to carry on business activities in Niue require registration by Cabinet. <sup>2</sup> Registration is granted subject to meeting an economic needs test on the basis of established criteria <sup>3</sup> in relevant laws and regulations. <sup>4</sup>		
	3) Investors from other Parties must source capital from overseas. Investors from other Parties and		

<sup>&</sup>lt;sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>&</sup>lt;sup>2</sup> For the purpose of this limitation, foreign enterprises mean enterprises in which 50 per cent or more of the voting shares or power are not held Niueans, or where 50 per cent or more of the shares are not beneficially owned or controlled by Niueans, or where the enterprise does not have its central management or control in Niue.

<sup>&</sup>lt;sup>3</sup> The economic needs test is based on the following criteria: impact on local employment and upgrade of local skills; economic impact, including magnitude of local value added and use of local resources, external trade, income, infrastructure demand, and secondary effects on other activities; environmental and cultural impact. For greater clarity, Cabinet approval can be conditional on compliance with aspects of the criteria mentioned above.

<sup>&</sup>lt;sup>4</sup> This entry in the schedule is in accordance with Niue's foreign investment rules at time of entry into force of the Agreement, which principally consist of the Development Investment Act 1992 and related instruments. Niue has interest in further refining and improving its laws regulating foreign investment. Should Niue adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Sector of Sub-sector	their investments are prohibited from accessing the loan facility of the Niue Development Bank.	3) Enterprises that are not wholly-owned by Niueans may be required to provide training to local employees.  3) Natural persons who are not Niueans and enterprises that are not wholly-owned by Niueans are prohibited from owning or acquiring land or any interest in	
	3) Unbound for measures in relation to the transfer or disposal of government-owned entities or assets.	3) Unbound for measures in relation to the transfer or disposal of government-owned entities or assets.	

Modes of Supply: (1) Cross-border supply (2) Consump

(2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments		
II. Sector-Specific Commitments					
1. BUSINESS SERVICES					
A. Professional Services					
A. Professional Services					
a) Legal Services	1) None	1) None			
, 8	2) None	2) None			
	3) None	3) None			
	10.31	10.04			
b) Accounting, auditing and	1) None	1) None			
bookkeeping services (CPC	2) None	2) None			
862)	3) None	3) None			
c) Taxation services (CPC 863)	1) None	1) None			
	2) None	2) None			
	3) None	3) None			
d) Architectural services (CPC	1) None	1) None			
8671)	2) None	2) None			
	3) None	3) None			
e) Engineering services (CPC	1) None	1) None			
8672)	2) None	2) None			
00.2)	3) None	3) None			
		5,710			
f) Integrated engineering	1) None	1) None			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services (CPC 8673)	2) None	2) None	
	3) None	3) None	
NIIdaa alaasia aad	1) NI	1) N	
g) Urban planning and	1) None	1) None	
landscape architectural	2) None	2) None	
services (CPC 8674)	3) None	3) None	
h) Medical and dental services	1) None	1) None	
(CPC 9312)	2) None	2) None	
	3) None	3) None	
CDC	1) N	1) N	
i) Veterinary services (CPC	1) None	1) None	
932)	2) None	2) None	
	3) None	3) None	
j) Midwives, nurses,	1) None	1) None	
physiotherapists and	2) None	2) None	
paramedical personnel (CPC	3) None	3) None	
93191)	,		
D.C. (1D.1)	1) N	1) N	
B. Computer and Related	1) None	1) None	
Services (CPC 84)	2) None	2) None	
	3) None	3) None	
C. Research and Development			
Services			

	T	T	T
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) R&D services on natural	1) None	1) None	
sciences (CPC 851)	2) None	2) None	
	3) None	3) None	
b) R&D services on social	1) None	1) None	
sciences and humanities (CPC	2) None	2) None	
852)	3) None	3) None	
	,	,	
c) Interdisciplinary R&D	1) None	1) None	
services (CPC 853)	2) None	2) None	
,	3) None	3) None	
	,	,	
E. Rental/Leasing Services			
without Operators			
William Spermore			
a) Relating to ships (CPC	1) None	1) None	
83103)	2) None	2) None	
	3) None	3) None	
	2) Trong	Syrione	
b) Relating to aircraft (CPC	1) None	1) None	
83104)	2) None	2) None	
03101)	3) None	3) None	
		3) 110110	
d) Relating to other machinery	1) None	1) None	
and equipment (CPC 83106-	2) None	2) None	
83109)	3) None	3) None	
(3107)	3) I tolic	3) Ivolic	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
F. Other Business Services			
a) Advertising services (CPC	1) None	1) None	
871)	2) None	2) None	
	3) None	3) None	
b) Market research and public	1) None	1) None	
opinion polling services (CPC	2) None	2) None	
864)	3) None	3) None	
c) Management consulting	1) None	1) None	
services (CPC 865)	2) None	2) None	
	3) None	3) None	
d) Services related to	1) None	1) None	
management consulting (CPC	2) None	2) None	
866)	3) None	3) None	
e) Technical testing and	1) None	1) None	
analysis services (CPC 8676)	2) None	2) None	
	3) None	3) None	
f) Services incidental to	1) None	1) None	
agriculture, hunting and	2) None	2) None	
forestry (CPC 881)	3) None	3) None	
g) Services incidental to fishing	1) None	1) None	
(CPC 882**)	2) None	2) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Consists of specialized consultancy services only, related to fisheries. Does not include fishing.	3) None	3) None	
h) Services incidental to mining (CPC 883)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Services incidental to manufacturing (CPC 884) m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Services incidental to energy distribution (CPC 997**)  Covers specialised consultancy services only, in relation to energy distribution.	1) None 2) None 3) None	1) None 2) None 3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
n) Maintenance and repair of	1) None	1) None	
equipment (not including	2) None	2) None	
maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	3) None	3) None	
o) Building-cleaning services	1) None	1) None	
(CPC 874)	2) None	2) None	
	3) None	3) None	
p) Photographic services (CPC	1) None	1) None	
875)	2) None	2) None	
	3) None	3) None	
q) Packaging services (CPC	1) None	1) None	
876)	2) None	2) None	
	3) None	3) None	
r) Printing, publishing (CPC	1) None	1) None	
88442)	2) None	2) None	
	3) None	3) None	
t) Other (CPC 8790)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
2. COMMUNICATION			

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
SERVICES			
	4. 22	4.55	
B. Courier Services (CPC	1) None	1) None	
7512)	2) None	2) None	
	3) None	3) None	
D. Audiovisual services			
a) Motion picture and videotape	1) None	1) None	
production and distribution <sup>5</sup>	2) None	2) None	
services (CPC 9611)	3) None	3) Foreign suppliers wishing to	
	,	film in Niue may be subject to	
		higher permit fees.	
b) Motion picture projection		ingher permit rees.	
services (CPC 9612)	1) None	1) None	
	2) None	2) None	
	3) None	3) Foreign suppliers wishing to	
	3) None	film in Niue may be subject to	
		•	
a) Canadan andin a		higher permit fees.	
e) Sound recording	1) 31	1) N	
	1) None	1) None	
	2) None	2) None	
	3) None	3) Foreign suppliers wishing to	
		film in Niue may be subject to	

<sup>&</sup>lt;sup>5</sup> For greater clarity, distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use.

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		higher permit fees.	
3. CONSTRUCTION AND			
RELATED ENGINEERING			
SERVICES			
A. General construction work	1) None	1) None	
for buildings (CPC 512)	2) None	2) None	
	3) None	3) None	
B. General construction work	1) None	1) None	
for civil engineering (CPC 513)	2) None	2) None	
(0.000)	3) None	3) None	
C. Installation and assembly	1) None	1) None	
work (CPC 514 +516)	2) None	2) None	
	3) None	3) None	
D. Building completion and	1) None	1) None	
finishing work (CPC 517)	2) None	2) None	
	3) None	3) None	
E. Other (CPC 511 + 515 +	1) None	1) None	
518)	2) None	2) None	
	3) None	3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
4. DISTRIBUTION			
SERVICES			
(excluding distribution services			
in relation to alcohol, tobacco,			
oil, and handicrafts)			
A. Commission agent's	1) None	1) None	
<u>services</u>	2) None	2) None	
(CPC 621, 61111**, 6113**,	3) None	3) None	
6121**)			
B. Wholesale trade services	1) None	1) None	
(CPC 622, 61111**, 6113**,	2) None	2) None	
6121**)	3) None	3) None	
T TDIIG TION I			
5. EDUCATIONAL			
SERVICES			
(limited to services provided by			
privately-owned institutions)			
B. Secondary education	1) None	1) None	
	1) None 2) None	1) None 2) None	
services (CPC 922)	3) None	3) None	
(CI C 322)	3) None	3) Notice	
C. <u>Higher education services</u>	1) None	1) None	
(CPC 923)	2) None	2) None	
(52 5 7 25)	3) None	3) None	

Modes of Supply: (1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Adult education (CPC 924)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other education services (CPC 929)	1) None 2) None 3) None	1) None 2) None 3) None	
6. ENVIRONMENTAL SERVICES			
Consultancy related to the provision of the following environmental services:			
A. Sewage Services (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Refuse disposal services (CPC 9402**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Sanitation and similar services (CPC 9403**)	1) None 2) None 3) None	1) None 2) None 3) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Other (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None	
7. FINANCIAL SERVICES			
Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.			
A. Insurance and insurance-related services			
(i) Direct insurance (including	1) None	1) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
co-insurance):	2) None	2) None	
(A) life	3) None	3) None	
(B) non-life			
(ii) Reinsurance and	1) None	1) None	
retrocession;	2) None	2) None	
, in the second	3) None	3) None	
(iii) Insurance intermediation, such as brokerage and agency;	1) None 2) None 3) None	1) None 2) None 3) None	
(iv) Services auxiliary to	1) None	1) None	
insurance, such as consultancy,	2) None	2) None	
actuarial, risk assessment and claim settlement services.	3) None	3) None	
B. Banking and other financial	1) None	1) None	
services (excl. insurance)	2) None	2) None	
	3) None	3) None	
8. HEALTH RELATED AND			
SOCIAL SERVICES			
(limited to services provided by			
privately-owned institutions)			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. Hospital Services (CPC 9311**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Other Human Health Services (CPC 9319**)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
C. Social Services (CPC 933**)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels and restaurant (incl. catering) (CPC 641, 642, 643)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Travel agencies and tour operators services (CPC 7471)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
C. Tourist guide services (CPC 7472)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	

Modes of Supply: (1) Cross-border supply (2) Con-

(2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
10. RECREATIONAL,			
CULTURAL AND SPORTING			
SERVICES			
A. Entertainment Services	1) None	1) None	
(CPC 9619)	2) None	2) None	
	3) None	3) None	
B. News agency services (CPC	1) None	1) None	
962)	2) None	2) None	
	3) None	3) None	
C. Libraries, archives,	1) None	1) None	
museums, and other cultural	2) None	2) None	
services (CPC 963)	3) None	3) None	
D. Sporting and other	1) None	1) None	
recreational	2) None	2) None	
services (CPC 964**)	3) None	3) None	
- Excluding gambling and			
betting			
11. TRANSPORT SERVICES			
A. Maritime Transport Services	1) Conditional on the granting of a	1) None	The following services at the port

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)	license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters. Local agent or		are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions  1. Pilotage
	registration in Niue required.  2) None	2) None	<ol> <li>Towing and the tug assistance</li> <li>Provisioning, fueling and watering</li> <li>Garbage collecting and ballast</li> </ol>
	3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of Niue: unbound	3)(a) Unbound	<ul> <li>4. Garbage confecting and barrast</li> <li>waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational</li> <li>services essential to ship</li> </ul>
	3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none	3)(b) None	operations including communications, water and electrical supplies  8. Emergency repair facilities  9. Anchorage, berth and berthing services
d) Maintenance and repair of vessels (CPC 8868**)	1) None 2) None 3) None	1) None 2) None 3) None	
MARITIME AUXILIARY SERVICES			

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime Freight Forwarding Services (as defined in Annex) Maritime Agency Services (as defined in Annex)	<ol> <li>None</li> <li>None</li> <li>None</li> <li>Suppliers of maritime transport services are required to go through a local agent established in Niue.</li> <li>None</li> <li>None</li> </ol>	1) None 2) None 3) None 1) None 2) None 3) None	
C. Air Transport Services <sup>6</sup> Aircraft repair and maintenance	1) None	1) None	
services;  Selling and marketing of air	2) None 3) None 1) None	2) None 3) None 1) None	
transport services;	2) None 3) None	2) None 3) None	

 $<sup>^{6}</sup>$  As defined in Article 1 of Chapter 7 (Trade in Services).

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Computer reservation system	1) None	1) None	
services;	2) None	2) None	
	3) None	3) None	
Ground handling services.	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
Specialty air services	1) Unbound	1) Unbound	
	2) None	2) None	
	3) None	3) None	
H. Services Auxiliary to All			
Modes of			
Transport			
a) Cargo-handling services,	1) None	1) None	
except maritime and air cargo	2) None	2) None	
handling (CPC 741**)	3) None	3) None	
b) Storage and warehouse	1) None	1) None	
services (CPC 742)	2) None	2) None	
	3) None	3) None	
c) Freight transport agency	1) None	1) None	
services, except maritime	2) None	2) None	
freight agency services (CPC	3) None	3) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
748**)			
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	

### ANNEX TO SCHEDULE OF NIUE: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in Niue and another port located in Niue, traffic originating and terminating in the same port located in the Niue provided that this traffic remains within Niue's territorial waters, and traffic between a port located in the Niue and installations or structures situated in the EEZ or relating to the continental shelf of Niue.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
- 4. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

### ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

### **SCHEDULE OF PALAU**

Modes of supply	,	Cross-border supply 2	) Consumption		mercial presence
				<u>-                                    </u>	4 7 70.4

Sector or Sub-sector <sup>1</sup>		Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
I.	HORIZONTAL COM	MITMENTS			
	ALL SECTORS	3) A foreign investment approval	3) The Palau Constitution prohibits natural		
	<b>INCLUDED IN THIS</b>	certificate must be obtained pursuant	persons that are not citizens of Palau		
	SCHEDULE	to the Foreign Investment Act 1990 <sup>2</sup>	and enterprises that are not wholly-		
		and subsequent amendments before	owned by Palauans from owning land,		
		investors of another Party can	or acquiring any interest in or control		
		establish a business enterprise in	over land in Palau, whether by		
		Palau. Approval of an investment is	purchase, receipt of gift, transfers by		
		subject to an economic needs criteria <sup>3</sup>	operation of law, or any other means		

References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991

<sup>&</sup>lt;sup>2</sup> Should Palau adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

<sup>&</sup>lt;sup>3</sup> The economic needs test is based on the following criteria: (a) the economic need for the proposed activity; (b) the current availability of the service in the Republic; (c) the likely impact on same or similar activities currently being carried on by citizens; (d) the overall benefit to the national economy; (e) the bona fides, financial capacity, experience and expertise of the applicant; (f) the technical and economic viability of the proposed project; (g) the overall contributions to the national economy; (h) the extent of direct and indirect employment generation; (i) the extent of import earnings or import savings; (j) the extent of utilization of domestic raw materials and natural resources, including the benefits or adverse impact of such utilization; (k) the extent of transfer of managerial and technical skills to citizens, including well-defined training programs for achieving such transfer; (l) the size of the foreign investment as well as the total investment required for the project; (m) the impact of the proposed activity upon the social and cultural values upon the environmental integrity of the Republic, and (n) whether the capital investment and technical and managerial skills required for a business are such as to be within the capacity of citizens.

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	and non-discriminatory requirements and the fulfilment of the minimum investment and local ownership	other than as provided in the following paragraph.	
	requirements in sections 105 and 106	Lease of land is limited to 50 years for	
	of the Foreign Investment Act 1990 and subsequent amendments.	foreign natural persons and enterprises that are not wholly owned by Palauans.	
		3) Enterprises that are not wholly-owned by Palauans are required to pay a yearly levy for each non-citizen employee. <sup>4</sup>	
		3) Palau citizens must constitute 20 per cent of employees of enterprises that are not wholly-owned by Palau citizens when the value of the initial investment is less than US\$500,000 or, in the case of hotel or other short-term lodging facility, US\$5 million.	
		3) Authorities require foreign investors to deposit a stipulated sum of money with a bank in Palau and maintain it there during the validity of the investment.	

<sup>4</sup> For information: in 2015, this levy was of US\$500 per year for each foreign employee. This amount may be adjusted in the future to take account of inflation.

