

ANNEX 8-A

REGULATORY COOPERATION ON FINANCIAL REGULATION

Regulatory cooperation

1. The Parties shall work together bilaterally and in international bodies with the objective of further strengthening global financial stability, fair and efficient markets and the protection of investors, depositors, policy-holders or persons to whom a fiduciary duty is owed by a financial service supplier (hereinafter referred to in this Annex as 'regulatory cooperation').
2. In their regulatory cooperation, the Parties shall base themselves on the principles and prudential standards agreed at multilateral level and follow the principles set out in paragraphs 5 to 12 as implemented in the framework envisaged in paragraphs 19 to 21.

Scope of regulatory cooperation

3. Regulatory cooperation shall cover the entire area of financial services, which shall also include accounting and auditing frameworks, unless otherwise agreed by the Parties.
4. This Annex shall be without prejudice to the distribution and exercise of competences of regulatory and supervisory authorities of the Parties. The Parties recognise that their regulatory cooperation should be based on due consideration of differences in market structures and business models that may exist between the Parties in the area of financial services.

Principles of regulatory cooperation

5. Each Party shall make its best endeavours to ensure that internationally agreed standards for regulation and supervision in the area of financial services are implemented and applied in its territory. Those internationally agreed standards are, *inter alia*, the standards and principles issued by the Basel Committee on Banking Supervision, the International Association of Insurance Supervisors, the International Organization of Securities Commissions, and the Financial Stability Board.
6. The Parties shall make their best endeavours to achieve mutual compatibility of their respective regulatory and supervisory frameworks for financial services in a way that supports the objectives referred to in paragraphs 1 and 2.
7. Without prejudice to its own legislative processes, each Party shall make its best endeavours to offer the other Party an opportunity to be informed at an early stage and to provide comments on its planned regulatory initiatives in the area of financial services that may be of relevance to the other Party.
8. The Parties shall be able, wherever possible, to rely on each other's rules and supervision. The foregoing shall be without prejudice to each Party's right to assess, on the basis of its own rules, in particular criteria for reliance, the regulatory and supervisory framework of the other Party with a view to establishing reliance. For the purposes of any such assessment, a Party shall not require that rules and supervision of the other Party are identical to its own rules and supervision, but shall base its assessment on regulatory outcomes.
9. The Parties shall keep each other informed of how they provide for effective supervision and enforcement of rules for implementing internationally agreed standards or any other rules, in particular in the areas where one of the Parties relies on the regulatory and supervisory framework of the other Party.
10. Each Party shall, in the process of formulating its planned regulatory initiatives in the area of financial services, give due consideration to the impacts of that initiative on market operators and the jurisdiction of the other Party.
11. Each Party shall examine a measure which has been brought to its attention by a specific written request of the other Party and which may have an impact on the ability of market operators to provide financial services within the territories of the Parties, with a view to rendering, insofar as possible, the measure mutually compatible.

12. Each Party may rescind at any time its decision to rely on the regulatory and supervisory framework of the other Party and revert to the application and enforcement of its own rules, if rules and supervision of the other Party are no longer equivalent in outcome, if the other Party fails to enforce its rules effectively or if there is insufficient cooperation of the other Party in the supervision of financial institutions. The Parties shall consult with each other in an appropriate manner prior to reverting to the application and enforcement of their own rules.

Joint European Union-Japan financial regulatory forum

13. The Parties hereby establish the Joint European Union-Japan financial regulatory forum at the date of entry into force of this Agreement (hereinafter referred to in this Annex as 'the forum').
14. The forum is in charge of steering regulatory cooperation between the Parties. In particular, the forum takes stock of progress and undertakes forward planning of regulatory cooperation. The forum shall observe the principles of regulatory cooperation set out in paragraphs 5 to 12 as implemented in the framework envisaged in paragraphs 19 to 21.
15. The forum shall be composed of representatives of both the European Commission and the Government of Japan, including the Financial Services Agency, which are at technical level in charge of financial services regulatory issues. Without prejudice to the right of each Party to decide on the composition of its representation in the forum, each Party may request the other Party to invite representatives from other financial regulatory or supervisory authorities within the territory of the other Party with a view to contributing to the forum's discussions and preparatory work in matters related to the activity of those financial regulatory or supervisory authorities. The other Party should give positive consideration to such request.
16. The meetings of the forum will be co-chaired by senior officials of the European Commission and the Financial Services Agency of Japan.
17. Each Party in the forum shall designate a contact point to facilitate regulatory cooperation. The forum may establish expert working groups to examine specific issues.
18. The meetings of the forum shall be held alternately in Tokyo, Japan and in Brussels, Belgium, at least once a year, and whenever the members of the forum consider it necessary.

Framework for regulatory cooperation

19. The forum shall develop and apply a framework for regulatory cooperation in order to implement the principles set out in paragraphs 5 to 12.
20. The framework for regulatory cooperation shall include:
 - (a) a mechanism for information exchange and consultation with the other Party, in appropriate forms, on planned regulatory initiatives, without prejudice to the legislative and administrative processes of each Party;
 - (b) guidelines on reliance on each other's regulatory and supervisory framework, if possible adapted for each specific area of financial regulation;
 - (c) a procedure for examining a measure referred to in paragraph 11 which has been brought to a Party's attention by a specific request of the other Party;
 - (d) guidelines on the governance of the forum;
 - (e) a process for the technical mediation referred to in paragraphs 22 to 26; and
 - (f) if so agreed, any other arrangements to enhance regulatory cooperation.
21. The framework for regulatory cooperation may also envisage specific arrangements to facilitate cooperation in cross-border supervision and enforcement.

Technical mediation

22. The provisions of this Annex shall not be subject to dispute settlement under Chapter 21.
23. Without prejudice to paragraph 22, each Party may request in writing the other Party to initiate a process of technical mediation with respect to the principles of regulatory cooperation set out in paragraphs 5 to 12. The process of technical mediation may be initiated only after the Parties agree on its use in a specific matter.

24. Upon agreement of the Parties to initiate the process pursuant to paragraph 23, the forum shall establish a working group for technical mediation. That working group shall be composed of representatives of each Party and shall be chaired by a mediator with relevant expertise who shall be independent of both Parties and who shall be appointed by the forum.
 25. The chair appointed pursuant to paragraph 24 shall submit a report with the results of the technical mediation to the co-chairs of the forum.
 26. The Parties shall act in good faith in any attempt to resolve any dispute arising under this Annex.
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ANNEX 8-B

SCHEDULES FOR CHAPTER 8

ANNEX I

RESERVATIONS FOR EXISTING MEASURES

Schedule of the European Union

Headnotes

1. The Schedule of the European Union sets out, under Articles 8.12 and 8.18 the reservations taken by the European Union with respect to existing measures that do not conform with obligations imposed by:
 - (a) Article 8.7 or 8.15;
 - (b) Article 8.8 or 8.16;
 - (c) Article 8.9 or 8.17;
 - (d) Article 8.10; or
 - (e) Article 8.11.
2. The reservations of a Party are without prejudice to the rights and obligations of the Parties under GATS.
3. Each reservation sets out the following elements:
 - (a) 'sector' refers to the general sector in which the reservation is taken;
 - (b) 'sub-sector' refers to the specific sector in which the reservation is taken;
 - (c) 'industry classification' refers, where applicable, to the activity covered by the reservation according to the CPC, ISIC Rev. 3.1, or as expressly otherwise described in that reservation;
 - (d) 'type of reservation' specifies the obligation referred to in paragraph 1 for which a reservation is taken;
 - (e) 'level of government' indicates the level of government maintaining the measure for which a reservation is taken;
 - (f) 'measures' identifies the laws or other measures as qualified, where indicated, by the 'description' element for which the reservation is taken. A 'measure' cited in the 'measures' element:
 - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement;
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
 - (iii) includes any laws or other measures which implement a directive at Member State level; and
 - (g) 'description' sets out the non-conforming aspects of the existing measure for which the reservation is taken. It may also set out commitments for liberalisation.
4. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant obligations of the Sections against which the reservation is taken. To the extent that:
 - (a) the 'measures' element is qualified by a liberalisation commitment from the 'description' element the 'measures' element as so qualified shall prevail over all other elements; and
 - (b) the 'measures' element is not so qualified the 'measures' element shall prevail over other elements unless a discrepancy between the 'measures' element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the 'measures' element prevails, in which case the other elements shall prevail to the extent of that discrepancy.

5. For the purposes of the Schedule of the European Union, 'ISIC Rev. 3.1' means the International Standard Industrial Classification of All Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No.4, ISIC Rev. 3.1, 2002.
6. A reservation taken at the level of the European Union applies to a measure of the European Union, to a measure of a Member State of the European Union at the central level or to a measure of a government within a Member State of the European Union, unless the reservation excludes a Member State of the European Union. A reservation taken by a Member State of the European Union applies to a measure of a government at the central, regional or local level within that Member State. For the purposes of the reservations of Belgium, the central level of government covers the federal government and the governments of the regions and the communities as each of them holds equipollent legislative powers. For the purposes of the reservations of the European Union and its Member States, a regional level of government in Finland means the Åland Islands.
7. The schedule applies only to the territories of the European Union in accordance with subparagraph 1(a) of the Article 1.3 and is only relevant in the context of trade relations between the European Union and its Member States with Japan. It does not affect the rights and obligations of the Member States under European Union law.
8. The list of reservations below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures where they do not constitute a market access or a national treatment limitation within the meaning of Articles 8.7, 8.8, 8.15, and 8.16. Those measures (e.g. the need to obtain a licence, universal service obligations, the need to have recognised qualifications in regulated sectors, the need to pass specific examinations, including language examinations, and any non-discriminatory requirements that certain activities may not be carried out in protected zones or areas), even if not listed, apply in any case.
9. For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to natural or juridical persons of Japan the treatment granted in a Member State, pursuant to the TFEU, or to any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:
 - (i) natural persons; or residents of a Member State; or
 - (ii) juridical persons constituted; or organised under the law of another Member State; or of the European Union and having their registered office, central administration or principal place of business in a Member State.Such national treatment is granted to juridical persons which are constituted or organised under the law of a Member State or the European Union and have their registered office, central administration or principal place of business in a Member State, including those which are owned or controlled by natural or juridical persons of Japan.
10. For greater certainty, non-discriminatory measures do not constitute a market access limitation within the meaning of Articles 8.7 and 8.15 for:
 - (a) a measure requiring the separation of the ownership of infrastructure from the ownership of the goods or services provided through that infrastructure to ensure fair competition, for example in the fields of energy, transportation and telecommunications;
 - (b) a measure restricting the concentration of ownership to ensure fair competition;
 - (c) a measure seeking to ensure the conservation and protection of natural resources and the environment, including a limitation on the availability, number and scope of concessions granted, and the imposition of a moratorium or ban;
 - (d) a measure limiting the number of authorisations granted because of technical or physical constraints, for example telecommunications spectra and frequencies; or
 - (e) a measure requiring that a certain percentage of the shareholders, owners, partners, or directors of an enterprise be qualified or practice a certain profession such as lawyers or accountants.
11. Measures affecting cabotage in maritime transport services are not listed in this Schedule as they are excluded from the scope of Section B of Chapter 8, pursuant to subparagraph 2(a) of Article 8.6 and Section C of Chapter 8, pursuant to subparagraph 2(a) of Article 8.14.

12. The following abbreviations are used in the list of reservations below:

EU	European Union, including all its Member States
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

List of reservations:

Reservation No. 1 – All sectors

Reservation No. 2 – Professional services (all professions except health related)

Reservation No. 3 – Professional services (health related professions and retail of pharmaceuticals)

Reservation No. 4 – Research and development services

Reservation No. 5 – Real estate services

Reservation No. 6 – Business services

Reservation No. 7 – Communication services

Reservation No. 8 – Distribution services

Reservation No. 9 – Education services

Reservation No. 10 – Environmental services

Reservation No. 11 – Financial services

Reservation No. 12 – Health services and social services

Reservation No. 13 – Tourism and travel related services

Reservation No. 14 – Recreational, cultural and sporting services

Reservation No. 15 – Transport services and services auxiliary to transport services

Reservation No. 16 – Energy related activities

Reservation No. 17 – Agriculture, fishing and manufacturing

Reservation No. 1 – All sectors

Sector: All sectors

Type of reservation: Market access

National treatment

Most-favoured-nation treatment

Prohibition of performance requirements

Section: Investment liberalisation and Cross-border trade in services

Level of government: EU/ Member State (unless otherwise specified)

Description:

(a) Type of establishment

With respect to Investment liberalisation – National treatment:

The EU: All companies or firms formed in accordance with the law and regulations of the European Union or of a Member State of the European Union and having their registered office, central administration or principal place of business within the European Union, including those established in the Member States of the European Union by investors of Japan, are entitled to receive the treatment accorded by Article 54 of the TFEU. Such treatment is not accorded to branches or agencies of companies or firms established outside the European Union.

Treatment granted to companies or firms formed by investors of Japan in accordance with the law of a Member State of the European Union, and having their registered office, central administration or principal place of business within the European Union, is without prejudice to any conditions or obligations, consistent with Section B, which may have been imposed on such companies or firms when they established in the European Union and which shall continue to apply.

Measures:

EU: Treaty on the Functioning of the European Union.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

The EU (applies also to the regional level of government): Any Member State, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise or an existing governmental entity providing health, social or education services (CPC 93, 92), may prohibit or impose limitations on the ownership of such interests or assets, and on the ability of owners of such interests and assets to control any resulting enterprise, by entrepreneurs of Japan or their enterprises. With respect to such a sale or other disposition, any Member State of the European Union may adopt or maintain any measure relating to the nationality of senior management or members of the boards of directors, as well as any measure limiting the number of suppliers.

For the purposes of this reservation:

- (i) any measure maintained or adopted after the date of entry into force of this Agreement that, at the time of the sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes nationality requirements or imposes limitations on the numbers of suppliers described in this reservation shall be deemed to be an existing measure; and
- (ii) 'state enterprise' means an enterprise owned or controlled through ownership interests by any Member State of the European Union and includes an enterprise established after the date of entry into force of this Agreement solely for the purposes of selling or disposing of equity interests in, or the assets of, an existing state enterprise or governmental entity.

Measures:

EU: As set out in the description element as indicated above.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Market access:

In **AT:** For the operation of a branch, non-European Economic Area (EEA) corporations must appoint at least one person responsible for its representation who is resident in Austria. Executives (managing directors, natural persons) responsible for the observance of the Austrian Trade Act (Gewerbeordnung) must be domiciled in Austria.

Measures:

AT: Aktiengesetz, BGBl. Nr. 98/1965, § 254 (2);

GmbH-Gesetz, RGBL. Nr. 58/1906, § 107 (2); and

Gewerbeordnung, BGBl. Nr. 194/1994, § 39 (2a).

In **BG:** Foreign legal persons, unless established under the legislation of a Member State of the European Union or of the Member State of the EEA, may conduct business and pursue activities if established in the Republic of Bulgaria in the form of a company registered in the Commercial Register. Establishment of branches is subject to authorisation.

Representative offices of foreign enterprises are to be registered with Bulgarian Chamber of Commerce and Industry and may not engage in economic activity but are only entitled to advertise their owner and act as representatives or agents.

Measures:

BG: Commercial Law, Article 17a; and

Law for Encouragement of Investments, Article 24.

In **EE:** A foreign company shall appoint a director or directors for a branch. A director of a branch must be a natural person with active legal capacity. The residence of at least one director of a branch must be in EEA or in the Swiss Confederation.

Measures:

EE: Äriseadustik (Commercial Code) § 385.

In **FI:** At least one of the partners in a general partnership or of general partners in a limited partnership needs to have residency in the EEA or, if the partner is a juridical person, be domiciled (no branches allowed) in the EEA. Exemptions may be granted by the registration authority.

To carry on trade as a private entrepreneur, residency in the EEA is required.

If a foreign organisation from a country outside the EEA intends to carry on a business or trade by establishing a branch in Finland, a trade permit is required.

Residency in the EEA is required for at least one of the ordinary and one of the deputy members of the board of directors and for the managing director. Company exemptions may be granted by the registration authority.

Measures:

FI: Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), s. 1;

Osuuskuntalaki (Co-Operatives Act) 1488/2001;

Osakeyhtiölaki (Limited Liabilities Company Act) (624/2006); and

Laki luottolaitostoininnasta (Act on Credit Institutions) (121/2007).

In **SE**: A foreign company, which has not established a legal entity in Sweden or is conducting its business through a commercial agent, shall conduct its commercial operations through a branch, registered in Sweden, with independent management and separate accounts. The managing director and the vice-managing director, if appointed, of the branch, must reside in the EEA. A natural person not resident in the EEA, who conducts commercial operations in Sweden, shall appoint and register a resident representative responsible for the operations in Sweden. Separate accounts shall be kept for the operations in Sweden. The competent authority may in individual cases grant exemptions from the branch and residency requirements. Building projects with duration of less than a year, conducted by a company located or a natural person residing outside the EEA, are exempted from the requirements of establishing a branch or appointing a resident representative.

A Swedish limited liability company may be established by a natural person resident within the EEA, by a Swedish legal person or by a legal person that has been formed according to the legislation in a state within the EEA and that has its registered office, headquarters or principal place of business within the EEA. A partnership may be a founder, only if all owners with unlimited personal liability are resident within the EEA. Founders outside the EEA may apply for permission from the competent authority.

For limited liability companies and co-operative economic associations, at least 50 per cent of the members of the board of directors, at least 50 per cent of the deputy board members, the managing director, the vice-managing director, and at least one of the persons authorised to sign for the company, if any, must reside within the EEA. The competent authority may grant exemptions from this requirement. If none of the company's or society's representatives reside in Sweden, the board must appoint and register a person resident in Sweden, who has been authorised to receive servings on behalf of the company or society.

Corresponding conditions prevail for establishment of all other types of legal entities.

Measures:

SE: Lag om utländska filialer m.m (Foreign Branch Offices Act) (1992:160);

Aktiebolagslagen (Companies Act) (2005:551);

The Co-operative Economic Associations Act (1987:667); and

Act on European Economic Interest Groupings (1994:1927).

In **SK**: A foreign natural person whose name is to be registered in the Commercial Register as a person authorised to act on behalf of the entrepreneur is required to submit residence permit for Slovakia.

Measures:

SK: Act 513/1991 on Commercial Code (Article 21); and

Act no 404/2011 on Residence of Aliens (Articles 22 and 32).

With respect to Investment liberalisation – National treatment, Prohibition of performance requirements:

In **BG**: Established companies can employ third country nationals only for positions for which there is no requirement for Bulgarian nationality provided that the total number of third country nationals employed by them over the past 12 months does not exceed 10 per cent of the average number of Bulgarian nationals, nationals of other Member States of the European Union, of states parties to the Agreement on the European Economic Area or of the Swiss Confederation hired on an employment contract. Third country nationals cannot be employed on positions that require Bulgarian nationality. Economic needs test is required before employing third country nationals.

Measures:

BG: Labour Migration and Labour Mobility Act (Article 7).

With respect to Investment liberalisation – Market access, National treatment:

In **PL**: The scope of operations of a representative office may only encompass advertising and promotion of the foreign parent company represented by the office. For all sectors except legal services, non-European Union investors may undertake and conduct economic activity only in the form of a limited partnership, limited joint-stock partnership, limited liability company, and joint-stock company, while domestic companies have access also to the forms of non-commercial partnership companies (general partnership and unlimited liability partnership).

Measures:

PL: Act of 2 July 2004 on freedom of economic activity, Articles 13.3 and 95.1.

(b) **Acquisition of real estate**

With respect to Investment liberalisation – National treatment:

In **AT** (applies to the regional level of government): The acquisition, purchase and rental or leasing of real estate by non-European Union natural persons and enterprises requires authorisation by the competent regional authorities (Länder). Authorisation will only be granted if the acquisition is considered to be in the public (in particular economic, social and cultural) interest.

Measures:

AT: Burgenländisches Grundverkehrsgesetz, LGBL. Nr. 25/2007;

Kärntner Grundverkehrsgesetz, LGBL. Nr. 9/2004;

NÖ- Grundverkehrsgesetz, LGBL. 6800;

OÖ- Grundverkehrsgesetz, LGBL. Nr. 88/1994;

Salzburger Grundverkehrsgesetz, LGBL. Nr. 9/2002;

Steiermärkisches Grundverkehrsgesetz, LGBL. Nr. 134/1993;

Tiroler Grundverkehrsgesetz, LGBL. Nr. 61/1996;

Voralberger Grundverkehrsgesetz, LGBL. Nr. 42/2004; and

Wiener Ausländergrundverkehrsgesetz, LGBL. Nr. 11/1998.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Market access:

In **CZ:** Agricultural and forest land can be acquired by foreign natural persons having permanent residency in the Czech Republic and enterprises established in the Czech Republic.

Specific rules apply to agricultural and forest land under state ownership. State agricultural land can be acquired only by Czech nationals, by municipalities and by public universities (for training and research). Legal persons (regardless of the form or place of residence) can acquire state agriculture land from the state only if a building, which they already own, is built on it or if this land is indispensable for the use of such building. Only municipalities and public universities can acquire state forests.

Measures:

CZ: Act No. 95/1999 Coll. (on Conditions relating to the transfer of agricultural land and forests from the state ownership to ownership of other entities); and

Act No. 503/2012, Coll. on State Land Office.

In **DK:** Natural persons who are not resident in Denmark, and who have not previously been resident in Denmark for a total period of five years, must in accordance with the Danish Acquisition Act obtain permission from the Ministry of Justice to acquire title to real property in Denmark. This also applies for legal persons that are not registered in Denmark. For natural persons, acquisition of real property will be permitted if the applicant is going to use the real property as his or her primary residence. For legal persons that are not registered in Denmark, acquisition of real property will in general be permitted, if the acquisition is a prerequisite for the business activities of the purchaser.

Permission is also required if the applicant is going to use the real property as a secondary dwelling. Such permission will only be granted if the applicant through an overall and concrete assessment is regarded to have particular strong ties to Denmark.

Permission under the Acquisition Act is only granted for the acquisition of a specific real property.

Specifically, acquisition of agricultural land by natural or legal persons is also governed by the Danish Agricultural Holdings Act, which imposes restrictions on all persons, Danish or foreign, when acquiring agricultural property. Accordingly, any natural or legal person, who wishes to acquire agricultural real property, must also fulfil the requirements in this Act.

Measures:

DK: Danish Act on Acquisition of Real Property (Consolidation Act No. 265 of 21 March 2014 on Acquisition of Real Property);

Acquisition Executive Order (Executive Order No. 764 of 18 September 1995); and

Agricultural Holdings Act (Consolidation Act No. 26 of 14 January 2015).

In **HR:** Foreign companies are only allowed to acquire real estate for the supply of services if they are established and incorporated in Croatia as legal persons. Acquisition of real estate necessary for the supply of services by branches requires the approval of the Ministry of Justice. Agricultural land cannot be acquired by foreigners.

Measures:

HR: Law on Possession and other Material Rights (OG 91/96, 68/98, 137/99, 22/00, 73/00, 114/01, 79/06, 141/06, 146/08, 38/09 and 153/09);

Agricultural Land Act (OG 152/08, 25/09, 153/09, 21/10, 31/11 and 63/11), Article 2;

Ownership and other Proprietary Rights Act, Articles 354 to 358.b;

Agricultural Land Act; and

General Administrative Procedure Act.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment

In **CY:** Cypriots or persons of Cypriot origin, as well as nationals of a Member State of the European Union, are allowed to acquire any property in Cyprus without restrictions. A foreigner shall not acquire, otherwise than *mortis causa*, any immovable property without obtaining a permit from the Council of Ministers. For foreigners, where the acquisition of immovable property exceeds the extent necessary for the erection of a premises for a house or professional roof, or otherwise exceeds the extent of two donums (2,676 square meter), any permit granted by the Council of Ministers shall be subject to such terms, limitations, conditions and criteria which are set by Regulations made by the Council of Ministers and approved by the House of Representatives. A foreigner is any person who is not a citizen of the Republic of Cyprus, including a foreign controlled company. The term does not include foreigners of Cypriot origin or non-Cypriot spouses of citizens of the Republic of Cyprus.

Measures:

CY: Immovable Property Acquisition (Aliens) Law (Chapter 109), as amended by laws number 52 of 1969, 55 of 1972, 50 of 1990, 54(I) of 2003 and 161(I)/2011.

In **EL:** For foreign natural or legal persons, discretionary permission from the Ministry of Defence is needed for acquisition of real estate in the border regions either directly or through equity participation in a company which is not listed in the Greek Stock Exchange and which owns real estate in those regions, or any change in the persons of the stockholders of such company.

Measures:

EL: Law 1892/1990, as amended by Article 114 of Law 3978/2011, in combination, as far as the application is concerned, with the ministerial decision 110/3/330340/Σ.120/7-4-14 of the Ministry of Defense.

In **HU:** The purchase of real estate by non-residents is subject to obtaining authorisation from the appropriate administrative authority responsible for the geographical location of the property.

Measures:

HU: Government Decree No. 251/2014 (X. 2.) on the Acquisition by Foreign Nationals of Real Estate other than Land Used for Agricultural or Forestry Purposes; and

Act LXXVIII of 1993 (Paragraph 1/A).

In **MT**: Non-nationals of a Member State of the European Union may not acquire immovable property for commercial purposes. Companies with 25 per cent (or more) of non-European Union shareholding must obtain an authorisation from the competent authority (Minister responsible for Finance) to buy immovable property for commercial or business purposes. The competent authority will determine whether the proposed acquisition represents a net benefit to the Maltese economy.

Measures:

MT: Immovable Property (Acquisition by Non-Residents) Act (Cap. 246); and

Protocol No 6 of the EU Accession Treaty on the acquisition of secondary residences in Malta.

In **PL**: The acquisition of real estate, direct and indirect, by foreigners requires a permit. A permit is issued through an administrative decision by a minister competent in internal affairs, with the consent of the Minister of National Defence, and in the case of agricultural real estate, also with the consent of the Minister of Agriculture and Rural Development.

Measures:

PL: Law of 24th March 1920 on the Acquisition of Real Estate by Foreigners (Journal of Laws of 2016, item 1061 as amended).