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) Enterprises engaging solely in the supply of legal services or medicine are exempted from this economic needs test.  3) The following business activities are reserved exclusively for citizens and business enterprises in which Palauans have an ownership interest:  (a) handicraft and gift shops except those located on the premises of hotels or at the Palau International Airport;  (b) bakeries;  (c) bar services not associated and contained within a restaurant or hotel complex having at least 50 rooms;  (d) equipment rentals for both land and water within the Republic, including equipment for purpose of tourism.		
II. SECTOR-SPECIFIC COMMITMENTS			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
1. BUSINESS SERVICES			
a) <u>Professional Services</u>			
(a) Legal Services (CPC 861)	1) None 2) None 3) None	1) None 2) None 3) None	
(b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	
(c) Taxation Services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
(d) Architectural Services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Engineering Services	1) None	1) None	
(CPC 8672)	2) None	2) None	
	3) None	3) None	
(f) Integrated Engineering	1) None	1) None	
Services (CPC 8673)	2) None	2) None	
	3) None	3) None	
(g) Urban Planning and	1) None	1) None	
landscape architectural	2) None	2) None	
services	3) None	3) None	
(CPC 8674)			
(h) Medical and Dental	1) None	1) None	
Services (CPC 9312)	2) None	2) None	
	3) None	3) None	
(i) Veterinary Services	1) None	1) None	
(CPC 932)	2) None	2) None	
(61 6 )32)	3) None	3) None	
	3) None	3) Trone	
(j) Midwives, nurses,	1) None	1) None	
physiotherapists and	2) None	2) None	
paramedical personnel	3) None	3) None	
(CPC 93191)			

1			Additional
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Commitments
B. Computer and Related			C 0
Services (CPC 84)			
(61 6 6 .)			
(a) Consultancy services	1) None	1) None	
related to installation	2) None	2) None	
of computer hardware	3) None	3) None	
(CPC 841)	,	,	
, ,			
(b) Software	1) None	1) None	
implementation	2) None	2) None	
services (CPC 842)	3) None	3) None	
, ,			
(c) Data processing	1) None	1) None	
services (CPC 843)	2) None	2) None	
	3) None	3) None	
(d) Database services	1) None	1) None	
(CPC 844)	2) None	2) None	
	3) None	3) None	
(e) Other (CPC 845 +	1) None	1) None	
849)	2) None	2) None	
	3) None	3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Dagaarah and			
C. Research and Development Services			
(a) R&D Services on	1) None	1) None	
natural sciences (CPC	2) None	2) None	
851)	3) None	3) None	
(b) R&D Services on	1) None	1) None	
social sciences and	2) None	2) None	
humanities (CPC 852)	3) None	3) None	
(c) Interdisciplinary R&D	1) None	1) None	
Services (CPC 853)	2) None	2) None	
,	3) None	3) None	
D. Real Estate Services			
a) Involving own or	1) Unbound	1) Unbound	
leased property	2) Unbound	2) Unbound	
(CPC 821)	3) None	3) None	
b) On a fee or contract	1) Unbound	1) Unbound	
basis (CPC 822)	2) Unbound	2) Unbound	
	3) None	3) None	

g , g , 1	7	71 1/4 N. A. A.	Additional
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Commitments
E. Rental/Leasing Services			
without Operators			
a) Relating to ships:	1) None	1) None	
- Limited to rental	2) None	2) None	
services of sea- going vessels without operator,	3) None	3) None	
for international maritime			
transport			
(CPC 83103**)			
b) Relating to aircraft:	1) None	1) None	
limited to rental services	2) None	2) None	
of aircraft, excluding	3) None	3) None	
spacecraft, without operator, for international			
air transport (CPC			
83104**)			
,			
d) Relating to other	1) None	1) None	
machinery and equipment	2) None	2) None	
(CPC 83106-83109)	3) None	3) None	
e) Other (CPC 832)	1) None	1) None	
c) Guiei (Ci C 632)	2) None	2) None	
	3) None	3) None	
	,	,	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
F. Other Business Services			
a) Advertising services (CPC 871)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
b) Market Research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
g) Services incidental to fishing (CPC 882**)	1) None 2) None	1) None 2) None	
Consists of specialized consultancy services only, related to fisheries. Does not include fishing.	3) None	3) None	
i) Services incidental to manufacturing (CPC 884)	1) None 2) None 3) None	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
j) Services incidental to energy distribution (CPC 997**)	1) None 2) None 3) None	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	
Covers specialised consultancy services only, in relation to energy distribution.			
k) Placement and supply services and personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None	
l) Investigation and	1) None	1) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
security (CPC 873)	2) None	2) None	
	3) None	3) None	
m) Related scientific and	1) None	1) None	
technical consulting	2) None	2) None	
services (CPC 8675)	3) None	3) None	
n) Maintenance and repair	1) None	1) None	
of equipment (not	2) None	2) None	
including maritime	3) None	3) None	
vessels, aircraft or other			
transport equipment) (CPC			
633+8861-8866**), except repair of footwear.			
o) Building-cleaning	1) None	1) None	
services (CPC 874)	2) None	2) None	
, , ,	3) None	3) None	
p) Photographic services	1) None	1) None	
(CPC 875)	2) None	2) None	
	3) None	3) None	
q) Packaging services	1) None	1) None	
(CPC 876)	2) None	2) None	
,	3) None	3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
s) Convention services	1) None	1) None	
(CPC 87909*)	2) None	2) None	
,	3) None	3) None	
t) Other (CPC 8790)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
2. COMMUNICATION SERVICES			
B. <u>Courier Services</u> (CPC 7512)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Telecommunication Services <sup>5</sup>	1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound	
D. Audiovisual Services	1) None	1) None	

<sup>&</sup>lt;sup>5</sup> Palau has interest in introducing competition in the telecommunications market and in further developing appropriate regulatory frameworks, including to ensure universal service. Should competition be introduced and adequate regulatory frameworks be introduced in the future, Palau would consider reflecting, where appropriate, these under PACER Plus through an amended schedule of specific commitments on Trade in Services.

1) Cross-border supply 2)

Consumption abroad 3)

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	2) None	2) None	
a) Motion picture and video tape production and distribution <sup>6</sup> (CPC 9611)	3) None	3) None	
b. Motion picture	1) None	1) None	
projection services (CPC	2) None	2) None	
9612)	3) None	3) None	
e. Sound recording	1) None	1) None	
-	2) None	2) None	
	3) None	3) None	

<sup>&</sup>lt;sup>6</sup> For greater clarity, distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use.

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General Construction Work for Buildings (CPC 512)	1) None 2) None 3) None	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	
B. General Construction Work for Civil Engineering (CPC 513)	1) None 2) None 3) None	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Installation and assembly work (CPC 514+516)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Building completion and finishing work (CPC 517)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other (CPC 511+515+518)	1) None 2) None 3) None	1) None 2) None 3) None	
4. DISTRIBUTION SERVICES			
D. Franchising (CPC 8929)	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	1) None 2) None 3) None	
5. EDUCATIONAL SERVICES (limited to services provided by privately-owned institutions)			

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional
			Commitments
B. Secondary education services (CPC 922**)	<ol> <li>Subject to approval by authorities on the basis of need.</li> <li>None</li> <li>Subject to approval by authorities on the basis of need.</li> </ol>	1) None 2) None 3) None	
C. Higher education services in private institutions (CPC 923**)	<ol> <li>Subject to approval by authorities on the basis of need.</li> <li>None</li> <li>Subject to approval by authorities on the basis of need.</li> </ol>	1) None 2) None 3) None	
D. Adult education (CPC 924)	<ol> <li>Subject to approval by authorities on the basis of need.</li> <li>None</li> <li>Subject to approval by authorities on the basis of need.</li> </ol>	1) None 2) None 3) None	
E. Other education services (CPC 929)	<ol> <li>Subject to approval by authorities on the basis of need.</li> <li>None</li> <li>Subject to approval by authorities on the basis of need.</li> </ol>	1) None 2) None 3) None	

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES			
Consultancy related to the provision of the following environmental services:			
A. Sewage Services (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Refuse disposal services (CPC 9402**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Sanitation and similar services (CPC 9403**)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Other environmental services (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.			
A. Insurance and insurance-related services			
(i) Direct insurance (including co-	1) Unbound, except for international marine, aviation, and transport insurance,	1) Unbound, except for international marine, aviation, and transport	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
insurance): (A) life  (B) non-life, except third party vehicle insurance	where: none. 2) Unbound, except for international marine, aviation, and transport insurance, where: none. 3) None	insurance, where: none.  2) Unbound, except for international marine, aviation, and transport insurance, where: none.  3) None	
(iii) Insurance intermediation, such as brokerage and agency;	<ol> <li>Unbound, except for international marine, aviation, and transport insurance, where: none.</li> <li>Unbound, except for international marine, aviation, and transport insurance, where: none.</li> <li>None</li> </ol>	<ol> <li>Unbound, except for international marine, aviation, and transport insurance, where: none.</li> <li>Unbound, except for international marine, aviation, and transport insurance, where: none.</li> <li>None</li> </ol>	
(ii) Reinsurance and retrocession;	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	1) None 2) None 3) None	
(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	1) None 2) None 3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Banking and Other	1) Unbound, except for 7.B.(xv) and	1) Unbound, except for 7.B.(xv) and (xvi),	
Financial Services	(xvi), where: none.	where: none.	
(excl. insurance)	2) Unbound, except for 7.B.(xv) and	2) Unbound, except for 7.B.(xv) and (xvi),	
	(xvi), where: none.	where: none.	
(v) Acceptance of deposits	3) None	3) Higher minimum capital requirements	
and other repayable		are imposed on enterprises that are not	
funds from the public		wholly-owned by Palauans.	
		For branches, a minimum capital	
(vi) Lending of all types,		requirement in Palau is required	
including consumer		depending on the deposit insurance extended for activities in Palau.	
credit, mortgage credit, factoring and financing		extended for activities in Parau.	
of commercial			
transaction			
transaction			
(vii) Financial leasing			
(viii) All payments and			
money transmission			
services, including credit,			
charge and debit cards,			
travellers cheques and			
bankers drafts.			
(ix) Guarantees and			
commitments			

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	Additional Commitments
(x) Trading for own			
account or for account of			
customers, whether on an			
exchange, in an over-the- counter market or			
otherwise, the following:			
- money market			
instruments (including			
cheques, bills,			
certificate			
of deposits);			
- foreign exchange;			
- derivative products			
including, but not			
limited to, futures and			
options;			
- exchange rate and			
interest rate			
instruments, including			
products such as			
swaps, forward rate			
agreements;			
- transferable			
securities;			
- other negotiable			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
instruments and			Communents
financial assets,			
including bullion.			
merading bumon.			
(xi) Participation in issues			
of all kinds of securities,			
including underwriting and			
placement as agent			
(whether publicly or			
privately) and provision of			
services related to such			
issues			
(xii) Money broking			
(xiii) Asset management,			
such as cash or portfolio			
management, all forms of			
collective investment			
management, pension fund			
management, custodial,			
depository and trust			
services			
(xiv) Settlement and			
clearing services for			
financial assets, including			

			Additional
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Commitments
securities, derivative			Communicates
products, and other			
negotiable instruments			
negotiable institutions			
(xv) Provision and transfer			
of financial information,			
and financial data			
processing and related			
software by suppliers of other financial services			
other imancial services			
(xvi) Advisory,			
intermediation and other			
auxiliary financial services			
on all the activities listed			
in the subparagraphs			
under 7.B. (Banking			
services and other			
financial services (v)			
through (xv), including			
credit reference and			
analysis, investment and			
portfolio research and			
advice, advice on			
acquisitions and on			
corporate restructuring and			
strategy.			

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
9. TOURISM AND TRAVEL RELATED SERVICES			Commences
A. Hotel and Restaurants (including catering) (CPC 641-643**), excluding accommodation on ships.	1) None 2) None 3) None	1) None 2) None 3) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment Services (CPC 9619)	1) None 2) None 3) None	1) None 2) None 3) None	
B. News agency services (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Libraries, archives, museums, and other cultural services (CPC	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
963)			
<ul> <li>D. Sporting and other Recreational services (CPC 964**)</li> <li>Excluding: gambling and betting; and fishing and diving guides and tours.</li> </ul>	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	1) None 2) None 3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. Maritime Transport Services  International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)	<ul> <li>1)(a) For all international shipping, except passenger transportation and transport of petrol:</li> <li>Conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters.</li> <li>Licenses granted preferably to carriers</li> </ul>	1)(a) none	The following services at the port are made available to international maritime transport suppliers on reasonable and non- discriminatory terms and conditions:
	owned by Palau citizens, that employ Palauans, and that conduct training for Palauans.  - Vessels owned and operated by the Palau government do not require a license to be granted on the basis of the criteria mentioned above.  - Local agent in Palau or registration in Palau required.		<ol> <li>Pilotage</li> <li>Towing and the tug assistance</li> <li>Provisioning, fuelling and watering</li> <li>Garbage collecting and ballast waste disposal</li> <li>Port Captain's services</li> <li>Navigation aids</li> </ol>

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	1)(b) For international passenger transportation and international shipping of petrol: none.	1)(b) None	7. Shore-based operational services essential to ship operations
	2) None	2) None	including communications,
	3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound	3)(a) Unbound	water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth
	3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none	3)(b) None	and berthing services
d) Maintenance and repair of vessels (CPC 8868**)	1) None 2) None 3) None	1) None 2) None 3) None	
MARITIME AUXILIARY SERVICES			
Customs Clearance	1) None	1) None	
Services (as defined in	2) None	2) None	

1) Cross-border supply 2)

Consumption abroad 3)

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	Additional Commitments
Annex)	3) None	3) None	
C. Air Transport Services <sup>7</sup>			
Aircraft repair and maintenance services	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	
Selling and marketing of air transport services	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	<ol> <li>None</li> <li>None</li> <li>None</li> </ol>	
Computer reservation system services	1) None 2) None 3) None	<ul><li>1) None</li><li>2) None</li><li>3) None</li></ul>	
G. Pipeline Transport (CPC 713)	1) None 2) None 3) None	1) None 2) None 3) None	
H. Services Auxiliary to All Modes of Transport			
a) Cargo-handling	1) None	1) None	

 $<sup>^{7}</sup>$  As defined in Article 1 of Chapter 7 (Trade in Services).

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services, except maritime and air cargo handling (CPC 741**)	2) None 3) None	2) None 3) None	
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>\*</sup> Indicates that the service specified is a component of a more aggregated CPC item specified elsewhere in the sectoral classification list on which this schedule is based (See WTO document S/L/92).

<sup>\*\*</sup> The service specified constitutes only part of the total range of activities covered by the CPC concordance.

## ANNEX TO THE SCHEDULE OF PALAU: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in the Palau and another port located in the Palau, traffic originating and terminating in the same port located in the Palau provided that this traffic remains within the Palau's territorial waters, and traffic between a port located in the Palau and installations or structures situated in the EEZ or relating to the continental shelf of Palau.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
- 4. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

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## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

## SCHEDULE OF THE REPUBLIC OF THE MARSHALL ISLANDS

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
1. HORIZONTAL COMMITM	ENTS		
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) Application for a business license under the Foreign Business License Act is required in order to establish an enterprise that is not wholly-owned by citizens of the Republic of the Marshall Islands, or to acquire an interest in an existing enterprise in the Republic of the Marshall Islands. <sup>2</sup>	3) Natural persons that are not citizens of the Republic of the Marshall Islands and enterprises that are not wholly-owned by citizens of the Republic of the Marshall Islands are prohibited from owning or acquiring land or any interest in land.	
	Investors of other Parties must incorporate as a domestic limited company or register as a foreign company.  3) The following activities are reserved for the Republic of the	3) Foreign owned companies must pay a levy per quarter for each non-resident employee, to be paid into the resident workers training account.	

<sup>&</sup>lt;sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>&</sup>lt;sup>2</sup> Should the Republic of the Marshall Islands adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad		(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations Treatment	on National	Additional Commitments
	Marshall Islands citizens and enterprises wholly-owned by the Republic of the Marshall Islands citizens: Bakeries and pastry shops Motor garages and filling stations Taxis Motor vehicle rental Small retail shops <sup>3</sup> Laundromat and dry cleaning Tailoring / sewing shops Video rental Handicraft shops Delicatessen, Deli shop, and food take-out. <sup>4</sup>			

 <sup>&</sup>lt;sup>3</sup> "Small retail shops" is defined as shops with a turnover of less than US\$1,000 per quarter. This threshold may be adjusted in the future.
 <sup>4</sup> For greater certainty, nothing in section II of this schedule (Sector-Specific Commitments) can be taken to somehow lessen or modify the limitations listed in this section.

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. SECTOR-SPECIFIC COMM	ITMENTS		
1. BUSINESS SERVICES			
A. Professional Services			
a) Legal Services (CPC 861)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672) <sup>5</sup> excluding CPC 7421: geologies and prospecting	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>&</sup>lt;sup>5</sup>The Republic of the Marshall Islands has excluded Geological and Prospecting Activities given that deep sea mining policy and legislation is still in initial stages and thus not feasible to commit. Weather forecasting is excluded as it is provided by Government Agency.

(1) Cross-border supply

(2) Consumption abroad

Modes of suppry.	(1) Closs border suppry	(2) Consumption dorodd	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
activities.			
f) Integrated engineering services	1) None	1) None	
(CPC 8673)	2) None	2) None	
(CI C 6073)	3) None	3) None	
	3) None	3) None	
g) Urban planning and	1) None	1) None	
landscape architectural	2) None	2) None	
services (CPC 8674)	3) None	3) None	
1556 12 1 1 1 4 1 2 2	1) N	1) N	
h) Medical and dental services	1) None	1) None	
(CPC 9312)	2) None	2) None	
	3) None	3) None	
i) Veterinary services (CPC 932)	1) None	1) None	
,	2) None	2) None	
	3) None	3) None	
i) Midwiyaa mugaa	1) None	1) None	
j) Midwives, nurses,	1) None	1) None	
physiotherapists and	2) None	2) None	
paramedical personnel (CPC 93191)	3) None	3) None	
B. Computer and Related Services	1) None	1) None	
(CPC 84)	2) None	2) None	
(CI C 04)			
	3) None	3) None	
	1	I .	1

(1) Cross-border supply

(2) Consumption abroad

wiodes of suppry.	(1) Closs bolder supply	(2) Consumption dorodd	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
C. Research and Development			
Services			
a) R&D services on natural	1) None	1) None	
sciences (CPC 851)	2) None	2) None	
sciences (et e 651)	3) None	3) None	
	3) None	3) None	
b) R&D services on social sciences	1) None	1) None	
and humanities (CPC 852)	2) None	2) None	
and numanities (CFC 632)		· ·	
	3) None	3) None	
-) I-41::	1) NI	1) N	
c) Interdisciplinary R&D services	1) None	1) None	
(CPC 853)	2) None	2) None	
	3) None	3) None	
E. Rental/Leasing Services			
without Operators			
a) Relating to ships	1) None	1) None	
(CPC 83103)	2) None	2) None	
	3) None	3) None	
b) Relating to aircraft	1) None	1) None	
(CPC 83104)	2) None	2) None	
- /	3) None	3) None	
	2,2.2.2		
c) Relating to other transport	1) None	1) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
equipment	2) None	2) None	
(CPC 83101+83102+83105)	3) None	3) None	
d) Relating to other machinery and	1) None	1) None	
equipment (CPC 83106-83109)	2) None	2) None	
	3) None	3) None	
e) Other	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
F. Other Business Services			
a) Advertising services (CPC 871)	1) None	1) None	
-	2) None	2) None	
	3) None	3) None	
b) Market research and public	1) None	1) None	
opinion polling services (CPC 864)	2) None	2) None	
	3) None	3) None	
c) Management consulting services	1) None	1) None	
(CPC 865)	2) None	2) None	
	3) None	3) None	
d) Services related to management	1) None	1) None	
consulting (CPC 866)	2) None	2) None	
	3) None	3) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e) Technical testing and analysis services (CPC 8676) specific to testing activities in the field of food hygiene, including veterinary testing and control in relation to food production, testing of physical characteristics and performance of materials such as strength, thickness, durability, certification of products for consumer goods including motor vehicles, periodic road-safety testing of motor vehicles etc.	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 881)  h) Services incidental to mining	1) None 2) None 3) None	1) None 2) None 3) None	
(CPC 883) excluding for Deep Sea Mining	2) None 3) None	2) None 3) None	
i) Services incidental to manufacturing (CPC 884)	1) None 2) None 3) None	1) None 2) None 3) None	