With respect to Investment liberalisation – Market access, National treatment, Most-favoured-nation treatment:

In **LV**: Acquisition of urban land by nationals of Japan is permitted through incorporated companies registered in Latvia or other Member States of the European Union:

- (i) if more than 50 per cent of their equity capital is owned by nationals of Member States of the European Union, the Latvian Government or a municipality, separately or in total;
- (ii) if more than 50 per cent of their equity capital is owned by natural persons and companies of third country with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments and which have been approved by the Latvian Parliament before 31 December 1996;
- (iii) if more than 50 per cent of their equity capital is possessed by natural persons and companies of third country with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments after 31 December 1996, if in those agreements the rights of Latvian natural persons and companies on acquisition of land in the respective third country have been determined;
- (iv) if more than 50 per cent of their equity capital is possessed jointly by persons referred to in subparagraphs (i) to (iii); or
- (v) which are public joint stock companies, if their shares thereof are quoted in the stock exchange.

Where Japan allows Latvian nationals and enterprises to purchase urban real estate in their territories, Latvia will allow nationals and enterprises of Japan to purchase urban real estate in Latvia under the same conditions as Latvian nationals.

Measures:

LV: Law on land reform in the cities of the Republic of Latvia, Section 20 and 21.

In **RO**: Foreign nationals, stateless persons and legal persons (other than nationals of a Member State of the European Union and nationals of a Member State of the EEA) may acquire property rights over lands, under the conditions regulated by international treaties, based on reciprocity. Foreign nationals, stateless persons and juridical persons may not acquire the property right over lands under more favourable conditions than those applicable to the national of a Member State of the European Union and to juridical persons established according to the legislation of a Member State of the European Union.

Measures:

RO: Law 17/2014 on some measures regulating the selling-buying agricultural land situated outside town and amending; and

Law No 268/2001 on the privatization of companies that own land in public ownership and private management of the state for agricultural and establishing the State Domains Agency, with subsequent amendments.

With respect to Investment liberalisation - National treatment, Most-favoured-nation treatment:

In **DE**: Certain conditions of reciprocity may apply for the acquisition of real estate.

Measures:

DE: Introductory Law to the Civil Code (Einführungsgesetz zum Bürgerlichen Gesetzbuche, EGBGB).

In **ES:** Foreign investment in activities directly relating to real estate investments for diplomatic missions by states that are not Member States of the European Union requires an administrative authorisation from the Spanish Council of Ministers, unless there is a reciprocal liberalisation agreement in place.

Measures:

ES: Royal Decree 664/1999 of 23 April 1999 relating to foreign investment.

Reservation No. 2 - Professional services (all professions except health-related)

Sector – sub-sector: Professional services – legal services; patent agent, industrial property agent, intellectual property attorney; accounting and bookkeeping services; auditing services, taxation advisory services; architecture and urban planning services, engineering services and integrated engineering services

Industry classification: CPC 861, 862, 863, 8671, 8672, 8673, 8674, part of 879

Type of reservation: Market access
National treatment
Most-favoured-nation treatment
Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Level of government: EU/Member State (unless otherwise specified)

*Description:***(a) Legal services (part of CPC 861)**

For greater certainty, consistent with the Headnotes, in particular paragraph 9, requirements to register with a Bar may include a requirement to having obtained a law degree in the host country or equivalent, or having done some training under supervision of a licensed lawyer, or requiring upon membership an office or a post address within the Bar's jurisdiction. To the extent those requirements are non-discriminatory, they are not listed.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **AT:** EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts. The practice of legal services in respect of public international law and home country law is only allowed on a cross-border basis. Only lawyers of EEA or Swiss nationality are allowed to provide legal services through commercial presence. Equity participation and shares in the operating result of any law firm by foreign lawyers (who must be fully qualified in their home country) is allowed up to 25 per cent; the rest must be held by fully qualified EEA or Swiss lawyers and only the latter may exercise decisive influence in the decision making of the law firm.

Measures:

AT: Rechtsanwaltsordnung (Lawyers Act) - RAO, RGBL. Nr. 96/1868, Articles 1 and 21c.

In **BE:** Residency is required for full admission to the Bar, and necessary for the practice of legal services in respect of Belgian domestic law, including representation before courts. The residency requirement for a foreign lawyer to obtain full admission to the Bar is at least six years from the date of application for registration, three years under certain conditions. Requirement to have a certificate issued by the Belgian Minister of Foreign Affairs under which the national law or international convention allows reciprocity (reciprocity condition). Representation before 'the Cour de Cassation' is subject to quota.

Measures:

BE: Belgian Judicial Code (Articles 428-508); Royal Decree of 24 August 1970.

In **BG** (with respect also to Most-favoured-nation treatment): The practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts, is reserved to nationals of a Member State of the European Union or foreign nationals, who are qualified lawyers and have obtained their diploma providing the capacity to practice in a Member State of the European Union. Non-discriminatory legal form requirements apply. Foreign lawyers may be admitted to act as an attorney by a decision of the Supreme Bar Council and must be registered in the Unified register of foreign lawyers. Enterprises must be registered in Bulgaria as a lawyer partnership ('advokatsko sadrujje') or a law firm ('advokatsko drujestvo'). The name of the law firm may only include the names of the registered partners. Foreign lawyers must be accompanied by a Bulgarian lawyer for representation before courts. Permanent residency is required for legal mediation services. In Bulgaria, full national treatment on the establishment and operation of companies, as well as on the supply of services, may be extended only to companies established in, and citizens of, countries with whom bilateral agreements on mutual legal assistance have been or will be concluded.

Measures:

BG: Attorney Law; Law for Mediation; and Law for the Notaries and Notarial Activity.

In **CY:** EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services, including representation before courts. Only advocates enrolled in the Bar may be partners or shareholders or members of the board of directors in a law company in Cyprus. Non-discriminatory legal form requirements apply.

Measures:

CY: Advocates Law (Chapter 2), as amended by laws number 42 of 1961, 20 of 1963, 46 of 1970, 40 of 1975, 55 of 1978, 71 of 1981, 92 of 1983, 98 of 1984, 17 of 1985, 52 of 1985, 9 of 1989, 175 of 1991, 212 of 1991, 9(I) of 1993, 56(I) of 1993, 83(I) of 1994, 76(I) of 1995, 103(I) of 1996, 79(I) of 2000, 31(I) of 2001, 41(I) of 2002, 180(I) of 2002, 117(I) of 2003, 130(I) of 2003, 199(I) of 2004, 264(I) of 2004, 21(I) of 2005, 65(I) of 2005, 124(I) of 2005, 158(I) of 2005, 175(I) of 2006, 117(I) of 2007, 103(I) of 2008, 109(I) of 2008, 11(I) of 2009, 130(I) of 2009, 4(I) of 2010, 65(I) of 2010, 14(I) of 2011, 144(I) of 2011, 116(I) of 2012 and 18(I) of 2013.

In **CZ:** Non-discriminatory legal form requirements apply. Full admission to the Bar is required for the practice of legal services in respect of European Union law and the law of a Member State of the European Union, including representation before courts. For the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts, EEA or Swiss nationality and residency in Czech Republic is required.

Measures:

CZ: Act No. 85/1996 Coll., the Legal Profession Act.

In **DE:** Only lawyers with EEA and Swiss qualification may be admitted to the Bar and are thus entitled to provide legal service in respect of domestic law. Commercial presence is required in order to obtain full admission to the Bar. Exemptions may be granted by the competent bar association. Foreign lawyers (other than EEA and Swiss qualification) may only acquire a minority share if they wish to have their commercial presence in the form of an Anwalts-GmbH or Anwalts-AG. Foreign lawyers can offer legal services in foreign law when they prove expert knowledge, registration is required for legal services in Germany.

Measures:

DE: § 59e, § 59f, § 206 Bundesrechtsanwaltsordnung (BRAO; Federal Lawyers Act);

Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland (EuRAG); and

§ 10 Rechtsdienstleistungsgesetz (RDG).

In **DK:** Requirements apply for the performing of legal services under the title 'advokat' (lawyer). For law firms, non-discriminatory legal form requirements apply. Furthermore, 90 per cent of shares of a Danish law firm must be owned by lawyers with a Danish license, lawyers qualified in a Member State of the European Union and registered in Denmark or law firms registered in Denmark.

Measures:

DK: Lovbekendtgørelse nr. 1257 af 13. Oktober 2016 (Act No 1257 of 13. October 2016 on the administration of justice).

In **EE:** Residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, participation in criminal proceedings representation before the Supreme Court. Non-discriminatory legal form requirements apply.

Measures:

EE: Advokatuuriseadus (Bar Association Act);

Notariaadiseadus (Notaries Act);

Kohtutäituri seadus (Bailiffs Act), tsiviilkohtumenetluse seadustik (Code of Civil Procedure);

halduskohtumenetluse seadus (Code of Administrative Court Procedure);

kriminaalmenetluse seadustik (Code of Criminal Procedure); and

väiärteomenetluse seadustik (Code of Misdemeanour Procedure).

In **EL:** EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts.

Non-discriminatory legal form requirements apply.

Measures:

EL: New Lawyers' Code n. 4194/2013.

In **ES:** EEA or Swiss nationality is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts. The competent authorities may grant nationality waivers. Non-discriminatory legal form requirements apply.

Measures:

ES: Estatuto General de la Abogacía Española, aprobado por Real Decreto 658/2001, Article 13.1^a.

In **FI:** EEA or Swiss residency and Bar membership is required for the use of the professional title of 'advocate' (in Finnish 'asianajaja' or in Swedish 'advokat'). Legal services, including Finnish domestic law, may also be provided by non-Bar members.

Measures:

FI: Laki asianajajista (Advocates Act) (496/1958), ss. 1 and 3; and

Oikeudenkäymiskaari (4/1734) (Code of Judicial Procedure).

In **FR:** Residency or establishment is required for full admission to the Bar, necessary for the practice of legal services in respect of French domestic law, including representation before courts. Non-discriminatory legal form requirements apply. In a law firm providing services in respect of French or European Union law, shareholding and voting rights may be subject to quantitative restrictions related to the professional activity of the partners. Representation before 'the Cour de Cassation' and 'Conseil d'Etat' is subject to quotas.

Measures:

FR: Loi du 31 décembre 1971, article 56, Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, Loi 90-1259 du 31 décembre 1990, article 7.

In **HR:** European Union nationality is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts. In proceedings involving international law, parties may be represented before arbitration courts and *ad hoc* courts by foreign lawyers who are members of their home country bar association.

Measures:

HR: Legal Profession Act (OG 9/94, 51/01, 117/08, 75/09, 18/11).

In **HU:** EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts.

Foreign lawyers may provide legal advice on home country and international law in partnership with a Hungarian attorney or a law firm. Commercial presence should take the form of partnership with a Hungarian barrister (ügyvéd) or a barrister's office (ügyvédi iroda).

Measures:

HU: ACT XI of 1998 on Attorneys at Law.

In **IE:** Residency (commercial presence) is required for the practice of legal services in respect of Irish domestic law, including representation before courts. Non-discriminatory legal form requirements apply.

Measures:

IE: Solicitors Acts 1954-2011.

In **IT:** Residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts. Non-discriminatory legal form requirements apply.

Measures:

IT: Royal Decree 1578/1933, Article 17 law on the legal profession.

In **LT:** (With respect also to Most-favoured-nation treatment) EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of domestic (European Union and Member State) law, including representation before courts.

Non-discriminatory legal form requirements apply. Attorneys from foreign countries can practice as advocates in court only in accordance with bilateral agreements on mutual legal assistance.

Full admission to the Bar is required for the practice of legal services in respect of European Union law and the law of a Member State of the European Union, including representation before courts. To provide legal services in respect of domestic (European Union and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis. Only nationals of a Member State of the EEA or of the Swiss Confederation may be admitted to the Bar, and are thus entitled to provide legal services in respect of domestic law. Attorneys from foreign countries can act as advocates in court only in accordance with bilateral agreements on legal assistance.

Measures:

LT: Law on the Bar of the Republic of Lithuania of 18 March 2004 No. IX-2066 as last amended on 17 November 2011 No. XI-1688.

In **LU:** EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of Luxembourg domestic law, including representation before courts.

The Council of the Order may, on the basis of reciprocity, agree to waive the nationality requirement for a foreign national. Non-discriminatory legal form requirements apply.

Measures:

LU: Loi du 16 décembre 2011 modifiant la loi du 10 août 1991 sur la profession d'avocat.

In **LV** (with respect also to Most-favoured-nation treatment): EEA or Swiss nationality is required for the practice of legal services in respect of Latvian domestic criminal law, including representation before courts. Attorneys from foreign countries can practise as advocates in court only in accordance with bilateral agreements on mutual legal assistance.

For European Union or foreign advocates, special requirements exist. For example, participation in court proceedings in criminal cases is only permitted in association with an advocate of the Latvian Collegium of Sworn Advocates. Non-discriminatory legal form requirements apply.

Measures:

LV: Criminal Procedure Law, s. 79; and Advocacy Law of the Republic of Latvia, s. 4.

In **MT:** EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services in respect of Maltese domestic law, including representation before courts.

Non-discriminatory legal form requirements apply.

Measures:

MT: Code of Organisation and Civil Procedure (Cap. 12).

In **NL:** Only locally-licensed lawyers registered in the Dutch registry can use the title 'advocate'. Instead of using the full term 'advocate', (non-registered) foreign lawyers are obliged to mention their home country professional organisation for the purposes of their activities in the Netherlands.

Non-discriminatory legal form requirements apply.

Measures:

NL: Advocatenwet (Act on Advocates).

In **PL:** Foreign lawyers may establish only in the form of a registered partnership, a limited partnership or a limited joint-stock partnership.

Measures:

PL: Act of 5 July 2002 on the provision by foreign lawyers of legal assistance in the Republic of Poland, Article 19.

In **PT** (with respect also to Most-favoured-nation treatment): residency (commercial presence) is required in order to practice Portuguese domestic law. For representation before courts, full admission to the Bar is required. Foreigners holding a diploma awarded by any Faculty of Law in Portugal, may register with the Portuguese Bar (Ordem dos Advogados), under the same terms as Portuguese nationals, if their respective country grants Portuguese nationals reciprocal treatment.

Other foreigners holding a Degree in Law which has been acknowledged by a Faculty of Law in Portugal may register as members of the Bar Association provided they undergo the required articling and pass the final assessment and admission exam. To provide legal services, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Only law firms where the shares belong exclusively to lawyers admitted to the Portuguese Bar can practice in Portugal.

Measures:

PT: Law 15/2005, Articles 203, 194;

Portuguese Bar Statute (Estatuto da Ordem dos Advogados) and Decree-Law 229/2004, Articles 5, 7 – 9;

Decree-law 88/2003, Articles 77 and 102;

Solicitadores Public Professional Association Statute (Estatuto da Câmara dos Solicitadores), as amended by Law 49/2004, by Law 14/2006 and by Decree-Law n.º 226/2008;

Law 78/2001, Articles 31, 4;

Regulation of family and labour mediation (Ordinance 282/2010);

Law 21/2007 on criminal mediation, Article 12;

Law 32/2004 (as modified by Decree-Law 282/2007 and Law 34/2009) on Insolvency administrator, Articles 3 and 5; and

among others, Decree-Law 54/2004, Article 1 (Regime jurídico das sociedades de administradores de insolvência).

In **RO**: Non-discriminatory legal form requirements apply. A foreign lawyer may not make oral or written conclusions before the courts and other judicial bodies, except for international arbitration.

Measures:

RO: Attorney Law;

Law for Mediation; and

Law for the Notaries and the Notarial Activity.

In **SE**: EEA or Swiss residency is required for admission to the Bar and use of the title of 'advokat'.

Exemptions may be granted by the board of the Swedish Bar Association. Admission to the Bar is not necessary for the practice of Swedish domestic law. A member of the Swedish Bar Association may not be employed by anyone other than a Bar member or a company conducting the business of a Bar member. However, a Bar member may be employed by a foreign company conducting the business of an advocate, provided that the company in question is domiciled in a country within the European Union, the EEA or Switzerland. Subject to an exemption from the Board of the Swedish Bar Association, a member of the Swedish Bar Association may also be employed by a non-European Union law firm. Bar members conducting their practice in the form of a company or a partnership may not have any other objective and may not carry out any other business than the practice of an advocate. Collaboration with other advocate businesses is permitted, however, collaboration with foreign businesses requires permission by the Board of the Swedish Bar Association.

Only a Bar member may directly or indirectly, or through a company, practice as an advocate, own shares in the company or be a partner. Only a member may be a member or deputy member of the Board or deputy managing director, or an authorised signatory or secretary of the company or the partnership.

Measures:

SE: Rättegångsbalken (The Swedish Code of Judicial Procedure) (1942:740); and

Swedish Bar Association Code of Conduct adopted 29 August 2008.

In **SI**: Representing clients before the court against payment is conditioned by commercial presence in Republic of Slovenia. A foreign lawyer who has the right to practise law in a foreign country may perform legal services or practise law under the conditions laid down in Article 34a of the Attorneys Act, provided the condition of actual reciprocity is fulfilled. Compliance with the condition of reciprocity is verified by the Ministry of Justice. Commercial presence for appointed attorneys by the Slovene Bar Association is restricted to sole proprietorship, law firm with limited liability (partnership) or to a law firm with unlimited liability (partnership) only. The activities of a law firm shall be restricted to the practice of law. Only attorneys may be partners in a law firm.

Measures:

SI: Zakon o odvetništvu (Neuradno prečiščeno besedilo-ZOdv-NPB2 Državnega Zbora RS z dne 21.5.2009 (Attorneys Act) unofficial consolidated text prepared by the Slovenian parliament from 21.5.2009).

In **SK**: EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services in respect of Slovak domestic law, including representation before courts.

Non-discriminatory legal form requirements apply.

Measures:

SK: Act 586/2003 on Advocacy, Articles 2 and 12.

In **UK**: Residency (commercial presence) may be required by the relevant professional or regulatory body for the provision of some UK domestic legal services. Non-discriminatory legal form requirements apply.

Measures:

UK: For England and Wales, the Solicitors Act 1974, the Administration of Justice Act 1985 and the Legal Services Act 2007. For Scotland, the Solicitors (Scotland) Act 1980 and the Legal Services (Scotland) Act 2010. For Northern Ireland, the Solicitors (Northern Ireland) Order 1976. In addition, the measures applicable in each jurisdiction include any requirements set by professional and regulatory bodies.

(b) Patent agents, industrial property agents, intellectual property attorneys (part of CPC 879, 861, 8613)

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services - Market access, National treatment:

In **BG, CY, EE** and **LT**: EEA or Swiss nationality is required for the practice of patent agency services.

In **DE**: Only patent lawyers with German qualification may be admitted to the Bar and are thus entitled to provide patent agent services in Germany in domestic law. Foreign patent lawyers can offer legal services in foreign law when they prove expert knowledge, registration is required for legal services in Germany. Foreign (other than EEA and Swiss qualification) patent lawyers may not establish a firm together with national patent lawyers.

Foreign (other than EEA and Swiss) patent lawyers may have their commercial presence only in the form of a Patentanwalts-GmbH or Patentanwalt-AG and may only acquire a minority share.

In **EE, FI** and **HU**: EEA residency is required for the practice of patent agency services, in EE permanent residency.

In **ES** and **PT**: EEA nationality is required for the practice of industrial property agent services.

In **IE**: EEA residency, EEA commercial presence and prescribed educational and professional qualifications are required for the practice of patent or intellectual property attorney services. Legal form requires that at least one of the directors, partners, managers or employees of a company to be registered as a patent or intellectual property attorney in Ireland. Cross-border basis requires EEA nationality and commercial presence, principal place of business in an EEA Member State, qualification under the law of an EEA Member State.

In **SI**: A holder or applicant of registered rights (patents, trademarks and design protection) who is not resident in Slovenia shall have a patent agent or a trademark and design agent who is registered in Slovenia, for the main purpose of services of process, notification, etc.

Measures:

BG: Article 4 of the Ordinance for Representatives regarding Intellectual Property.

CY: Advocates Law (Chapter 2), as amended by laws number 42 of 1961, 20 of 1963, 46 of 1970, 40 of 1975, 55 of 1978, 71 of 1981, 92 of 1983, 98 of 1984, 17 of 1985, 52 of 1985, 9 of 1989, 175 of 1991, 212 of 1991, 9(I) of 1993, 56(I) of 1993, 83(I) of 1994, 76(I) of 1995, 103(I) of 1996, 79(I) of 2000, 31(I) of 2001, 41(I) of 2002, 180(I) of 2002, 117(I) of 2003, 130(I) of 2003, 199(I) of 2004, 264(I) of 2004, 21(I) of 2005, 65(I) of 2005, 124(I) of 2005, 158(I) of 2005, 175(I) of 2006, 117(I) of 2007, 103(I) of 2008, 109(I) of 2008, 11(I) of 2009, 130(I) of 2009, 4(I) of 2010, 65(I) of 2010, 14(I) of 2011, 144(I) of 2011, 116(I) of 2012 and 18(I) of 2013.

DE: § 52e, § 52 f, § 154a und § 154 b Patentanwaltsordnung (PAO).

EE: Patendivoliniku seadus (Patent Agents Act) § 2, § 14.

ES: Ley 11/1986, de 20 de marzo, de Patentes de Invención y Modelos de utilidad, Articles 155-157.

FI: Tavaramerkkilaki (Trademarks Act) (7/1964);

Act on Authorized Industrial Property Attorneys (22/2014); and

Laki kasvinjalostajanoikeudesta (Plant Breeder's Right Act) 1279/2009; and Mallioikeuslaki (Registered Designs Act) 221/1971.

HU: Act XXXII of 1995 on Patent Attorneys.

IE: Section 85 and 86 of the Trade Marks Act 1996, as amended;

Rule 51 of the Trade Marks Rules 1996, as amended;

Section 106 and 107 of the Patent Act 1992, as amended; and

Register of Patent Agent Rules S.I. 580 of 2015.

LT: Law on Trade Marks of 10 October 2000 No. VIII-1981;

Law on Designs of 7 November 2002 No. IX-1181;

Patent Law of 18 January 1994 No. I-372;

Law on the Legal Protection of Topographies of Semiconductor Products of 16 June 1998; and

Patent Attorneys Regulation, approved by the Order of Government of the Republic of Lithuania on 20 May 1992 No.362 (as last amended on 8 November 2004 No. 1410).

PT: Decree-Law 15/95, as modified by Law 17/2010, by Portaria 1200/2010, Article 5, and by Portaria 239/2013; and

Law 9/2009.

SI: Zakon o industrijski lastnini (Industrial Property Act), Uradni list RS, št. 51/06 – uradno prečiščeno besedilo in 100/13 (Official Gazette of the Republic of Slovenia, No. 51/06 – official consolidated text and 100/13).

(c) **Accounting and bookkeeping services (CPC 8621 other than auditing services, 86213, 86219, 86220)**

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **AT:** The capital interests and voting rights of foreign accountants, bookkeepers, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 per cent. The service supplier must have an office or professional seat in the EEA (CPC 862).

In **FR:** The provision of accounting and bookkeeping services by a foreign service supplier is conditional on a decision of the Minister of Economics, Finance and Industry, in agreement with the Minister of Foreign Affairs. Provision only through SEL (anonyme, à responsabilité limitée ou en commandite par actions), AGC (Association de gestion et comptabilité) or SCP (Société civile professionnelle) (CPC 86213, 86219, 86220).

In **IT:** Residence or business domicile is required for enrolment in the professional register, which is necessary for the provision of accounting and bookkeeping services (CPC 86213, 86219, 86220).

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **CY:** Access is restricted to natural persons. Authorisation is required, subject to an economic needs test. Main criteria: the employment situation in the sub-sector. Professional associations (partnerships) between natural persons are permitted.

With respect to Cross-border trade in services – Market access:

In **SI:** Establishment in the European Union is required in order to provide accounting and bookkeeping services (CPC 86213, 86219, 86220).

Measures:

AT: Wirtschaftstreuhänderberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999), § 12, § 65, § 67, § 68 (1) 4; and

Bilanzbuchhaltungsgesetz (BibuG), BGBl. I Nr. 191/2013, §§ 7, 11, 28.

CY: Law 42(I)/2009.

FR: Ordonnance 45-2138 du 19 septembre 1945, articles 3, 7, 7 ter, 7 quinquies, 27 et 42 bis.

IT: Legislative Decree 139/2005; and

Law 248/2006.

SI: Auditing Act (ZRev-2), Official Gazette RS No 65/2008;

Companies Act (ZGD-1), Official Gazette RS No 42/2006; and

Act on services in the internal market, Official Gazette RS No 21/10.

(d) **Auditing services (CPC – 86211, 86212 other than accounting and bookkeeping services)**

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In **EU:** The competent authorities of a Member State of the European Union may recognise the equivalence of the qualifications of an auditor who is a national of Japan or of any third country in order to approve them to act as a statutory auditor in the European Union subject to reciprocity (CPC 8621).

With respect to Investment liberalisation – Market access:

In **BG:** Non-discriminatory legal form requirements may apply.

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

In **SK:** Only an enterprise in which at least 60 per cent of capital interests or voting rights are reserved to Slovak nationals or nationals of a Member State of the European Union may be authorised to carry out audits in the Slovak Republic.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **AT:** The capital interests and voting rights of foreign auditors, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 per cent. The service supplier must have an office or professional seat in the EEA.

In **DE:** Auditing companies ('Wirtschaftsprüfungsgesellschaften') may only adopt legal forms admissible within the European Union or the EEA. General partnerships and limited commercial partnerships may be recognised as 'Wirtschaftsprüfungsgesellschaften' if they are listed as trading partnerships in the commercial register on the basis of their fiduciary activities, Article 27 WPO. However, auditors from third countries registered in accordance with Article 134 WPO may carry out the statutory audit of annual fiscal statements or provide the consolidated financial statements of a company with its headquarters outside the European Union, whose transferable securities are offered for trading in a regulated market.

In **DK:** Provision of statutory auditing services requires Danish approval as an auditor. Approval requires residency in a Member State of the European Union or a Member State of the EEA. Voting rights in approved audit firms of auditors and audit firms not approved in accordance with regulation implementing the Eighth Council Directive 84/253/EEC of 10 April 1984 based on Article 54(3)(g) of the Treaty on statutory audit must not exceed 10 per cent of the voting rights.

In **FI:** EEA residency required for at least one of the auditors of a Finnish Limited Liability company and of companies which are under the obligation to carry out an audit. An auditor must be a locally-licensed auditor or a locally-licensed audit firm.

In **FR:** For statutory audits: provision through any company form except SNC (Société en nom collectif) and SCS (Société en commandite simple).

In **HR:** Auditing services may be provided only by legal persons established in Croatia or by natural persons resident in Croatia.

In **SE:** Only auditors approved in Sweden and auditing firms registered in Sweden may perform statutory auditing services EEA or Swiss residency is required. The titles of 'approved auditor' and 'authorised auditor' may only be used by auditors approved or authorised in Sweden. Auditors of co-operative economic associations and certain other enterprises who are not certified or approved accountants must be resident within the EEA, unless the Government, or a Government authority appointed by the Government, in a particular case allows otherwise.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In **ES**: statutory auditors are subject to a nationality of a Member State of the European Union condition. This reservation does not apply to the auditing of non-European Union companies listed in a Spanish regulated market.

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **CY**: Access is restricted to natural persons. Authorisation is required, subject to an economic needs test. Main criteria: the employment situation in the sub-sector. Professional associations (partnerships) between natural persons are permitted.

In **PL**: Establishment in the European Union is required in order to provide auditing services. Legal form requirements apply.

With respect to Cross-border trade in services – Market access, National treatment:

In **BE**: An establishment in Belgium is required where the professional activity will take place and where acts, documents and correspondence relating to it will be maintained, and to have at least one administrator or manager of the establishment approved as auditor.

In **SI**: Commercial presence is required. A third country audit entity may hold shares or form partnerships in Slovenian audit company provided that, under the law of the country in which the third-country audit entity is incorporated, Slovenian audit companies may hold shares or form partnership in an audit entity in that country. A permanent residency in Slovenia is required for at least one member of the management board of an audit company establishment in Slovenia.

With respect to Cross-border trade in services – Market access:

In **IT**: Residency is required for the provision of auditing services by natural persons.

In **LT**: Establishment in EEA is required for the provision of auditing services.

Measures:

EU: Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC; and

Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts.

AT: Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999), § 12, § 65, § 67, § 68 (1) 4.

BE: Law of July 22nd, 1953 creating an Institute of the Auditors of Firms and organising the public supervision of the occupation of auditor of firms, coordinated on April 30th, 2007.

BG: Independent Financial Audit Act.

CY: The Auditors and Mandatory Audit of the Annual and of the Consolidated Accounts Law of 2009 (Law 42(I)/2009), as amended by law number 163(I) of 2013.

DE: Handelsgesetzbuch, HGB, (Code of Commercial Law); and Wirtschaftsprüferordnung, WPO, (Public Accountant Act).

DK: Revisorloven (The Danish Act on Approved Auditors and Audit Firms), Act No. 468 of 17 June 2008.

ES: Ley 22/2015, de 20 de julio, de Auditoría de Cuentas (new Auditing Law: Law 22/2015 on Auditing services).

FI: Tilintarkastuslaki (Auditing Act) (459/2007), Sectoral laws requiring the use of locally-licensed auditors.

FR: Ordonnance 45-2138 du 19 septembre 1945, articles 3, 7, 7 ter, 7 quinquies, 27 et 42 bis.

HR: Audit Act (OG 146/05, 139/08, 144/12), Article 3.

IT: Legislative Decree 58/1998, Articles 155, 158 and 161;

Decree of the President of the Republic 99/1998; and

Legislative Decree 39/2010, Article 2.

LT: Law on Audit of 15 June 1999 No. VIII -1227 (a new version of 3 July 2008 No. X-1676).

PL: Act of 11 May 2017 on statutory auditors, audit firms and public oversight - Journal of Laws of 2017, item 1089.

SE: Revisorslagen (Auditors Act) (2001:883);

Revisionslag (Auditing Act) (1999:1079);

Aktiebolagslagen (Companies Act) (2005:551);

Lag om ekonomiska föreningar (The Co-operative Economic Associations Act) (1987:667); and

Others, regulating the requirements to make use of approved auditors.

SI: Auditing Act (ZRev-2), Official Gazette RS No 65/2008; and

Companies Act (ZGD-1), Official Gazette RS No 42/2006.

SK: Act No. 423/2015 on Statutory audit.

(e) **Taxation advisory services (CPC 863, not including legal advisory and legal representational services on tax matters, which are to be found legal services)**

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **AT:** The capital interests and voting rights of foreign tax advisors, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 per cent. The service supplier must have an office or professional seat in the EEA.

In **BG:** Nationality of a Member State of the European Union is required for tax advisors.

In **CY:** Access is restricted to natural persons. Authorisation is required, subject to an economic needs test. Main criteria: the employment situation in the sub-sector. Professional associations (partnerships) between natural persons are permitted.

In **FR:** Provision through SEL (anonyme, à responsabilité limitée ou en commandite par actions) or SCP (Société civile professionnelle) only.

In **IT:** Residency is required.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In **HU:** EEA residency is required for the supply of taxation advisory services, insofar as they are being supplied by a physical person present in the territory of Hungary.

Measures:

AT: Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999), § 12, § 65, § 67, § 68 (1) 4.

BG: Accountancy Act;

Independent Financial Audit Act;

Income Taxes on Natural Persons Act; and

Corporate Income Tax Act.

CY: Law 42(I)/2009.

FR: Ordonnance 45-2138 du 19 septembre 1945, articles 3, 7, 7 ter, 7 quinquies, 27 et 42 bis.

HU: Act XCII of 2003 on the Rules of Taxation; and

Decree No 45/2017 (22.12) of the Minister for National Economy on the registration and periodic training of tax advisors, tax experts and chartered tax experts.

IT: Legislative Decree 139/2005; and

Law 248/2006.

(f) **Architecture and urban planning services, engineering and integrated engineering services (CPC 8671, 8672, 8673, 8674)**

With respect to Investment liberalisation – Market access:

In **FR:** An architect may only establish in France in order to provide architectural services using one of the following legal forms (on a non-discriminatory basis): SA et SARL (sociétés anonymes, à responsabilité limitée), EURL (Entreprise unipersonnelle à responsabilité limitée), SCP (en commandite par actions), SCOP (Société coopérative et participative), SELARL (société d'exercice libéral à responsabilité limitée), SELAFA (société d'exercice libéral à forme anonyme), SELAS (société d'exercice libéral) or SAS (Société par actions simplifiée), or as individual or as a partner in an architectural firm (CPC 8671).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **BG:** For architectural and engineering projects of national or regional significance, foreign investors must act in partnership with or, as subcontractors to, local investors (CPC 8671, 8672, 8673). Foreign specialists must have experience of at least two years in the field of construction. EEA nationality is required for urban planning and landscape architectural services (CPC 8674).

In **CY:** Nationality and residency condition applies for the provision of architecture and urban planning services, engineering and integrated engineering services (CPC 8671, 8672, 8673, 8674).

In **HU:** EEA residency is required for the supply of the following services, insofar as they are being supplied by a physical person present in the territory of Hungary: architectural services, engineering services (only applicable to graduate trainees), integrated Engineering services and landscape architectural services (CPC 8671, 8672, 8673, 8674).

With respect to Cross-border trade in services – Market access, National treatment:

In **CZ:** Residency in the EEA is required.

In **HR:** A design or project created by a foreign architect, engineer or urban planner must be validated by an authorised natural or legal person in Croatia with regard to its compliance with Croatian Law (CPC 8671, 8672, 8673, 8674).

In **IT:** residency or professional domicile/business address in Italy is required for enrolment in the professional register, which is necessary for the exercise of architectural and engineering services (CPC 8671, 8672, 8673, 8674).

In **SK:** Residency in the EEA is required for registration in the professional chamber, which is necessary for the exercise of architectural and engineering services (CPC 8671, 8672, 8673, 8674).

With respect to Cross-border trade in services – National treatment:

In **BE:** the provision of architectural services includes control over the execution of the works (CPC 8671, 8674). Foreign architects authorised in their host countries and wishing to practice their profession on an occasional basis in Belgium are required to obtain prior authorisation from the Council of Order in the geographical area where they intend to practice their activity.

Measures:

BE: Law of February 20, 1939 on the protection of the title of the architect's profession; and

Law of 26th June 1963, which creates the Order of Architects Regulations of December 16th, 1983 of ethics established by national Council in the Order of Architects (Approved by Article 1st of A.R. of April 18th, 1985, M.B., May 8th, 1985).

BG: Spatial Development Act;

Chamber of Builders Act; and

Chambers of Architects and Engineers in Project Development Design Act.

CY: Law 41/1962;

Law 224/1990; and

Law 29(i)2001.

CZ: Act no. 360/1992 Coll. on practice of profession of authorized architects and authorized engineers and technicians working in the field of building constructions.

FR: Loi 90-1258 relative à l'exercice sous forme de société des professions libérales;

Décret 95-129 du 2 février 1995 relatif à l'exercice en commun de la profession d'architecte sous forme de société en participation;

Décret 92-619 du 6 juillet 1992 relatif à l'exercice en commun de la profession d'architecte sous forme de société d'exercice libéral à responsabilité limitée SELARL, société d'exercice libéral à forme anonyme SELAFA, société d'exercice libéral en commandite par actions SELCA; and

Loi 77-2 du 3 janvier 1977, articles 12, 13 and 14.

HR: Act on Architectural and Engineering Activities in Physical Planning and Building (OG 152/08, 49/11, 25/13); and

Physical Planning Act of 12 December 2013 (011-01/13-01/291).

HU: Act LVIII of 1996 on the Professional Chambers of Architects and Engineers.

IT: Royal Decree 2537/1925 regulation on the profession of architect and engineer; Law 1395/1923; and

Decree of the President of the Republic (D.P.R.) 328/2001.

SK: Act 138/1992 on Architects and Engineers, Articles 3, 15, 15a, 17a and 18a.

Reservation No. 3 - Professional services (health related professions and retail of pharmaceuticals)

Sector – sub-sector:	Professional services – medical (including psychologists) and dental services; midwives, nurses, physiotherapists and paramedical personnel; veterinary services; retail sales of pharmaceutical, medical and orthopaedic goods and other services provided by pharmacists
Industry classification:	CPC 9312, 93191, 932, 63211
Type of reservation:	Market access National treatment Most-favoured-nation treatment Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

(a) Medical, dental, midwives, nurses, physiotherapists and para-medical services (CPC 852, 9312, 93191)

With respect to Cross-border trade in services –Market access, National treatment:

In **IT:** European Union nationality is required for the services provided by psychologists, foreign professionals may be allowed to practice based on reciprocity (part of CPC 9312).

Measures:

IT: Law 56/1989 on the psychologist profession.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **CY:** Cypriot nationality and residency condition applies for the provision of medical, dental, midwives, nurses, physiotherapists and para-medical services.

Measures:

CY: Registration of Doctors Law (Chapter 250);

Registration of Dentists Law (Chapter 249);

Law 75(I)/2013 – Podologists;

Law 33(I)/2008 – Medical Physics;

Law 34(I)/2006 – Occupational Therapists;

Law 9(I)/1996 – Dental Technicians;

Law 68(I)/1995 – Psychologists;

Law 16(I)/1992; Law 23(I)/2011 – Radiologists/Radiotherapists;

Law 31(I)/1996 – Dieticians/Nutritionists;

Law 140/1989 – Physiotherapists; and

Law 214/1988 – Nurses.

In **DE** (applies also to the regional level of government): Geographical restrictions may be imposed on professional registration, which apply to nationals and non-nationals alike.

Doctors (including psychologists, psychotherapists, and dentists) need to register with the regional associations of statutory health insurance physicians or dentists (kassenärztliche or kassenzahnärztliche Vereinigungen), if they wish to treat patients insured by the statutory sickness funds. This registration can be subject to quantitative restrictions based on the regional distribution of doctors. For dentists this restriction does not apply. Registration is necessary only for doctors participating in the public health scheme. Non-discriminatory restrictions on the legal form of establishment required to provide these services may exist (§ 95 SGB V).

For medical, dental and midwives services, access is restricted to natural persons only. Establishment requirements may apply.

Telemedicine may only be provided in the context of a primary treatment involving the prior physical presence of a doctor. The number of ICT (information and communications technology) - service suppliers may be limited to guarantee interoperability, compatibility and necessary safety standards. This is applied in a non-discriminatory way (CPC 9312, 93191).

Measures:

Bundesärztereordnung (Federal Medical Regulation);

Gesetz über die Ausübung der Zahnheilkunde;

Gesetz über die Berufe des Psychologischen Psychotherapeuten und des Kinder- und Jugendlichenpsychotherapeuten (Act on the Provision of Psychotherapy Services of 16.07.1998);

Gesetz über die berufsmäßige Ausübung der Heilkunde ohne Bestallung;

Gesetz über den Beruf der Hebamme und des Entbindungspflegers;

Gesetz über die Berufe in der Krankenpflege;

§ 7 Absatz 3 Musterberufsordnung fuer Aerzte (German Model professional Code for doctors);

§95, § 99 and seq. SGB V (Book on Social Security No. V), Statutory Health Insurance;

§ 1 Absatz 2 and Absatz 5 Hebammengesetz (Midwife Code), § 291b SGB V (Book on Social Security No. V) on E-health providers;

Heilberufekammergesetz des Landes Baden-Württemberg in der Fassung of 16.03.1995 (GBl. BW of 17.05.1995 S. 314);

Gesetz über die Berufsausübung, die Berufsvertretungen und die Berufgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder- und Jugendlichenpsychotherapeuten (Heilberufe-Kammergesetz - HKaG) in Bayern of 06.02.2002 (BAY GVBl 2002, page 42);

Gesetz über die Kammern und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Apotheker, Psychologischen Psychotherapeuten und Kinder- und Jugendpsychotherapeuten (Berliner Kammergesetz) of 04.09.1978 (Berliner GVBl. page 1937, rev. page 1980);

§ 31 Heilberufsgesetz Brandenburg (HeilBerG) of 28.04.2003;

Bremisches Gesetz über die Berufsvertretung, die Berufsausübung, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Psychotherapeuten, Tierärzte und Apotheker (Heilberufsgesetz - HeilBerG) of 12.05.2005;

§ 29 Heilberufsgesetz (HeilBG NRW) of 09.05.2000;

§ 20 Heilberufsgesetz (HeilBG Rheinland-Pfalz) of 07.02.2003;

Gesetz über Berufsausübung, Berufsvertretungen und Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder und Jugendlichenpsychotherapeuten im Freistaat (Sächsisches Heilberufekammergesetz – SächsHKaG) of 24.05.1994 (SächsGVBl. page 935);

Gesetz über die öffentliche Berufsvertretung, die Berufspflichten, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte/ Ärztinnen, Zahnärzte/ Zahnärztinnen, psychologischen Psychotherapeuten/ Psychotherapeutinnen und Kinder- und Jugendlichenpsychotherapeuten/-psychotherapeutinnen, Tierärzte/Tierärztinnen und Apotheker/Apothekerinnen im Saarland (Saarländisches Heilberufekammergesetz - SHKG) of 19.11.2007; and

Thüringer Heilberufegesetz of 29. Januar 2002 (GVBl 2002, 125).

(b) Veterinary services (CPC 932)

With respect to Investment liberalisation – National treatment:

In **PL**: To pursue a profession of veterinary surgeon present in the territory of Poland, non- European Union nationals have to pass an exam in Polish language organized by the Polish Chambers of Veterinary Surgeons.

With respect to Investment liberalisation – Market access, National treatment, Most-favoured-nation treatment and Cross-border trade in services – Market access, National treatment:

In **FR**: EEA nationality is required for the supply of veterinary services, but the nationality requirement may be waived subject to reciprocity. The legal forms available to a company providing veterinary services are limited to three types of companies (SEP (Société en participation); SCP (Société civile professionnelle); and SEL (Société d'exercice libéral)).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **CY**: Nationality and residency condition applies for the provision of veterinary services.

In **EL**: EEA or Swiss nationality is required for the supply of veterinary services.

In **ES**: Membership in the professional association is required for the practice of the profession and requires European Union nationality, which may be waived through a bilateral professional agreement. The provision of veterinary services is restricted to natural persons.

In **HR**: Only legal and natural persons established in a Member State of the European Union for the purpose of conducting veterinary activities can supply cross border veterinary services in the Republic of Croatia. Only European Union nationals can establish a veterinary practice in the Republic of Croatia.

In **HU**: EEA nationality is required for membership of the Hungarian Veterinary Chamber, necessary for supplying veterinary services. Authorisation for establishment is subject to an economic needs test. Main criteria: labour market conditions in the sector.

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **CZ**: Physical presence in the territory is required for the supply of veterinary services.

In **DE** (applies also to the regional level of government): The supply of veterinary services is restricted to natural persons. Telemedicine may only be provided in the context of a primary treatment involving the prior physical presence of a veterinary.

In **DK** and **NL**: The supply of veterinary services is restricted to natural persons.

In **IE**: The supply of veterinary services is restricted to natural persons or partnerships.

In **IT** and **PT**: Residency is required for the supply of veterinary services.

In **LV**: The supply of veterinary services is restricted to natural persons.

In **SI**: Only legal and natural persons established in a Member State of the European Union for the purpose of conducting veterinary activities can supply cross border veterinary services in to the Republic of Slovenia.

In **SK**: Residency in the EEA is required for registration in the professional chamber, which is necessary for the exercise of the profession. The provision of veterinary services is restricted to natural persons.

In **UK**: The supply of veterinary services is restricted to natural persons or partnerships. Physical presence is required to perform veterinary surgery. The practice of veterinary surgery is reserved to veterinary surgeons who are members of the Royal College of Veterinary Surgeons (RCVS).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In **AT**: Only nationals of a Member State of the EEA may provide veterinary services. The nationality requirement is waived for nationals of a non-Member State of the EEA where there is a European Union agreement with that non-Member State of the EEA providing for national treatment with respect to investment and cross-border trade of veterinary services.

Measures:

AT: Tierärztegesetz (Veterinary Act), BGBl. Nr. 16/1975, §3 (2) (3).

CY: Law 169/1990.

CZ: Act No. 166/1999 Coll. (Veterinary Act), §58-63, 39; and

Act No. 381/1991 Coll. (on the Chamber of Veterinary Surgeons of the Czech Republic), paragraph 4.

DE: Federal Code for the Veterinary Profession (Bundes- Tierärzteordnung in der Fassung der Bekanntmachung vom 20. November 1981 (BGBl. I S. 1193)).

Regional level:

Acts on the Councils for the Medical Profession of the Länder (Heilberufs- und Kammergesetze der Länder) and (based on these) Baden-Württemberg, Gesetz über das Berufsrecht und die Kammern der Ärzte, Zahnärzte, Tierärzte Apotheker, Psychologischen Psychotherapeuten sowie der Kinder- und Jugendlichenpsychotherapeuten (Heilberufes-Kammergesetz - HBKG) in der Fassung vom 16.03.1995;

Bayern, Gesetz über die Berufsausübung, die Berufsvertretungen und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder- und Jugendlichenpsychotherapeuten (Heilberufes-Kammergesetz - HKaG) in der Fassung der Bekanntmachung vom 06.02.2002;

Berlin, Gesetz über die Kammern und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker, Psychologischen Psychotherapeuten und Kinder- und Jugendlichenpsychotherapeuten (Berliner Kammergesetz) in der Fassung vom 04.09.1978 (GVBl. S. 1937);

Brandenburg, Heilberufsgesetz (HeilBerG) vom 28.04.2003 (GVBl.I/03, Nr. 07, S.126);

Bremen, Gesetz über die Berufsvertretung, die Berufsausübung, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Psychotherapeuten, Tierärzte und Apotheker (Heilberufsgesetz - HeilBerG) vom 12.05.2005, (Brem.GBl. S. 149);

Hamburg, Hamburgisches Kammergesetz für die Heilberufe (HmbKGH) vom 14.12.2005 zum Ausgangs- oder Titeldokument (HmbGVBl. 2005, S. 495);

Hessen, Gesetz über die Berufsvertretungen, die Berufsausübung, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker, Psychologischen Psychotherapeuten und Kinder- und Jugendlichenpsychotherapeuten (Heilberufsgesetz) in der Fassung vom 07.02.2003;

Mecklenburg-Vorpommern, Heilberufsgesetz (HeilBerG) vom 22.01.1993 (GVOBl. M-V 1993, S. 62);

Niedersachsen, Kammergesetz für die Heilberufe (HKG) in der Fassung vom 08.12.2000;

Nordrhein-Westfalen, Heilberufsgesetz NRW (HeilBerG) vom 9. Mai 2000 (GV. NRW. 2000 S. 403ff.);

Rheinland-Pfalz, Heilberufsgesetz (HeilBG) vom 20.10.1978;

Saarland, Gesetz Nr. 1405 über die öffentliche Berufsvertretung, die Berufspflichten, die Weiterbildung und die Berufsgeschäftsberechtigung der Ärzte/Ärztinnen, Zahnärzte/Zahnärztinnen, Tierärzte/Tierärztinnen und Apotheker/Apothekerinnen im Saarland (Saarländisches Heilberufesamengesetz - SHKG) vom 11.03.1998;

Sachsen, Gesetz über Berufsausübung, Berufsvertretungen und Berufsgeschäftsberechtigung der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder- und Jugendlichenpsychotherapeuten im Freistaat Sachsen (Sächsisches Heilberufesamengesetz – SächsHKaG) vom 24.05.1994;

Sachsen-Anhalt, Gesetz über die Kammern für Heilberufe Sachsen-Anhalt (KGHB-LSA) vom 13.07.1994 (GVBl. LSA 1994, S. 832);

Schleswig-Holstein, Gesetz über die Kammern und die Berufsgeschäftsberechtigung für die Heilberufe (Heilberufesamengesetz - HBKG) vom 29. Februar 1996;

Thüringen, Thüringer Heilberufesamengesetz (ThürHeilBG) in der Fassung der Bekanntmachung vom 29.01.2002 (GVBl 2002, S. 125); and

Codes of Professional Conduct of the Veterinary Practitioners' Councils (Berufsordnungen der Kammern).

DK: Act No. 1149 of 12 September 2015 on veterinary surgeons.

EL: Presidential Decree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B).

ES: Real Decreto 126/2013, de 22 de febrero, por el que se aprueban los Estatutos Generales de la Organización Colegial Veterinaria Española; Articles 62 and 64.

FR: Code rural et de la pêche maritime articles L241-1; L241-2; L241-2-1.

HR: Veterinary Act (OG 41/07, 55/11), Articles 89, 106.

HU: Act CXXVII of 2012 on the Hungarian Veterinary Chamber and on the conditions how to supply Veterinary services.

IE: Veterinary Practice Act 2005.

IT: Legislative Decree C.P.S. 233/1946, Articles 7-9; and

Decree of the President of the Republic (DPR) 221/1950, paragraph 7.

LV: Veterinary Medicine Law.

NL: Wet op de uitoefening van de diergeneeskunde 1990 (WUD).

PL: Law of 21st December 1990 on the Profession of Veterinary Surgeon and Chambers of Veterinary Surgeons.

PT: Decree-Law 368/91 (Statute of the Veterinary Professional Association).

SI: Pravilnik o priznavanju poklicnih kvalifikacij veterinarjev (Rules on recognition of professional qualifications for veterinarians), Uradni list RS, št. (Official Gazette No) 71/2008, 7/2011, 59/2014 in 21/2016, Act on services in the internal market, Official Gazette RS No 21/2010.

SK: Act 442/2004 on Private Veterinary Doctors and the Chamber of Veterinary Doctors, Article 2.

UK: Veterinary Surgeons Act (1966).

(c) **Retail sales of pharmaceuticals, medical and orthopaedic goods and other services provided by pharmacists (CPC 63211)**

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors:

In **AT:** The retail of pharmaceuticals and specific medical goods to the public may only be carried out through a pharmacy. Nationality of a Member State of the EEA or the Swiss Confederation is required in order to operate a pharmacy. Nationality of a Member State of the EEA or the Swiss Confederation is required for leaseholders and persons in charge of managing a pharmacy.

With respect to Investment liberalisation – Market access, National treatment:

In **EL:** European Union nationality is required in order to operate a pharmacy.

In **FR**: EEA or the Swiss Confederation nationality is required in order to operate a pharmacy. Foreign pharmacists may be permitted to establish within annually established quotas.

In **HU**: EEA nationality is required in order to operate a pharmacy.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services - Market access:

In **CY**: Nationality requirement applies for the provision of retail sales of pharmaceuticals, medical and orthopaedic goods and other services provided by pharmacists (CPC 63211).

In **DE**: Residency is required in order to obtain a licence as a pharmacist or to open a pharmacy for the retail of pharmaceuticals and certain medical goods to the public. Nationals of other countries or persons who have not passed the German pharmacy exam may only obtain a licence to take over a pharmacy which has already existed during the preceding three years. The total number of pharmacies per person is restricted to one pharmacy and up to three branch pharmacies. Only natural persons are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

In **EL**: Only natural persons, who are licenced pharmacists, and companies founded by licenced pharmacists, are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

In **FR**: Pharmacy opening must be authorized and commercial presence including sale at a distance of medicinal products to the public by means of information society services, must take one of the legal forms which are allowed under national law on a non-discriminatory basis: anonyme, à responsabilité limitée ou en commandite par actions (SEL), société en noms collectifs (SNC) or SARL only.

In **IT**: The practice of the profession is possible only for natural persons enrolled in the register, as well as for juridical persons in the form of partnerships, where every partner of the company must be an enrolled pharmacist. Enrolment in the pharmacist professional register requires nationality of a Member State of the European Union or residency and the practice of the profession in Italy. Foreign nationals having the necessary qualifications may enrol if they are citizens of a country with whom Italy has a special agreement, authorising the exercise of the profession, under condition of reciprocity (D. Lgs. CPS 233/1946 Articles 7-9 and D.P.R. 221/1950 paragraphs 3 and 7). New or vacant pharmacies are authorised following a public competition. Only nationals of a Member State of the European Union enrolled in the Register of pharmacists ('albo') are able to participate in a public competition.

With respect to Investment liberalisation – Market access and Cross-border trade in services - Market access:

In **ES**: Only natural persons, who are licenced pharmacists, are permitted to provide retail services of pharmaceuticals and specific medical goods to the public. Each pharmacist cannot obtain more than one licence.

In **ES, HR, HU, IT and PT**: Establishment authorisation is subject to an economic needs test. Main criteria: population and density conditions in the area.

In **LU**: Only natural persons are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

In **MT**: Issuance of Pharmacy licences under specific restrictions. No person shall have more than one licence in his name in any town or village (Regulation 5(1) of the Pharmacy Licence Regulations (LN279/07)), except in the case where there are no further applications for that town or village (Regulation 5(2) of the Pharmacy Licence Regulations (LN279/07)).

In **PT**: In commercial companies where the capital is represented by shares, these shall be nominative. A person shall not hold or exercise, at the same time, directly or indirectly, ownership, operation or management of more than four pharmacies.