(1) Cross-border supply

(2) Consumption abroad

Limitations on Mark	s on	n Market	et Access	SS	Limitations Treatment	on	National	Additional Commitments
ces 1) None					1) None			
2) None					2) None			
3) None					3) None			
CPC 1) None					1) None			
ies 2) None					2) None			
ation 3) None					3) None			
nical 1) None					1) None			
5) 2) None					2) None			
3) None					3) None			
1) None					1) None			
					2) None			
oort 3) None (866)					3) None			
1) None					1) None			
2) None					2) None			
3) None					3) None			
C 1) None					1) None			
2) None					2) None			
3) None					3) None			
2) None 3) None 1) None 2) None 3) None C 1) None 2) None 2) None 2) None					2) None 3) None 1) None 2) None 3) None 1) None 2) None			

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
q) Packaging services (CPC 876)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
r) Printing, publishing (CPC	1) None	1) None	
88442)	2) None	2) None	
	3) None	3) None	
s) Convention services (CPC	1) None	1) None	
87909*)	2) None	2) None	
,	3) None	3) None	
t) Other (CPC 8790) excluding	1) None	1) None	
reading of gas, water and	2) None	2) None	
electricity meters	3) None	3) None	
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 7512)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply:	(1) Cross-border supply	(2) Consum	ption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations Treatment	on National	<b>Additional Commitments</b>
C. Telecommunication Services <sup>6</sup>	1) Unbound	1) Unbound		
	2) Unbound	2) Unbound		
a) Voice telephone services	3) Unbound	3) Unbound		
(CPC 7521)				
b) Packet-switched data				
transmission services				
(CPC7523**)				
c) Circuit-switched data				
transmission services				
(CPC 7523**)				
d) Telex services (CPC 7523**)				
e) Telegraph services				
(CPC 7522)				
f) Facsimile service				
(CPC 7521**+7529**)				
g) Private leased circuit services				
(CPC 7522**+7523**)				
h. Electronic mail				
(CPC 7523**)				
i) Voice mail (CPC 7523** )				
j) On-line information and data				
base retrieval (CPC 7523**)				
k) Electronic data interchange				

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<sup>&</sup>lt;sup>6</sup> The Republic of the Marshall Islands has interest in introducing competition in the telecommunications sector and in further developing appropriate regulatory frameworks, including ensuring universal service. Should competition and adequate regulatory frameworks be introduced in the future, the Republic of the Marshall Islands would reflect these, where appropriate, under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
(EDI) (CPC 7523**)  1) Enhanced/value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)  m) Code and protocol conversion			
n) Online information and/or data processing (incl. transaction (CPC 834**) o) Other			
<ul> <li>D. Audiovisual services</li> <li>a) Motion picture and videotape production and distribution<sup>7</sup> services (CPC 9611)</li> <li>b) Motion picture projection services (CPC 9612)</li> </ul>	1) None 2) None 3) None 1) None 2) None 3) None	1) None 2) None 3) None 1) None 2) None 3) None	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES	3) None	3) None	

<sup>&</sup>lt;sup>7</sup> For greater clarity, distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use.

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	Additional Commitments
Sector of Sub-sector	Limitations on Warket Access	Treatment	Additional Communicities
A. General construction work for	1) None	1) None	
buildings (CPC 512)	2) None	2) None	
	3) None	3) None	
B. General construction work for	1) None	1) None	
civil engineering (CPC 513)	2) None	2) None	
ervir engineering (er e 313)	3) None	3) None	
	3) 1 (6)16	3) 110110	
C. Installation and assembly work	1) None	1) None	
(CPC 514+516)	2) None	2) None	
	3) None	3) None	
D. Building completion and	1) None	1) None	
finishing work (CPC 517)	2) None	2) None	
	3) None	3) None	
E. Other	1) None	1) None	
(CPC 511+515+518)	2) None	2) None	
	3) None	3) None	
		2,2,555	
4. DISTRIBUTION SERVICES			
(excluding distribution services in			
relation to alcohol, tobacco, and			
handicrafts)			
A. Commission agents' services	1) None	1) None	
(CPC 621, 61111**, 6113**,	2) None	2) None	

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
6121**)	3) None	3) None	
B. Wholesale trade services (CPC 622, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Retailing services (CPC 631, 632, 61112, 6113**, 6121**)  - Excluding small retail shops <sup>8</sup> (including mobile retail shops, open air vendors/take-outs), food take-out, delicatessen, deli shop, tailor / sewing shops, bakeries and pastry shops.  - Excluding retail sale via stall and markets. <sup>9</sup>	1) None 2) None 3) None	1) None 2) None 3) None	
D. Franchising (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	
5. EDUCATIONAL SERVICES			

<sup>&</sup>lt;sup>8</sup> "Small retail shops" is defined as shops with a turnover of less than US\$1,000 per quarter. This threshold may be adjusted in the future.
<sup>9</sup> Note retail sale of any kind of product usually movable stall along public roads.

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(limited to services provided by privately-owned institutions)			
A. Pre-Primary Education	1) None	1) None	
including special education for	2) None	2) None	
handicapped students at this level	3) None	3) None	
Primary education services (CPC	1) None	1) None	
921**) including special education	2) None	2) None	
for handicapped students at this level	3) None	3) None	
B. Secondary education services	1) None	1) None	
(CPC 922**) including special	2) None	2) None	
education for handicapped students at this level.	3) None	3) None	
C. Higher education services in	1) None	1) None	
private institutions (CPC 923**)	2) None	2) None	
	3) None	3) None	
D. Adult education (CPC 924**)	1) None	1) None	
,	2) None	2) None	
	3) None	3) None	
E. Other education services	1) None	1) None	
(CPC 929**) including sports,	2) None	2) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
recreational education and cultural	3) None	3) None	
education.			
F. Technical and Vocational	1) None	1) None	
Education (CPC 8522**) including	2) None	2) None	
instruction for tourist guides,	3) None	3) None	
nautical training, training for			
hairdressing and cosmetology,			
instructions for chefs, hoteliers and restaurants, computer repair			
training, driving schools for			
occupational drivers e.g. trucks,			
buses and coaches and also			
specialized for handicapped			
students at this level.			
6. ENVIRONMENTAL			
SERVICES			
Consultancy related to the			
provision of the following			
environmental services:			
A. Sewage Services (CPC 9401**)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
B. Refuse disposal services (CPC	1) None	1) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on Nati Treatment	onal Additional Commitments
9402**)	2) None	2) None	
,	3) None	3) None	
C. Sanitation and similar services	1) None	1) None	
(CPC 9403**)	2) None	2) None	
	3) None	3) None	
D. Other environmental services	1) None	1) None	
(CPC 9404-9409)	2) None 3) None	2) None 3) None	
7. FINANCIAL SERVICES			
Excluding: - activities conducted			
by a central bank or monetary			
authority or by any other public			
entity in pursuit of monetary or			
exchange rate policies; - activities forming part of a statutory system			
of social security or public			
retirement plans; - and other			
activities conducted by a public			
entity for the account or with the			
guarantee or using the financial			
resources of the government.			

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. Insurance and insurance-related services			
<ul><li>(i) Direct insurance (including coinsurance):</li><li>(A) life</li><li>(B) non-life</li></ul>	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
(ii) Reinsurance and retrocession;	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
(iii) Insurance intermediation, such as brokerage and agency;	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
B. Banking and other financial services (excluding insurance)			
(a) Acceptance of deposits and other repayable funds from the	1) None 2) None	1) None 2) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
public;	3) None	3) None	
(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Financial leasing;	1) None 2) None 3) None	1) None 2) None 3) None	
(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Guarantees and commitments;	1) None 2) None 3) None	1) None 2) None 3) None	
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:	1) None 2) None 3) None	1) None 2) None 3) None	

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on Treatment	National	Additional Commitments
(i) money market instruments (including cheques, bills, certificates of deposits); (ii) foreign exchange; (iii) derivative products including, but not limited to, futures and options; (iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements; (v) transferable securities; (vi) other negotiable instruments and financial assets, including bullion.				
(g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;	1) None 2) None 3) None	1) None 2) None 3) None		
(h) Money broking;	1) None 2) None 3) None	1) None 2) None 3) None		

(1) Cross-border supply

(2) Consumption abroad

G. 4 G. 1 4 1	(1) cross corder suppry	Limitations on National	
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Treatment	<b>Additional Commitments</b>
(i) Asset management, such as cash	1) None	1) None	
or portfolio management, all forms	2) None	2) None	
of collective investment management,	3) None	3) None	
custodial, depository and trust services			
(j) Settlement and clearing services	1) None	1) None	
for financial assets, including	2) None	2) None	
securities, derivative products, and other negotiable instruments;	3) None	3) None	
(k) Provision and transfer of	1) None	1) None	
financial information, and financial	2) None	2) None	
data processing and related	3) None	3) None	
software by suppliers of other financial services;			
(1) Advisory, intermediation and	1) None	1) None	
other auxiliary financial services	2) None	2) None	
on all the activities listed in	3) None	3) None	
subparagraphs (v) through (xv),			
including credit reference and			
analysis, investment and portfolio			
research and advice, advice on			
acquisitions and on corporate			
restructuring and strategy.			

(1) Cross-border supply

(2) Consumption abroad

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
8. HEALTH RELATED AND SOCIAL SERVICES (limited to services provided by privately-owned institutions)			
A. Hospital Services (CPC 9311**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Other Human Health Services (CPC 9319**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Social Services (CPC 933**)	1) None 2) None 3) None	1) None 2) None 3) None	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels (four and five star) and specialised restaurants (incl. catering) (CPC 641, 642**, 643), in four and five star hotels Excluding small Delicatessen,	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
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
Deli Shops or Food take-out, bakeries and pastry shops and canteens			
Bed and Breakfast Services in outer islands	<ol> <li>None</li> <li>None</li> <li>Formation of Joint Venture with local Marshallese investor. The share of JV to be negotiated between the local and foreign investors.</li> </ol>	<ol> <li>None</li> <li>None</li> <li>Formation of Joint Venture with local Marshallese investor.</li> <li>The share of JV to be negotiated between the local and foreign investors.</li> </ol>	
B. Travel agencies and tour operators services (CPC 7471)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Tourist guides services (CPC 7472)	1) None 2) None 3) None	1) None 2) None 3) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment Services (CPC 9619)	1) None 2) None 3) None	1) None 2) None 3) None	

(1) Cross-border supply Modes of supply: (2) Consumption abroad (3) Commercial presence Limitations **National** on Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Additional Commitments Treatment** B. News agency services (CPC 1) None 1) None 962) 2) None 2) None 3) None 3) None C. Libraries, archives, museums, 1) None 1) None and other cultural services (CPC 2) None 2) None 963) 3) None 3) None D. Sporting and other recreational 1) None 1) None services (CPC 964\*\*) Excluding 2) None 2) None gambling and betting 3) None 3) None 11. TRANSPORT SERVICES 1) 2) (a) Liner shipping: 1) 2) (a) None The following services at the port are made available to international maritime transport A. Maritime Transport Services Conditional on the granting suppliers on reasonable and nonof a license, the issuance of International Transport (freight and which is based on such discriminatory terms and passengers) (CPC 7211 and criteria as the frequency, conditions 7212), excluding cabotage type, and price of the transport (as defined below) services proposed, as well as 1. Pilotage the impact on the services 2. Towing and the tug provided by other assistance 3. Provisioning, fuelling and transporters.

Licenses granted preferably

watering

4. Garbage collecting and

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

wiodes of suppry:	(1) Cross-border supply	(2) Consui	npuon a	ioroau	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations Treatment	on	National	Additional Commitments
	to carriers owned by the Republic of the Marshall Islands citizens, and that employ the Republic of the Marshall Islands citizens, and that conduct training for the Republic of the Marshall Islands citizens.  - Vessels owned and operated by the the Republic of the Marshall Islands government do not require a license to be granted on the basis of the criteria mentioned above.				<ul> <li>ballast waste disposal</li> <li>Port Captain's services</li> <li>Navigation aids</li> <li>Shore-based operational services essential to ship operations including communications, water and electrical supplies</li> <li>Emergency repair facilities</li> <li>Anchorage, berth and berthing services</li> </ul>
	1), 2)(b) Bulk, tramp, and other international shipping, including passenger transportation: None	1), 2)(b) None			
	3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound	3)(a) Unbound			

(1) Cross-border supply

(2) Consumption abroad

Other forms of commercial sence for the supply of smational maritime transport vices (as defined below - 2):	3)(b) None		
rnational maritime transport vices (as defined below - 2):			
vices (as defined below - 2):			
,			
e			
None	1) None		
None	2) None		
None	3) None		
None	1) None		
None	2) None		
None	3) None		
None	1) None		
None	2) None		
None	3) None		
None	1) None		
None	2) None		
None	3) None		
	one	Jone       2) None         Jone       3) None         Jone       1) None         Jone       3) None         Jone       2) None         Jone       3) None         Jone       3) None         Jone       1) None         Jone       2) None         Jone       2) None	fone one one one one one one one one one

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Air Transport Services <sup>10</sup>			
Aircraft repair and maintenance	1) None	1) None	
services	2) None 3) None	2) None 3) None	
Selling and marketing of air	1) None	1) None	
transport services	2) None 3) None	2) None 3) None	
Computer reservation system	1) None	1) None	
services	2) None 3) None	2) None 3) None	
Supporting services for Air	1) None	1) None	
Transport (CPC746)	2) None 3) None	2) None 3) None	
Airport operation services	1) None	1) None	
	2) None 3) None	2) None 3) None	
Other supporting services for air	1) None	1) None	
transport including ground	2) None	2) None	

<sup>&</sup>lt;sup>10</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

(1) Cross-border supply

(2) Consumption abroad

Modes of suppry.	(1) Closs bolder supply	(2) Consumption dolodd	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
handling	3) None	3) None	
F. Road Transport Services			
a) Passenger transportation (CPC	1) None	1) None	
7121+7122)	2) None	2) None	
	3) None	3) None	
b) Freight transportation	1) None	1) None	
(CPC 7123)	2) None	2) None	
	3) None	3) None	
c) Rental of commercial vehicles	1) None	1) None	
with operator (CPC 7124)	2) None	2) None	
• , , ,	3) None	3) None	
d) Maintenance and repair of road	1) None	1) None	
transport equipment	2) None	2) None	
(CPC 6112+8867)	3) None	3) None	
e) Supporting services for road	1) None	1) None	
transport services	2) None	2) None	
(CPC 744)	3) None	3) None	
G. Pipeline Transport			
a) Transportation of fuels	1) Unbound	1) Unbound	

Modes of supply: (1) Cross-border supply (3) Commercial presence (2) Consumption abroad Limitations **National** on Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Additional Commitments Treatment** (CPC 7131) 2) Unbound 2) Unbound 3) Unbound 3) Unbound b) Transportation of other goods 1) Unbound 1) Unbound (CPC 7139) 2) Unbound 2) Unbound 3) Unbound 3) Unbound H. Services Auxiliary to All Modes of Transport a) Cargo-handling services, except 1) None 1) None maritime and air cargo handling 2) None 2) None (CPC 741\*\*) 3) None 3) None b) Storage and warehouse 1) None 1) None services, except maritime storage 2) None 2) None and warehousing services (CPC 3) None 3) None 742\*\*) c) Freight transport agency 1) None 1) None services, except maritime freight 2) None 2) None agency services (CPC 748\*\*) 3) None 3) None d) Other (CPC 749) 1) None 1) None

2) None

3) None

2) None

3) None

<sup>\*\*</sup> The service specified constitutes only part of the total range of activities covered by the CPC concordance.

# ANNEX TO THE SCHEDULE OF THE REPUBLIC OF THE MARSHALL ISLANDS: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in the Republic of the Marshall Islands and another port located in the RMI, traffic originating and terminating in the same port located in the Republic of the Marshall Islands provided that this traffic remains within the Republic of the Marshall Islands's territorial waters, and traffic between a port located in the Republic of the Marshall Islands and installations or structures situated in the EEZ or relating to the continental shelf of the Republic of the Marshall Islands.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;

- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "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 covered include the organisation and supervision of:
  - the loading/discharging of cargo to/from a ship;
  - the lashing/unlashing of cargo;
  - the reception/delivery and safekeeping of cargoes before shipment or after discharge.
- 4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
- 5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
- 6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
- 7. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

## **SCHEDULE OF SAMOA**

Modes of Supply: (1) Cross-border supply (2) Consumption abroad

(3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National	<b>Additional Commitments</b>
		Treatment	
1. HORIZONTAL COMMITM	MENTS		
ALL SECTORS INCLUDED IN THIS SCHEDULE		3) Non-Samoan natural and juridical persons may lease but not own land. Land may be leased for up to 30 years renewable once in the case of land leased or licensed for industrial purposes or a hotel and 20 years renewable once in the	
	3) Unbound for measures: a) as part of the act of devolving a service that is provided in the exercise of	other cases.  3) Foreign service suppliers may be required to provide training to local employees.	

(3) Commercial presence

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
	governmental authority at the time the Agreement enters into force; or, b) regarding the sale or disposal of government-owned entities or assets.  1), 2) and 3) Unbound with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public transport and public housing.		

(3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
II. SECTOR SPECIFIC COMM	MITMENTS	1	1
1. BUSINESS SERVICES			
A. Professional Services			
(a) Legal Services	(1) None	(1) None	
Legal advisory services on	(2) None	(2) None	
foreign and international law	(3) None	(3) None	
(b) Accounting and	(1) None	(1) None	
Bookkeeping Services (CPC	(2) None	(2) None	
862**) <sup>1</sup> :	(3) Joint venture with local partner	(3) None	
Excluding Financial	required		
Auditing	_		
services (CPC 86211)			
(d) Architectural services	(1) None	(1) None	
(CPC 8671)	(2) None	(2) None	
	(3) Joint venture with local partner	(3) None	
	required		
(e) Engineering services	(1) None	(1) None	
(CPC 8672)	(2) None	(2) None	
	(3) Only through incorporation in	(3) None	
	Samoa		

<sup>&</sup>lt;sup>1</sup> For greater transparency, foreign and local accountants must comply with the requirements of the Samoa Institute of Accountants.