In **SI**: The network of pharmacies in Slovenia consists of public pharmacy institutions, owned by municipalities, and of private pharmacists with concession where the majority owner must be a pharmacist by profession. Mail order of pharmaceuticals requiring a prescription is prohibited.

With respect to Investment liberalisation – National treatment:

In **LV**: In order to commence independent practice in a pharmacy, a foreign pharmacist or pharmacist's assistant, educated in a state which is not a Member State of the European Union or a Member State of the EEA, must work for at least one year in a pharmacy under the supervision of a pharmacist.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **BG** and **EE**: The retail of pharmaceuticals and specific medical goods to the public may only be carried out through a pharmacy.

In **BG**: The mail order of pharmaceuticals is prohibited. Permanent residency is required for pharmacists. Managers of pharmacies must be qualified pharmacists and may only manage one pharmacy in which they themselves work. A quota exists for the number of pharmacies which may be owned per person.

In **EE**: Mail order sale of medicinal products as well as delivery by post or express service of medicinal products ordered through the Internet is prohibited. Establishment authorisation is subject to an economic needs test. Main criteria: density conditions in the area.

With respect to Investment liberalisation - Market access and Cross-border trade in services - Market access:

In **SK**: Residency is required in order to obtain a licence as a pharmacist or to open a pharmacy for the retail of pharmaceuticals and certain medical goods to the public.

With respect to Investment liberalisation - Market access

In **DK**: Only natural persons, who have been granted a pharmacist-licence from the Danish Health and Medicines Authority, are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

Measures:

AT: Apothekengesetz (Pharmacy Law), RGBL. Nr. 5/1907 as amended, §§ 3, 4, 12; Arzneimittelgesetz (Medication Act), BGBL. Nr. 185/1983 as amended, §§ 57, 59, 59a; and

Medizinproduktegesetz (Medical Products Law), BGBL. Nr. 657/1996 as amended, § 99.

BG: Law on Medicinal Products in Human Medicine, arts. 146, 161, 195, 222, 228.

CY: Pharmaceutical and Poisons Law (Chapter 254).

DE: § 2 paragraph 2, § 11a Apothekengesetz (German Pharmacy Act);

§§ 43 paragraph 1, 73 paragraph 1 Nr. 1a, Arzneimittelgesetz (German Drugs Act); and

§ 11 Abs. 2 und 3 Medizinproduktegesetz, Verordnung zur Regelung der Abgabe von Medizinprodukten.

DK: Apotekerloven (Danish Pharmacy Act) LBK nr. 1040 03/09/2014.

EE: Ravimiseadus (Medicinal Products Act), RT I 2005, 2, 4; § 29 (2); and Tervishoiuteenuse korraldamise seadus (Health Services Organisation Act, RT I 2001, 50, 284).

EL: Law 5607/1932 as amended by Laws 1963/1991 and 3918/2011.

ES: Ley 16/1997, de 25 de abril, de regulación de servicios de las oficinas de farmacia (Law 16/1997, of 25 April, regulating services in pharmacies), Articles 2, 3.1; and

Real Decreto Legislativo 1/2015, de 24 de julio por el que se aprueba el Texto refundido de la Ley de garantías y uso racional de los medicamentos y productos sanitarios (Ley 29/2006).

FR: Code de la santé publique, articles L4221-1, L4221-13, L5125-10; and

Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008 (Law 90-1258 on the exercise of liberal professions in the form of a company); and Lois 2011-331 du 28 mars 2011 et 2015-990 du 6 août 2015.

HR: Health Care Act (OG 150/08, 71/10, 139/10, 22/11, 84/11, 12/12, 70/12, 144/12).

HU: Act XCVIII of 2006 on the General Provisions Relating to the Reliable and Economically Feasible Supply of Medicinal Products and Medical Aids and on the Distribution of Medicinal Products.

IT: Law 362/1991, Articles 1, 4, 7 and 9;

Legislative Decree CPS 233/1946, Articles 7-9; and

Decree of the President of the Republic (D.P.R. 221/1950, paragraphs 3 and 7).

LU: Loi du 4 juillet 1973 concernant le régime de la pharmacie (annex a043);

Règlement grand-ducal du 27 mai 1997 relatif à l'octroi des concessions de pharmacie (annex a041); and

Règlement grand-ducal du 11 février 2002 modifiant le règlement grand-ducal du 27 mai 1997 relatif à l'octroi des concessions de pharmacie (annex a017).

LV: Pharmaceutical Law, s. 38.

MT: Pharmacy Licence Regulations (LN279/07) issued under the Medicines Act (Cap. 458).

PT: Decree-Law 307/2007, Articles 9, 14 and 15; and

Ordinance 1430/2007.

SI: Pharmacy Services Act (Official Gazette of the RS No. 85/2016); and

Medicinal Products Act (Official Gazette of the RS, No. 17/2014).

SK: Act 362/2011 on drugs and medical devices, Article 35a; and

Act 578/2004 on healthcare providers, medical employees, professional organisation.

Reservation No. 4 - Research and development services

Sector – sub-sector: Research and development (R&D) services

Industry classification: CPC 851, 853

Type of reservation: Market access
National treatment

Section: Investment liberalisation and Cross-border trade in services

Level of government: EU/Member State (unless otherwise specified)

Description:

The **EU:** For publicly funded research and development (R&D) services benefitting from funding provided by the European Union at the European Union level, exclusive rights or authorisations may only be granted to nationals of the Member States of the European Union and to juridical persons of the European Union having their registered office, central administration or principal place of business in the European Union (CPC 851, 853).

For publicly funded R&D services benefitting from funding provided by a Member State exclusive rights or authorisations may only be granted to nationals of the Member State of the European Union concerned and to juridical persons of the Member State concerned having their headquarters in that Member State (CPC 851, 853).

This reservation is without prejudice to the exclusion of procurement by a Party or subsidies in subparagraphs 2(c) and (e) of Article 8.14, and paragraphs 5 and 6 of Article 8.12.

Measures:

EU: All currently existing and all future European Union research or innovation framework programmes, including the Horizon 2020 Rules for Participation and regulations pertaining to Joint Technology Initiatives (JTIs), Article 185 Decisions, and the European Institute for Innovation and Technology (EIT), as well as existing and future national, regional or local research programmes.

Reservation No. 5 - Real estate services

Sector – sub-sector: Real estate services
Industry classification: CPC 821, 822
Type of reservation: Market access
National treatment
Section: Investment liberalisation and Cross-border trade in services
Level of government: EU/Member State (unless otherwise specified)

Description:

In **CY**: For the provision of real estate services, nationality and residency condition applies.

In **CZ**: Residency for natural persons and establishment for legal persons in the Czech Republic are required to obtain the licence necessary for the provision of real estate services.

In **PT**: EEA residency is required for natural persons. EEA incorporation is required for legal persons.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Market access, National treatment:

In **DK**: For the provision of real estate services by a physical person present in the territory of Denmark, only authorized real estate agent who are natural persons that have been admitted to the Danish Business Authority's real estate agent register may use the title of 'real estate agent'. The act requires that the applicant be a Danish resident or a resident of the European Union, EEA or Switzerland.

The Act on sale of real estate is only applicable when providing real estate services to consumers. Furthermore the Act on sale of real estate does not apply on leasing of real estate (CPC 822).

With respect to Cross-border trade in services – Market access:

In **HR**: Commercial presence in EEA is required to provide real estate services.

With respect to Cross-border trade in services – Market access, National treatment, Most-favoured-nation treatment:

In **SI**: In so far as Japan allows Slovenian nationals and enterprises to supply real estate agent services, Slovenia will allow nationals of Japan and enterprises to supply real estate agent services under the same conditions, in addition to the fulfilment of the following requirements: entitlement to act as a real estate agent in the country of origin, submission of the relevant document on impunity in criminal procedures, and inscription into the registry of real estate agents at the competent (Slovenian) ministry.

Measures:

CY: The Real Estate Agents Law 71(1)/2010.

CZ: Trade Licensing Act.

DK: Lov om omsætning af fast ejendom, 2014 (The Act on the sale of real estate).

HR: Real Estate Brokerage Act (OG 107/07 and 144/12), Article 2.

PT: Decree-Law 211/2004 (Articles 3 and 25), as amended and republished by Decree-Law 69/2011.

SI: Real Estate Agencies Act.

Reservation No. 6 - Business services

Sector – sub-sector: Business services - rental or leasing services without operators; services related to management consulting; technical testing and analyses; related scientific and technical consulting services; services incidental to agriculture; security services; placement services; translation and interpretation services and other business services

Industry classification:	ISIC Rev. 37, part of CPC 612, part of 621, part of 625, 831, part of 85990, 86602, 8675, 8676, 87201, 87202, 87203, 87204, 87205, 87206, 87209, 87901, 87902, 87909, 88, part of 893
Type of reservation:	Market access National treatment Most-favoured-nation treatment Senior management and boards of directors
Section:	Investment and Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

(a) **Rental or leasing services without operators (CPC 83103, CPC 831)**

With respect to Investment liberalisation – Market access, National treatment:

In **SE**: To fly the Swedish flag, proof of dominating Swedish operating influence must be shown in case of foreign ownership interests in ships. Dominating Swedish influence means that the operation of the ship is located in Sweden. Foreign ships may be granted an exemption from this rule where they are rented or leased by Swedish legal persons through bareboat charter contracts. To be granted an exemption, the bareboat charter contract must be provided to the Swedish Maritime Administration and demonstrate that the charterer takes full responsibility for operation and crew of the leased or rented ship. The duration of the contract should be at least one to two years (CPC 83103).

Measures:

SE: Sjölagen (Maritime Law) (1994:1009), Chapter 1, § 1.

With respect to Cross-border trade in services – Market access, National treatment:

In **SE**: Suppliers of rental or leasing services of cars and certain off-road vehicles (terrängmotorfordon) without a driver, rented or leased for a period of less than one year, are obliged to appoint someone to be responsible for ensuring, among other things, that the business is conducted in accordance with applicable rules and regulations and that the road traffic safety rules are followed. The responsible person must reside in Sweden (CPC 831).

Measures:

SE: Lag (1998: 424) om biluthyrning (Act on renting and leasing cars).

(b) **Rental or leasing services and other business services related to aviation**

With respect to Investment liberalisation - Market access, National treatment, Most-favoured-nation treatment, and Cross-border trade in services - Market access, National treatment, Most-favoured-nation treatment:

The **EU**: For rental or leasing of aircraft without crew (dry lease) aircraft used by an air carrier of the European Union are subject to applicable aircraft registration requirements. A dry lease agreement to which a European Union carrier is a party shall be subject to requirements in the European Union or national law on aviation safety, such as prior approval and other conditions applicable to the use of third countries' registered aircraft. To be registered, aircraft may be required to be owned either by natural persons meeting specific nationality criteria or by enterprises meeting specific criteria regarding ownership of capital and control (CPC 83104).

With respect to computer reservation system (CRS) services, where European Union air carriers are not accorded, by CRS services suppliers operating outside the European Union, equivalent (meaning non-discriminatory) treatment to that provided in the European Union, or where European Union CRS services suppliers are not accorded, by non-European Union air carriers, equivalent treatment to that provided in the European Union, measures may be taken to accord equivalent treatment, respectively, to the non-European Union air carriers by the CRS services suppliers operating in the European Union, or to the non-European Union CRS services suppliers by European Union air carriers.

Measures:

EU: Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast); and Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89.

With respect to Investment liberalisation - National treatment and Cross-border trade in services - Market access, National treatment

In **BE:** Private (civil) aircraft belonging to natural persons who are not nationals of a Member State of the European Union or of the EEA may only be registered if they are domiciled or resident in Belgium without interruption for at least one year. Private (civil) aircraft belonging to foreign legal entities not formed in accordance with the law of a Member State of the European Union or of the EEA may only be registered if they have a seat of operations, an agency or an office in Belgium without interruption for at least one year (CPC 83104).

Measures:

BE: Arrêté Royal du 15 mars 1954 réglementant la navigation aérienne.

(c) Services related to management consulting – arbitration and conciliation services (CPC 86602)

With respect to Cross-border trade in services –Market access, National treatment:

In **HU:** An authorisation, by means of admission into the register, by the minister in charge of the juridical system is required for the pursuit of mediation (such as arbitration and conciliation) activities which may only be granted to juridical or natural persons that are established in or resident in Hungary.

Measures:

HU: Act LV of 2002 on Mediation.

(d) Technical testing and analysis services (CPC 8676)

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **CY:** The provision of services by chemists and biologists requires nationality of a Member State of the European Union.

In **FR:** The professions of biologist are reserved for natural persons, EEA nationality required.

With respect to Cross-border trade in services – Market access, National treatment:

In **BG:** Establishment in Bulgaria according to the Bulgarian Commercial Act and registration in the Commercial register is required for cross-border provision of technical testing and analysis services.

For the periodical inspection for proof of technical condition of road transport vehicles, the person should be registered in accordance with the Bulgarian Commercial Act or the Non-Profit Legal Persons Act, or else be registered in another Member State of the European Union or country from the EEA.

The testing and analysis of the composition and purity of air and water may be conducted only by the Ministry of Environment and Water of Bulgaria, or its agencies in co-operation with the Bulgarian Academy of Sciences.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment, Most-favoured-nation treatment:

In **IT:** For biologists, chemical analysts, agronomists and ‘periti agrari’, residency and enrolment in the professional register are required. Third country nationals can enrol under condition of reciprocity.

Measures:

BG: Technical Requirements towards Products Act;

Measurement Act;

National Accreditation of Compliance Conformity Authorities Act;

Clean Ambient Air Act; and

Water Act, Ordinance N-32 for the periodical inspection for proof of technical condition of road transport vehicles.

CY: Registration of Chemists Law of 1988 (Law 157/1988), as amended by Laws number 24(I) of 1992 and 20(I) of 2004; and

Law 157/1988.

FR: Articles L 6213-1 à 6213-6 du Code de la Santé Publique.

IT: Biologists, chemical analysts: Law 396/1967 on the profession of biologists; and Royal Decree 842/1928 on the profession of chemical analysts.

(e) Related scientific and technical consulting services (CPC 8675)

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment, Most-favoured-nation treatment:

In **IT:** Residency or professional domicile in Italy is required for enrolment in the geologists' register, which is necessary for the practice of the professions of surveyor or geologist in order to provide services relating to the exploration and the operation of mines, etc. Nationality of a Member State of the European Union is required; however, foreigners may enrol under condition of reciprocity.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **BG:** A professionally competent body is the person (physical or juridical) that may execute functions pertinent to cadastral surveying, geodesy and cartography. Establishment is required, as well as EEA or Swiss nationality for the natural person carrying out activities for geodesy, cadastral surveying, and in cartography when studying movements of the earth crust.

In **CY:** Nationality requirement applies for the provision of relevant services.

In **FR:** For surveying, access through SEL (anonyme, à responsabilité limitée ou en commandite par actions), SCP (Société civile professionnelle), SA and SARL (sociétés anonymes, à responsabilité limitée) only. Foreign investors are required to have a specific authorisation for exploration and prospecting services.

With respect to Cross-border trade in services – Market access:

In **HR:** Services of basic geological, geodetic and mining consulting as well as related environmental protection consulting services in the territory of Croatia can be carried out only jointly with or through domestic legal persons.

Measures:

BG: Cadastre and Property Register Act; and

Geodesy and Cartography Act.

CY: Law 224/1990.

FR: Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008.

HR: Ordinance on requirements for issuing approvals to legal persons for performing professional environmental protection activities (OG No.57/10), Arts. 32-35.

IT: Geologists: Law 112/1963, Articles 2 and 5; D.P.R. 1403/1965, Article 1.

(f) Services incidental to agriculture (part of CPC 88)

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment, Most-favoured-nation treatment:

In **IT:** For biologists, chemical analysts, agronomists and 'periti agrari', residency and enrolment in the professional register are required. Third country nationals can enrol under condition of reciprocity.

With respect to Cross-border trade in services – Market access:

In **PT**: The professions of biologist, chemical analyst and agronomist are reserved for natural persons.

Measures:

IT: Agronomists: Law 3/1976 on the profession of agronomists ('Periti agrari'): Law 434/1968 as amended by Law 54/1991.

PT: Decree Law 119/92;

Law 47/2011; and

Decree Law 183/98.

(g) Security Services (CPC 87302, 87303, 87304, 87305, 87309)

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **EE**: Residency is required for providing security services and for security guards.

In **IT**: Nationality of a Member State of the European Union and residency is required in order to obtain the necessary authorisation to supply security guard services and the transport of valuables.

In **PT**: The provision of security services by a foreign supplier on a cross-border basis is not allowed.

A nationality requirement exists for specialised personnel.

With respect to Investment liberalisation – National treatment and Cross-border trade in services - Market access:

In **DK**: Residence requirement for individuals applying for an authorisation to conduct security service, as well as for managers and the majority of members of the board of a legal entity applying for an authorisation to conduct security services. However, residence is not required to the extent it follows from international agreements or orders issued by the Minister for Justice.

Measures:

DK: Lovbekendtgørelse 2016-01-11 nr. 112 om vagtvirksomhed.

EE: Turvaseadus (Security Act) § 21, § 43.

IT: Law on public security (TULPS) 773/1931, Articles 133-141; Royal Decree 635/1940, Article 257.

PT: Law 34/2013; and

Ordinance 273/2013.

(h) Placement Services (CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209)

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment (applies also to the regional level of government):

In **BE**: In the Flemish Region, a company having its head office outside the EEA has to prove that it supplies placement services in its country of origin. In the Walloon Region, a specific type of legal entity (régulièrement constituée sous la forme d'une personne morale ayant une forme commerciale, soit au sens du droit belge, soit en vertu du droit d'un Etat membre ou régie par celui-ci, quelle que soit sa forme juridique) is required to supply placement services. A company having its head office outside the EEA has to demonstrate that it fulfils the conditions as set out in the Decree (for instance on the type of legal entity) and has to prove that it supplies placement services in its country of origin. In the German-speaking community, a company having its head office outside the EEA has to prove that it supplies placement services in its country of origin and has to fulfil the admission criteria established by the mentioned Decree (CPC 87202).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In **DE**: Nationality of a Member State of the European Union or a commercial presence in the European Union is required in order to obtain a licence to operate as a temporary employment agency (pursuant to s. 3 paragraphs 3 to 5 of this Act on temporary agency work (Arbeitnehmerüberlassungsgesetz). The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-European Union and non-EEA personnel for specified professions e.g. for health and care related professions (CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209).

With respect to Investment liberalisation – Market access:

In **ES**: Prior to the start of the activity, placement agencies are required to submit a sworn statement certifying the fulfilment of the requirements stated by the current legislation (CPC 87201, 87202).

Measures:

BE: Flemish Region: Besluit van de Vlaamse Regering van 10 december 2010 tot uitvoering van het decreet betreffende de private arbeidsbemiddeling.

Walloon Region: Décret du 3 avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement (Decree of 3 April 2009 on registration of placement agencies), Article 7; and

Arrêté du Gouvernement wallon du 10 décembre 2009 portant exécution du décret du 3 avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement (Decision of the Walloon Government of 10 December 2009 implementing the Decree of 3 April 2009 on registration of placement agencies), Article 4.

German-speaking community: Dekret über die Zulassung der Leiharbeitsvermittler und die Überwachung der privaten Arbeitsvermittler / Décret du 11 mai 2009 relatif à l'agrément des agences de travail intérimaire et à la surveillance des agences de placement privées, Article 6.

DE: § 1 and 3 Abs 5 Arbeitnehmerüberlassungsgesetz –AÜG § 292 SGB III§ 38 Beschäftigungsverordnung.

ES: Real Decreto-ley 8/2014, de 4 de julio, de aprobación de medidas urgentes para el crecimiento, la competitividad y la eficiencia (tramitado como Ley 18/2014, de 15 de octubre).

(i) **Translation and interpretation services (CPC 87905)**

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **BG**: A contract with the Ministry of Foreign Affairs is required for official translations provided by translation agencies.

In **CY**: Registration to registry of translators is necessary for the provision of official translation and certification services. Nationality requirement applies.

In **HU**: Official translations, official certifications of translations, and certified copies of official documents in foreign languages may only be provided by the Hungarian Office for Translation and Attestation (OFFI).

In **PL**: Only natural persons may be sworn translators.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Market access, National treatment:

In **FI**: Residency in EEA is required for certified translators.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In **EE**: A sworn translator must be a national of a Member State of the European Union.

In **HR**: EEA nationality is required for certified translators.

Measures:

BG: Regulation for the legalisation, certification and translation of documents.

CY: The Establishment, Registration and Regulation of the Certified Translator Services in the Republic of Cyprus Law.

EE: Vandetõlgi seadus § 2 (3), § 16, (Sworn Translators Act).

FI: Laki auktorisoiduista kääntäjistä (Act on Authorised Translators) (1231/2007), s. 2(1)).

HR: Ordinance on permanent court interpreters (OG 88/2008), Article 2.

HU: Decree of the Council of Ministers No. 24/1986 on Official translation and interpretation.

PL: Act of 25 November 2004 on the profession of sworn translator or interpreter (Journal of Laws no 273 item 2702), Article 2.1.

(j) **Other business services (part of CPC 612, part of 621, part of 625, 87901, 87902, 88493, part of 893, part of 85990, 87909, ISIC 37)**

With respect to Investment liberalisation – Market access:

In **SE:** Pawn-shops must be established as a limited liability company or as a branch (part of CPC 87909).

Measures:

SE: Pawn shop act (1995:1000).

In **CZ:** An authorised package company is only allowed to provide services relating to packaging take-back and recovery and must be a legal person established as a joint-stock company (CPC 88493, ISIC 37).

Measures:

CZ: Act. 477/2001 Coll. (Packaging Act) paragraph 16.

In **NL:** To provide hallmarking services, commercial presence in the Netherlands is required. The hallmarking of precious metal Articles is currently exclusively granted to two Dutch public monopolies (part of CPC 893).

Measures:

NL: Waarborgwet 1986.

With respect to Investment liberalisation – Market access, National treatment:

In **PT:** Nationality of a Member State of the European Union is required for the provision of collection agency services and credit reporting services (CPC 87901, 87902).

Measures:

PT: Law 49/2004.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **CZ:** Auction services are subject to licence. To obtain a licence (for the supply of voluntary public auctions), a company must be incorporated in the Czech Republic and a natural person is required to obtain a residency permit, and the company, or natural person must be registered in the Commercial Register of the Czech Republic (part of CPC 612, part of 621, part of 625, part of 85990).

Measures:

CZ: Act no.455/1991 Coll.;

Trade Licence Act; and

Act no. 26/2000 Coll., on public auctions.

With respect to Cross-border trade in services –Market access:

In **SE**: The economic plan for a building society must be certified by two persons. These persons must be publicly approved by authorities in the EEA (CPC 87909).

Measures:

SE: Cooperative building societies law (1991:614).

Reservation No. 7 - Communication services

Sector – sub-sector: Communication services - postal and courier services
 Industry classification: Part of CPC 71235, part of 73210, part of 751
 Type of reservation: Market access
 Section: Investment liberalisation and Cross-border trade in services
 Level of government: EU/Member State (unless otherwise specified)

Description:

Postal and courier services (part of CPC 71235, part of CPC 73210, part of 751)

With respect to Investment liberalisation - Market access and Cross-border trade in services - Market access:

The **EU**: The organisation of the siting of letter boxes on the public highway, the issuing of postage stamps and the provision of the registered mail service used in the course of judicial or administrative procedures may be restricted in accordance with national legislation. Licensing systems may be established for those services for which a general universal service obligation exists. These licences may be subject to particular universal service obligations or a financial contribution to a compensation fund.

Measures:

EU: Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by Directive 2002/39/EC and Directive 2008/06/EC.

Reservation No. 8 - Distribution services

Sector – sub-sector: Distribution services – general, of tobacco, of alcoholic beverages
 Industry classification: CPC 3546, part of 621, 6222, 631, part of 632
 Type of reservation: Market access
 National treatment
 Section: Investment liberalisation and Cross-border trade in services
 Level of government: EU/Member State (unless otherwise specified)

Description:

(a) Distribution services (CPC 3546, 631, 632 except 63211, 63297, 62276, part of 621)

With respect to Investment liberalisation – Market access:

In **PT**: A specific authorisation scheme exists for the installation of certain retail establishments and shopping centres. This relates to shopping centres that have a gross leasable area equal or greater than 8,000 m², and retail establishments having a sales area equal or exceeding 2,000 m², when located outside shopping centres. Main criteria: Contribution to a multiplicity of commercial offers; assessment of services to consumer; quality of employment and corporate social responsibility; integration in urban environment; contribution to eco-efficiency (CPC 631, 632 except 63211, 63297).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **CY**: Nationality requirement exists for distribution services on pharmaceutical representatives (CPC 62117).

With respect to Cross-border trade in services – Market access, National treatment:

In **LT**: The distribution of pyrotechnics is subject to licensing. Only the juridical persons established in the European Union may obtain a licence (CPC 3546).

Measures:

CY: Law 74(i) 202.

LT: Law on Supervision of Civil Pyrotechnics Circulation (23 March 2004. No. IX-2074).

PT: Decree-Law No. 10/2015, 16 January.

(b) Distribution of tobacco (part of CPC 6222, 62228, part of 6310, 63108)

With respect to Investment liberalisation – Market access, National treatment:

In **FR**: State monopoly on wholesale and retail sales of tobacco. Nationality requirement for tobacconists (buraliste) (part of CPC 6222, part of 6310).

With respect to Investment liberalisation – National treatment and Cross-border trade in services – National treatment:

In **AT**: Only natural persons may apply for an authorisation to operate as a tobacconist. Priority is given to nationals of a Member State of the EEA (CPC 63108).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **ES**: There is a state monopoly on retail sales of tobacco. Establishment is subject to a European Union Member State nationality requirement. Only natural persons may operate as a tobacconist. Each tobacconist cannot obtain more than one license (CPC 63108).

In **IT**: In order to distribute and sell tobacco, a licence is needed. The licence is granted through public procedures. The granting of licences is subject to an economic needs test. Main criteria: population and geographical density of existing selling points (part of CPC 6222, part of 6310).

Measures:

AT: Tobacco Monopoly Act 1996, § 5 and § 27.

ES: Law 14/2013 of 27 September 2014.

FR: Code général des impôts, Article 568 and Articles 276-279 de l'annexe 2 de ce code.

IT: Legislative Decree 184/2003;

Law 165/1962;

Law 3/2003;

Law 1293/1957;

Law 907/1942; and

Decree of the President of the Republic (D.P.R.) 1074/1958.

(c) Distribution of alcoholic beverages (CPC 62226, 631)

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **SE**: Systembolaget AB has a governmental monopoly on retail sales of liquor, wine and beer (except non-alcoholic beer). Alcoholic beverages are beverages with an alcohol content over 2.25 per cent per volume. For beer, the limit is an alcohol content over 3.5 per cent per volume (part of CPC 631).

Measures:

SE: The Alcohol Act (2010:1622).

Reservation No. 9 - Education services

Sector – sub-sector: Education services (privately funded)
Industry classification: CPC 921, 922, 923, 924
Type of reservation: Market access
National treatment
Senior management and boards of directors
Section: Investment liberalisation and Cross-border trade in services
Level of government: EU/Member State (unless otherwise specified)

Description:With respect to Investment liberalisation – Market access, National treatment:

In **BG**: Privately funded primary and secondary education services may only be supplied by authorised Bulgarian enterprises (commercial presence is required). Bulgarian kindergartens and schools having foreign participation may be established or transformed at the request of associations, or corporations, or enterprises of Bulgarian and foreign natural or legal entities, duly registered in Bulgaria, by decision of the Council of Ministers on a motion by the Minister of Education, Youth and Science. Foreign owned kindergartens and schools may be established or transformed at the request of foreign legal entities in accordance with international agreements and conventions and under the provisions above. Foreign high schools cannot establish subsidiaries in the territory of Bulgaria. Foreign high schools may open faculties, departments, institutes and colleges in Bulgaria only within the structure of Bulgarian high schools and in cooperation with them (CPC 921, 922).

In **SI**: Privately funded elementary schools may be founded by Slovenian natural or legal persons only. The service supplier must establish a registered office or branch office (CPC 921).

With respect to Investment liberalisation – Market access:

In **CZ** and **SK**: Establishment in a Member State of the European Union required to apply for state approval to operate as a privately funded higher education institution. This reservation does not apply to secondary technical and vocational education services (CZ CPC 92390, SK CPC 92).

In **ES** and **IT**: An authorisation is required in order to open a privately funded university which issues recognised diplomas or degrees. An economic needs test is applied. Main criteria: population and density of existing establishments.

In **ES**: The procedure involves obtaining the advice of the Parliament.

In **IT**: This is based on a three year programme and only Italian juridical persons may be authorised to issue state-recognised diplomas (CPC 923).

With respect to Investment liberalisation – National treatment, Senior management and boards of directors and Cross-border trade in services – Market access:

In **EL**: Nationality of a Member State of the European Union is required for owners and a majority of the members of the board of directors in privately funded primary and secondary schools, and for teachers in privately funded primary and secondary education (CPC 921, 922). Education at university level shall be provided exclusively by institutions which are fully self-governed public law legal persons. However, Law 3696/2008 permits the establishment by European Union residents (natural or legal persons) of private tertiary education institutions granting certificates which are not recognised as being equivalent to university degrees (CPC 923).

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **AT**: The provision of privately funded university level education services in the area of applied sciences requires an authorisation from the competent authority, the Council for Higher education (Fachhochschulrat). An investor seeking to provide an applied science study programme must have his primary business being the supply of such programmes, and must submit a needs assessment and a market survey for the acceptance of the proposed study programme. The competent Ministry may deny an authorisation where the programme is determined to be incompatible with national educational interests. The applicant for a private university requires an authorisation from the competent authority (the Austrian Accreditation Council). The competent Ministry may deny the approval if the decision of the accreditation authority does not comply with national educational interests (CPC 923).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **FR**: Nationality of a Member State of the European Union is required in order to teach in a privately funded educational institution (CPC 921, 922, 923). However, nationals of Japan may obtain an authorisation from the relevant competent authorities in order to teach in primary, secondary and higher level educational institutions. Nationals of Japan may also obtain an authorisation from the relevant competent authorities in order to establish and operate or manage primary, secondary or higher level educational institutions. Such authorisation is granted on a discretionary basis.

With respect to Cross-border trade in services – Market access, National treatment:

In **MT**: Service suppliers seeking to provide privately funded higher or adult education services must obtain a licence from the Ministry of Education and Employment. The decision on whether to issue a licence may be discretionary (CPC 923, 924).

Measures:

AT: University of Applied Sciences Studies Act, BGBl. I Nr. 340/1993 as amended, § 2; Private University Act, BGBl. I Nr. 74/2011 as amended, § 2; and

Act on Quality Assurance in Higher Education, BGBl. Nr. 74/2011 as amended, § 25 (3).

BG: Public Education Act, Article 12; and

Law for the Higher Education, paragraph 4 of the additional provisions.

CZ: Act No. 111/1998, Coll. (Higher Education Act), § 39; and

Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act).

EL: Laws 682/1977, 284/1968, 2545/1940, Presidential Degree 211/1994 as amended by Presidential Degree 394/1997, Constitution of Hellas, Article 16, paragraph 5 and Law 3549/2007.

ES: Ley Orgánica 6/2001, de 21 de Diciembre, de Universidades (Law 6 / 2001 of 21 December, on Universities), Article 4.

FR: Code de l'éducation, Articles L 444-5, L 914-4, L 441-8, L 731-8, L 731-1 to 8.

IT: Royal Decree 1592/1933 (Law on secondary education);

Law 243/1991 (Occasional public contribution for private universities);

Resolution 20/2003 of CNVSU (Comitato nazionale per la valutazione del sistema universitario); and

Decree of the President of the Republic (DPR) 25/1998.

MT: Legal Notice 296 of 2012.

SI: Organisation and Financing of Education Act (Official Gazette of Republic of Slovenia, no. 12/1996) and its revisions, Article 40.

SK: Law No. 131 of 21 February 2002 on Higher Education and on Changes and Supplements to Some Laws.

Reservation No. 10 - Environmental services

Sector – sub-sector: Environmental services – processing and recycling of used batteries and accumulators, old cars and waste from electrical and electronic equipment; protection of ambient air and climate cleaning services of exhaust gases

Industry classification: Part of CPC 9402, 9404

Type of reservation: Market access

Section: Investment liberalisation and Cross-border trade in services

Level of government: EU/Member State (unless otherwise specified)

Description:

In **SK**: For processing and recycling of used batteries and accumulators, waste oils, old cars and waste from electrical and electronic equipment, incorporation in a Member State of the European Union or a Member State of the EEA is required (residency requirement) (part of CPC 9402).

With respect to Cross-border trade in services – Market access:

In **SE**: Only entities established in Sweden or having their principal seat in Sweden are eligible for accreditation to perform control services of exhaust gas (CPC 9404).

Measures:

SE: The Vehicles Act (2002:574).

SK: Act 79/2015 on Waste.

Reservation No. 11 - Financial services

Sector – sub-sector: Financial services – insurance and banking

Type of reservation: Market access

National treatment

Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Level of government: EU/Member State (unless otherwise specified)

Description:

(a) **Insurance**

In **BG**: Pension insurance shall be carried out as a joint-stock company licensed in accordance with the Code of Social Insurance and registered under the Commerce Act or under the legislation of another Member State of the European Union (no branches). The promoters and shareholders of pension insurance companies may be non-resident legal persons, registered as a social insurance, commercial insurance or other financial institution under the national law thereof, if they present bank references from a first-class foreign bank confirmed by the Bulgarian National Bank. Non-resident individuals cannot be promoters and shareholders of pension insurance companies. The income of the supplementary voluntary pension funds: as well as similar income directly connected with voluntary pension insurance carried out by persons who are registered under the legislation of another Member State of the European Union and who may, in compliance with the legislation concerned, perform voluntary pension insurance operations, shall not be taxable according to the procedure established by the Corporate Income Tax Act. The chairperson of the management board, the chairperson of the board of directors, the executive director and the managerial agent must have a permanent address or hold a durable residence permit in Bulgaria.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **AT**: Promotional activity and intermediation on behalf of a subsidiary not established in the European Union or of a branch not established in AT (except for reinsurance and retrocession) are prohibited.

In **DE** and **LT**: The supply of direct insurance services by insurance companies not established in the European Union requires the setting up and authorisation of a branch.

In **DK**: No persons or companies (including insurance companies) may, for business purposes, assist in effecting direct insurance for persons resident in DK, for Danish ships or for property in DK, other than insurance companies licensed by Danish law or by Danish competent authorities.

In **PL**: Local incorporation (no branches) is required for insurance intermediaries.

With respect to Investment liberalisation – Market access, National treatment:

In **AT**: In order to obtain a licence to open a branch office, foreign insurers must have a legal form corresponding or comparable to a joint stock company or a mutual insurance association in their home country. The management of a branch office must consist of at least two natural persons resident in AT.

In **BG**: Before establishing a branch or agency to provide insurance, a foreign insurer or re-insurer must have been authorised to operate in its country of origin in the same classes of insurance as those it wishes to provide in BG. Residency requirement for the members of managing and supervisory body of (re)insurance undertakings and every person authorised to manage or represent the (re)insurance undertaking.

In **ES**: Before establishing a branch or agency in Spain in order to provide certain classes of insurance, a foreign insurer must have been authorised to operate in the same classes of insurance in its country of origin for at least five years.

In **PT**: In order to establish a branch or agency, foreign insurance companies need to demonstrate prior operational experience of at least five years.

In **PT, ES and BG**: Direct branching is not permitted for insurance intermediation, which is reserved to companies formed in accordance with the law of a Member State of the European Union.

With respect to Investment liberalisation – Market access:

In **EL**: The right of establishment does not cover the creation of representative offices or other permanent presence of insurance companies, except where such offices are established as agencies, branches or head offices.

With respect to National treatment only:

In **SE**: Insurance mediation undertakings not incorporated in the European Union may establish only through a branch.

With respect to Cross-border trade in services – Market access, National treatment:

In **IT**: European Union nationality is required for the practice of the actuarial profession, except for foreign professionals who may be allowed to practice based on reciprocity.

In **SE**: The supply of direct insurance is allowed only through an insurance service supplier authorised in Sweden, provided that the foreign service supplier and the Swedish insurance company belong to the same group of companies or have an agreement of cooperation between them.

Measures:

AT: Insurance Supervision Act, §5 (1) 3 (VAG), BGBl. Nr. 569/1978, §1 (2).

BG: Insurance Code, Articles 12, 56-63, 65, 66 and 80 paragraph 4.

DE: §§67-69 Versicherungsaufsichtsgesetz (VAG) for all insurance services- implements Solvency 2; in connection with §105 Luftverkehrs-Zulassungs-Ordnung (LuftVZO) only for compulsory air liability insurance.

DK: Lov om finansiel virksomhed jf. lovbekendtgørelse 182 af 18. februar 2015.

EL: Legislative Degree 400/1970.

ES: Reglamento de Ordenación, Supervisión y Solvencia de Entidades Aseguradoras y Reaseguradoras (RD 1060/2015, de 20 de noviembre de 2015), Article 36.

IT: Article 29 of the code of private insurance (Legislative decree no. 209 of 7 September 2005); and Law 194/1942, Article 4, Law 4/1999 on the register.

LT: Law on Insurance, 18 of September, 2003 m. Nr. IX-1737, last amendment 15 of December 2016; and Law No. XIII-98.

PL: Act on insurance activity of May 22, 2003 (Journal of Laws 2003, No 124, item 1151); and Act on insurance mediation of May 22, 2003 (Journal of Laws 2003, No 124, item 1154), Articles 16 and 31.

PT: Article 7 of Decree-Law 94-B/98 and chapter I, Section VI of Decree-Law 94-B/98, Articles 34, nr. 6, 7, and Article 7 of Decree-Law 144/2006.

SE: Lag om försäkringsförmedling (Insurance Mediation Act) (2005:405); and Foreign Insurers Business in Sweden Act (1998:293).

(b) **Banking and other financial services**

With respect to Cross-border trade in services – Market access, National treatment:

In **HU**: Non-EEA companies may provide financial services or engage in activities auxiliary to financial services solely through a branch in HU.

With respect to Investment liberalisation – Market access, National treatment:

In **BG**: The persons who manage and represent the bank shall be personally present at its management address. The financial institution shall have its main business in the territory of Bulgaria.

In **HU**: The board of directors of a credit institution shall have at least two members recognised as resident according to foreign exchange regulations and having had prior permanent residency in HU for at least one year.

Branches of non-EEA investment fund management companies may not engage in the management of European investment funds and may not provide asset management services to private pension funds.

In **RO**: Market operators are legal persons set up as joint stock companies according to the provisions of the Company law. Alternative trading systems can be managed by a system operator set up under the conditions described above or by an investment firm authorised by CNVM.

In **SE**: A founder of a savings bank shall be a natural person resident in a Member State of the EEA.

With respect to Market access only:

In **PT**: Pension fund management may be provided only by specialised companies incorporated in PT for that purpose and by insurance companies established in PT and authorised to take up life insurance business, or by entities authorised to provide pension fund management in other Member States of the European Union. Direct branching from non-European Union countries is not permitted.

In **SI**: A pension scheme may be provided by a mutual pension fund (which is not a legal entity and is therefore managed by an insurance company, a bank or a pension company), a pension company or an insurance company. Additionally, a pension scheme can also be offered by pension scheme providers established in accordance with the regulations applicable in a Member State of the European Union.

With respect to Investment liberalisation – Market access, National treatment and to Cross-border trade in services – Market access, National treatment:

In **IT**: In order to be authorised to manage the securities settlement system or central securities depository services with an establishment in Italy, a company is required to be incorporated in Italy (no branches). In the case of collective investment schemes other than undertakings for collective investment in transferable securities ('UCITS') harmonised under European Union legislation, the trustee or depository is required to be established in Italy or in another Member State of the European Union and have a branch in Italy. Management enterprises of investment funds not harmonised under European Union legislation are also required to be incorporated in Italy (no branches). Only banks, insurance enterprises, investment firms and enterprises managing UCITS harmonised under UE legislation having their legal head office in the European Union, as well as UCITS incorporated in Italy, may carry out the activity of pension fund resource management. In providing the activity of door-to-door selling, intermediaries must utilise authorised financial salesmen resident within the territory of a Member State of the European Union. Representative offices of non-European Union intermediaries cannot carry out activities aimed at providing investment services, including trading for own account and for the account of customers, placement and underwriting financial instruments (branch required).

Measures:

BG: Law of Credit Institutions, Articles 2 and 17;

Code of Social Insurance, Article 121e; and

Currency Law, Article 3.

HU: Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises;

Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises; and

Act CXX of 2001 on the Capital Market.

IT: Legislative Decree 58/1998, Articles 1, 19, 28, 30-33, 38, 69 and 80;

Joint Regulation of Bank of Italy and Consob 22.2.1998, Articles 3 and 41;

Regulation of Bank of Italy 25.1.2005; and

Title V, Chapter VII, Section II, Consob Regulation 16190 of 29.10.2007, Articles 17-21, 78-81, 91-111.

PT: Decree-Law 12/2006, as amended by Decree-Law 180/2007 Decree-Law 357-A/2007, Regulation 7/2007-R, as amended by Regulation 2/2008-R, Regulation 19/2008-R, Regulation 8/2009.

RO: Law no. 297/2004 on capital markets, CNVM ('Comisia Nationala a Valorilor Mobiliare') Regulation no. 2/2006 on regulated markets and alternative trading systems.

SE: Sparbankslagen (Savings Bank Act) (1987:619), Chapter 2, § 1, part 2.

SI: Pension and Disability Insurance Act (Official Gazette no. 102/15).

Reservation No. 12 - Health services and social services

Sector – sub-sector: Health and social services

Industry classification: CPC 931, 933

Type of reservation: Market access

National treatment

Section: Investment liberalisation and Cross-border trade in services

Level of government: EU/Member State (unless otherwise specified)

Description:

In **DE** (applies also to the regional level of government): Rescue services and 'qualified ambulance services' are organised and regulated by the Länder. Most Länder delegate competences in the field of rescue services to municipalities. Municipalities are allowed to give priority to not-for-profit operators. This applies equally to foreign as well as domestic service suppliers (CPC 931, 933). Ambulance services are subject to planning, permission and accreditation. Telemedicine may only be provided in the context of a primary treatment involving the prior physical presence of a doctor. The number of ICT (information and communications technology) service suppliers may be limited to guarantee interoperability, compatibility and necessary safety standards. This is applied in a non-discriminatory way.

In **FR:** While other types of legal form are available for European Union investors, foreign investors only have access to the legal forms of 'société d'exercice libéral' and 'société civile professionnelle'. For medical, dental and midwives services, French nationality is required. However, access by foreigners is possible within annually established quotas. For medical, dental and midwives services and services by nurses, provision through anonyme, à responsabilité limitée ou en commandite par actions (SEL) or SCP only. For hospital and ambulance services, residential health facilities (other than hospital services) and social services, an authorisation is necessary in order to exercise management functions. The authorisation process takes into account the availability of local managers.

With respect to Investment liberalisation – Market access, National treatment:

In **AT:** Cooperation of physicians for the purpose of ambulatory public healthcare, so-called group practices, can take place only under the legal form of Offene Gesellschaft/OG or Gesellschaft mit beschränkter Haftung/GmbH. Only physicians may act as associates of such a group practice. They must be entitled to independent medical practice, registered with the Austrian Medical Chamber and actively pursue the medical profession in the practice. Other natural or legal persons may not act as associates of the group practice and may not take share in its revenues or profits (part of CPC 9312).

With respect to Investment liberalisation – Market access:

In **HR:** Establishment of some privately funded social care facilities may be subject to needs based limits in particular geographical areas (CPC 9311, 93192, 93193, 933).

In **SI**: a state monopoly is reserved for the following services: Supply of blood, blood preparations, removal and preservation of human organs for transplant, socio-medical, hygiene, epidemiological and health-ecological services, patho-anatomical services, and biomedically-assisted procreation (CPC 931).

Measures:

AT: Medical Act, BGBl. I Nr. 169/1998, §§ 52a - 52c;

Federal Act Regulating High Level Allied Health Professions, BGBl. Nr. 460/1992; and

Federal Act regulating Medical Masseurs lower and upper level, BGBl. Nr. 169/2002.

DE: Bundesärzteordnung (Federal Medical Regulation):

Gesetz über die Ausübung der Zahnheilkunde;

Gesetz über die Berufe des Psychologischen Psychotherapeuten und des Kinder- und Jugendlichentherapeuten (Act on the Provision of Psychotherapy Services of 16.07.1998);

Gesetz über die berufsmäßige Ausübung der Heilkunde ohne Bestallung;

Gesetz über den Beruf der Hebamme und des Entbindungspflegers;

Gesetz über den Beruf der Rettungsassistentin und des Rettungsassistenten;

Gesetz über die Berufe in der Krankenpflege;

Gesetz über die Berufe in der Physiotherapie;

Gesetz über den Beruf des Logopäden;

Gesetz über den Beruf des Orthoptisten und der Orthoptistin;

Gesetz über den Beruf der Podologin und des Podologen;

Gesetz über den Beruf der Diätassistentin und des Diätassistenten;

Gesetz über den Beruf der Ergotherapeutin und des Ergotherapeuten;

Bundesapothekerordnung;

Gesetz über den Beruf des pharmazeutisch-technischen Assistenten;

Gesetz über technische Assistenten in der Medizin, Personenbeförderungsgesetz;

Gesetz über den Rettungsdienst (Rettungsdienstgesetz - RDG) in Baden-Württemberg vom 08.02.2010 (GBl. 2010, page 285);

Bayerisches Rettungsdienstgesetz (BayRDG) vom 22.07.2008 (GVBl 2008, page 429);

Gesetz über den Rettungsdienst für das Land Berlin (Rettungsdienstgesetz) vom 08.07.1993 (GVBl. page 313);

Gesetz über den Rettungsdienst im Land Brandenburg (BbgRettG) in der Fassung vom 18.05.2005;

Gesetz über den Rettungsdienst im Lande Bremen (BremRettDG) vom 22.09.1992;

Hamburgisches Rettungsdienstgesetz (HmbRDG) vom 09.06.1992;

Gesetz über den Rettungsdienst für das Land Mecklenburg-Vorpommern (RDGM-V) vom 01.07.1993;

Niedersächsisches Rettungsdienstgesetz (NRettDG) vom 02.10.2007 (GVBl, page 473);

Gesetz über den Rettungsdienst sowie die Notfallrettung und den Krankentransport durch Unternehmer (RettG NRW) vom 09.11.1992;

Landesgesetz über den Rettungsdienst sowie den Notfall- und Krankentransport (RettDG) vom 22.04.1991;

Saarländisches Rettungsdienstgesetz (SRettG) vom 09.02.1994;

Gesetz zur Neuordnung des Brandschutzes, Rettungsdienstes und Katastrophenschutzes im Freistaat Sachsen vom 24.06.2004;

Rettungsdienstgesetz des Landes Sachsen-Anhalt (RettDG LSA) vom 07.11.1993;

Gesetz über die Notfallrettung und den Krankentransport im Land Schleswig-Holstein (RDG) vom 29.11.1991;

Thüringer Rettungsdienstgesetz (ThüRettG) vom 22.12.1992;

§ 8 Krankenhausfinanzierungsgesetz (Hospital Financing Act);

§§ 14, 30 Gewerbeordnung (German Trade, Commerce and Industry Regulation Act);

§ 108 Sozialgesetzbuch V (Book on Social Security No. V);

Statutory Health Insurance:

§ 291b SGB V (Book on Social Security No. V) E-health provider;

§ 15 Sozialgesetzbuch VI (SGB VI, Book on Social Security No. VI);

§ 34 Sozialgesetzbuch VII (SGB VII, Book on Social Security No. VII), Unfallversicherung;

§ 21 Sozialgesetzbuch IX (SGB IX, Book on Social Security No. IX) Rehabilitation und Teilhabe behinderter Menschen);

§ 72 Sozialgesetzbuch XI (SGB XI, Book on Social Security No. XI), Long-term Care Insurance;

Landespflegegesetze:

Gesetz zur Umsetzung der Pflegeversicherung in Baden-Württemberg (Landespflegegesetz - LPfLG) vom 11. September 1995;

Gesetz zur Ausführung der Sozialgesetze (AGSG) vom 8. Dezember 2006;

Gesetz zur Planung und Finanzierung von Pflegeeinrichtungen (Landespflegeeinrichtungsgesetz - LPflegEG) vom 19. Juli 2002;

Gesetz zur Umsetzung des Elften Buches Sozialgesetzbuch;

(Landespflegegesetz - LPflegeG) vom 29. Juni 2004;

Gesetz zur Ausführung des Pflege-Versicherungsgesetzes im Lande Bremen und zur Änderung des Bremischen Ausführungsgesetzes zum Bundessozialhilfegesetz (BremAGPflegeVG) vom 26. März 1996;

Hamburgisches Landespflegegesetz (HmbLPG) vom 18. September 2007;

Hessisches Ausführungsgesetz zum Pflege-Versicherungsgesetz vom 19. Dezember 1994;

Landespflegegesetz (LPflegeG M-V) vom 16. Dezember 2003;

Gesetz zur Planung und Förderung von Pflegeeinrichtungen nach dem Elften Buch Sozialgesetzbuch (Niedersächsisches Pflegegesetz - NPflegeG) vom 26. Mai 2004;

Gesetz zur Umsetzung des Pflege-Versicherungsgesetzes (Landespflegegesetz Nordrhein-Westfalen - PfG NW) vom 19. März 1996;

Landesgesetz zur Sicherstellung und Weiterentwicklung der pflegerischen Angebotsstruktur (LPflegeASG) vom 25. Juli 2005 (GVBl 2005, S. 299) – (Rheinland-Pfalz);

Saarländisches Gesetz Nr. 1355 zur Planung und Förderung von Pflegeeinrichtungen vom 21. Juni 1995;

Sächsisches Pflegegesetz (SächsPflegeG) vom 25. März 1996 ist zum 31.12.2002 außer Kraft getreten);

Ausführungsgesetz zum Pflege-Versicherungsgesetz (PflegeV-AG) vom 7. August 1996;

Ausführungsgesetz zum Pflege-Versicherungsgesetz (Landespflegegesetz - LPflegeG) vom 10. Februar 1996;

Thüringer Gesetz zur Ausführung des Pflege-Versicherungsgesetzes (ThürAGPflegeVG) vom 20. Juli 2005;

Personenbeförderungsgesetz (Act on Public Transport);

Landeskrankenhausgesetz Baden-Württemberg vom 29.11.2007;

Bavarian Act on Hospitals (Bayerisches Krankenhausgesetz - BayKrG) vom 28.03.2007;

§§ 12, 13, 14 Krankenhausentwicklungsgesetz Brandenburg (BbgKHEG) vom 08.07.2009 (GVBl. I/09, page 310);

Berliner Gesetz zur Neuregelung des Krankenhausrechts vom 18.09.2011 (GVBl. page 483);

Bremisches Krankenhausgesetz (BrmKrHG) vom 12.04.2011 (Gesetzblatt Bremen vom 29.04.2011);

Hamburgisches Krankenhausgesetz (HmbKHG) vom 17.04.1991 (HmbGVBl. Page127;

§§ 17-19 Hessisches Krankenhausgesetz 2011 (HKHG 2011) vom 21.12.2010 (GVBl. I 2010, Seite 587);

Krankenhausgesetz für das Land Mecklenburg-Vorpommern (LKHG M-V) vom 20.05.2011 (GVOBl. M-V 2011, page 327);

Niedersächsisches Krankenhausgesetz (NKHG) vom 19.01.2012 (Nds. GVBl. Nr. 1 vom 26.01.2012, page 2);

Krankenhausgestaltungsgesetz des Landes Nordrhein-Westfalen (KHGG NRW) vom 11.12.2007 (GV. NRW page 702);

§ 6 Landeskrankenhausgesetz Rheinland-Pfalz (LKG Rh-Pf) in der Fassung vom 01.12.2010 (GVBl. page 433);

Saarländisches Krankenhausgesetz (SKHG) vom 13.07.2005;

Gesetz zur Ausführung des Krankenhausfinanzierungsgesetzes (AG-KHG) in Schleswig-Holstein vom 12.12.1986 (GVOBl. Schl.-H. page 302);

§ 3 Krankenhausgesetz Sachsen-Anhalt (KHG LSA) vom 14.04.2005 (GVBl. LSA 2005, page 202);

Gesetz zur Neuordnung des Krankenhauswesens (Sächsisches Krankenhausgesetz - SächsKHG) vom 19.08.1993 (SächsGVBl. page 675);

§ 4 Thüringischer Krankenhausgesetz (Thür KHG) in der Fassung der Neubekanntmachung 30.04.2003 (GVBl. page 262); and

Gesetz zur Neuordnung des Krankenhauswesens (Sächsisches Krankenhausgesetz – SächsKHG) vom 19. August 1993 (SächsGVBl. page 675).