(3) Commercial presence

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>	
		Treatment		
(f) Integrated engineering	(1) None	(1) None		
services	(2) None	(2) None		
(CPC 8673)	(3) None	(3) None		
(h) Veterinary services (CPC	(1) None	(1) None		
932)	(2) None	(2) None		
	(3) None	(3) None		
B. Computer and Related Serv	ices			
Computer and Related Services	(1) None	(1) None		
(CPC 84)	(2) None	(2) None		
	(3) None	(3) None		
E. Rental/Leasing Services without Operators				

(3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National	Additional Commitments
		Treatment	
(a) Relating to ships (CPC	(1) None	(1) None	
83103)	(2) None	(2) None	
	(3) None	(3) None	
(b) Relating to aircraft (CPC	(1) None	(1) None	
83104)	(2) None	(2) None	
	(3) None	(3) None	
(d) Relating to other machinery	(1) None	(1) None	
and equipment (CPC 83106-	(2) None	(2) None	
83109)	(3) None	(3) None	
(e) Other except leasing or rental	(1) None	(1) None	
of video tapes (CPC 83202)	(2) None	(2) None	
	(3) None	(3) None	
F. Other Business Services			
(a) Advertising services (CPC	(1) None	(1) None	
871)	(2) None	(2) None	
	(3) None	(3) None	
		(1) 77	
(b) Market research and public	(1) None	(1) None	
opinion polling services (CPC	(2) None	(2) None	
864)	(3) None	(3) None	
(c) Management consulting	(1) None	(1) None	

(3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National	<b>Additional Commitments</b>
		Treatment	
services	(2) None	(2) None	
(CPC 865)	(3) None	(3) None	
(d) Services related to	(1) None	(1) None	
management consulting (CPC	(2) None	(2) None	
866)	(3) None	(3) None	
(e) Technical testing and	(1) None	(1) None	
analysis services, including	(2) None	(2) None	
ship survey services:	(3) None	(3) None	
- Testing and Analysis			
Services of Physical			
Properties			
(CPC 86762)			
- Testing and Analysis			
Services of Integrated			
Mechanical and Electrical			
Systems			
(CPC 86763)			
- Technical Inspection			
Services			
(CPC 86764)			
(h) Services incidental to mining	(1) None	(1) None	
(CPC 883+5115)	(2) None	(2) None	
	(3) None	(3) None	

(3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(k) Placement and supply services and personnel (CPC 872)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(m) Related scientific and technical consulting services (CPC 8675)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transportation equipment) (CPC 6122, 633+8861-8866)	<ul><li>(1) None</li><li>(2) None</li><li>(3) None</li></ul>	(1) None (2) None (3) None	
(o) Building-cleaning services (CPC 874)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(q) Packaging services (CPC 876)	(1) None (2) None (3) None	(1) None (2) None (3) None	
t) Other			

(3) Commercial presence

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
Translation and interpretation	(1) None	(1) None	
services (CPC 87905)	(2) None	(2) None	
	(3) None	(3) None	
Mailing list compilation and	(1) None	(1) None	
mailing services (CPC 87906)	(2) None	(2) None	
	(3) None	(3) None	
Convention services (part of CPC	(1) None	(1) None	
87909)	(2) None	(2) None	
	(3) None	(3) None	
2. COMMUNICATION SERV	ICES		
B. Courier Services			
Courier Services, including	(1) None	(1) None	
express delivery services <sup>2</sup> in all	(2) None	(2) None	
areas except for the following	(3) None	(3) None	
services:			
(a) the collection, transport and			
delivery of domestic and			
cross-border addressed mail			
to PO Boxes in the			

<sup>&</sup>lt;sup>2</sup> Express delivery services include the collection, transport and delivery of documents, printed matter, parcels and/or other goods on an expedited basis, while tracking and maintaining control of these items throughout the supply of the service.

(3) Commercial presence

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
following categories:			
(i) addressed letters			
weighing not more than			
100 grams;			
(ii) small packages weighing			
up to 2 kg;			
(b) the collection, transport and			
delivery to PO Boxes of domestic			
and international postal parcels			
weighing up to 20 kg;			
(c) the provision of PO Boxes;			
and			
(d) issuing of postage stamps.			
C. Telecommunication services	]		
Basic Services			
(a) Voice telephone services	(1) None	(1) None	The Independent State of
(b) Packet-switched data	(2) None	(2) None	Samoa undertakes to adopt
transmission services	(3) None	(3) None	the regulatory principles
(c) Circuit-switched data			contained in the Reference
transmission services			Paper attached hereto.

<sup>&</sup>lt;sup>3</sup> Excluding Broadcasting, which is defined as the uninterrupted chain of transmission required for the distribution of television and radio program signals to the general public, but does not cover contribution links between operators.

(3) Commercial presence

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
<ul> <li>(d) Telex services</li> <li>(e) Telegraph services</li> <li>(f) Facsimile services</li> <li>(g) Private leased circuit services</li> <li>Value-added services</li> <li>(h) Electronic mail</li> <li>(i) Voice mail</li> <li>(j) On-line information and data base retrieval</li> <li>(k) Electronic data interchange</li> <li>(EDI)</li> <li>(l) Enhanced/value-added facsimile services, including store and forward, store and retrieve</li> <li>(m) Code and protocol conversion</li> <li>(n) On-line information and/or data processing</li> <li>(o) Other</li> </ul>	(1) None (2) None (3) None	(1) None (2) None (3) None	
D. Audiovisual Services	(1) None	(1) None	
(a) Motion picture and video	(1) None	(1) None	

(3) Commercial presence

(4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
distribution services	(2) None	(2) None	
(CPC 96113**) <sup>4</sup>	(3) None	(3) None	
(b) Motion Picture projection service (CPC 9612)			
(c) Radio and television			
programme distribution			
services			
$(CPC 9613**)^5$			
Television and radio			
broadcasting and			
transmission services, as well			
as the production of radio			
and television programmes,			
are specifically excluded			
(d) Sound recording (n.a.)			
3. CONSTRUCTION AND RE	LATED ENGINEERING SERVICE	ES .	<u> </u>

<sup>4</sup> For the purposes of this commitment, distribution means licensing of motion pictures or video to other enterprises, for exhibition, broadcasting, other transmission, or other

<sup>&</sup>lt;sup>5</sup> For the purposes of this commitment, distribution means licensing of radio and television programs to other enterprises, for exhibition, broadcasting, other transmission, or other use.

(3) Commercial presence

Sec	ctor or Sub-sector	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
<b>A.</b>	General construction work for buildings (CPC 512)	<ul><li>(1) None</li><li>(2) None</li><li>(3) Incorporation in Samoa required</li></ul>	(1) None (2) None (3) None	
В.	General construction work for civil engineering (CPC 513)	<ul><li>(1) None</li><li>(2) None</li><li>(3) Incorporation in Samoa required</li></ul>	<ul><li>(1) None</li><li>(2) None</li><li>(3) None</li></ul>	
4.	DISTRIBUTION SERVICES	S		
in 1	cluding distribution services relation to alcohol and pacco)			
	Commission agents' vices (CPC 621)	(1) None (2) None (3) None	<ul><li>(1) None</li><li>(2) None</li><li>(3) None</li></ul>	
В.	Wholesale trade services  a) 6224 – wholesale services of household appliances, articles and equipment  b) 6228 – wholesale services of machinery, equipment and	(1) None (2) None (3) None	(1) None (2) None (3) None	

(3) Commercial presence

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
supplies			
<b>D. Franchising</b> (CPC 8929)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
5. EDUCATIONAL SERVICE	ES IN PRIVATE INSTITUTIONS		
A Primary education services	(1) None	(1) None	
(CPC 921**)	(2) None	(2) None	
	(3) None	(3) None	
B. Secondary education	(1) None	(1) None	
services	(2) None	(2) None	
(CPC 922**)	(3) None	(3) None	
C. Higher education services	(1) None	(1) None	
(CPC 923**)	(2) None	(2) None	
	(3) None	(3) None	
D. Adult education	(1) None	(1) None	
(CPC 924**)	(2) None	(2) None	
(61 6 721 )	(3) None	(3) None	
E Other desertion and	(1) None	(1) None	
E. Other education services	(1) None	(1) None	
(CPC 929**)	(2) None	(2) None	
- Training services (e.g.	(3) None	(3) None	

(3) Commercial presence

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
language training; driver's education; executive/management training; information technology training); education testing services after-school courses; educational programs offered during school breaks; tutoring and preparatory			
6. ENVIRONMENTAL SERV	ICES		

(3) Commercial presence

(4) Movement of Natural Persons

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
A. Sewage services	(1) None	(1) None	
(CPC 9401)	(2) None	(2) None	
	(3) Joint venture with local partner required	(3) None	
B. Refuse disposal services	(1) None	(1) None	
(CPC 9402)	(2) None	(2) None	
	(3) Joint venture with local partner	(3) None	
	required		
C. Sanitation and similar	(1) None	(1) None	
services	(2) None	(2) None	
(CPC 9403)	(3) Joint venture with local partner required	(3) None	
D. Other	(1) None	(1) None	
(CPC 9404 - 9406)	(2) None	(2) None	
	(3) Joint venture with local partner required	(3) None	

### 7. FINANCIAL SERVICES

### **Excluding:**

- activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies;
- activities forming part of a statutory system of social security or public retirement plans; and
- other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.

(3) Commercial presence

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
A. All Insurance and Insurance	e-Related Services		
i. Direct Insurance (including co-insurance)			
(a) Life Insurance Services	<ul><li>(1) Unbound</li><li>(2) Unbound</li><li>(3) None</li></ul>	<ul><li>(1) Unbound</li><li>(2) Unbound</li><li>(3) None</li></ul>	
(b) Non-life Insurance Services	<ol> <li>Unbound, except insurance relating to marine shipping and commercial aviation and space launching (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising there from, where none</li> <li>Unbound, except insurance relating to marine shipping and commercial aviation and space launching (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle</li> </ol>	<ol> <li>Unbound, except as for services covered in the market access column, where none</li> <li>Unbound, except as for services covered in the market access column, where none</li> <li>None</li> </ol>	

(3) Commercial presence

Sec	tor or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
		transporting the goods and any liability arising there from, where none  (3) None		
ii.	Reinsurance and retrocession	(1) None (2) None (3) None	(1) None (2) None (3) None	
iii.	Insurance intermediation, such as brokerage and agency	(1) Unbound, except insurance services for which commitments have been undertaken under (i) and (ii), where none (2) Unbound (3) None	insurance services for	
iv.	Services auxiliary to insurance such as consultancy, actuarial, risk assessment and claim settlement services.	(1) None (2) None (3) None	(1) None (2) None (3) None	
В.	<b>Banking and Other Financia</b>	l services		
v.	Acceptance of deposits and other repayable funds from	(1) Unbound, except for items (xv) and (xvi) listed in the sectors and	(1) Unbound, except for items (xv) and (xvi)	

(3) Commercial presence

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
the public vi. Lending of all types, including consumer credit, mortgage, credit, factoring and financing of commercial transactions vii. Financial leasing viii. All payment and money transmission services, including credit, charge and debit cards, travellers	sub-sectors column, where none. (2) None (3) None	listed in the sectors and sub-sectors column, where none.  (2) None  (3) None	
cheques and bankers drafts ix. Guarantees and commitments			
<ul> <li>x. Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following: <ul> <li>money market instruments (including cheques, bills, certificates of deposits);</li> <li>foreign exchange;</li> <li>derivative products including, but not limited to, futures and</li> </ul> </li> </ul>			

(3) Commercial presence

Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
options;			
- exchange rate and			
interest rate instruments,			
including products such			
as swaps, forward rate			
agreements;			
- transferable securities;			
and			
- other negotiable			
instruments and financial			
assets, including bullion.			
xi. Participation in issues of all			
kinds of securities, including			
underwriting and placement			
as agent (whether publicly or			
privately) and provision of			
services related to such			
issues			
xii. Money broking			
xiii. Asset management, such as			
cash or portfolio			
management, all forms of			
collective investment			
management, pension fund			
management, custodial,			
depository and trust services			

(3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
xiv. Settlement and clearing			
services for financial assets,			
including securities,			
derivative products, and			
other negotiable instruments			
xv. Provision and transfer of			
financial information, and			
financial data processing and			
related software by suppliers			
of other financial services.			
xvi. Advisory, intermediation and			
other auxiliary financial			
services on all the activities			
listed in subparagraphs (v)			
through (xv), including credit			
reference and analysis,			
investment and portfolio			
research and advice, advice			
on acquisitions and on			
corporate restructuring and			
strategy.			
8. HEALTH RELATED AND	SOCIAL SERVICES		
(limited to services provided by			
privately-owned institutions)			

(3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	<b>Limitations on National</b>	<b>Additional Commitments</b>
		Treatment	
A. Hospital Services (CPC	(1) None	(1) None	
93110**)	(2) None	(2) None	
	(3) None	(3) None	
9. TOURISM AND TRAVEL I	 RELATED SERVICES		
A. Hotel and Restaurant	(1) None	(1) None	
Services	(2) None	(2) None	
(a) Hotel lodging services	(3) Only through incorporation in	(3) None	
(3 and above star hotels only)	Samoa		
(CPC 6411)			
(b) Food serving services			
(CPC 642)			
(c) Beverage serving services			
without entertainment			
(CPC 6431)			
B. Tour Operators Services	(1) Unbound	(1) Unbound	
Tour Operator Services are	(2) None	(2) None	
services of organising and	(3) None	(3) None	
arranging package tours (all-			
inclusive tours). Such a			
package usually includes			
passenger and baggage			
transportation,			
accommodation, sightseeing			
arrangements and similar			

(3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National	<b>Additional Commitments</b>
		Treatment	
services provided during a			
package tour			
(part of CPC 7471)			
10. RECREATIONAL, CULTU	RAL AND SPORTING SERVICES		
A. Cinema theatre operation	(1) None	(1) None	
services (part of CPC 96199)	(2) None	(2) None	
	(3) None	(3) None	
B. News agency services (CPC	(1) None	(1) None	
962)	(2) None	(2) None	
902)	(3) None	(3) None	
	(3) None	(3) None	
C. Libraries, archives,	(1) None	(1) None	
museums	(2) None	(2) None	
<ul> <li>Library and Archive</li> </ul>	(3) None	(3) None	
Services (CPC 9631)			
- Museum services except for			
historical sites and buildings			
(CPC 96321)			
D G . A	(1) N	(1) N	
D. Sporting and other	` '	(1) None	
recreational services (CPC	(2) None	(2) None	
964**)	(3) None	(3) None	
- Excluding gambling and betting			
11. TRANSPORT SERVICES	11//) 1: 1: 1	1) () ) )	TEL 6.11
A. Maritime Transport	1) (a) Liner shipping:	1) (a) None	The following services at the

(3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
Services International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)	<ul> <li>Conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters.</li> <li>Vessels owned and operated by the Samoa government do not require a license to be granted on the basis of the criteria mentioned above.</li> <li>Local agent in Samoa, or registration in Samoa, required.</li> </ul>		port are made available to the international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:  1. Pilotage; 2. Towing and tug assistance; 3. Provisioning, fuelling and watering; 4. Garbage collection; 5. Port Captain's Services; 6. Navigation Aids;
	<ol> <li>(b) Bulk, tramp, and other international shipping, including passenger transportation: Local agent in Samoa, or registration in Samoa, required.</li> <li>None</li> </ol>	1) (b) None 2) None	7. Shore-based operational services essential to ship operations including communications, water and electrical supplies; and  8. Anchorage, berth and berthing services.
	3) (a) Establishment of registered company for the purpose of operating a	3) (a) Unbound	

(3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
	fleet under the national flag of the State of establishment: unbound		
	3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none	3)(b) None	
(d) Maintenance and repair of	(1) None	(1) None	
vessels (CPC 8868**)	(2) None	(2) None	
	(3) None	(3) None	
MARITIME AUXILIARY SERVICES			
Customs Clearance Services (as	(1) None	(1) None	
defined in Annex)	(2) None	(2) None	
,	(3) None	(3) None	
Container Station and Depot	(1) None	(1) None	
Services (as defined in Annex)	(2) None	(2) None	
,	(3) None	(3) None	
Maritime Freight Forwarding	(1) None	(1) None	
Services (as defined in Annex)	(2) None	(2) None	
	(3) None	(3) None	

(3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	<b>Limitations on National</b>	<b>Additional Commitments</b>
		Treatment	
Maritime Cargo Handling	(1) None	(1) None	
Services (as defined in Annex)	(2) None	(2) None	
berviees (as defined in Times)	(3) None	(3) None	
Storage and Warehousing	(1) None	(1) None	
Services	(2) None	(2) None	
	(3) None	(3) None	
Maritime Agency Services (as	(1) Suppliers of maritime transport	(1) None	
defined in Annex)	services are required to go through a	(2) None	
	local agent established in Samoa	(3) None	
	(2) None		
	(3) None		
B. Air Transport Services <sup>6</sup>	(1) None	(1) None	
- Selling and marketing of air	(2) None	(2) None	
transport services	(3) None	(3) None	
- Computer reservation system			
services			
- Aircraft repair and			
maintenance services			
H. Services Auxiliary to All			

 $<sup>^{\</sup>rm 6}$  As defined in Article 1 of Chapter 7 (Trade in Services).

(3) Commercial presence

(1) None	(1) None	
(2) None	(2) None	
(3) None	(3) None	
(1) None	(1) None	
(2) None	(2) None	
(3) None	(3) None	
(1) None	(1) None	
(2) None	(2) None	
(3) None	(3) None	
	(2) None (3) None (1) None (2) None (3) None (1) None (2) None (2) None	(2) None       (2) None         (3) None       (3) None         (1) None       (1) None         (2) None       (3) None         (1) None       (3) None         (1) None       (1) None         (2) None       (2) None

<sup>\*\*</sup> Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance. Unless otherwise stated all CPC references correspond to the United Nations Provisional Central Product Classification.

#### ANNEX TO THE SCHEDULE OF SAMOA: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in the Samoa and another port located in the Samoa, traffic originating and terminating in the same port located in the Samoa provided that this traffic remains within the Samoa's territorial waters, and traffic between a port located in the Samoa and installations or structures situated in the EEZ or relating to the continental shelf of Samoa.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "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 covered include the organisation and supervision of:
- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.
- 4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
- 5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
- 6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
- 7. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

#### TELECOMMUNICATION REFERENCE PAPER FOR THE SCHEDULE OF SAMOA

## Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

#### **Definitions**

<u>User</u> means service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

<u>A major supplier</u> is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) its position in the market.

### 1. Competitive Safeguards

#### 1.1 Prevention of Anti-Competitive Practices in Telecommunications

Appropriate measures shall be maintained for the purposes of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

## 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

### 2. <u>Interconnection</u>

This section applies to linking with suppliers providing public telecommunications transport network or services in order to allow the users of one supplier and to access services provided by another supplier, where specific commitments are undertaken.

# 2.1 <u>Interconnection to be Ensured</u>

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

# 2.2 <u>Public Availability of the Procedures for Interconnection Negotiations</u>

The procedures applicable for interconnection to a major supplier will be made publicly available.