FR: Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008 et la loi 66-879 du 29 novembre 1966 (SCP); and

Code de la santé publique, articles L6122-1, L6122-2 (Ordonnance 2010-177 du 23 février 2010).

HR: Health Care Act (OG 150/08, 71/10, 139/10, 22/11, 84/11, 12/12, 70/12, 144/12).

SI: Law of Health Services, Official Gazette of the RS, No. 23/2005, Articles 1, 3 and 62-64; Infertility Treatment and Procedures of the Biomedically-Assisted Procreation Act, Official Gazette of the RS, No. 70/00, Articles 15 and 16; and

Supply of Blood Act (ZPKrv-1), Official Gazette of RS, no. 104/06, Articles 5 and 8.

Reservation No. 13 - Tourism and travel related services

Sector – sub-sector: Tourism and travel related services - hotels, restaurants and catering; travel agencies and tour operators services (including tour managers); tourist guides services

Industry classification: CPC 641, 642, 643, 7471, 7472

Type of reservation: Market access

National treatment

Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Level of government: EU/Member State (unless otherwise specified)

Description:

In **BG:** Incorporation (no branches) is required. Tour operation or travel agency services may be provided by a person established in a Member State of the European Union or in a Member State of the EEA if, upon establishment in the territory of Bulgaria, the said person presents a copy of a document certifying the right thereof to practice that activity and a certificate or another document issued by a credit institution or an insurer containing data of the existence of insurance covering the liability of the said person for damage which may ensue as a result of a culpable non-fulfilment of professional duties. The number of foreign managers may not exceed the number of managers who are Bulgarian nationals, in cases where the public (state or municipal) share in the equity capital of a Bulgarian company exceeds 50 per cent. EEA nationality requirement for tourist guides (CPC 641, 642, 643, 7471, 7472).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **CY:** A licence to establish and operate a tourism and travel company or agency, as well as the renewal of an operating licence of an existing company or agency, shall be granted only to European Union natural or legal persons. No non-resident company except those established in another Member State of the European Union, can provide in the Republic of Cyprus, on an organised or permanent basis, the activities referred to under Article 3 of the abovementioned Law, unless represented by a resident company. The provision of tourist guide services requires nationality of a Member State of the European Union (CPC 7471, 7472).

In **HR:** EEA nationality is required for hospitality and catering services in households and rural homesteads (CPC 641, 642, 643, 7471, 7472).

In **EL**: the citizens of third countries have to obtain a diploma from the Tourist Guide Schools of the Greek Ministry of Tourism, in order to be entitled to the right of practicing the profession. By exception, the right of practicing the profession can be temporally accorded to third countries citizens, by way of derogation of the above mention provisions, in the event of the confirmed absence of a tourist guide for a specific language.

In **ES** (for ES applies also to the regional level of government): Nationality of a Member State of the European Union is required for the provision of tourist guide services (CPC 7472).

With respect to Cross-border trade in services – Market access, National treatment:

In **HU**: The supply of travel agent and tour operator services, and tourist guide services on a cross-border basis is subject to a licence issued by the Hungarian Trade Licensing Office. Licences are reserved to EEA nationals and juridical persons having their seats in the EEA Member States (CPC 7471, 7472).

In **IT** (applies also to the regional level of government): tourist guides from non- European Union countries need to obtain a specific licence from the region in order to act as a professional tourist guide. Tourist guides from Member States of the European Union can work freely without the requirement for such a licence. The licence is granted to tourist guides demonstrating adequate competence and knowledge (CPC 7472).

Measures:

BG: Law for Tourism, Articles 61, 113 and 146.

CY: The Tourism and Travel Offices and Tourist Guides Law 1995 to 2004 (N.41(I)/1995-2004).

EL: Presidential Degree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B), Article 50 of the law 4403/2016.

ES: Andalucía: Decreto 8/2015, de 20 de enero, Regulador de guías de turismo de Andalucía;

Aragón: Decreto 21/2015, de 24 de febrero, Reglamento de Guías de turismo de Aragón;

Cantabria: Decreto 51/2001, de 24 de julio, Article 4, por el que se modifica el Decreto 32/1997, de 25 de abril, por el que se aprueba el reglamento para el ejercicio de actividades turístico-informativas privadas;

Castilla y León: Decreto 25/2000, de 10 de febrero, por el que se modifica el Decreto 101/1995, de 25 de mayo, por el que se regula la profesión de guía de turismo de la Comunidad Autónoma de Castilla y León;

Castilla la Mancha: Decreto 86/2006, de 17 de julio, de Ordenación de las Profesiones Turísticas;

Cataluña: Decreto Legislativo 3/2010, de 5 de octubre, para la adecuación de normas con rango de ley a la Directiva 2006/123/CE, del Parlamento y del Consejo, de 12 de diciembre de 2006, relativa a los servicios en el mercado interior, Article 88;

Comunidad de Madrid: Decreto 84/2006, de 26 de octubre del Consejo de Gobierno, por el que se modifica el Decreto 47/1996, de 28 de marzo;

Comunidad Valenciana: Decreto 90/2010, de 21 de mayo, del Consell, por el que se modifica el reglamento regulador de la profesión de guía de turismo en el ámbito territorial de la Comunitat Valenciana, aprobado por el Decreto 62/1996, de 25 de marzo, del Consell;

Extremadura: Decreto 37/2015, de 17 de marzo;

Galicia: Decreto 42/2001, de 1 de febrero, de Refundición en materia de agencias de viajes, guías de turismo y turismo activo;

Illes Balears: Decreto 136/2000, de 22 de septiembre, por el cual se modifica el Decreto 112/1996, de 21 de junio, por el que se regula la habilitación de guía turístico en las Islas Baleares;

Islas Canarias: Decreto 13/2010, de 11 de febrero, por el que se regula el acceso y ejercicio de la profesión de guía de turismo en la Comunidad Autónoma de Canarias, Article 5;

La Rioja: Decreto 14/2001, de 4 de marzo, Reglamento de desarrollo de la Ley de Turismo de La Rioja;

Navarra: Decreto Foral 288/2004, de 23 de agosto. Reglamento para actividad de empresas de turismo activo y cultural de Navarra. Principado de Asturias: Decreto 59/2007, de 24 de mayo, por el que se aprueba el Reglamento regulador de la profesión de Guía de Turismo en el Principado de Asturias; and

Región de Murcia: Decreto n.º 37/2011, de 8 de abril, por el que se modifican diversos decretos en materia de turismo para su adaptación a la ley 11/1997, de 12 de diciembre, de turismo de la Región de Murcia tras su modificación por la ley 12/2009, de 11 de diciembre, por la que se modifican diversas leyes para su adaptación a la directiva 2006/123/CE, del Parlamento Europeo y del Consejo de 12 de diciembre de 2006, relativa a los servicios en el mercado interior.

HR: Hospitality and Catering Industry Act (OG 138/06, 152/08, 43/09, 88/10 i 50/12); and
Act on Provision of Tourism Services (OG No. 68/07 and 88/10).

HU: Act CLXIV of 2005 on Trade, Government Decree No. 213/1996 (XII.23.) on Travel Organisation and Agency Activities.

IT: Law 135/2001 Articles 7.5 and 6; and
Law 40/2007 (DL 7/2007).

Reservation No. 14 - Recreational, cultural and sporting services

Sector – sub-sector: Recreational services; other sporting services
Industry classification: CPC 962, part of 96419
Type of reservation: Market access
National treatment
Senior management and boards of directors
Section: Investment liberalisation and Cross-border trade in services
Level of government: EU/Member State (unless otherwise specified)

Description:

Other sporting services (CPC 96419)

With respect to Investment liberalisation – National treatment, Senior management and boards of directors and Cross-border trade in services –National treatment:

In **AT** (applies to the regional level of government): The operation of ski schools and mountain guide services is governed by the laws of the Bundesländer. The provision of these services may require nationality of a Member State of the EEA. Enterprises may be required to appoint a managing director who is a national of a Member State of the EEA.

In **CY**: Nationality requirement for the establishment of a dance school and nationality requirement for physical instructors.

Measures:

AT: Kärntner Schischulgesetz, LGBL. Nr. 53/97;

Kärntner Berg- und Schiführergesetz, LGBL. Nr. 25/98;

NÖ- Sportgesetz, LGBL. Nr. 5710;

OÖ- Sportgesetz, LGBL. Nr. 93/1997;

Salzburger Schischul- und Snowboardschulgesetz, LGBL. Nr. 83/89;

Salzburger Bergführergesetz, LGBL. Nr. 76/81;

Steiermärkisches Schischulgesetz, LGBL. Nr.58/97;

Steiermärkisches Berg- und Schiführergesetz, LGBL. Nr. 53/76;

Tiroler Schischulgesetz. LGBL. Nr. 15/95;

Tiroler Bergsportführergesetz, LGBL. Nr. 7/98;

Vorarlberger Schischulgesetz, LGBL. Nr. 55/02 §4 (2)a;

Vorarlberger Bergführergesetz, LGBL. Nr. 54/02; and

Wien: Gesetz über die Unterweisung in Wintersportarten, LGBL. Nr. 37/02.

CY: Law 65(i)/1997; and

Law 17(i) /1995.

Reservation No. 15 - Transport services and services auxiliary to transport services

Sector – sub-sector:	Transport services - fishing and water transportation - any other commercial activity undertaken from a ship; water transportation and auxiliary services for water transport; rail transport and auxiliary services to rail transport; road transport and services auxiliary to road transport; services auxiliary to air transport services; provision of combined transport services
Industry classification:	ISIC Rev. 3.1 0501, 0502; CPC 5133, 5223, 711, 712, 721, 741, 742, 743, 744, 745, 748, 749, 7461, 7469, 83103, 86751, 86754, 8730, 882
Type of reservation:	Market access National treatment Most-favoured-nation treatment Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

- (a) **Maritime transport and auxiliary services for maritime transport. Any commercial activity undertaken from a ship (ISIC Rev. 3.1 0501, 0502; CPC 5133, 5223, 721, Part of 742, 745, 74540, 74520, 74590, 882)**

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors; Cross-border trade in services – Market access, National treatment:

In **BG**: The carriage and any activities related to hydraulic-engineering and underwater technical works, prospecting and extraction of mineral and other inorganic resources, pilotage, bunkering, receipt of waste, water-and-oil mixtures and other such, performed by vessels in the internal waters, and the territorial sea of Bulgaria, may only be performed by vessels flying the Bulgarian flag or vessels flying the flag of another Member State of the European Union.

The number of the service suppliers at the ports may be limited depending on the objective capacity of the port, which is decided by an expert commission, set up by the Minister of Transport, Information Technology and Communications.

Nationality requirement for supporting services. The master and the chief engineer of the vessel shall mandatorily be nationals of a Member State of the European Union or the EEA, or of the Swiss Confederation. Not less than 25 per cent of the positions at management and operational level and not less than 25 per cent of the positions at order-taking level shall be occupied by nationals of Bulgaria (ISIC Rev. 3.1 0501, 0502, CPC 5133, 5223, 721, 74520, 74540, 74590, 882).

Measures:

BG: Merchant Shipping Code; Law For the Sea Water, Inland Waterways and Ports of the Republic of Bulgaria; Ordinance for the condition and order for selection of Bulgarian carriers for carriage of passengers and cargoes under international treaties; and

Ordinance 3 for servicing of unmanned vessels.

With respect to Investment liberalisation – Market access, National treatment; Cross-border trade in services – Market access, National treatment:

In **BG**: Regarding supporting services for public transport carried out in Bulgarian ports, in ports having national significance, the right to perform supporting activities is granted through a concession contract. In ports having regional significance, this right is granted by a contract with the owner of the port (CPC 74520, 74540, 74590).

Measures:

BG: Merchant Shipping Code; Law For the Sea Water, Inland Waterways and Ports of the Republic of Bulgaria.

In **DK**: Pilotage-providers may only conduct pilotage service in Denmark, if they are domiciled in an EU/EEA country and registered and approved by the Danish Authorities in accordance with the Danish Act on Pilotage (CPC 74520).

Measures:

DK: Danish Pilotage Act, §18.

With respect to Investment liberalisation - Market access, National treatment, Most-favoured-nation treatment, and Cross-border trade in services - Market access, National treatment, Most-favoured-nation treatment:

In **DE** (applies also to the regional level of government): A vessel that does not belong to a national of a Member State of the European Union may be used for activities other than transport and auxiliary services in the German federal waterways only after specific authorisation. Waivers for non- European Union vessels may only be granted if no European Union vessels are available or if they are available under very unfavourable conditions, or on the basis of reciprocity. Waivers for vessels flying under the Japanese flag may be granted on the basis of reciprocity (§ 2 paragraph 3 KüSchVO). All activities falling within the scope of the pilot law are regulated and accreditation is restricted to nationals of the EEA or the Swiss Confederation.

For rental or leasing of seagoing vessels with or without operators, and for rental or leasing without operator of non-seagoing vessels, the conclusion of contracts for freight transport by ships flying a foreign flag or the chartering of such vessels may be restricted, depending on the availability of ships flying under the German flag or the flag of another Member State of the European Union.

Transactions between residents and non-residents concerning:

- (i) rental of internal waterways vessels, which are not registered in the economic area;
- (ii) transport of freight with such internal waterways vessels; or
- (iii) towing services by such internal waterways vessels,

within the economic area may be restricted (Water transport, Supporting services for water transport, Rental of ships, Leasing services of ships without operators (CPC 721, 745, 83103, 86751, 86754, 8730)).

Measures:

DE: §§ 1, 2 Flaggenrechtsgesetz (Flag Protection Act);

§ 2 Verordnung über die Küstenschifffahrt vom 05.07.2002;

§§ 1, 2 Binnenschifffahrtsgesetz (BinSchAufgG);

Vorschriften aus der (Schifffahrts-) Patentverordnung in der Fassung vom 08.04.2008;

§ 9 Abs.2 Nr. 1 Seelotsgesetz vom 08.12.2010 (BGBl. I S. 1864);

§ 1 Nr. 9, 10, 11 und 13 Seeaufgabengesetz (SeeAufgG); and

See-Eigensicherungsverordnung vom 19.09.2005 (BGBl. I S. 2787), geändert durch Artikel 516 Verordnung vom 31.10.2006 (BGBl. I S. 2407).

In **FI:** supporting services for maritime transport when provided in Finnish maritime waters are reserved to fleets operating under the national, European Union or Norwegian flag (CPC 745).

Measures:

FI: Merilaki (Maritime Act) (674/1994); and

Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), s. 4.

With respect to Investment liberalisation - Market access:

In **EL:** Public monopoly imposed in port areas for cargo handling services (CPC 741).

Measures:

EL: Code of Public Maritime Law (Legislative Decree 187/1973).

In **IT:** An economic needs test is applied for maritime cargo-handling services. Main criteria: number of and impact on existing establishments, population density, geographic spread and creation of new employment (CPC 741).

Measures:

IT: Shipping Code;

Law 84/1994; and

Ministerial decree 585/1995.

(b) Rail transport and auxiliary services to rail transport (CPC 711, 743)

With respect to Investment liberalisation - Market access, National treatment, and Cross-border trade in services - Market access, National treatment:

In **BG:** Only nationals of a Member State of the European Union may provide rail transport or supporting services for rail transport in Bulgaria. A licence to carry out passenger or freight transportation by rail is issued by the Minister of Transport to railway operators registered as traders (CPC 711, 743).

Measures:

BG: Law for Railway Transport, Articles. 37, 48.

With respect to Investment liberalisation - Market access:

In **LT:** The exclusive rights for the provision of transit services are granted to railway undertakings which are owned, or whose stock is 100 per cent owned, by the state (CPC 711).

Measures:

LT: Railway transport Code of the Republic of Lithuania of 22 April 2004 No. IX-2152 as amended by 8 June 2006 No. X-653.

(c) Road transport and services auxiliary to road transport (CPC 712, 7121, 7122, 71222, 7123)

With respect to Investment liberalisation - Market access, National treatment, and Cross-border trade in services - Market access, National treatment:

In **AT:** For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of the Member States of the European Union and to juridical persons of the European Union having their headquarters in the European Union (CPC 712).

Measures:

AT: Güterbeförderungsgesetz (Goods Transportation Act), BGBl. Nr. 593/1995; § 5; Gelegenheitsverkehrsgesetz (Occasional Traffic Act), BGBl. Nr. 112/1996; § 6; and Kraftfahrliniengesetz (Law on Scheduled Transport), BGBl. I Nr. 203/1999 as amended, §§ 7 and 8.

With respect to Investment liberalisation - National treatment, Most-favoured-nation treatment, and Cross-border trade in services - National treatment, Most-favoured-nation treatment:

In **EL:** For operators of road freight transport services. In order to engage in the occupation of road freight transport operator a Hellenic licence is needed. Licences are granted on non-discriminatory terms, under condition of reciprocity. Road freight transport operations established in Greece may only use vehicles that are registered in Greece (CPC 7123).

Measures:

EL: Licensing of road freight transport operators: Greek law 3887/2010 (Government Gazette A' 174), as amended by Article 5 of law 4038/2012 (Government Gazette A' 14)-EC Regulations 1071/09 and 1072/09.

With respect to Investment liberalisation - Market access:

In **IE:** Economic needs test for intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment (CPC 7121, CPC 7122).

Measures:

IE: Public Transport Regulation Act 2009.

With respect to Investment liberalisation - Market access and Cross-border trade in services - Market access:

In **MT:** Taxis - numerical restrictions on the number of licences apply.

Karozzini (horse drawn carriages): Numerical Restrictions on the number of licences apply (CPC 712).

Measures:

MT: Taxi Services Regulations (SL499.59).

In **PT:** Economic needs test for limousine services. Main criteria: number of and impact on existing establishments, population density, geographic spread, impact on traffic conditions and creation of new employment (CPC 71222).

Measures:

PT: Decree-Law 41/80, August 21.

With respect to Investment liberalisation - National treatment and Cross-border trade in services - National treatment:

In **CZ:** Incorporation in the Czech Republic is required (no branches) for the provision of road transport services.

Measures:

CZ: Act no. 111/1994 Coll., on Road Transport.

With respect to Cross-border trade in services - National treatment:

In **RO:** Road haulage and road passenger transport operators may only use vehicles that are registered in Romania, owned and used according to the Government Ordinance provisions (CPC 7121, CPC 7122, CPC 7123).

Measures:

RO: Romanian law on road transportation (Government Ordinance no. 27/2011).

With respect to Investment liberalisation - Market access, National treatment, Most-favoured-nation treatment, and Cross-border trade in services - Market access, National treatment, Most-favoured-nation treatment:

In **SE:** In order to engage in the occupation of road transport operator, a Swedish licence is needed. Criteria for receiving a taxi licence include that the company has appointed a natural person to act as the transport manager (a *de facto* residency requirement – see the Swedish reservation on types of establishment).

Criteria for receiving a licence for other road transport operators require that the company be established in the European Union, have an establishment situated in Sweden and have appointed a natural person to act as the transport manager, who must be resident in the European Union.

Licences are granted on non-discriminatory terms, except that operators of road haulage and road passenger transport services may as a general rule only use vehicles that are registered in the national road traffic registry. If a vehicle is registered abroad, owned by a natural or legal person whose principal residence is abroad and is brought to Sweden for temporary use, the vehicle may be temporarily used in Sweden. Temporary use is usually defined by the Swedish Transport Agency as meaning not more than one year.

Operators of cross-border road haulage and road passenger transport services abroad need to be licensed for those operations by the competent authority in the country where they are established. Additional requirements for cross-border trade may be regulated in bilateral road transport agreements. For vehicles where no such bilateral agreement is applicable, a licence is also needed from the Swedish Transport Agency (CPC 712).

Measures:

SE: Yrkestrafiklag (2012:210) (Act on professional traffic);

Lag om vägtrafikregister (2001:558) (Act on road traffic registry);

Yrkestrafikförordning (2012:237) (Government regulation on professional traffic);

Taxitrafiklag (2012:211) (Act on Taxis); and

Taxitrafikförordning (2012:238) (Government regulation on taxis).

(d) Services auxiliary to air transport services

With respect to Investment liberalisation - Market access, National treatment:

In **PL**: For storage services of frozen or refrigerated goods and bulk storage services of liquids or gases at airports, the possibility to supply certain categories of services will depend on the size of the airport. The number of suppliers in each airport may be limited due to available space constraints, and to not less than two suppliers for other reasons.

Measures:

PL: Polish Aviation Law of 3 July 2002, Articles 174.2 and 174.3 3.

With respect to Investment liberalisation - Market access, National treatment, Most-favoured-nation treatment, and Cross-border trade in services - Market access, National treatment, Most-favoured-nation treatment:

In **EU**: For groundhandling services, establishment within the European Union territory may be required. The level of openness of groundhandling services depends on the size of airport. The number of suppliers in each airport may be limited. For 'big airports', this limit may not be less than two suppliers.

Measures:

EU: Directive 1996/67/EC of 15 October 1996 on access to the groundhandling market at Community airports.

In **BE** (applies also to the regional level of government): For groundhandling services, reciprocity is required.

Measures:

BE: Arrêté Royal du 6 novembre 2010 réglementant l'accès au marché de l'assistance en escale à l'aéroport de Bruxelles-National (Article 18);

Besluit van de Vlaamse Regering betreffende de toegang tot de grondaafhandelingsmarkt op de Vlaamse regionale luchthavens (Article 14); and

Arrêté du Gouvernement wallon réglementant l'accès au marché de l'assistance en escale aux aéroports relevant de la Région wallonne (Article 14).

(e) Supporting services for all modes of transport (part of CPC 748)

With respect to Investment liberalisation - National treatment and Cross-border trade in services - Market access, National treatment:

The **EU** (applies also to the regional level of government): Customs clearance services may only be provided by European Union residents.

Measures:

EU: Regulation (EU) No 952/2013 of 9 October 2013 of the European Parliament and of the Council establishing the Union Customs Code.

(f) Provision of combined transport services (CPC 711, 712, 7212, 741, 742, 743, 744, 745, 748, 749)

With respect to Investment liberalisation - Market access and Cross-border trade in services - Market access:

The **EU** (applies also to the regional level of government): With the exception of Finland: only hauliers established in a Member State of the European Union who meet the conditions of access to the occupation and access to the market for transport of goods between Member States of the European Union may, in the context of a combined transport operation between Member States of the European Union, carry out initial or final road haulage legs which form an integral part of the combined transport operation and which may or may not include the crossing of a frontier. Limitations affecting any given modes of transport apply.

Necessary measures can be taken to ensure that the motor vehicle taxes applicable to road vehicles routed in combined transport are reduced or reimbursed (CPC 711, 712, 7212, 741, 742, 743, 744, 745, 748, 749).

Measures:

EU: Directive 1992/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States.

Reservation No. 16 - Energy related activities

Sector – sub-sector: Energy related activities - mining and quarrying; production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; and services incidental to energy distribution

Industry classification: ISIC Rev. 3.1 10, 11, 12, 13, 14, 40, CPC 5115, 63297, 713, part of 742, 8675, 883, 887

Type of reservation: Market access
National treatment
Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Level of government: EU/Member State (unless otherwise specified)

Description:

(a) Mining and quarrying (ISIC Rev. 3.1 10, 11, 12, 13, 14, CPC 5115, 7131, 8675, 883)

With respect to Investment liberalisation – Market access:

In **NL**: The exploration for and exploitation of hydrocarbons in the Netherlands is always performed jointly by a private company and the public (limited) company designated by the Minister of Economic Affairs. Articles 81 and 82 of the Mining Act stipulate that all shares in this designated company must be directly or indirectly held by the Dutch State (ISIC Rev. 3.1 10, 3.1 11, 3.1 12, 3.1 13, 3.1 14).

Measures:

NL: Mijnbouwwet (Mining Act).

With respect to Investment liberalisation – Market access, National treatment:

In **BE**: The exploration for and exploitation of mineral resources and other non-living resources in territorial waters and the continental shelf are subject to concession. The concessionaire must have an address for service in Belgium (ISIC Rev. 3.1:14).

Measures:

BE: Arrêté Royal du 1^{er} septembre 2004 relatif aux conditions, à la délimitation géographique et à la procédure d'octroi des concessions d'exploration et d'exploitation des ressources minérales et autres ressources non vivantes de la mer territoriale et du plateau continental.

In **BG**: Certain economic activities related to the exploitation or use of State or public property are subject to concessions granted under the provisions of the Concessions Act or other special concessions laws. The activities of prospecting or exploration of underground natural resources on the territory of the Republic of Bulgaria, in the continental shelf and in the exclusive economic zone in the Black Sea are subject to permission, while the activities of extraction and exploitation are subject to concession granted under the Underground Natural Resources Act.

It is forbidden for companies registered in preferential tax treatment jurisdictions (that is, off-shore zones) or related, directly or indirectly, to such companies to participate in open procedures for granting permits or concessions for prospecting, exploration or extraction of natural resources, including uranium and thorium ores, as well as to operate an existing permit or concession which has been granted, as such operations are precluded, including the possibility to register the geological or commercial discovery of a deposit as a result of exploration.

Commercial corporations in which the Member State or a municipality holds a share in the capital exceeding 50 per cent, cannot effect any transactions for disposition of fixed assets of the corporation, to conclude any contracts for acquisition of participating interest, lease, joint activity, credit, securing of receivables, as well as incurring any obligations arising under bills of exchange, unless permitted by the Privatisation Agency or the municipal council, whichever is the competent authority. Without prejudice to Article 8.4, paragraphs 1 and 2, according to Decision of the National Assembly of the Republic of Bulgaria of 18 Jan 2012, any usage of hydraulic fracturing technology that is, fracking, for activities of prospecting, exploration or extraction of oil and gas, is forbidden by Decision of the Parliament. Exploration and extraction of shale gas is forbidden (ISIC Rev. 3.1 10, 3.1 11, 3.112, 3.1 13, 3.1 14).

The mining of uranium ore is forbidden by Decree of the Council of Ministers No. 163 of 20.08.1992.

With regard to mining of thorium ore, the general regime of concessions for mining applies. In order to participate in concessions for mining of thorium ore, a Japanese company must be established according to the Bulgarian Commercial Act and to be registered in the Commercial Registry. Decisions to allow the mining of thorium ore are taken on a non-discriminatory individual case-by-case basis. The prohibition against companies registered in preferential tax treatment jurisdictions (that is, off-shore zones) or related, directly or indirectly, to such companies, from participating in open procedures for concessions for mining of natural resources includes uranium and thorium ores (ISIC Rev. 3.1 12).