# 2.3 <u>Transparency of Interconnection Arrangements</u>

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

## 2.4 <u>Interconnection: Dispute Settlement</u>

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known; or
- (c) to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for Interconnection within a reasonable period of time, to the extent that these have not been established previously.

## 3. <u>Universal Service</u>

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

# 4. <u>Public Availability of Licensing Criteria</u>

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

# 5. <u>Independent Regulators</u>

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

## 6. Allocation and use of Scarce Resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocate frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

# ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

## SCHEDULE OF SOLOMON ISLANDS

Modes of supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market	Limitations on National	Additional Commitments
	Access	Treatment	
1. HORIZONTAL COMMI	TMENTS		
ALL SECTORS INCLUDED	(3) Unbound for measures: a)	3) Pursuant to the <i>Foreign</i>	
IN THIS SCHEDULE	as part of the act of devolving	Investment Act 2005 and	
	a service that is provided in	Foreign Investment	
	the exercise of governmental	Regulations 2006, as at the	
	authority at the time the	date of signature of the	
	Agreement enters into force;	PACER Plus, a certificate of	
	or, b) regarding the sale or	registration must be	
	disposal of government-	obtained by investors of	
	owned entities or assets.	another Party that intends to	
		conduct an investment	
		activity. <sup>2</sup>	
		3) Natural persons that are	
		not citizens of the Solomon	
		Islands and enterprises that	
		are not wholly-owned by	
		citizens of the Solomon	

<sup>&</sup>lt;sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.
<sup>2</sup> Should Solomon Islands adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any changes under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Modes of supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market	Limitations on National	Additional Commitments
	Access	Treatment	
		Islands are prohibited from	
		owning or acquiring land or	
		any interest in land. Land	
		may be leased from government and land-holding	
		groups.	
		groups.	
II. Sector-Specific Commitme	nts		1
BUSINESS SERVICES			
A. Professional Services			
a) Legal services (CPC	1) None	1) None	
861)	2) None	2) None	
661)	3) Commercial presence	3) None	
	must take the form of a sole	,	
	proprietorship or		
	partnership.		
	1) ) )		
b) Accounting, auditing and	1) None	1) None	
bookkeeping services (CPC	2) None	2) None	
862)	3) None	3) None	
c) Taxation Services	1) None	1) None	
(CPC863)	2) None	2) None	
,	3) None	3) None	

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Additional Commitments Limitations on Market Limitations on National Treatment** Access d) Architectural 1) None 1) None services (CPC 8671) 2) None 2) None 3) None 3) None e) Engineering services (CPC 1) None 1) None 8672) 2) None 2) None 3) None 3) None f) Integrated engineering 1) None 1) None Services (CPC8673) 2) None 2) None 3) None 3) None 1) None h) Medical and dental 1) None services (CPC 9312) 2) None 2) None 3) None 3) None i) Veterinary services (CPC 1) None 1) None 932) 2) None 2) None 3) None 3) None B. Computer and related 1) None 1) None services (CPC 84) 2) None 2) None 3) None 3) None C. Research and **Development Services** 

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Limitations on National Additional Commitments** Access **Treatment** a) R&D services on natural 1) None 1) None sciences (CPC 851) 2) None 2) None 3) None 3) None b) R&D services on social 1) None 1) None humanities sciences and 2) None 2) None (CPC 852) 3) None 3) None c) Interdisciplinary R&D 1) None 1) None 2) None services (CPC 853) 2) None 3) None 3) None F. Other Business Services a) Advertising services (CPC 1) None 1) None 871) 2) None 2) None 3) None 3) None 1) None 1) None b) Market research and public opinion polling 2) None 2) None services (CPC 864) 3) None 3) None c) Management consulting 1) None 1) None services (CPC 865) 2) None 2) None 3) None 3) None

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Limitations on National Additional Commitments Treatment** Access Services 1) None related 1) None management consulting 2) None 2) None (CPC 866) 3) None 3) None e) Technical testing and 1) None 1) None services analysis (CPC 2) None 2) None 8676) 3) None 3) None m) Related scientific and 1) None 1) None technical consulting services 2) None 2) None (CPC 8675) 3) None 3) None p) Photographic 1) None 1) None services (CPC 875) 2) None 2) None 3) None 3) None q) Packaging services (CPC 1) None 1) None 2) None 876) 2) None 3) None 3) None r) Printing, publishing (CPC 1) None 1) None 88442) 2) None 2) None 3) None 3) None s) Convention services (CPC 1) None 1) None 87909\*) 2) None 2) None

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Additional Commitments Limitations on Market Limitations on National Treatment** Access 3) None 3) None 2. COMMUNICATION **SERVICES** 1) None B. Courier Services (CPC 1) None 7512) 2) None 2) None 3) None 3) None C. Telecommunication services **Basic Services** 1) None The Solomon Islands undertakes to 1) None a) Voice telephone services 2) None 2) None adopt the regulatory principles contained in the Reference Paper 3) None 3) None attached hereto. Packet-switched 1) None 1) None data transmission services 2) None 2) None 3) None 3) None Circuit-switched data 1) None 1) None transmission services 2) None 2) None 3) None 3) None d) Telex services 1) None 1) None 2) None 2) None 3) None 3) None

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Limitations on National Additional Commitments Treatment** Access e) Telegraph services 1) None 1) None 2) None 2) None 3) None 3) None f) Facsimile services 1) None 1) None 2) None 2) None 3) None 3) None g) Private leased circuit 1) None 1) None 2) None 2) None services 3) None 3) None Value-added services h) Electronic mail 1) None 1) None 2) None 2) None 3) None 3) None i) Voice mail 1) None 1) None 2) None 2) None 3) None 3) None j) On-line information and 1) None 1) None data base retrieval 2) None 2) None 3) None 3) None k) Electronic data interchange 1) None 1) None

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Limitations on National Additional Commitments Treatment** Access (EDI) 2) None 2) None 3) None 3) None Enhanced/value-added 1) None 1) None facsimile services, including 2) None 2) None store and forward, store and 3) None 3) None retrieve protocol 1) None 1) None Code and conversion 2) None 2) None 3) None 3) None n) On-line information and/or 1) None 1) None data processing 2) None 2) None 3) None 3) None 3. CONSTRUCTION AND **RELATED ENGINEERING SERVICES** A. General construction work 1) Unbound\* 1) Unbound\* for buildings (CPC 512) 2) None 2) None 3) None 3) None B. General construction work 1) Unbound\* 1) Unbound\* for civil engineering (CPC 2) None 2) None

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Limitations on National Additional Commitments Treatment** Access 513) 3) None 3) None C. Installation and assembly 1) Unbound\* 1) Unbound\* 2) None 2) None work (CPC 514+516) 3) None 3) None 1) Unbound\* D. Building completion and 1) Unbound\* finishing work (CPC 517) 2) None 2) None 3) None 3) None 4. DISTRIBUTION **SERVICES** Commitments in this sector exclude: - distribution services relating alcohol, tobacco, handicrafts and cultural art crafts, and gold. 1) None A. Commission agents' 1) None 2) None services (CPC 2) None 621, 61111\*\*, 6113\*\*, 3) None 3) None 6121\*\*) B. Wholesale trade services 1) None 1) None (CPC 622, 61111\*\*, 6113\*\*, 2) None 2) None 6121\*\*) 3) None 3) None

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Additional Commitments Limitations on Market Limitations on National Treatment** Access 5. EDUCATIONAL SERVICES (limited to services provided by privately-owned institutions) Secondary 1) None 1) None education 2) None services (CPC 922\*\*) 2) None 3) None 3) None C. Higher education services 1) None 1) None in private institutions (CPC 2) None 2) None 923\*\*) 3) None 3) None D. Adult education (CPC 1) None 1) None 924) 2) None 2) None 3) None 3) None 1) None 1) None E. Other education services 2) None 2) None (CPC 929) 3) None 3) None 6. ENVIRONMENTAL **SERVICES** Consultancy related to the

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Additional Commitments Limitations on Market Limitations on National Treatment** Access provision of the following environmental services: A. Sewage Services (CPC 1) None 1) None 9401\*\*) 2) None 2) None 3) None 3) None B. Refuse disposal 1) None 1) None services (CPC 9402\*\*) 2) None 2) None 3) None 3) None C. Sanitation and similar 1) None 1) None services (CPC 9403\*\*) 2) None 2) None 3) None 3) None 7. FINANCIAL SERVICES Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans;

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Additional Commitments Limitations on Market Limitations on National Treatment** Access - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government. A. All insurance and 1) None 1) None insurance related services 2) None 2) None (CPC 812) 3) None 3) None B. Banking and other 1) None 1) None financial services (excl. 2) None 2) None insurance) (CPC 811-3) None 3) None 813) 9. TOURISM AND TRAVEL RELATED **SERVICES** 1) Unbound\* 1) Unbound\* A. Hotels and Restaurants (including catering) (CPC 2) None 2) None 641, 642\*\*, 643\*\*) 3) None 3) None - Except restaurants, cafes and other eating and drinking establishments of

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Limitations on National Additional Commitments Treatment** Access less than  $25m^2$ . B. Travel agencies 1) None 1) None (excluding tour operator 2) None 2) None services) (CPC 7471\*\*) 3) None 3) None 11. TRANSPORT SERVICES A. Maritime Transport 1) Local agent or registration 1) None The following services at the port in Solomon Islands required. are made available to Services international maritime transport **International Transport** 2) None 2) None suppliers on reasonable and non-(freight and passengers) discriminatory terms and (CPC 7211 and Establishment conditions 3)(a) unbound 3)(a) 7212), excluding cabotage registered company for the purpose of operating a fleet transport (as defined below) 1. Pilotage 2. Towing and the tug assistance under the national flag of the of 3. Provisioning, fuelling and State establishment: unbound watering 4. Garbage collecting and ballast waste disposal 3(b) Other forms of 3)(b) none 5. Port Captain's services commercial presence for the 6. Navigation aids supply of international 7. Shore-based operational maritime transport services (as services essential to ship defined in paragraph 2 of the operations including Annex below: None communications, water and electrical supplies

(1) Cross-border supply 2) Consumption abroad (3) Commercial presence Modes of supply: Sector or Sub-sector<sup>1</sup> **Additional Commitments Limitations on Market Limitations on National Treatment** Access 8. Emergency repair facilities 9. Anchorage, berth and berthing services. d) Maintenance and repair of 1) Unbound\* 1) Unbound\* vessels (CPC 8868\*\*) 2) None 2) None 3) None 3) None MARITIME AUXILIARY **SERVICES** Container Station and Depot 1) None 1) None 2) None Services (as defined in 2) None 3) None 3) None Annex) Maritime Freight Forwarding 1) None 1) None Services (as defined in 2) None 2) None Annex) 3) None 3) None Storage and Warehousing 1) None 1) None Services 2) None 2) None 3) None 3) None 1) None Maritime Agency Services 1) Suppliers of maritime transport (as defined in Annex) services are 2) None required to go through a 3) None local agent established in

Modes of supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market	<b>Limitations on National</b>	Additional Commitments
	Access	Treatment	
	Solomon Islands.		
	2) None		
	3) None		
C. Air Transport Services <sup>3</sup>			
Aircraft repair and	1) None	1) None	
maintenance services	2) None	2) None	
	3) None	3) None	
Selling and marketing of air	1) None	1) None	
transport services	2) None	2) None	
	3) None	3) None	
Computer reservation system	1) None	1) None	
services	2) None	2) None	
	3) None	3) None	
Ground handling services	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
Specialty air services	1) None	1) None	
	2) None	2) None	
	3) None	3) None	

 $^3$  As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market	<b>Limitations on National</b>	Additional Commitments
	Access	Treatment	
H. Services Auxiliary to All			
Modes of Transport			
	1) 1/	10.01	
a) Cargo-handling services,	1) None	1) None	
except maritime and air cargo	2) None	2) None	
handling (CPC 741**)	3) None	3) None	
h) Stone on and women over	1) Name	1) Name	
b) Storage and warehouse	1) None	1) None	
services, except maritime	2) None	2) None	
storage and warehousing	3) None	3) None	
services (CPC			
742**)			
a) Eraight transport agangy	1) None	1) None	
c) Freight transport agency	1) None	1) None	
services, except maritime	2) None	2) None	
freight agency	3) None	3) None	
services (CPC 748**)			

<sup>\*</sup> Unbound due to lack of technical feasibility.

\*\* The service specified constitutes only part of the total range of activities covered by the CPC concordance.

#### ANNEX TO THE SCHEDULE OF SOLOMON ISLANDS: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in the Solomon Islands and another port located in the Solomon Islands, traffic originating and terminating in the same port located in the Solomon Islands provided that this traffic remains within the Solomon Islands' territorial waters, and traffic between a port located in the Solomon Islands and installations or structures situated in the EEZ or relating to the continental shelf of the Solomon Islands.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross- border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "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 covered include the organisation and supervision of:
  - the loading/discharging of cargo to/from a ship;
  - the lashing/unlashing of cargo;
  - the reception/delivery and safekeeping of cargoes before shipment or after discharge.
- 4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
- 5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
- 6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;

- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
- 7. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

#### TELECOMMUNICATION REFERENCE PAPER FOR THE SCHEDULE OF SOLOMON ISLANDS

#### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

#### **Definitions**

<u>User</u> means service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

<u>A major supplier</u> is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) its position in the market.

# 1. <u>Competitive Safeguards</u>

## 1.1 Prevention of Anti-Competitive Practices in Telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

#### 1.2 <u>Safeguards</u>

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

#### 2. <u>Interconnection</u>

This section applies to linking with suppliers providing public telecommunications transport network or services in order to allow the users of one supplier and to access services provided by another supplier, where specific commitments are undertaken.

### 2.1 <u>Interconnection to be Ensured</u>

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates:
- (b) in a timely fashion on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

# 2.2 Public Availability of the Procedures for Interconnection Negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

# 2.3 Transparency of Interconnection Arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

#### 2.4 Interconnection: Dispute Settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known; or
- (c) to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for Interconnection within a reasonable period of time, to the extent that these have not been established previously.

# 3. <u>Universal Service</u>

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti- competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

# 4. <u>Public Availability of Licensing Criteria</u>

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

# 5. <u>Independent Regulators</u>

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

# 6. Allocation and use of Scarce Resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocate frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

\_\_\_\_\_

#### ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

# **SCHEDULE OF TONGA**

1. The inscription 'none' means that, for the listed sector or sub-sector, no limitations to the obligations of national treatment are maintained. The inscription 'unbound' means that no commitments are taken with respect to a particular subsector or area. Limitations listed in the horizontal section condition all sector-specific commitments.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad

(3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITM	ENTS		
ALL SECTORS INCLUDED IN		(3) All foreign investors require a	
THIS SCHEDULE		Foreign Investment Registration	
		Certificate. <sup>2</sup> For greater certainty,	
		the granting of certificates, as well	
		as their renewal, are not	
		conditional on an economic needs	
		test or the level of foreign	
		ownership.	

<sup>1</sup> The approach to classification and scheduling is generally based on the WTO's *Guidelines for the Scheduling of Specific Commitments* (S/L/92). As far as possible, Tonga has scheduled its commitments on the basis of the WTO's Services Sectoral Classification List (MTN.GNS/W/120), and corresponding definitions from the Provisional Central Product Classification, United Nations, 1991(otherwise commonly referred to as CPC). The inscription "\*\*" means the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

<sup>&</sup>lt;sup>2</sup> Holders of such certificates notably have to pay related fees and to produce an annual status report for the authorities. This entry in the schedule is in accordance with Tonga's foreign investment rules at time of entry into force of the Agreement, which principally consists of the Foreign Investment Act 2002. Should Tonga adopt, after entry into force, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

(3) Unbound for measures: a) a) as part of the act of devolving a service that is provided in the exercise of governmental authority at the time the Agreement enters into force; or, b) b) regarding the sale or disposal of government-owned entities or assets.  (1,2,3) Unbound with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or	Sectors and sub-sectors <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
education, public training, health, child care, public transport and public housing.		a) a) as part of the act of devolving a service that is provided in the exercise of governmental authority at the time the Agreement enters into force; or, b) b) regarding the sale or disposal of government-owned entities or assets.  (1,2,3) Unbound with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public	(3) The Tongan Constitution prohibits the sale of land. Foreigners can only attain land through leasing, with the right to lease land for up to 99 years as	

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments		
II. SECTOR SPECIFIC COMM	II. SECTOR SPECIFIC COMMITMENTS				
I. BUSINESS SERVICES					
A. <u>Professional Services</u>					
(a) Legal Services (CPC 861)	(1) None	(1) None			
	(2) None	(2) None			
	(3) None	(3) None			
(b) Accounting, auditing and	(1) None	(1) None			
bookkeeping services (CPC	(2) None	(2) None			
862)	(3) None	(3) None			
(c) Taxation services (CPC 863)	(1) None	(1) None			
	(2) None	(2) None			
	(3) None	(3) None			
(d) Architectural Services (CPC	(1) None	(1) None			
8671)	(2) None	(2) None			
	(3) None	(3) None			
(e) Engineering services (CPC	(1) None	(1) None			
8672)	(2) None	(2) None			
,	(3) None	(3) None			
(f) Integrated engineering services	(1) None	(1) None			
(CPC 8673)	(2) None	(2) None			
(0100013)	(3) None	(3) None			

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
(g) Urban planning and landscape	(1) None	(1) None	
architectural services (CPC	(2) None	(2) None	
8674)	(3) None	(3) None	
(h) Medical and dental	(1) None	(1) None	
services(CPC 9312)	(2) None	(2) None	
	(3) None	(3) None	
(i) Veterinary services (CPC 932)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
(j) Midwives, nurses,	(1) None	(1) None	
physiotherapists and	(2) None	(2) None	
paramedical personnel (CPC 93191)	(3) None	(3) None	
B. Computer and Related Services			
(a) Consultancy services related to	(1) None	(1) None	
installation of computer hardware	(2) None	(2) None	
(CPC 841)	(3) None	(3) None	
(b) Software implementation	(1) None	(1) None	
service(CPC 842)	(2) None	(2) None	
	(3) None	(3) None	

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
() D		(4)	
(c) Data processing services (CPC	(1) None	(1) None	
843)	(2) None	(2) None	
	(3) None	(3) None	
(d) Database services (CPC 844)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
(e) Other (CPC 845 + 849)	(1) None	(1) None	
(c) other (cr c o 15 + 0 15)	(2) None	(2) None	
	(3) None	(3) None	
	(5) Ivone	(3) None	
C. Research and Development Services			
(a) R&D services on natural	(1) None	(1) None	
sciences (CPC 851)	(2) None	(2) None	
, ,	(3) None	(3) None	
(b) R&D services on social	(1) None	(1) None	
sciences and humanities	(2) None	(2) None	
(CPC 852)	(3) None	(3) None	
(C1 C 032)	(5) None	(3) None	
(c) Interdisciplinary R&D	(1) None	(1) None	
services (CPC 853)	(2) None	(2) None	
	(3) None	(3) None	

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
D. Real Estate Services	(1) Unbound	(1) Unbound	
(a) Involving own or leased	(2) None	(2) None	
property (CPC 821)	(3) None	(3) None	
(b) On a fee or contract basis	1) Unbound	1) Unbound	
(CPC 822)	(2) None	(2) None	
	(3) None	(3) None	
E. Rental/Leasing Services without Operators			
a) Relating to ships (CPC 83103)	(1) None	(1) None	
a) relating to simps (er e es res)	(2) None	(2) None	
	(3) None	(3) None	
b) Relating to aircraft (CPC	(1) None	(1) None	
83104)	(2) None	(2) None	
,	(3) None	(3) None	
d) Relating to other machinery	(1) None	(1) None	
and equipment (CPC 83106-	(2) None	(2) None	
83109)	(3) None	(3) None	
e) Other (CPC 832)	(1) None	(1) None	
	(2) None	(2) None	

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(3) None	(3) None	
F. Other Business Services			
a) Advertising services (CPC 871)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
b) Market research and public	(1) None	(1) None	
opinion polling services (CPC	(2) None	(2) None	
864)	(3) None	(3) None	
c) Management consulting	(1) None	(1) None	
services (CPC 865)	(2) None	(2) None	
	(3) None	(3) None	
d) Services related to management	(1) None	(1) None	
consulting (CPC 866)	(2) None	(2) None	
	(3) None	(3) None	
	(1) 31	(1) N	
e) Technical testing and analysis	(1) None	(1) None	
services (CPC 8676)	(2) None	(2) None	
	(3) None	(3) None	
g) Services incidental to fishing	(1) None	(1) None	
	(2) None	(2) None	

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
	(3) None	(3) None	
h) Services incidental to	(1) None	(1) None	
mining(CPC 883)	(2) None	(2) None	
	(3) None	(3) None	
i) Services incidental to	(1) None	(1) None	
manufacturing (CPC 884)	(2) None	(2) None	
	(3) None	(3) None	
j) Services incidental to energy	(1) None	(1) None	
distribution (CPC 887)	(2) None	(2) None	
	(3) None	(3) None	
k) Placement and supply services	(1) None	(1) None	
of personnel (CPC 872)	(2) None	(2) None	
	(3) None	(3) None	
l) Related scientific and technical	(1) None	(1) None	
consulting services	(2) None	(2) None	
	(3) None	(3) None	
n) Maintenance and repair of	(1) None	(1) None	
equipment (not including	(2) None	(2) None	
maritime vessels, aircraft or other transport equipment) (CPC	(3) None	(3) None	

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
633+8861-8866)			
o) Building-cleaning services (CPC 874)	(1) None (2) None (3) None	<ul><li>(1) None</li><li>(2) None</li><li>(3) None</li></ul>	
p) Photographic services (CPC 875)	(1) None (2) None (3) None	(1) None (2) None (3) None	
q) Packaging services (CPC 876)	(1) Unbound (2) None (3) None	(1) Unbound (2) None (3) None	
r) Printing, publishing (CPC 88442)	(1) Unbound (2) None (3) None	(1) Unbound (2) None (3) None	
s) Convention services (CPC 87909**)	<ul><li>(1) Unbound</li><li>(2) None</li><li>(3) None</li></ul>	(1) Unbound (2) None (3) None	
t) Other (CPC 87903-87907)	(1) Unbound (2) None (3) None	(1) Unbound (2) None (3) None	

Sectors and sub-sectors <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	<b>Additional Commitments</b>
2. COMMUNICATION			
SERVICES			
A. Postal Services			
Consultancy related to the	(1) None	(1) None	
provision of Postal Services	(2) None	(2) None	
(CPC 7511**)	(3) None	(3) None	
(6167311 )	(S) Itolic	(S) Itolic	
B. Courier Services			
Courier Services (CPC 7512)	(1) None	(1) None	
, , , ,	(2) None	(2) None	
	(3) None	(3) None	
C. Telecommunication Services	(1) None	(1) None	Tonga subscribes to the principles
	(2) None	(2) None	set forth in the reference paper
Basic telecommunications:	(3) None	(3) None	attached.
(a) Voice telephone services			
(CPC 7521)			
(b) Packet-switched data			
transmission services (CPC			
7523**)			
(c) Circuit-switched data			
transmission services (CPC			
7523**)			
(d) Telex services (CPC 7523**)			
(e) Telegraph services (CPC			

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
7522) (f) Facsimile services (CPC 7521**+7529**) (g) Private leased circuit services(CPC 7522**+7523**)			
Value-added telecommunications services, including:  (h) Electronic mail (CPC 7523**)  (i) Voice mail (CPC 7523**)  (j) On-line information and data base-retrieval (CPC 7523**)  (k) Electronic data interchange (EDI) (CPC 7523**)  (l) Enhanced/value added facsimile services, incl. store and forward, store and retrieve(CPC 7523**)  (m) Code and protocol conversion  (n) On-line information and/or data processing (including transaction processing) (CPC 843**)  (o) Other	(1) None (2) None (3) None	(1) None (2) None (3) None	Tonga subscribes to the principles set forth in the reference paper attached.

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul> <li>D. <u>Audio-visual Services</u></li> <li>(a) Motion Picture and video tape distribution services (CPC 9611**) to other industries for public entertainment, television broadcasting, or sale or rental to others<sup>3</sup></li> </ul>	(2) None	(1) (2) (3) None, except unbound for support programmes established to preserve or promote the cultural identity of Tonga and of countries with which Tonga has bilateral and plurilateral agreements now or in the future.	
(b) Motion Picture projection service (CPC 9612)	(1) None (2) None (3) None	(1) (2) (3) None, except unbound for support programmes established to preserve or promote the cultural identity of Tonga and of countries with which Tonga has bilateral and plurilateral agreements now or in the future.	

 $<sup>^{3}</sup>$  For the purpose of this commitment, distribution means licensing of motion pictures or videotapes.

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Radio and television distribution services (CPC 9613**) <sup>4</sup> Broadcasting services for radio and television programs are specifically excluded	(1) None (2) None (3) None	(1) (2) (3) None, except unbound for support programmes established to preserve or promote the cultural identity of Tonga and of countries with which Tonga has bilateral and plurilateral agreements now or in the future.	
(e) Sound recording	(1) None (2) None (3) None	(1) (2) (3) None, except unbound for support programmes established to preserve or promote the cultural identity of Tonga and of countries with which Tonga has bilateral and plurilateral agreements now or in the future.	

<sup>&</sup>lt;sup>4</sup> For the purpose of this commitment, distribution means licensing of radio and television programs.

Sectors and sub-sectors <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
3. CONSTRUCTION AND		Treatment	
RELATED ENGINEERING			
SERVICES			
A. General construction work	(1) None	(1) None	
for buildings	(2) None	(2) None	
(CPC 512)	(3) None	(3) None	
	40.25	40. 27	
B. General construction work	(1) None	(1) None	
for civil engineering	(2) None	(2) None	
(CPC 513)	(3) None	(3) None	
C. Trestallation and accomble	(1) N	(1) N	
C. <u>Installation and assembly</u>	(1) None	(1) None	
work (CDC 514 + 516)	(2) None	(2) None	
(CPC 514 +516)	(3) None	(3) None	
D. Building completion and	(1) None	(1) None	
finishing work	(2) None	(2) None	
(CPC 517)	(3) None	(3) None	
(	(-,	(-,	
E. Other	(1) None	(1) None	
$\overline{\text{(CPC }511 + 515 + 518)}$	(2) None	(2) None	
	(3) None	(3) None	

(3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
4. DISTRIBUTION SERVICES		Treatment	
(excluding distribution services in			
relation to alcohol, tobacco, green			
and mature coconuts, and			
handicrafts)			
A. Commission agent's services	(1) Unbound	(1) Unbound	
(CPC 621)	(2) Unbound	(2) Unbound	
,	(3) None	(3) None	
B. Wholesale trade services	(1) None	(1) None	
(CPC 622)	(2) None	(2) None	
	(3) Unbound	(3) Unbound	
C. Retailing services <sup>5</sup>			
Food retailing services (CPC 631)	(1) None	(1) None	
(Food and household provisions	(2) None	(2) None	
for final consumption)	(3) Unbound	(3) Unbound	
Non-food retailing services (CPC	(1) None	(1) None	
632**), except sales of used	(2) None	(2) None	

 $^{\rm 5}$  Retailing services are here taken to mean the sale of goods for final consumption.

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
motor vehicles. (Non-food and non-household provisions for final consumption)	(3) None	(3) None	
D. Franchising (CPC 8929)	<ul><li>(1) None</li><li>(2) None</li><li>(3) None</li></ul>	<ul><li>(1) None</li><li>(2) None</li><li>(3) None</li></ul>	

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
A. <u>Primary education services</u>	(1) None	(1) None	
(CPC 921)	(2) None	(2) None	
	(3) None	(3) None	
B. Secondary education services	(1) None	(1) None	
(CPC 922)	(2) None	(2) None	
	(3) None	(3) None	
C. <u>Higher education services</u>	(1) None	(1) None	
(CPC 923)	(2) None	(2) None	
	(3) None	(3) None	
	(1) 11		
D. Adult education	(1) None	(1) None	
(CPC 924)	(2) None	(2) None	
	(3) None	(3) None	
E. Other education services	(1) None	(1) None	
(CPC 929)	(2) None	(2) None	
·	(3) None	(3) None	

Sec	ctors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
6.	ENVIRONMENTAL SERVICES			
A.	Sewage services / Waste water Services (CPC 9401)	(1) None (2) None (3) None	(1) None (2) None (3) None	
В.	Refuse disposal service (CPC 9402)	(1) None (2) None (3) None	<ul><li>(1) None</li><li>(2) None</li><li>(3) None</li></ul>	
C.	Sanitation and similar services (CPC 9403)	(1) None (2) None (3) None	(1) None (2) None (3) None	
	Other rvices to reduce exhaust gases and other emissions and improve air quality (CPC 9404) Noise abatement services (CPC 9405) Treatment, remediation of contaminated/polluted soil and water, Nature and	(1) None (2) None (3) None	(1) None (2) None (3) None	

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
landscape protection services (CPC 9406)  - Other environmental protection services not classified elsewhere (CPC 9409)			

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
7. FINANCIAL SERVICES			
Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.			
A. All insurance and insurance-related services			
<ul> <li>(a) Life insurance services</li> <li>(b) Non-life insurance services</li> <li>(c) Reinsurance and retrocession</li> <li>(d) Services auxiliary to insurance, such as consultancy, actuarial, risk</li> </ul>	(1) None (2) None (3) None	(1) None (2) None (3) None	

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
assessment and claim			
settlement services			
B. Banking and other financial	(1) None	(1) None	
services, (excluding	(2) None	(2) None	
<u>insurance)</u>	(3) None	(3) None	
(a) Acceptance of deposits and			
other repayable funds from the public			
(b) Lending of all types, including			
consumer credit, mortgage			
credit, factoring and financing			
of commercial transaction			
(c) Financial leasing			
(d) All payment and money			
transmission services,			
including credit, charge and			
debit cards, travellers' cheques			
and bankers drafts			
(e) Guarantees and commitments			
(f) Trading for own account or			
for account of customers,			
whether on an exchange, in an			
over-the-counter market or			
otherwise, the following:			
(i) money market			
instruments (including			

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
cheques, bills,			
certificates of deposits)			
(ii) foreign exchange			
(iii) derivative products			
including, but not limited			
to, futures and options			
(iv) exchange rate and			
interest rate instruments,			
including products such			
as swaps, forward rate			
agreements			
(v) transferable securities			
(vi) other negotiable			
instruments and financial			
assets, including bullion.			
(g) Participation in issues of all			
kinds of securities including			
underwriting and placement			
as agent (whether publicly or			
privately) and provision of			
services related to such issues			
(h) Money broking			
(i) Asset management, such as			
cash or portfolio management,			
all forms of collective			

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
investment management, pension fund management, custodial, depository and trust services			
(j) Settlement and clearing services for financial assets including securities, derivative products, and other negotiable instruments			
(k) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.			
(l) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services.			

Sec	etors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
8.	HEALTH RELATED AND SOCIAL SERVICES			
A.	Hospital services (CPC 9311)	(1) None (2) None (3) None	(1) None (2) None (3) None	
В.	Other Human health services	(1) None (2) None (3) None	(1) None (2) None (3) None	
C.	Social Services	(1) None (2) None (3) None	(1) None (2) None (3) None	
9.	TOURISM AND TRAVEL RELATED SERVICES			
A.	Hotels and Restaurants (including catering) (CPC 641-643)	<ul><li>(1) None</li><li>(2) None</li><li>(3) None for investment of TOP 200,000 or more</li></ul>	(1) None (2) None (3) None	
B.	Travel Agencies and Tour	(1) None	(1) None	

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Operators Services	(2) None	(2) None	
(CPC 7471)	(3) None	(3) None	
C. <u>Tourist Guide Services</u> (CPC 7472)	(1) None (2) None (3) None	(1) None (2) None (3) None	
10. RECREATIONAL,	(1) None	(1) None	
CULTURAL AND SPORTING	(2) None	(2) None	
SERVICES	(3) None	(3) None	
Cinema theatre operation services (part of CPC 96199)			
C. Libraries, archives, museums,	(1) None	(1) None	
and other cultural services (CPC	(2) None	(2) None	
963)	(3) None	(3) None	
D. Sporting and other recreational	(1) None	(1) None	
services (CPC 964**)	(2) None	(2) None	
scrvices (er e 704 )	(3) None	(3) None	
- Excluding gambling and betting	(5) Tione	(b) Ivone	
11. TRANSPORT SERVICES	1) Local agent or registration in	1) None	No measures shall be applied
A. <u>Maritime Transport</u>	Tonga is required.		which deny reasonable and non-

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	<b>Additional Commitments</b>
<u>Services</u>			discriminatory access to the
	2) None	2) None	following services:
International Transport (freight			
and passengers) (CPC 7211 and	3) (a) Establishment of	3) (a) Unbound	1. Towing and tug assistance
7212), excluding cabotage	registered company for the		2. Provisioning, fuelling and
transport (as defined below)	purpose of operating a fleet under		watering
	the national flag of the State of establishment: unbound		3. Garbage collecting and ballast waste disposal
		3) (b) None	4. Emergency repair facilities
	3) (b) Other forms of commercial presence for the		5. Lightering and water taxi services
	supply of international maritime		6. Ship agencies
	transport services (as defined		7. Custom brokers
	below - 2): none		8. Stevedoring and terminal services
d) Maintenance and repair of	(1) None	(1) None	9. Surveying and classification
vessels (CPC 8868**)	(2) None	(2) None	services
,	(3) None	(3) None	
			If road, rail, inland waterways and
MARITIME AUXILIARY			related auxiliary services are not
SERVICES			otherwise fully covered in this
			schedule, a multimodal transport
Customs Clearance Services (as	(1) None	(1) None	operator shall have the ability to
defined in Annex)	(2) None	(2) None	rent or lease trucks, railway
	(3) None	(3) None	carriages or barges, and related equipment for multimodal

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Container Station and Depot	(1) None	(1) None	activities on reasonable and non-
Services (as defined in Annex)	(2) None	(2) None	discriminatory terms and
	(3) None	(3) None	conditions for the purpose of
			carrying out multimodal transport
Maritime Freight Forwarding	(1) None	(1) None	operations. "Non discriminatory
Services (as defined in Annex)	(2) None	(2) None	terms and conditions" mean, for
	(3) None	(3) None	the purpose of this additional commitment, the ability of the
Maritime Cargo Handling	(1) None	(1) None	multimodal transport operator to
Services (as defined in Annex)	(2) None	(2) None	arrange for the conveyance of its
	(3) None	(3) None	merchandise on a timely basis,
			including priority over other
Storage and Warehousing	(1) None	(1) None	multimodal transport operator
Services	(2) None	(2) None	merchandise which has entered
	(3) None	(3) None	the port at a later date.
Maritime Agency Services (as	(1) Suppliers of international	(1) None	
defined in Annex)	maritime transport services	(2) None	
	are required to go through a	(3) None	
	local agent established in		
	Tonga.		
	(2) None		
	(3) None		

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. Air Transport Services			
(d) Aircraft rangin and	(1) None	(1) None	
(d) Aircraft repair and maintenance services <sup>6</sup> ;	(2) None	(1) None (2) None	
maintenance services,	(3) None	(3) None	
	(3) None	(3) None	
Computer reservation system	(1) None	(1) None	
(CRS) services;	(2) None	(2) None	
(Cits) services,	(3) None	(3) None	
		(c) Itohe	
(e) Supporting services for air	(1) None	(1) None	
transport	(2) None	(2) None	
transport	(3) None	(3) None	
	(3) Ivolic	(3) Ivolic	
Specialty air services;	(1) None	(1) None	
	(2) None	(2) None	
	(3) None	(3) None	
Selling & marketing of air	(1) None	(1) None	

<sup>&</sup>lt;sup>6</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
transport <sup>5</sup>	(2) None	(2) None	
	(3) None	(3) None	
H. Services auxiliary to all modes of transport			
(a) Cargo-handling service	(1) None	(1) None	
excluding maritime services	(2) None	(2) None	
(CPC 741)	(3) None	(3) None	
(b) Storage and warehouse	(1) None	(1) None	
service excluding maritime	(2) None	(2) None	
services (CPC 742)	(3) None	(3) None	
(c) Freight transport agency	(1) None	(1) None	
services (CPC 748)	(2) None	(2) None	
(	(3) None	(3) None	
(d) Other	(1) None	(1) None	
(CPC 749)	(2) None	(2) None	
	(3) None	(3) None	

#### ANNEX TO THE SCHEDULE OF TONGA: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in Tonga and another port located in Tonga, traffic originating and terminating in the same port located in Tonga provided that this traffic remains within Tonga's territorial waters, and traffic between a port located in Tonga and installations or structures situated in the EEZ or relating to the continental shelf of Tonga.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerized information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "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 covered include the organisation and supervision of:
  - (a) the loading/discharging of cargo to/from a ship;
  - (b) the lashing/unlashing of cargo;
  - (c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.
- 4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
- 5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
- 6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
  - (a) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;

- (b) acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
- 7. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

#### REFERENCE PAPER FOR THE SCHEDULE OF TONGA

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

#### **Definitions**

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers;
  - (b) cannot feasibly be economically or technically substituted in order to provide a service.