Measures:

BG: Underground Natural Resources Act;

Concessions Act;

Law on Privatisation and Post-Privatisation Control;

Safe Use of Nuclear Energy Act;

Act on Economic and Financial Relations with Companies Registered in Preferential Tax Treatment Jurisdictions, Such Companies' Related Parties and Their Beneficial Owners; and

Subsurface Resources Act.

In **CY:** The Council of Ministers may, for reasons of energy security, refuse to allow access to and exercise of the activities of prospecting, exploration and exploitation of hydrocarbons to any entity which is effectively controlled by Japan or by nationals of Japan. No entity may, after the granting of an authorisation for the prospecting, exploration and production of hydrocarbons, come under the direct or indirect control of Japan or a national of Japan without the prior approval of the Council of Ministers. The Council of Ministers may refuse to grant an authorisation for the prospecting, exploration and production of hydrocarbons to an entity which is effectively controlled by Japan or a third country or by a national of Japan or a third country, where Japan or the third country does not grant entities of the Republic of Cyprus or entities of Member States of the European Union, in relation to the access to and exercise of the activities of prospecting, exploring for and exploiting hydrocarbons, treatment comparable to that which the Republic of Cyprus or the Member State of the European Union grants entities of Japan or that third country (ISIC Rev 3.1 1110).

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

Measures:

CY: The Hydrocarbons (Prospecting, Exploration and Exploitation Law) of 2007, (Law 4(I)/2007) as amended by laws number 126(I) of 2013 and 29(I) of 2014.

In **IT** (applies also to the regional level of government for exploration): Mines belonging to the State have specific exploration and mining rules. Prior to any exploitation activity, a permit for exploration is needed ('permesso di ricerca', Article 4 Royal Decree 1447/1927). This permit has a duration, defines exactly the borders of the ground under exploration and more than one exploration permit may be granted for the same area to different persons or companies (this type of licence is not necessarily exclusive). In order to cultivate and exploit minerals, an authorisation ('concessione', Article 14) from the regional authority is required (ISIC Rev. 3.1 10, 3.1 11, 3.1 12, 3.1 13, 3.1 14, CPC 8675, 883).

Measures

IT: Exploration services: Royal Decree 1447/1927; and

Legislative Decree 112/1998, Article 34.

In **SK:** For mining, activities related to mining and geological activity, incorporation in a Member State of the European Union or a Member State of the EEA is required (no branching). Mining and prospecting activities covered by Act of the Slovak Republic 44/1988 on protection and exploitation of natural resources are regulated on a non-discriminatory basis, including through public policy measures seeking to ensure the conservation and protection of natural resources and the environment such as the authorization or prohibition of certain mining technologies. For greater certainty, such measures include the prohibition of the use of cyanide leaching in the treatment or refining of minerals, the requirement of a specific authorization in the case of fracking for activities of prospecting, exploration or extraction of oil and gas, as well as prior approval by local referendum in the case of nuclear/radioactive mineral resources. This does not increase the non-conforming aspects of the existing measure for which the reservation is taken. (ISIC Rev. 3.1 10, 3.1 11, 3.1 12, 3.1 13, 3.1 14, CPC 7131).

Measures

SK: Act 51/1988 on Mining, Explosives and State Mining Administration; and Act 569/2007 on Geological Activity.

In **UK:** A licence is necessary to undertake exploration and production activities on the UK Continental Shelf (UKCS), and to provide services which require direct access to or exploitation of natural resources.

This reservation applies to production licences issued with respect to the UK Continental Shelf. To be a Licensee, a company must have a place of business within the UK. That means either:

- (i) a staffed presence in the UK;
- (ii) registration of a UK company at Companies House; or
- (iii) registration of a UK branch of a foreign company at Companies House.

This requirement exists for any company applying for a new licence and for any company seeking to join an existing licence by assignment. It applies to all licences and to all enterprises, whether operator or not. To be a party to a Licence that covers a producing field, a company must: (a) be registered at Companies House as a UK company; or (b) carry on its business through a fixed place of business in the UK as defined in section 148 of the Finance Act 2003 (which normally requires a staffed presence) (ISIC Rev. 3.1 11, CPC 883, 8675).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

Measures

UK: Petroleum Act 1988.

In **FI:** The exploration for and exploitation of mineral resources are subject to a licensing requirement, which is granted by the Government in relation to the mining of nuclear material. A permit of redemption for a mining area is required from the Government. Permission may be granted to a natural person resident in the EEA or a juridical person established in the EEA. An economic needs test may apply (ISIC Rev. 3.1 120, CPC 5115, 883, 8675).

Measures

FI: Kaivoslaki (Mining Act) (621/2011); and

Ydinenergialaki (Nuclear Energy Act) (990/1987).

In **IE:** Exploration and mining companies operating in Ireland are required to have a presence there. In the case of minerals exploration, there is a requirement that companies (Irish and foreign) employ either the services of an agent or a resident exploration manager in Ireland while work is being undertaken. In the case of mining, it is a requirement that a State Mining Lease or License be held by a company incorporated in Ireland. There are no restrictions as to ownership of such a company (ISIC Rev. 3.1 10, 3.1 13, 3.1 14, CPC 883).

Measures

IE: Minerals Development Acts 1940 – 2017; and

Planning Acts and Environmental Regulations.

In **SI:** The exploration for and exploitation of mineral resources, including regulated mining services, are subject to establishment in or citizenship of the EEA, the Swiss Confederation or an OECD Member, or of a third country on condition of material reciprocity. Compliance with the condition of reciprocity is verified by the Ministry responsible for mining (ISIC Rev. 3.1 10, ISIC Rev. 3.1 11, ISIC Rev. 3.1 12, ISIC Rev. 3.1 13, ISIC Rev. 3.1 14, CPC 883, CPC 8675).

Measures

SI: Mining Act 2014.

- (b) **Production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; services incidental to energy distribution (ISIC Rev. 3.1 40, 3.1 401, CPC 63297, 713, 7131, part of 742, 74220, 887)**

With respect to Investment liberalisation – Market access:

In **DK:** The owner or user intending to establish a pipeline for the transport of crude or refined petroleum and petroleum products and of natural gas must obtain a permit from the local authority before commencing work. The number of such permits which are issued may be limited (CPC 7131).

Measures:

DK: Bekendtgørelse nr. 724 af 1. juli 2008 om indretning, etablering og drift af olietanke, rørsystemer og pipelines (Order on the arrangement, establishment and operation of oil tanks, piping systems and pipelines), no. 724 of 1 July 2008.

In **MT:** EneMalta plc has a monopoly for the provision of electricity (ISIC Rev. 3.1 401; CPC 887).

Measures:

MT: EneMalta Act Cap. 272 and EneMalta (Transfer of Assets, Rights, Liabilities & Obligations) Act Cap. 536.

In **NL:** the ownership of the electricity network and the gas pipeline network are exclusively granted to the Dutch government (transmission systems) and other public authorities (distribution systems) (ISIC Rev. 3.1 040, CPC 71310).

Measures:

NL: Elektriciteitswet 1998; Gaswet.

With respect to Investment liberalisation – Market access, Senior management and boards of directors and Cross-border trade in services – Market access:

In **AT:** With regard to the transportation of gas authorisation is only granted to nationals of a Member State of the EEA domiciled in the EEA. Enterprises and partnerships must have their seat in the EEA. The operator of the network must appoint a Managing Director and a Technical Director who is responsible for the technical control of the operation of the network, both of whom must be nationals of a Member State of the EEA.

The competent authority may waive the nationality and domiciliation requirements where the operation of the network is considered to be in the public interest.

For the transportation of goods other than gas and water, the following applies:

- (i) with regard to natural persons, authorisation is only granted to EEA-nationals who must have a seat in Austria; and
- (ii) enterprises and partnerships must have their seat in Austria. An Economic Needs Test or interest test is applied. Cross border pipelines must not jeopardise Austria's security interests and its status as a neutral country. Enterprises and partnerships have to appoint a managing director who must be a national of a Member State of the EEA. The competent authority may waive the nationality and seat requirements if the operation of the pipeline is considered to be in the national economic interest (CPC 713).

Measures:

AT: Rohrleitungsgesetz (Law on Pipeline Transport), BGBl. Nr. 411/1975, § 5(1) and (2), §§ 5 (1) and (3), 15, 16; and

Gaswirtschaftsgesetz 2011(Gas Act), BGBl. I Nr. 107/2011, Articles 43 and 44, Articles 90 and 93.

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of director and Cross-border trade in services – Market access, National treatment (applies only to the regional level of government):

In **AT:** With regard to transmission and distribution of electricity authorisation is only granted to nationals of a Member State of the EEA domiciled in the EEA. If the operator appoints a managing director or a leaseholder, the domicile requirement is waived.

Juridical persons (enterprises) and partnerships must have their seat in the EEA. They must appoint a managing director or a leaseholder, both of whom must be nationals of a Member State of the EEA domiciled in the EEA.

The competent authority may waive the domicile and nationality requirements where the operation of the network is considered to be in the public interest (ISIC Rev. 3.1 40, CPC 887).

Measures:

AT: Burgenländisches Elektrizitätswesengesetz 2006, LGBL. Nr. 59/2006 as amended;

Niederösterreichisches Elektrizitätswesengesetz, LGBL. Nr. 7800/2005 as amended;

Landesgesetz, mit dem das Oberösterreichische Elektrizitätswirtschafts- und -organisationsgesetz 2006 erlassen wird (Oö. ELWOG 2006), LGBL. Nr. 1/2006 as amended;

Salzburger Landeselektrizitätsgesetz 1999 (LEG), LGBL. Nr. 75/1999 as amended;

Gesetz vom 16. November 2011 über die Regelung des Elektrizitätswesens in Tirol (Tiroler Elektrizitätsgesetz 2012 – TEG 2012), LGBL. Nr. 134/2011;

Gesetz über die Erzeugung, Übertragung und Verteilung von elektrischer Energie (Vorarlberger Elektrizitätswirtschaftsgesetz), LGBL. Nr. 59/2003 as amended;

Gesetz über die Neuregelung der Elektrizitätswirtschaft (Wiener Elektrizitätswirtschaftsgesetz 2005 – WEIWG 2005), LGBL. Nr. 46/2005;

Steiermärkisches Elektrizitätswirtschafts- und Organisationsgesetz(ELWOG), LGBL. Nr. 70/2005; and

Kärntner Elektrizitätswirtschafts-und Organisationsgesetz(ELWOG), LGBL. Nr. 24/2006.

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **CZ:** For electricity generation, transmission, distribution, trading, and other electricity market operator activities, as well as gas generation, transmission, distribution, storage and trading, as well as heat generation and distribution, authorisation is required. Such authorisation may only be granted to a natural person with a residence permit or a juridical person established in the European Union. Exclusive rights exist with regard to electricity and gas transmission and market operator licences (ISIC Rev. 3.1 40, CPC 7131, 62271, 742, 887).

Measures:

CZ: Act No. 458/2000 Coll on Business conditions and public administration in the energy sectors (The Energy Act).

In **PL:** the following activities are subject to licensing under the Energy Law Act:

- (i) generation of fuels or energy, except for: generation of solid or gaseous fuels; generation of electricity using electricity sources of the total capacity of not more than 50 MW other than renewable energy sources; cogeneration of electricity and heat using sources of the total capacity of not more than 5 MW other than renewable energy sources; generation of heat using the sources of the total capacity of not more than 5 MW;

- (ii) storage of gaseous fuels in storage installations, liquefaction of natural gas and regasification of liquefied natural gas at LNG installations, as well as the storage of liquid fuels, except for: the local storage of liquid gas at installations of the capacity of less than 1 MJ/s capacity and the storage of liquid fuels in retail trade;
- (iii) transmission or distribution of fuels or energy, except for: the distribution of gaseous fuels in grids of less than 1 MJ/s capacity and the transmission or distribution of heat if the total capacity ordered by customers does not exceed 5 MW;
- (iv) trade in fuels or energy, except for: the trade in solid fuels; the trade in electricity using installations of voltage lower than 1 kV owned by the customer; the trade in gaseous fuels if their annual turnover value does not exceed the equivalent of EUR 100 000€; the trade in liquid gas, if the annual turnover value does not exceed EUR 10 000€; and the trade in gaseous fuels and electricity performed on commodity exchanges by brokerage houses which conduct the brokerage activity on the exchange commodities on the basis of the Act of 26 October 2000 on commodity exchanges, as well as the trade in heat if the capacity ordered by the customers does not exceed 5 MW. The limits on turnover do not apply to wholesale trade services in gaseous fuels or liquid gas or to retail services of bottled gas.

A licence may only be granted by the competent authority to an applicant that has registered their principal place of business or residence in the territory of a Member State of the EU, Member State of the EEA or the Swiss Confederation (ISIC Rev. 3.1 040, CPC 63297, 74220, CPC 887).

Measures:

PL: Energy Law Act of 10 April 1997, Articles 32 and 33.

With respect to Cross-border trade in services – Market access:

In **LT:** The licences for transmission, distribution, public supply and organizing of trade of electricity may only be issued to legal persons of Lithuania or branches of foreign legal person or other organisations established in Lithuania. This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of electricity (ISIC Rev. 3.1 401, CPC 887).

In the case of fuels, establishment is required. Licences for transmission and distribution of fuels may only be issued to legal persons of Lithuania or branches of foreign legal persons or other organisations (subsidiaries) established in Lithuania.

This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of fuels (CPC 713, CPC 887).

Measures:

LT: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973; and

Law on electricity of the Republic of Lithuania of 20 July 2000 No VIII-1881.

In **SI:** The production, trading, supply to final customers, transmission and distribution of electricity and natural gas is subject to establishment in the European Union (ISIC Rev. 3.1 4010, 4020, CPC 7131, CPC 887).

Measures:

SI: Energetski zakon (Energy Act) 2014, Official Gazette RS, nr. 17/2014; and

Mining Act 2014.

Reservation No. 17 - Agriculture, fishing and manufacturing

Sector – sub-sector: Agriculture, hunting, forestry; animal and reindeer husbandry, fishing and aquaculture; publishing, printing and reproduction of recorded media

Industry classification: ISIC Rev. 3.1 011, 012, 013, 014, 015, 1531, 050, 0501, 0502, 221, 222, 323, 324, CPC 882, 88442

Type of reservation: Market access
 National treatment
 Most-favoured-nation treatment
 Prohibition of performance requirements
 Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Level of government: EU/Member State (unless otherwise specified)

Description:

(a) **Agriculture, hunting and forestry (ISIC Rev. 3.1 011, 012, 013, 014, 015, 1531)**

With respect to Investment liberalisation – Prohibition of performance requirements:

The EU: The intervention agencies designated by the Member States of the European Union shall buy cereals which have been harvested in the European Union. No export refund shall be granted on rice imported from and re-exported to any third country. Only European Union rice producers may claim compensatory payments.

Measures:

EU: Regulation 2007/1234/EC of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation).

With respect to Investment liberalisation –National treatment and Cross-border trade in services –Market access:

In IE: Establishment by foreign residents in flour milling activities is subject to authorisation (ISIC Rev. 3.1 1531).

Measures:

IE: Agriculture Produce (Cereals) Act, 1933.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access:

In FI: Only nationals of a Member State of the EEA resident in the reindeer herding area may own reindeer and practice reindeer husbandry. Exclusive rights may be granted.

Measures:

FI: Poronhoitolaki (Reindeer Husbandry Act) (848/1990), Chapter 1, s. 4, Protocol 3 to the Accession Treaty of Finland.

In FR: Prior authorisation is required in order to become a member or act as a director of an agricultural cooperative (ISIC Rev. 3.1 011, 012, 013, 014, 015).

Measures:

FR: Code rural et de la pêche maritime: Article R331-1 on installation and Article L. 529-2 on agricultural cooperatives.

In SE: Only Sami people may own and practice reindeer husbandry.

Measures:

SE: Reindeer Husbandry Act (1971:437), paragraph 1.

(b) **Fishing and aquaculture (ISIC Rev. 3.1 050, 0501, 0502, CPC 882)**

With respect to Investment liberalisation – Market access, National treatment:

In FR: A French vessel flying the French flag may be issued a fishing authorisation or may be allowed to fish on the basis of national quotas only when a real economic link on the territory of the France is established and the vessel is directed and controlled from a permanent establishment located on the territory of France (ISIC Rev. 3.1 050, CPC 882).

Measures:

FR: Code rural et de la pêche maritime: Article L921-3.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **SE**: Professional fishing is fishing with a professional fishing licence or fishing by foreign fishermen holding a specific permit to fish professionally in Swedish territorial waters or in the Swedish economic zone. A professional fishing licence may be given to a fisherman for whom fishing is essential to his living and where the fishing has a connection to the Swedish fishing industry. A connection to Swedish fishing industry could for example be demonstrated if the fishermen lands half his catch during a calendar year (in value) in Sweden, if half the fishing trips depart from a Swedish harbour or half of the fishermen in the fleet are domiciled in Sweden.

For vessels over five meters, a vessel permit is needed together with the professional fishing licence. A permit is granted if, among other things, the vessel is registered in the national registry, the vessel has a real economic connection to Sweden, the permit holder is a fisherman with a professional fishing licence and if the commander of the vessel is a fisherman with a professional fishing licence.

The commander of a fishing vessel over 20 gross tonnages shall be a national of a Member State of the EEA. Exemptions may be granted by the Swedish Transport Agency.

A ship shall be deemed Swedish and can carry the Swedish flag if more than half is owned by Swedish citizens or juridical persons. The Government may permit foreign vessels to fly the Swedish flag where their operations are under Swedish control or the owner can demonstrate that he has his permanent residency in Sweden. Vessels which are 50 per cent owned by nationals of a Member State of the EEA or companies having their registered office, central administration or principal place of business in the EEA and whose operation is controlled from Sweden, may also be registered in the Swedish register (ISIC Rev. 3.1 0501, 3.1 0502, CPC 882).

Measures:

SE: Maritime Law (1994:1009);

Fisheries Act (1993:787);

Ordinance for fishing, aquaculture and the fishing industry (1994:1716);

The Fishing Regulations of the National Board of Fisheries (2004:25); and

The Ship Security Regulation (2003:438).

(c) **Manufacturing - Publishing, printing and reproduction of recorded media (ISIC Rev. 3.1 221, 222, 323, 324, CPC 88442)**

With respect to Investment liberalisation – Market access, National treatment:

In **LV**: Only legal persons incorporated in Latvia, and natural persons of Latvia have the right to found and publish mass media. Branches are not allowed (CPC 88442).

Measures:

LV: Law on the Press and Other Mass Media, s. 8.

With respect to Investment liberalisation – National treatment and Cross-border trade in services –Market access:

In **DE** (applies also to the regional level of government): Each publicly distributed or printed newspaper, journal, or periodical must clearly indicate a 'responsible editor' (the full name and address of a natural person). The responsible editor may be required to be a permanent resident of Germany, the European Union or an EEA country. Exceptions may be allowed by the Federal Minister of the Interior (ISIC Rev. 3.1 223, 224).

Measures:

DE: § 10 Abs. 1 Nr. 4 Landesmediengesetz (LMG) Rheinland-Pfalz v. 4. Februar 2005, GVBl. S. 23;

§ 9 Abs. 1 Nr. 1 Gesetz über die Presse Baden-Württemberg (LPG BW) v. 14 Jan. 1964, GBl. S.11;

§ 9 Abs. 1 Nr. 1 Pressegesetz für das Land Nordrhein-Westfalen (Landespressegesetz NRW) v. 24. Mai 1966 (GV. NRW. S. 340);

§ 8 Abs. 1 Gesetz über die Presse Schleswig-Holstein (PressG SH) vom 25.1.2012, GVOBL. SH S. 266;

§ 7 Abs. 2 Landespressegesetz für das Land Mecklenburg-Vorpommern (LPrG M-V) v. 6 Juni 1993, GVOBL. M-V 1993, S. 541;

§ 8 Abs. 1 Nr. 1 Pressegesetz für das Land Sachsen-Anhalt in der Neufassung vom 2.5.2013 (GVBl. LSA S. 198);

§ 7 Abs. 2 Berliner Pressegesetz (BlnPrG) v. 15 Juni 1965, GVBl. S. 744;

§ 10 Abs. 1 Nr. 1 Brandenburgisches Landspressegesetz (BbgPG) v. 13. Mai 1993, GVBl. I/93, S. 162;

§ 9 Abs. 1 Nr.1 Gesetz über die Presse Bremen (BrPrG), Brem. GBl. 1965, S. 63;

§ 7 Abs. 3 Nr. 1 Hessisches Pressegesetz (HPresseG) v. 12. Dezember 2004, GVBl. 2004 I S.2;

§ 7 Abs. 2 i.V.m § 9 Abs.1 Ziffer 1 Thüringer Pressegesetz (TPG) v. 31. Juli 1991, GVBl. 1991 S. 271;

§ 9 Abs. 1 Nr. 1Hamburgisches Pressegesetz v. 29. Januar 1965, HmbGVBl., S. 15;

§ 6 Abs. 2 Sächsisches Gesetz über die Presse (SächsPresseG) v. 3. April 1992, SächsGVBl. S. 125;

§ 8 Abs. 2 Niedersächsisches Pressegesetz v. 22. März 1965, GVbl. S.9;

§ 9 Abs. 1 Nr. 1 Saarländisches Mediengesetz (SMG) vom 27. Februar 2002 (Amtsbl. S. 498); and

Article 5 Abs. 2 Bayerisches Pressegesetz in der Fassung der Bekanntmachung v. 19. April 2000 (GVBl, S. 340).

With respect to Investment liberalisation – National treatment, Market access, Most-favoured-nation treatment:

In **IT:** In so far as Japan allows Italian nationals and enterprises to conduct these activities, Italy will allow nationals and enterprises of Japan to conduct these activities under the same conditions. In so far as Japan allow Italian investors to own more than 49 per cent of the capital and voting rights in a publishing company of Japan, then Italy will allow investors of Japan to own more than 49 per cent of the capital and voting rights in an Italian publishing company under the same conditions (ISIC Rev. 3.1 221, 222).

Measures:

IT: Law 416/1981, Article 1 (and subsequent amendments).

With respect to Investment liberalisation – Senior management and boards of directors:

In **PL:** Nationality is required for the editor-in-chief of newspapers and journals (ISIC Rev. 3.1 221, 222).

Measures:

PL: Act of 26 January 1984 on Press law, Journal of Laws, No. 5, item 24, with subsequent amendments.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Market access, National treatment:

In **SE:** Natural persons who are owners of periodicals that are printed and published in Sweden must reside in Sweden or be nationals of a Member State of the EEA. Owners of such periodicals who are juridical persons must be established in the EEA. Periodicals that are printed and published in Sweden and technical recordings must have a responsible editor, who must be domiciled in Sweden (ISIC Rev. 3.1 22, CPC 88442).

Measures:

SE: Freedom of the press act (1949:105);

Fundamental law on Freedom of Expression (1991:1469); and

Act on ordinances for the Freedom of the Press Act and the Fundamental law on Freedom of Expression (1991:1559).

Schedule of Japan

Headnotes

1. This Schedule sets out, in accordance with Articles 8.12, 8.18 and 8.24, the reservations taken by Japan with respect to existing measures that do not conform with the obligations imposed by:
 - (a) Article 8.7 or 8.15;
 - (b) Article 8.8 or 8.16;
 - (c) Article 8.9 or 8.17;
 - (d) Article 8.10; or
 - (e) Article 8.11.
2. Each reservation sets out the following elements:
 - (a) 'Sector' refers to the general sector in which the reservation is taken;
 - (b) 'Sub-Sector' refers to the specific sector in which the reservation is taken;
 - (c) 'Industry Classification' refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
 - (d) 'Obligations Concerned' specifies the obligations referred to in paragraph 1 for which the reservation is taken;
 - (e) 'Level of Government' indicates the level of government maintaining the measure for which the reservation is taken;
 - (f) 'Measures' identifies the existing laws, regulations or other measures for which the reservation is taken. A measure cited in the 'Measures' element:
 - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
 - (g) 'Description' sets out, with regard to the obligations referred to in paragraph 1, the non-conforming aspects of the existing measures for which the reservation is taken.
3. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant provisions of the Sections against which the reservation is taken, and the 'Measures' element shall prevail over all the other elements.
4. With respect to financial services:
 - (a) for prudential reasons within the context of Article 8.65, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with a regulatory framework aimed at achieving those prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant laws of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws; and
 - (b) services supplied in the territory of the European Union to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (d)(ii) of Article 8.2.
5. With respect to maritime transport services, measures affecting cabotage in maritime transport services are not listed in this Schedule, as these are excluded from the scope of Section B of Chapter 8, pursuant to subparagraph 2(a) of Article 8.6 and Section C of Chapter 8, pursuant to subparagraph 2(a) of Article 8.14.
6. Laws and regulations of Japan with regard to spectrum availability affecting obligations under Articles 8.7 and 8.15 are not included in this Schedule of Japan, taking into account the Attachment 6 of Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March, 2001).

7. For the purposes of the Schedule of Japan in this Annex, 'JSIC' means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised on 30 October 2013.

1 Sector: Agriculture, Forestry and Fisheries, and Related Services (except fisheries within the territorial sea, internal waters, exclusive economic zone and continental shelf provided for in the reservation No. 11 in the Schedule of Japan in Annex II to Annex 8-B)

Sub-Sector:

Industry Classification:	JSIC 01	Agriculture
	JSIC 02	Forestry
	JSIC 03	Fisheries, except aquaculture
	JSIC 04	Aquaculture
	JSIC 6324	Agricultural cooperatives
	JSIC 6325	Fishery and fishery processing cooperatives
	JSIC 871	Agriculture, forestry and fisheries cooperative associations, n.e.c.

Obligations Concerned: National treatment (Article 8.8)

Level of Government: Central Government

Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽¹⁾
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in agriculture, forestry and fisheries, and related services (except fisheries within the territorial sea, internal waters, exclusive economic zone and continental shelf provided for in the reservation No. 11 in the Schedule of Japan in Annex II to Annex 8-B) in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy ⁽²⁾.
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.

2 Sector: Automobile Maintenance Business

Sub-Sector: Motor Vehicle Disassembling Repair Business

Industry Classification: JSIC 89 Automobile maintenance services

Obligations Concerned: Market access (Article 8.15)

Level of Government: Central Government

Measures: Road Vehicle Law (Law No. 185 of 1951), Chapter 6

Description: Cross-border trade in services

A person who intends to conduct motor vehicle disassembling repair businesses is required to establish a workplace in Japan and to obtain an approval of the Director-General of the District Transport Bureau having jurisdiction over the district where the workplace is located.