<u>A major supplier</u> is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

#### 1. Competitive safeguards

1.1. Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

# 1.2. <u>Safeguards</u>

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
  - (c) not making available to other services suppliers on timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

# 2. <u>Interconnection</u>

2.1. This section applies to linking with suppliers, providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

#### 2.2. Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is

#### provided:

- (a) under non-discriminatory terms, conditions (incl. technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (incl. technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

## 2.3. Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

## 2.4. <u>Transparency of interconnection arrangements</u>

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

#### 2.5. Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

## 3. <u>Universal service</u>

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

## 4. Public availability of licensing criteria

If a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licenses.

The reasons for the denial of a licence will be made known to the applicant upon request.

# 5. <u>Independent regulators</u>

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

## 6. <u>Allocation and use of scarce resources</u>

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

#### SCHEDULE OF TUVALU

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
I. HORIZONTAL COMMIT	MENTS		
ALL SECTORS INCLUDED	3) Investment by natural	3) Natural persons who are not	
IN THIS SCHEDULE	persons who are not Tuvalu	citizens of Tuvalu and	
	citizens and by enterprises of	enterprises that are not wholly-	
	another Party is subject to	owned by citizens of Tuvalu may	
	approval by the Government.	be required to provide short-term	
	Approval shall be granted to	training to local employees.	
	investments which are		
	determined by the Government	3) Natural persons who are not	
	to likely confer economic	citizens of Tuvalu and	
	benefits on Tuvalu. <sup>2</sup>	enterprises that are not wholly-	
		owned by citizens of Tuvalu are	
		prohibited from owning land.	
		Land may be leased for a period	
		not exceeding 25 years. Leases	
		have to be approved by the	

<sup>&</sup>lt;sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>&</sup>lt;sup>2</sup> This entry in the schedule reflects Tuvalu's foreign investment rules at time of entry into force of this Agreement, which includes the *Foreign Direct Investment Act 1996* as amended by the *Foreign Direct Investment Act 2008* (revised edition). Should Tuvalu adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
		Lands Court and by the relevant	
		Minister under a non-	
		discriminatory process.	
II Cartan Caranifi Caranitan	4-		
II. Sector-Specific Commitmen	its		
BUSINESS SERVICES			
DOSINESS SERVICES			
Professional Services			
a) Legal Services (CPC 861)	1) None	1) None	
	2) None	2) None	
	3) Partnership and joint	3) None	
	venture with local partner		
	required		
b)Accounting, auditing and		1) None	
bookkeeping services	1) None	2) None	
(CPC 862)	2) None	3) None	
	3) Commercial presence must		
	take the form of a sole		
	proprietorship or partnership	1007	
c) Taxation services (CPC 863)	4. 37	1) None	
	1) None	2) None	
	2) None	3) None	
	3) None		
d) Architectural services	43.37	1) None	
(CPC 8671)	1) None	2) None	

Modes of Supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Limitations on National Additional Commitments** Treatment 2) None 3) None 3) None e) Engineering services 1) None (CPC 8672) 1) None 2) None 2) None 3) None 3) None f) Integrated engineering 1) None services (CPC 8673) 2) None 1) None 2) None 3) None 3) None g) Urban planning and landscape architectural 1) None 1) None services (CPC 8674) 2) None 2) None 3) None 3) None h) Medical and dental services 1) None 1) None (CPC 9312) 2) None 2) None 3) Commercial presence must 3) None take the form of a sole proprietorship or partnership i) Veterinary services (CPC 1) None 1) None 2) None 2) None 932) 3) Commercial presence must 3) None take the form of a sole proprietorship or partnership

Modes of Supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Limitations on National Additional Commitments** Treatment 1) None j) Midwives, nurses, 1) None physiotherapists and 2) None 2) None 3) Commercial presence must paramedical personnel (CPC 3) None 93191) take the form of a sole proprietorship or partnership 1) None B. Computer and Related 1) None Services (CPC 84) 2) None 2) None 3) None 3) None C. Research and **Development Services** a) R&D services on natural 1) None 1) None sciences (CPC 851) 2) None 2) None 3) None 3) None b) R&D services on social 1) None 1) None sciences and humanities 2) None 2) None (CPC 852) 3) None 3) None c) Interdisciplinary R&D 1) None 1) None services (CPC 853) 2) None 2) None 3) None 3) None D. Real Estate Services

Modes of Supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Limitations on National Additional Commitments** Treatment a) Involving own or leased 1) Unbound 1) Unbound property (CPC 821) 2) Unbound 2) Unbound 3) None 3) None 1) Unbound b) On a fee or contract basis 1) Unbound (CPC 822) 2) Unbound 2) Unbound 3) None 3) None E. Rental/Leasing Services without Operators a) Relating to ships (CPC 83103) 1) None 1) None 2) None 2) None 3) None 3) None b) Relating to aircraft (CPC 1) None 1) None 83104) 2) None 2) None 3) None 3) None c) Relating to other transport 1) None 1) None equipment (CPC 2) None 2) None 83101+83102+83105) 3) None 3) None d) Relating to other machinery 1) None 1) None and equipment (CPC 83106-2) None 2) None 3) None 83109) 3) None

Modes of Supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Limitations on National Additional Commitments** Treatment e) Other (CPC 832). 1) None 1) None 2) None 2) None 3) None 3) None F. Other Business Services a) Advertising services (CPC 1) None 1) None 871) 2) None 2) None 3) None 3) None b) Market research and public 1) None 1) None opinion polling services (CPC 2) None 2) None 864) 3) None 3) None c) Management consulting 1) None 1) None services (CPC 865) 2) None 2) None 3) None 3) None d) Services related to 1) None 1) None management consulting 2) None 2) None (CPC 866) 3) None 3) None e) Technical testing and analysis 1) None 1) None services (CPC 8676) 2) None 2) None 3) None 3) None

Modes of Supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Limitations on National Additional Commitments** Treatment f) Services incidental to 1) None 1) None agriculture, hunting and forestry 2) None 2) None 3) None 3) None (CPC 881) g) Services incidental to fishing 1) None 1) None (CPC 882\*\*) (Consists of 2) None 2) None specialized consultancy services 3) None 3) None only, related to fisheries. Does not include fishing) h) Services incidental to mining 1) None 1) None (CPC 883) 2) None 2) None 3) None 3) None i) Services incidental to 1) None 1) None manufacturing (CPC 884) 2) None 2) None 3) None 3) None j) Services incidental to energy 1) None 1) None distribution (CPC 997\*\*) (Covers 2) None 2) None specialised consultancy services 3) None 3) None only, in relation to energy distribution) k) Placement and supply services 1) None 1) None and personnel (CPC 872) 2) None 2) None

Modes of Supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Limitations on National Additional Commitments** Treatment 3) None 3) None 1) Investigation and security 1) None 1) None (CPC 873) 2) None 2) None 3) None 3) None m) Related scientific and 1) None 1) None technical consulting services 2) None 2) None (CPC 8675) 3) None 3) None n) Maintenance and repair of 1) None 1) None equipment (not including 2) None 2) None maritime vessels, aircraft or other 3) None 3) None transport equipment) (CPC 633+8861-8866) o) Building-cleaning services 1) None 1) None (CPC 874) 2) None 2) None 3) None 3) None p) Photographic services (CPC 1) None 1) None 2) None 875) 2) None 3) None 3) None q) Packaging services (CPC 876) 1) None 1) None 2) None 2) None 3) None 3) None

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
r) Printing, publishing (CPC	1) None	1) None	
88442)	2) None	2) None	
	3) None	3) None	
s) Convention services (CPC	1) None	1) None	
87909*)	2) None	2) None	
,	3) None	3) None	
t) Other (CPC 8790)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 7512)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
D. Audiovisual services			
a) Motion picture and	1) None	1) None	

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
videotape production and	2) None	2) None	
distribution <sup>3</sup> services	3) None	3) None	
(CPC 9611)			
b) Motion picture projection	1) None	1) None	
services (CPC 9612)	2) None	2) None	
	3) None	3) None	
e) Sound recording services			
	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
3. CONSTRUCTION			
AND RELATED			
ENGINEERING			
SERVICES			
	1) 37	10.37	
A. General construction work	1) None	1) None	
for buildings (CPC 512)	2) None	2) None	
	3) None	3) None	
B. General construction work	1) None	1) None	
	,	1) None	
for civil engineering (CPC 513)	2) None	2) None	
	3) None	3) None	

<sup>3</sup> For greater clarity, distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use.

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
C. Installation and assembly	1) Name	1) Nama	
C. Installation and assembly	1) None	1) None	
work (CPC 514+516)	2) None	2) None	
	3) None	3) None	
D. Building completion and	1) None	1) None	
finishing work (CPC 517)	2) None	2) None	
	3) None	3) None	
E. Other	1) None	1) None	
(CPC 511+515+518)	2) None	2) None	
	3) None	3) None	
	o) I voile	c) 1 (one	
4 DICTRIBUTION			
4. DISTRIBUTION			
SERVICES (excluding			
distribution services in			
relation to alcohol, tobacco,			
and coconut products)			
A. Commission agents' services	1) None	1) None	
(CPC 621, 61111**, 6113**,	2) None	2) None	
6121**)	3) None	3) None	
B. Wholesale trade services	1) None	1) None	
(CPC 622, 61111**, 6113**,	2) None	2) None	
6121**)	3) None	3) None	

Modes of Supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Limitations on National Additional Commitments** Treatment C. Retailing services (CPC 631, 1) None 1) None 632, 61112, 6113\*\*, 6121\*\*) 2) None 2) None 3) None 3) None D. Franchising (CPC 8929) 1) None 1) None 2) None 2) None 3) None 3) None 5. EDUCATIONAL SERVICES (limited to services provided by privately-owned institutions) A. Primary education services 1) None 1) None (CPC 921\*\*) 2) None 2) None 3) None 3) None B. Secondary education 1) None 1) None services (CPC 922\*\*) 2) None 2) None 3) None 3) None C. Higher education services in 1) None 1) None private institutions (CPC 923\*\*) 2) None 2) None 3) None 3) None

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
D. Adult education (CPC 924)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
E. Other education services	1) None	1) None	
(CPC 929)	2) None	2) None	
	3) None	3) None	
6. ENVIRONMENTAL SERVICES Consultancy related to the provision of the following environmental services:			
A. Sewage Services (CPC	1) None	1) None	
9401**)	2) None	2) None	
	3) None	3) None	
B. Refuse disposal services	,	,	
(CPC 9402**)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
C. Sanitation and similar	1) None	1) None	
services (CPC 9403**)	2) None	2) None	
	3) None	3) None	

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
D. Other environmental	1) None	1) None	
services (CPC 9404-9409)	2) None	2) None	
	3) None	3) None	
7. FINANCIAL SERVICES			
Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.			
A. Insurance and insurance-			
related services			
(i) Direct insurance	1) None	1) None	
(including co- insurance):	2) None	2) None	
(A) life	3) None	3) None	

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
(b) non-life			
(ii) Reinsurance and retrocession;	1) None 2) None 3) None	1) None 2) None 3) None	
(iii) Insurance intermediation, such as brokerage and agency;	1) None 2) None 3) None	1) None 2) None 3) None	
(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.	1) None 2) None 3) None	1) None 2) None 3) None	
B. Banking and other financial services (excluding insurance)  (a) Acceptance of deposits and other repayable funds from the public;	1) Requirement to have a commercial presence in Tuvalu or be represented by an agent that is a natural person resident in Tuvalu. 2) None 3) Incorporation required	1) None 2) None 3) None	
(b) Lending of all types, including consumer credit,	o) morporation required		

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
mortgage credit, factoring and financing of commercial transaction;			
(c) Financial leasing;			
(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;			
(e) Guarantees and commitments;			
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:			
(i) money market instruments (including cheques, bills, certificates of deposits); (ii) foreign exchange; (iii) derivative products including, but not limited to,			

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
futures and options;			
(iv) exchange rate and			
interest rate instruments,			
including products such as			
swaps, forward rate			
agreements;			
(v) transferable securities;			
(vi)other negotiable			
instruments and financial			
assets, including bullion.			
g) Participation in issues of all			
kinds of securities, including			
underwriting and placement as			
agent (whether publicly or			
privately) and provision of			
services related to such issues;			
h) Money broking;			
i) Asset management, such as			
cash or portfolio management,			
all forms of collective			
investment management,			
pension fund management,			
custodial, depository and trust			
services;			

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;			
k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;			
(1) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.			
8. HEALTH RELATED AND SOCIAL			

Modes of Supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Additional Commitments Limitations on Market Access Limitations on National** Treatment SERVICES (limited to services provided by privatelyowned institutions) A. Hospital Services (CPC 1) None 1) None 9311\*\*) 2) None 2) None 3) None 3) None B. Other Human Health 1) None 1) None Services (CPC 9319\*\*) 2) None 2) None 3) None 3) None C. Social Services (CPC 933\*\*) 1) None 1) None 2) None 2) None 3) None 3) None 9. TOURISM AND TRAVEL SERVICES A. Hotels and restaurants

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National	<b>Additional Commitments</b>
		Treatment	
Hotel lodging services (CPC	Four- or five-star hotels <sup>4</sup> and	Four and five-star hotels and	
64110**)	<u>motels</u>	<u>motels</u>	
Motel lodging services	1) Unbound*	1) Unbound*	
(CPC 64120**)	2) None	2) None	
	3) None	3) None	
	Other hotels and motels, with	Other hotels and motels, with	
	more than 25 rooms	more than 25 rooms	
	1) Unbound*	1) Unbound*	
	2) None	2) None	
	3) None	3) None	
	Speciality restaurants and	Speciality restaurants and	
	restaurants located in areas of	restaurants located in areas of	
	touristic interest	touristic interest	
	1) Unbound*	1) Unbound*	
	2) None	2) None	
	3) None	3) None	
	<u>Other</u>	<u>Other</u>	
	<u>restaurants</u>	restaurants	
	1) Unbound	1) Unbound	
	2) Unbound	2) Unbound	

<sup>&</sup>lt;sup>4</sup> This refers to the ratings by the national accreditation system for lodging services.

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
	3) Unbound	3) Unbound	
Meal serving service in self-facilities (CPC 64220**)	Self-service facilities in four- or five- star hotels and motels, or in other hotels and motels with more than 25 rooms	Self-service facilities in four- or five- star hotels and motels, or in other hotels and motels with more than 25 rooms	
	1)Unbound*	1) Unbound*	
	2) None	2) None	
	3) None	3) None	
Beverages serving services for consumption on the premises, without entertainment (CPC 64310**) Beverages serving services for consumption on the premises, with entertainment (CPC 64320**)	Beverages serving services in four- or five-star hotels and motels, or in other hotels and motels with more than 25 rooms  1) Unbound* 2) None 3) None	Beverages serving services in four- or five-star hotels and motels, or in other hotels and motels with more than 25 rooms  1) Unbound* 2) None 3) None	
B. Travel agencies and tour operator services	1) Service must be supplied through a commercial presence 2) None	1) None 2) None 3) None	
Travel agency services (including sales of travel tickets, lodging and package tours on a fee or contract basis	3)None		

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National	Additional Commitments
		Treatment	
(corresponding to subclass			
67811 of CPC Version 1.0)			
Tour operator services	1) None	1) None	
(including services of	2) None	2) None	
organizing and arranging	3) None	3) None	
package tours (all-inclusive			
tours) – such a package usually			
includes passenger and baggage			
transportation, accommodation,			
sightseeing arrangements and			
similar services provided			
during a package tour			
(corresponding to subclass			
67812 of CPC Version 1.1)			
-Tourist information services	Tourist information services in	Tourist information services in	
(travel information, planning	four- or five-star hotels and	four- or five-star hotels and	
and advice services,	motels, or in other hotels and	motels, or in other hotels and	
accommodation, reservation	motels with more than 25 rooms	motels with more than 25 rooms	
services, and airline, bus and			
other reservation services	1) None	1) None	
relating to travel (corresponding	2) None	2) None	
to subclass 67813 of CPC	3) None	3) None	
Version 1.1)			
	Other tourist information	Other tourist information	
	services	<u>services</u>	

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
	1) Services must be supplied through a commercial presence 2) None 3) None	1) None 2) None 3) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES			
A. Entertainment Services (CPC 9619)	1) None 2) None 3) None	1) None 2) None 3) None	
B. News agency services (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Libraries, archives, museums, and other cultural services (CPC 963)	1) None 2) None 3) None	1) None 2) None 3) None	
<ul> <li>D. Sporting and other</li> <li>recreational services (CPC 964**)</li> <li>Excluding gambling and betting</li> </ul>	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
Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National Treatment	Additional Commitments
11. TRANSPORT SERVICES			
A. Maritime Transport Services			
International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)	1)(a) Liner shipping:  Local agent in Tuvalu required.  Conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on existing service.  Licenses granted preferably to carriers owned by Tuvalu citizens, and that employ Tuvalu citizens.  Vessels owned and operated by the Tuvalu government do not require a license to be granted on the basis of the criteria mentioned above.	1)(a) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions  1. Pilotage 2. Towing and the tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain's services 6. Navigation aids 7. Shore-based operational services essential to ship operations including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services

Modes of Supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Limitations on National Additional Commitments** Treatment 1)(b) Bulk, tramp, and other 1)(b) None international shipping, including passenger transportation: local agent in Tuvalu required. 2) None 2) None 3) (a) Establishment of 3) (a) Unbound registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound 3) (b) Other forms of commercial 3)(b) None presence for the supply of international maritime transport services (as defined below - 2): none d) Maintenance and repair 1) None 1) None of vessels (CPC 8868\*\*) 2) None 2) None 3) None 3) None MARITIME AUXILIARY **SERVICES** 1) Suppliers of maritime Container Station and Depot 1) None

Modes of Supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence Sector or Sub-sector<sup>1</sup> **Limitations on Market Access Limitations on National Additional Commitments** Treatment Services (as defined in Annex) transport services are required to 2) None go through a local agent 3) None established in Tuvalu. 2) None 3) None Maritime Freight Forwarding 1) Suppliers of maritime 1) None Services (as defined in Annex) transport services are required to 2) None go through a local agent 3) None established in Tuvalu. 2) None 3) None Storage and Warehousing 1) Suppliers of maritime 1) None Services (as defined in Annex) transport services are required to 2) None go through a local agent 3) None established in Tuvalu. 2) None 3) None Maritime Agency Services (as 1) Suppliers of maritime 1) None transport services are required to defined in Annex) 2) None go through a local agent 3) None established in Tuvalu. 2) None 3) None

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector	<b>Limitations on Market Access</b>	Limitations on National	<b>Additional Commitments</b>
		Treatment	
C. Air Transport Services <sup>1</sup>			
Aircraft repair and	1) None	1) None	
maintenance services	2) None	2) None	
	3) None	3) None	
Selling and marketing of air	1) None	1) None	
transport services	2) None	2) None	
1	3) None	3) None	
Computer reservation system	1) None	1) None	
services	2) None	2) None	
	3) None	3) None	
Ground handling services	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
Specialty air services	1) Unbound	1) Unbound	
	2) None	2) None	
	3) None	3) None	

<sup>&</sup>lt;sup>1</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

2) Consumption abroad Modes of Supply: (1) Cross-border supply (3) Commercial presence **Sector or Sub-sector Limitations on Market Access Limitations on National Additional Commitments Treatment** H. Services Auxiliary to All Modes of Transport a) Cargo-handling services, 1) None 1) None except maritime and air cargo 2) None 2) None handling (CPC 741\*\*) 3) None 3) None b) Storage and warehouse 1) None 1) None services, except maritime 2) None 2) None storage and warehousing 3) None 3) None services (CPC 742\*\*) c) Freight transport agency 1) None 1) None services, except maritime 2) None 2) None freight agency services (CPC 3) None 3) None 748\*\*) d) Other (CPC 749) 1) None 1) None 2) None 2) None 3) None 3) None

#### ANNEX TO THE SCHEDULE OF TUVALU: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activities which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in the Tuvalu and another port located in Tuvalu, traffic originating and terminating in the same port located in the Tuvalu provided that this traffic remains within the Tuvalu's territorial waters, and traffic between a port located in the Tuvalu and installations or structures situated in the EEZ or relating to the continental shelf of Tuvalu.
- 2. "Other forms of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross- border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel

recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "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 covered include the organisation and supervision of:
  - the loading/discharging of cargo to/from a ship;
  - the lashing/unlashing of cargo;
  - the reception/delivery and safekeeping of cargoes before shipment or after discharge.
- 4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
- 5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
- 6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

7. "Freight forwarding services" means the shippers, through the acquisition of transport and Freight forwarding services do not include posta	d related services, preparation of docum	onitoring shipment operations on behalf of entation and provision of business information.	

# ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

## **SCHEDULE OF VANUATU**

Modes of Supply: (1) Cross-border Supply (2) Consumption abroad (3) Commercial Presence (4) Presence of Natural Persons

Sector or Sub-sector	<b>Limitations of Market Access</b>	Limitations on National	Additional commitments
		Treatment	
I. HORIZONTAL COMMI			
All sectors included in this	3) Granting foreign investor	3) The Vanuatu Constitution	
schedule	certificates, as well as their	prohibits freehold ownership of	
	renewal, is based on objective	land. Only indigenous	
	published criteria and is not	Ni-Vanuatu can own land.	
	conditional on an economic needs	Indigenous citizens and	
	test or the level of foreign	expatriates can hold land in	
	ownership.	leasehold.	
	3) Unbound for measures: a) as		
	part of the act of devolving a		
	service that is provided in the		
	exercise of governmental authority		
	at the time the Agreement enters		
	into force; or, b) regarding the sale		
	or disposal of government-owned		
	entities or assets. <sup>1</sup>		
	3) Unbound with respect to the		
	provision of law enforcement and		
	correctional services, and the		

<sup>&</sup>lt;sup>1</sup> Should Vanuatu adopt after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

	following services to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health,		
	child care, public utilities, public		
	transport and public housing.		
II. SECTOR SPECIFIC CO	MMITMENTS		
1. BUSINESS SERVICES			
A. Professional Services a) Legal services, home and host	1) None	1) None	
country law, including	2) None	2) None	
international law	3) Commercial presence must take	3) None	
(CPC 861)	the form of sole proprietorship or	3) Itolic	
	partnership.		
b) Accounting, auditing and	1) None	1) None	
bookkeeping services	2) None	2) None	
(CPC 862)	3) None	3) None	
c) Taxation Services (CPC 863)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
d) Architectural services	1) None	1) None	
(CPC 8671)	2) None	2) None	
	3) None	3) None	

e) Engineering services	1) None	1) None	
(CPC 8672)	2) None	2) None	
	3) None	3) None	
f) Integrated engineering services	1) None	1) None	
(CPC 8673)	2) None	2) None	
	3) None	3) None	
g) Urban planning and landscape	1) None	1) None	
architectural services	2) None	2) None	
(CPC 8674)	3) None	3) None	
h) Medical and dental services	1) None	1) None	
(CPC 9312)	2) None	2) None	
(616 )512)	3) None	3) None	
i) Veterinary services	1) None	1) None	
(CPC 932)	2) None	2) None	
(/	3) None	3) None	
j) Midwives, nurses,	1) None	1) None	
physiotherapists and paramedical	2) None	2) None	
personnel (CPC 93191)	3) None	3) None	
B. Computer and Related	1) None	1) None	
Services	2) None	2) None	
(CPC 84)	3) None	3) None	
C. Research and Development Services			

	i .	1	1
a) R&D services on natural sciences (CPC 851)	<ol> <li>None</li> <li>None</li> <li>Approval is required for the supply of services in Vanuatu's southern maritime borders.</li> </ol>	1) None 2) None 3) None	
b) R&D services on social sciences and humanities (CPC 852)	<ol> <li>None</li> <li>None</li> <li>Approval is required for the supply of services in Vanuatu's southern maritime borders.</li> </ol>	1) None 2) None 3) None	
c) Interdisciplinary R&D services (CPC 853)	<ol> <li>None</li> <li>None</li> <li>Approval is required for the supply of services in Vanuatu's southern maritime borders.</li> </ol>	1) None 2) None 3) None	
E. Rental/Leasing Services without Operators			
a) Relating to ships (CPC 83103)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Relating to other transport	1) None	1) None	

equipment (CPC 83101+83102)	2) None	2) None	
equipment (er e serer serez)	3) None	3) None	
d) Relating to other machinery	1) None	1) None	
and equipment (CPC 83106-	2) None	2) None	
83109)	3) None	3) None	
e) Other (CPC 832)	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
F. Other Business Services			
a) Advertising services	1) None	1) None	
(CPC 871)	2) None	2) None	
	3) None	3) None	
b) Market research and public	1) None	1) None	
opinion polling services	2) None	2) None	
(CPC 864)	3) None	3) None	
(c) Management consulting	1) None	1) None	
services (CPC 865)	2) None	2) None	
	3) None	3) None	
1) G	1) N	1) 57	
d) Services related to	1) None	1) None	
management consulting (CPC	2) None	2) None	
866)	3) None	3) None	
(f) Services incidental to	1) None	1) None	
agriculture, hunting and forestry	2) None	2) None	
(CPC 88110, 88120)	3) None	3) None	
(C1 C 00110, 00120)	J) INOITE	3) None	

	T	
(g) Services incidental to fishing (CPC 882**)  Consists of specialised consultancy services only, related to fisheries. Does not include fishing.	1) None 2) None 3) None	1) None 2) None 3) None
h) Services incidental to mining (CPC 883)	1) None 2) None 3) None	1) None 2) None 3) None
i) Services incidental to manufacturing (CPC 884)	1) None 2) None 3) None	1) None 2) None 3) None
j) Services incidental to energy distribution (CPC 88110, 88120)	1) None 2) None 3) None	1) None 2) None 3) None
Covers specialised consultancy services only, in relation to energy distribution.		
k) Placement and supply services and personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None
m) Related scientific and technical consulting services	1) None 2) None	1) None 2) None

(CPC 8675)	3) None	3) None	
n) Maintenance and repair of	1) None	1) None	
equipment (not including	2) None	2) None	
maritime vessels, aircraft or other		3) None	
transport equipment) (CPC	6)1.6116		
633+8861-8866)			
,			
o) Building-cleaning services	1) None	1) None	
(CPC 874)	2) None	2) None	
	3) None	3) None	
p) Photographic services (CPC	1) None	1) None	
875)	2) None	2) None	
	3) None	3) None	
q) Packaging services (CPC 876)	1) None	1) None	
4)88 ( )	2) None	2) None	
	3) None	3) None	
r) Printing, publishing (CPC	1) None	1) None	
88442)	2) None	2) None	
	3) None	3) None	
t) Other (CDC 9700)	1) None	1) None	
t) Other (CPC 8790)	1) None	1) None	
- Including convention services	2) None	2) None	
	3) None	3) None	
2. COMMUNICATION SE	RVICES		
B. Courier Services	1) None	1) None	
	2) None	2) None	

	3) None	3) None	
C. Telecommunication Services <sup>2</sup>			Vanuatu undertakes the obligations contained in the attached Reference Paper.
a) Voice telephone services	1) None 2) None 3) None	1) None 2) None 3) None	
b) Packet-switched data transmission services	1) None 2) None 3) None	1) None 2) None 3) None	
c) Circuit-switched data transmission services	1) None 2) None 3) None	1) None 2) None 3) None	
d) Telex services	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Telegraph services	1) None 2) None 3) None	1) None 2) None 3) None	
(f) Facsimile services	1) None 2) None	1) None 2) None	

<sup>2</sup> Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3), from the WTO.

	3) None	3) None	
g) Private leased circuit	1) None	1) None	
services	2) None	2) None	
	3) None	3) None	
h) Electronic mail	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
i) Voice mail	1) None	1) None	
	2) None	2) None	
	3) None	3) None	
j) On-line information and	1) None	1) None	
data base retrieval	2) None	2) None	
	3) None	3) None	
k) Electronic data interchange	1) None	1) None	
_	2) None	2) None	
	3) None	3) None	
l) Enhanced/value-added	1) None	1) None	
facsimile services (including	2) None	2) None	
store and forward, store and retrieve)	3) None	3) None	
m) Code and protocol conversion	1) None	1) None	
-	2) None	2) None	
	3) None	3) None	

n) On-line information and/or data processing (including	1) None 2) None	1) None 2) None
transaction processing)	3) None	3) None
o) Other	1) None 2) None	1) None 2) None
Mobile services	3) None	3) None
Analogue/Digital cellular services PCS (Personal		
Communications Services)		
Paging services Mobile data		
services		
D. Audiovisual		
(a) Motion picture and	1) None	(1), (2), (3) None except support
videotape production and	2) None	programmes established and
distribution services	3) None	funded by the Government of
(CPC 9611)		Vanuatu to preserve or promote
		the cultural identity of Vanuatu
3. CONSTRUCTION AND	RELATED ENGINEERING SERV	TICES
A. General construction work for	1) None	1) None
buildings (CPC 512)	2) None	2) None
	3) None	3) None
B. General construction for civil	1) None	1) None
engineering (CPC 513)	2) None	2) None
	3) None	3) None
4 DIGEDINIMAN GEDIN		

### 4. DISTRIBUTION SERVICES

Excluding kava bars, open air vendors, mobile shops, door to door sales, local trading of sandalwood, export of sandalwood in stick and chips form, export of seeds and other minor forest products, second hand clothing shops, export of kava in root, chips and stick form.

A.	Commission agents'	1) None	1) None	
services		2) None	2) None	
	(CPC 621)	3) None	3) None	
В.	Wholesale trade services (CPC 622)	1) None 2) None 3) None; except Shops where the annual turnover is less than VT 30 million are reserved to Vanuatu citizens and enterprises whollyowned by Vanuatu citizens.	1) None 2) None 3) None	
C. 6113,	Retailing services (CPC 631, 632, 6111, 6121)	1) None 2) None 3) None; except Shops where the annual turnover is less than VT 30 million are reserved to Vanuatu citizens and enterprises whollyowned by Vanuatu citizens.) None None; except Shops where the annual turnover is less than VT 30 million are reserved to Vanuatu citizens and enterprises whollyowned by Vanuatu	1) None 2) None 3) None	
D.	Franchising services (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	

(CPC 921-929)	1) None 2) None 3) None except services funded from state resources, and subject to approval by the Government of Vanuatu to ensure adequate standards of qualification of individuals and of organisations.	<ul><li>1) None</li><li>2) None</li><li>3) None except services funded from state resources.</li></ul>	
6. ENVIRONMENTAL SEI	RVICES	<u> </u>	<u> </u>
A. Sewage services (CPC 9401)	1) None 2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.	1) None 2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.	
B. Refuse disposal services (CPC 9402)	1) None 2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.	1) None 2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.	
C. Sanitation and similar services	1) None	1) None	

(CPC 9403)	2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.	2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.	
D. Other environmental services (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None	
Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.			

A.	All insurance and related	1) None	1) None
	services (CPC 812)	2) None	2) None
		3) None	3) None
B.	Banking and other related	1) None	1) None
service	es	2) None	2) None
	(CPC 811-813)	3) Banks must comply with	3) None
		provisions of relevant banking	
		legislation	
8.	HEALTH RELATED AN	ID SOCIAL SERVICES	
A.	Hospital services	1) None	1) None
	(CPC 9311)	2) None	2) None
		3) None, except services funded	3) None, except services funded
		from state resources	from state resources
C.	Social services	1) None	1) None
	(CPC 933)	2) None	2) None
		3) None	3) None
9.		L RELATED SERVICES	
A.	Hotels and restaurants	1) None	1) None
	(CPC 641)	2) None	2) None
		3) None, except guest houses if	3) None
		the number of beds is less than 50	
		or less than ten rooms or annual	
		turnover is less than VT 20	
		million; bungalows if the annual	
		turnover is less than VT 30	
		million; hotels and motels if the	

	1 1 0.1 1		1
	total value of the investment is		
	less than VT 10 million or the		
	annual turnover is less than VT 20		
	million; and kava bars.		
B. Travel agencies	1) None	1) None	
(excluding tour operating	2) None	2) None	
services)	3) None	3) None	
Services)	3)110110		
10. RECREATIONAL, CULTUI	RAL AND SPORTING SERVICES		
A Entertainment Comings (CDC	1) None	1) None	
A. Entertainment Services (CPC	1) None	1) None	
9619)	2) None	2) None	
	3) None	3) None	
B. News agency services (CPC	1) None	1) None	
962)	2) None	2) None	
,	3) None	3) None	
D. Sporting and other	1) None	1) None	
recreational	2) None	2) None	
services (CPC 964**)	3) None	3) None	
- Excluding lottery,	3) 1 (01)	3) 1 (6)16	
gambling betting and any other			
related activities			
related activities			
11. TRANSPORT SERVICE	S		
A. Maritime Transport Services	1) Local agent in Vanuatu, or	1) None	The following services at the port
	registration in Vanuatu, required.		are made available to international
(a),(b) International Transport	_		maritime transport suppliers on
(passengers and freight) (CPC	2) None	2) None	reasonable and non-discriminatory

7211 and 7212), excluding cabotage transport (as defined below)	3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound	3)(a) Unbound	terms and conditions:  1. Pilotage 2. Towing and the tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast
	3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below – 2): none	3)(b) None	waste disposal 5. Port Captain's services 6. Navigation aids 7. Shore-based operational services essential to ship operations including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services
(d) Maintenance and repair of vessels (CPC 8868**)	1) None 2) None 3) None	1) None 2) None 3) None	
MARITIME AUXILIARY SERVICES			
Container Station and Depot Services (as defined in Annex)	1) None 2) None 3) None	1) None 2) None 3) None	
Maritime Freight Forwarding	1) None	1) None	

Services	2) None	2) None	
(as defined in Annex)	3) None	3) None	
Storage and Warehousing	1) None	1) None	
Services	2) None	2) None	
	3) None	3) None	
75		4) 37	
Maritime Agency Services	1) Suppliers of international		
(as defined in Annex)	maritime transport services are	2) None	
	required to go through a local	3) None	
	agent established in Vanuatu.		
	2) None		
	3) None		
C. Air Transport Services			
(d) Maintenance and repair of	1) None	1) None	
aircraft	2) None	2) None	
	3) None	3) None	
	4.37	4) 37	
(e) Selling and marketing of air	1) None	1) None	
transport services	2) None	2) None	
	3) None	3) None	
Computer reservation system	1) None	1) None	
services	2) None	2) None	
	3) None	3) None	
Specialty air services	1) Unbound	1) Unbound	
	2) None	2) None	
	3) None	3) None	

			1
H. Services Auxiliary to All			
1			
Modes of Transport			
b) Storage and warehouse	1) None	1) None	
services, except maritime storage	2) None	2) None	
1		,	
and warehousing services (CPC	3) None	3) None	
742**)			
c) Freight transport agency	1) None	1) None	
	1 *	, ·	
services, except maritime freight	2) None	2) None	
agency services (CPC 748**)	3) None	3) None	
d) Other (CPC 749)	1) None	1) None	
u) Other (CFC 749)	1 *		
	2) None	2) None	
	3) None	3) None	

<sup>\*\*</sup> The service specified constitutes only part of the total range of activities covered by the CPC concordance.

#### ANNEX TO THE SCHEDULE OF VANUATU: DEFINITIONS IN RELATION TO MARITIME TRANSPORT

- 1. Without prejudice to the scope of activity which may be considered as "cabotage" under the relevant national legislation, this schedule does not include "maritime cabotage services", which are assumed to cover transportation of passengers or goods between a port located in Vanuatu and another port located in Vanuatu, traffic originating and terminating in the same port located in Vanuatu provided that this traffic remains within Vanuatu's territorial waters, and traffic between a port located in Vanuatu and installations or structures situated in the EEZ or relating to the continental shelf of Vanuatu.
- 2. "Other form of commercial presence for the supply of international maritime transport services" means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

- (e) the setting up of any business arrangement (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
- 3. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
- 4. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
- 5. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

#### REFERENCE PAPER FOR THE SCHEDULE OF VANUATU

#### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### **Definitions**

<u>Users</u> mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

<u>A major supplier</u> is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
  - (b) use of its position in the market.

#### 1. Competitive safeguards

### 1.1. Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

# 1.2. <u>Safeguards</u>

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

#### 2. Interconnection

2.1. This section applies to linking with suppliers, providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

#### 2.2. Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates:
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

### 2.3. Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

# 2.4. <u>Transparency of interconnection arrangements</u>

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

# 2.5. <u>Interconnection: dispute settlement</u>

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

#### 3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

# 4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licenses.

The reasons for the denial of a licence will be made known to the applicant upon request.

#### 5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

#### 6. Allocation and use of scarce resources

Any procedure for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.