⁽¹⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

⁽²⁾ For greater certainty, absence of reference in this description to 'national security', which is referred to in No. 11, 13, 15, 37, 43, 44, 52 and 54 in the Schedule of Japan in this Annex, does not mean that Article 1.5 does not apply to the screening or that Japan waives its right to invoke Article 1.5 to justify the screening.

- 3 Sector: Business Services
- Sub-Sector:
- Industry Classification: JSIC 9111 Employment services
JSIC 9121 Worker dispatching services
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Employment Security Law (Law No. 141 of 1947), Chapters 3 and 3-3
Law Concerning Securing the Proper Operation of Worker Dispatching Undertakings and Protecting Dispatched Workers (Law No. 88 of 1985), Chapter 2
Port Labour Law (Law No. 40 of 1988), Chapter 4
Mariner's Employment Security Law (Law No. 130 of 1948), Chapter 3
Law Concerning the Improvement of Employment of Construction Workers (Law No. 33 of 1976), Chapters 5 and 6
- Description: Investment liberalisation and Cross-border trade in services
1. A person who intends to supply the following services for enterprises in Japan is required to have a place of business in Japan and to obtain permission from, or to submit notification to, the competent authority, as applicable:
 - (a) private job placement services including fee-charging job placement services for construction workers and job placement services for seafarers; or
 - (b) worker dispatching services including stevedore dispatching services, mariner dispatching services and work opportunities securing services for construction workers.
 2. Labour supply services may be supplied only by a labour union which has obtained permission from the competent authority pursuant to the Employment Security Law or Mariner's Employment Security Law.
- 4 Sector: Collection Agency Services
- Sub-Sector:
- Industry Classification: JSIC 6619 Miscellaneous financial auxiliaries
JSIC 7299 Professional services, n.e.c.
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Special Measures Law Concerning Credit Management and Collection Business (Law No. 126 of 1998), Articles 3 and 4
Attorney Law (Law No. 205 of 1949), Articles 72 and 73
- Description: Investment liberalisation and Cross-border trade in services
1. A person who intends to supply collection agency services which constitute the practice of law in respect of legal cases is required to be qualified as an attorney-at-law under the laws and regulations of Japan ('Bengoshi'), a legal professional corporation under the laws and regulations of Japan ('Bengoshi-hojin') or a legal person established under the Special Measures Law Concerning Credit Management and Collection Business and to establish an office in Japan.
 2. No person may take over and recover other person's credits as business except a legal person established under the Special Measures Law Concerning Credit Management and Collection Business that handles credits pursuant to provisions of that law.

- 5 Sector: Construction
- Sub-Sector:
- Industry Classification: JSIC 06 Construction work, general, including public and private construction work
- JSIC 07 Construction work by specialist contractor, except equipment installation work
- JSIC 08 Equipment installation work
- Obligations Concerned: Market access (Article 8.15)
- Level of Government: Central Government
- Measures: Construction Business Law (Law No. 100 of 1949), Chapter 2
- Law Concerning Recycling of Construction Materials (Law No. 104 of 2000), Chapter 5
- Description: Cross-border trade in services
1. A person who intends to conduct construction business is required to establish a place of business in Japan and to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism or from the prefectural governor having jurisdiction over the district where the place of business is located.
 2. A person who intends to conduct demolition work business is required to establish a place of business in Japan and to be registered with the prefectural governor having jurisdiction over the district where the place of business is located.
- 6 Sector: Distribution Services
- Sub-Sector: Wholesale Trade Services, Retailing Services, and Commission Agents' Services, Related to Alcoholic Beverages
- Industry Classification: JSIC 5222 Liquors
- JSIC 5851 Liquor stores
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Liquor Tax Law (Law No. 6 of 1953), Articles 9 to 11
- Description: Investment liberalisation and Cross-border trade in services
- The number of licences conferred to service suppliers in those Sub-Sectors may be limited, where it is necessary to maintain a supply-demand balance of liquors in order to secure liquor tax revenue (paragraph 11 of Article 10 of the Liquor Tax Law).
- 7 Sector: Distribution Services
- Sub-Sector: Wholesale Trade Services Supplied at Public Wholesale Market
- Industry Classification: JSIC 521 Agricultural, animal and poultry farm and aquatic products
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Wholesale Market Law (Law No. 35 of 1971), Articles 9, 10, 15, 17 and 33
- Description: Investment liberalisation and Cross-border trade in services
- The number of licences conferred to wholesale trade service suppliers at public wholesale markets may be limited, in cases where the public wholesale markets set the maximum number of the suppliers in order to secure a proper and sound operation of the public wholesale markets.
- 8 Sector: Education and Learning Support
- Sub-Sector: Higher Educational Services

- Industry Classification: JSIC 816 Institution of higher education
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Fundamental Law of Education (Law No. 120 of 2006), Article 6
School Education Law (Law No. 26 of 1947), Article 2
Private School Law (Law No. 270 of 1949), Article 3
- Description: Investment liberalisation and Cross-border trade in services
1. Higher educational services supplied as formal education in Japan are required to be supplied by formal education institutions. Formal education institutions must be established by school juridical persons.
 2. 'Formal education institutions' means elementary schools, lower secondary schools, secondary schools, compulsory education schools, upper secondary schools, universities, junior colleges, colleges of technology, schools for special needs education, kindergartens and integrated centres for early childhood education and care.
 3. 'School juridical person' means a non-profit legal person established for the purposes of supplying educational services under the laws and regulations of Japan.
- 9 Sector: Financial Services
- Sub-Sector: Banking and Other Financial Services
(excluding Insurance and Insurance-Related Services)
- Industry Classification: JSIC 622 Banks, except central bank
JSIC 631 Financial institutions for small-businesses
- Obligations Concerned: National treatment (Article 8.8)
- Level of Government: Central Government
- Measures: Deposit Insurance Law (Law No. 34 of 1971), Article 2
- Description: Investment liberalisation
- The deposit insurance system does not cover deposits taken by branches of foreign banks.
- 10 Sector: Financial Services
- Sub-Sector: Insurance and Insurance-Related Services
- Industry Classification: JSIC 672 Non-life insurance institutions
JSIC 6742 Non-life insurance agents and brokers
- Obligations Concerned: Market access (Article 8.15)
- Level of Government: Central Government
- Measures: Insurance Business Law (Law No.105 of 1995), Articles 185, 186, 275, 276, 277, 286 and 287
Cabinet Order for Enforcement of Insurance Business Law (Cabinet Order No. 425 of 1995), Articles 19 and 39-2
Ministerial Ordinance for Enforcement of Insurance Business Law (Ministerial Ordinance of the Ministry of Finance No. 5 of 1996), Articles 116 and 212-6
- Description: Cross-border trade in services
- Commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:
- (a) goods being transported within Japan; and
 - (b) ships of Japanese registration which are not used for international maritime transport.

- 11 Sector: Heat Supply
- Sub-Sector:
- Industry Classification: JSIC 3511 Heat supply
- Obligations Concerned: National treatment (Article 8.8)
- Level of Government: Central Government
- Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽¹⁾
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
- Description: Investment liberalisation
1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in the heat supply industry in Japan.
 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
- 12 Sector: Information and Communications
- Sub-Sector: Telecommunications
- Industry Classification: JSIC 3700 Head offices primarily engaged in managerial operations
JSIC 3711 Regional telecommunications, except wired broadcast telephones
JSIC 3731 Services incidental to telecommunications
- Obligations Concerned: Market access (Article 8.7)
National treatment (Article 8.8)
Senior management and boards of directors (Article 8.10)
- Level of Government: Central Government
- Measures: Law Concerning Nippon Telegraph and Telephone Corporation, Etc. (Law No. 85 of 1984), Articles 6 and 10
- Description: Investment liberalisation
1. Nippon Telegraph and Telephone Corporation may not enter the name and address in its register of shareholders if the aggregate of the ratio of the voting rights directly or indirectly held by the persons set forth in subparagraphs (a) to (c) reaches or exceeds one-third:
 - (a) a natural person who does not have Japanese nationality;
 - (b) a foreign government or its representative; and
 - (c) a foreign legal person or a foreign entity.
 2. Any natural person who does not have Japanese nationality may not assume the office of director or auditor of Nippon Telegraph and Telephone Corporation, Nippon Telegraph and Telephone East Corporation and Nippon Telegraph and Telephone West Corporation.
- 13 Sector: Information and Communications
- Sub-Sector: Telecommunications and Internet Based Services

⁽¹⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Industry Classification ⁽¹⁾ :	JSIC 3711*	Regional telecommunications, except wired broadcast telephones
	JSIC 3712*	Long-distance telecommunications
	JSIC 3719*	Miscellaneous fixed telecommunications
	JSIC 3721*	Mobile telecommunications
	JSIC 401*	Services incidental to Internet
Obligations Concerned:	National treatment (Article 8.8)	
Level of Government:	Central Government	
Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽²⁾ Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3	
Description:	<u>Investment liberalisation</u> 1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in telecommunications business and internet based services in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.	
14 Sector:	Manufacturing	
Sub-Sector:	Shipbuilding and Repairing, and Marine Engines	
Industry Classification:	JSIC 3131	Shipbuilding and repairing
Obligations Concerned:	Market access (Articles 8.7 and 8.15)	
Level of Government:	Central Government	
Measures:	Shipbuilding Law (Law No. 129 of 1950), Articles 2 to 3-2	
Description:	<u>Investment liberalisation and Cross-border trade in services</u> A person who intends to establish or extend docks, which can be used to manufacture or repair vessels of 500 gross tonnage or more or 50 metres in length or more, is required to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism. The issuance of a licence is subject to the requirements of an economic needs test.	
15 Sector:	Manufacturing	
Sub-Sector:	Drugs and Medicines Manufacturing	
Industry Classification:	JSIC 1653	Biological preparations
Obligations Concerned:	National treatment (Article 8.8)	

⁽¹⁾ An asterisk (*) on the JSIC numbers indicates that the activities covered by this reservation under such numbers are limited to the activities which are subject to the registration obligation under Article 9 of the Telecommunications Business Law (Law No. 86 of 1984).

⁽²⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Level of Government:	Central Government
Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽¹⁾ Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
Description:	<u>Investment liberalisation</u> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in biological preparations manufacturing industry in Japan. For greater certainty, 'biological preparations manufacturing industry' deals with economic activities in premises which produce vaccine, serum, toxoid, anti-toxin and some preparations similar to the aforementioned products or blood products. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
16 Sector:	Manufacturing
Sub-Sector:	Leather and Leather Products Manufacturing
Industry Classification ⁽²⁾ :	<p>JSIC 1189*1 Textile apparel and accessories, n.e.c.</p> <p>JSIC 1694*2 Gelatine and adhesives</p> <p>JSIC 192 Rubber and plastic footwear and its findings</p> <p>JSIC 2011 Leather tanning and finishing</p> <p>JSIC 2021 Mechanical leather products, except gloves and mittens</p> <p>JSIC 2031 Cut stock and findings for boots and shoes</p> <p>JSIC 2041 Leather footwear</p> <p>JSIC 2051 Leather gloves and mittens</p> <p>JSIC 2061 Baggage</p> <p>JSIC 207 Handbags and small leather cases</p> <p>JSIC 2081 Fur skins</p> <p>JSIC 2099 Miscellaneous leather products</p> <p>JSIC 3253*1 Sporting and athletic goods</p>
Obligations Concerned:	National treatment (Article 8.8)
Level of Government:	Central Government
Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽³⁾ Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

⁽¹⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

⁽²⁾ An asterisk (*1) on the JSIC numbers indicates that the activities covered by this reservation under such numbers are limited to the activities related to leather and leather products manufacturing. An asterisk (*2) on the JSIC number indicates that the activities covered by this reservation under such number are limited to the activities related to animal glue (nikawa) and gelatine manufacturing.

⁽³⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description:	<u>Investment liberalisation</u>	
	<ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in leather and leather products manufacturing industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy ⁽¹⁾. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. 	
17 Sector:	Matters Related to the Nationality of a Ship	
Sub-Sector:		
Industry Classification:		
Obligations Concerned:	<p>Market access (Articles 8.7 and 8.15)</p> <p>National treatment (Articles 8.8 and 8.16)</p> <p>Senior management and boards of directors (Article 8.10)</p>	
Level of Government:	Central Government	
Measures:	Ship Law (Law No.46 of 1899), Article 1	
Description:	<u>Investment liberalisation and Cross-border trade in services</u>	
	<ol style="list-style-type: none"> 1. Nationality requirement applies to the supply of international maritime transport services (including services of passenger transportation and freight transportation) through establishment of a registered company operating a fleet flying the flag of Japan. 2. 'Nationality requirement' means that the ship is required to be owned by a Japanese national, or a company established under the laws and regulations of Japan, of which all the representatives and not less than two-thirds of the executives administering the affairs are Japanese nationals. 	
18 Sector:	Measuring Services	
Sub-Sector:		
Industry Classification:	<p>JSIC 7441 Commodity inspection service</p> <p>JSIC 745 Surveyor certification</p>	
Obligations Concerned:	Market access (Article 8.15)	
Level of Government:	Central Government	
Measures:	<p>Measurement Law (Law No. 51 of 1992), Chapters 3, 5, 6 and 8</p> <p>Regulations on Measurement Law (Ministerial Ordinance of the Ministry of International Trade and Industry No. 69 of 1993)</p> <p>Ministerial Ordinance for Designated Inspection Body, Designated Verification Body, Designated Measurement Certification Inspection Body and Specified Measurement Certification Accreditation Body (Ministerial Ordinance of the Ministry of International Trade and Industry No. 72 of 1993)</p>	

⁽¹⁾ For greater certainty, absence of reference in this description to 'national security', which is referred to in No. 11, 13, 15, 37, 43, 44, 52 and 54 in the Schedule of Japan in this Annex, does not mean that Article 1.5 does not apply to the screening or that Japan waives its right to invoke Article 1.5 to justify the screening.

Description ⁽¹⁾:Cross-border trade in services

1. A person who intends to supply services of conducting the periodic inspection of specified measuring instruments is required to establish a legal person in Japan and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct that inspection, or by the mayor of a designated city or the chief of a designated ward or village in case the place where the person intends to conduct that inspection is located within the district of that designated city, ward or village.
2. A person who intends to supply services of conducting the verification of specified measuring instruments is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.
3. A person who intends to conduct measurement certification business, including specified measurement certification business, is required to have a place of business in Japan and to be registered with the prefectural governor having jurisdiction over the district where the place of business is located.
4. A person who intends to supply services of conducting the inspection of specified measuring instruments used for the measurement certification is required to establish a legal person in Japan and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct that inspection.
5. A person who intends to supply services of conducting the accreditation for a person engaged in specified measurement certification business is required to establish a legal person in Japan, and to be designated by the Minister of Economy, Trade and Industry.
6. A person who intends to supply services of conducting the calibration of measuring instruments is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.

19 Sector: Medical, Health Care and Welfare

Sub-Sector:

Industry Classification: JSIC 8599 Miscellaneous social insurance, social welfare and care services

Obligations Concerned: Market access (Articles 8.7 and 8.15)

Level of Government: Central Government

⁽¹⁾ For the purposes of this reservation:

- (a) 'measuring instruments' means appliances, machines or equipment used for measurement;
- (b) 'specified measuring instruments' means measuring instruments used in transactions or certifications, or measuring instruments principally for use in the life of general consumers, and those specified by a Cabinet Order as necessary to establish standards relating to their structure and instrumental error in order to ensure proper execution of measurements;
- (c) 'measurement certification businesses' under the requirement described in paragraph 3 are listed in the following and the registration shall be in accordance with the business classification specified by the Ordinance of the Ministry of Economy, Trade and Industry:
 - (i) the business of measurement certifications of length, weight, area, volume or heat concerning goods to be loaded/unloaded or entered/dispatched for transportation, deposit or sale or purchase (excluding the measurement certifications of mass or volume of goods to be loaded on or unloaded from ship); and
 - (ii) the business of measurement certifications of concentration, sound pressure level or the quantity of other physical phenomena specified by a Cabinet Order (excluding what is listed in (i));
 however, this requirement does not apply to the case where a person engaged in the measurement certification business is a national government, a local government, or an incorporated administrative agency prescribed by paragraph 1 of Article 2 of the Law on General Rules for Incorporated Administrative Agency (Law No. 103 of 1999) who is designated by a Cabinet Order as competent to appropriately perform the measurement certification business, or where the measurement certification business is performed by a person who has been registered or designated or received any other disposition to conduct that business pursuant to the provision of the law specified by that Cabinet Order; and
- (d) 'specified measurement certification business' means the business specified by a Cabinet Order as these requiring high levels of technology to certify measurement of considerably tiny quantities of physical phenomena prescribed in subparagraph (c)(ii).

Measures:	Law Concerning Collection of Labour Insurance Premium (Law No. 84 of 1969), Chapter 4	
	Enforcement Regulations for the Law Concerning Collection of Labour Insurance Premium (Ministerial Ordinance of the Ministry of Labour No. 8 of 1972)	
Description:	<u>Investment liberalisation and Cross-border trade in services</u>	
	Only an association of business proprietors or a federation of those associations approved by the Minister of Health, Labour and Welfare under the laws and regulations of Japan may conduct labour insurance businesses entrusted by business proprietors. An association which intends to conduct those labour insurance businesses under the laws and regulations of Japan is required to establish an office in Japan, and to obtain the approval of the Minister of Health, Labour and Welfare.	
20 Sector:	Mining and Services incidental to Mining	
Sub-Sector:		
Industry Classification:	JSIC 05	Mining and quarrying of stone and gravel
Obligations Concerned:	Market access (Articles 8.7 and 8.15)	
	National treatment (Articles 8.8 and 8.16)	
Level of Government:	Central Government	
Measures:	Mining Law (Law No. 289 of 1950), Chapters 2 and 3	
Description:	<u>Investment liberalisation and Cross-border trade in services</u>	
	Only a Japanese national or an enterprise of Japan may have mining rights or mining lease rights ⁽¹⁾ .	
21 Sector:	Oil Industry	
Sub-Sector:		
Industry Classification ⁽²⁾ :	JSIC 053	Crude petroleum and natural gas production
	JSIC 1711	Petroleum refining
	JSIC 1721	Lubricating oils and greases (not made in petroleum refineries)
	JSIC 1741*1	Paving materials
	JSIC 1799*1	Miscellaneous petroleum and coal products
	JSIC 4711*1	Ordinary warehousing, except refrigerated warehousing
	JSIC 4721*1	Refrigerated warehousing
	JSIC 5331	Petroleum
	JSIC 6051	Petrol stations (gasoline service stations)
	JSIC 6052*1	Fuel stores, except gasoline service stations
	JSIC 9299*2	Miscellaneous business services, n.e.c.
Obligations Concerned:	National treatment (Article 8.8)	
Level of Government:	Central Government	
Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽³⁾	
	Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3	

⁽¹⁾ Services requiring mining rights or mining lease rights are required to be supplied by a Japanese national or an enterprise established under the laws and regulations of Japan, in accordance with the Chapters 2 and 3 of the Mining Law.

⁽²⁾ An asterisk (*1) on the JSIC numbers indicates that the activities covered by this reservation under such numbers are limited to those related to the oil industry. An asterisk (*2) on the JSIC number indicates that the activities covered by this reservation under such number are limited to those related to the liquefied petroleum gas industry.

⁽³⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

	Description:	<u>Investment liberalisation</u>
		<ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in the oil industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy ⁽¹⁾. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. 4. All organic chemicals such as ethylene, ethylene glycol and polycarbonates are outside the scope of the oil industry. Therefore, prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law do not apply to the investments in the manufacture of these products.
22	Sector:	Professional Services
	Sub-Sector:	
	Industry Classification:	JSIC 7211 Lawyers' offices
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)
	Level of Government:	Central Government
	Measures:	Attorney Law (Law No. 205 of 1949), Chapters 3, 4, 4-2, 5 and 9
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>
		<ol style="list-style-type: none"> 1. A natural person who intends to supply legal services is required to be qualified as an attorney-at-law under the laws and regulations of Japan ('Bengoshi') and to establish an office within the district of the local bar association to which the natural person belongs. 2. An enterprise which intends to supply legal services is required to establish a legal professional corporation under the laws and regulations of Japan ('Bengoshi-Hojin').
23	Sector:	Professional Services
	Sub-Sector:	
	Industry Classification:	JSIC 7211 Lawyers' offices
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)
	Level of Government:	Central Government
	Measures:	Law on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers (Law No. 66 of 1986), Chapters 2, 4 and 5
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>
		<ol style="list-style-type: none"> 1. A natural person who intends to supply legal advisory services concerning foreign laws is required to be qualified as a registered foreign lawyer under the laws and regulations of Japan ('Gaikokuho-Jimu-Bengoshi') and to establish an office within the district of the local bar association to which the natural person belongs. 2. Gaikokuho-Jimu-Bengoshi under the laws and regulations of Japan is required to stay in Japan for not less than 180 days per year. 3. An enterprise which intends to supply legal advisory services concerning foreign laws is required to establish a registered foreign lawyer corporation under the laws and regulations of Japan ('Gaikokuho-Jimu-Bengoshi-Hojin').

⁽¹⁾ For greater certainty, absence of reference in this description to 'national security', which is referred to in No.11, 13, 15, 37, 43, 44, 52 and 54 in the Schedule of Japan in this Annex, does not mean that Article 1.5 does not apply to the screening or that Japan waives its right to invoke Article 1.5 to justify the screening.

- 24 Sector: Professional Services
- Sub-Sector:
- Industry Classification: JSIC 7212 Patent attorneys' offices
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Patent Attorney Law (Law No. 49 of 2000), Chapters 3, 6 and 8
- Description: Investment liberalisation and Cross-border trade in services
1. A natural person who intends to supply patent attorney services is required to be qualified as a patent attorney under the laws and regulations of Japan ('Benrishi').
 2. An enterprise which intends to supply patent attorney services is required to establish a patent business corporation under the laws and regulations of Japan ('Tokkyo-Gyomu-Hojin').
- 25 Sector: Professional Services
- Sub-Sector:
- Industry Classification: JSIC 7221 Notaries public's and judicial scriveners' offices
- Obligations Concerned: Market access (Article 8.15)
- National treatment (Article 8.16)
- Level of Government: Central Government
- Measures: Notary Law (Law No. 53 of 1908), Chapters 2 and 3
- Description: Cross-border trade in services
1. Only a Japanese national may be appointed as a notary in Japan.
 2. The notary is required to establish an office in the place designated by the Minister of Justice.
- 26 Sector: Professional Services
- Sub-Sector:
- Industry Classification: JSIC 7221 Notaries public's and judicial scriveners' offices
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Judicial Scrivener Law (Law No. 197 of 1950), Chapters 3, 4, 5, 7 and 10
- Description: Investment liberalisation and Cross-border trade in services
1. A natural person who intends to supply judicial scrivener services is required to be qualified as a judicial scrivener under the laws and regulations of Japan ('Shiho-Shoshi') and to establish an office within the district of the judicial scrivener association to which the natural person belongs.
 2. An enterprise which intends to supply judicial scrivener services is required to establish a judicial scrivener corporation under the laws and regulations of Japan ('Shiho-Shoshi-Hojin').
- 27 Sector: Professional Services
- Sub-Sector:
- Industry Classification: JSIC 7241 Certified public accountants' offices
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Certified Public Accountant Law (Law No. 103 of 1948), Chapters 3, 5-2 and 7

Description:	<u>Investment liberalisation and Cross-border trade in services</u>
	<ol style="list-style-type: none"> 1. A natural person who intends to supply certified public accountants services is required to be qualified as a certified public accountant under the laws and regulations of Japan ('Koninkaikeishi'). 2. An enterprise which intends to supply certified public accountants services is required to establish an audit corporation under the laws and regulations of Japan ('Kansa-Hojin').
28 Sector:	Professional Services
Sub-Sector:	
Industry Classification:	JSIC 7242 Certified tax accountants' offices
Obligations Concerned:	Market access (Articles 8.7 and 8.15)
Level of Government:	Central Government
Measures:	<p>Certified Public Tax Accountant Law (Law No. 237 of 1951), Chapters 3, 4, 5-2, 6 and 7</p> <p>Enforcement Regulation on Certified Public Tax Accountant Law (Ministerial Ordinance of the Ministry of Finance No. 55 of 1951)</p>
Description:	<u>Investment liberalisation and Cross-border trade in services</u>
	<ol style="list-style-type: none"> 1. A natural person who intends to supply certified public tax accountant services is required to be qualified as a certified public tax accountant under the laws and regulations of Japan ('Zeirishi') and to establish an office within the district of the certified public tax accountant association to which the natural person belongs. 2. An enterprise which intends to supply certified public tax accountant services is required to establish a certified public tax accountant corporation under the laws and regulations of Japan ('Zeirishi-Hojin').
29 Sector:	Professional Services
Sub-Sector:	
Industry Classification:	<p>JSIC 7231 Administrative scriveners' offices</p> <p>JSIC 7294 Certified real estate appraisers</p> <p>JSIC 7299 Professional services, n.e.c.</p> <p>JSIC 7421 Architectural design services</p>
Obligations Concerned:	Market access (Article 8.15)
Level of Government:	Central Government
Measures:	Architect and/or Building Engineer Law (Law No. 202 of 1950), Chapters 1, 2 and 6
Description:	<u>Cross-border trade in services</u>
	<p>An architect or building engineer, qualified as an architect or building engineer under the laws and regulations of Japan ('Kenchikushi'), or a person employing such an architect or building engineer, who intends to conduct business of design, superintendence of construction work, administrative work related to construction work contracts, supervision of building construction work, survey and evaluation of buildings, and representation in procedures under the laws and regulations of Japan concerning construction, upon request from others for remuneration, is required to establish an office in Japan.</p>

- 30 Sector: Professional Services
- Sub-Sector:
- Industry Classification: JSIC 7251 Certified social insurance and labour consultants' offices
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Certified Social Insurance and Labour Consultant Law (Law No. 89 of 1968), Chapters 2-2, 4-2, 4-3 and 5
- Description: Investment liberalisation and Cross-border trade in services
1. A natural person who intends to supply social insurance and labour consultant services is required to be qualified as a certified social insurance and labour consultant under the laws and regulations of Japan ('Shakai-Hoken-Romushi') and to establish an office in Japan.
 2. An enterprise which intends to supply social insurance and labour consultant services is required to establish a certified social insurance and labour consultant corporation under the laws and regulations of Japan ('Shakai-Hoken-Romushi-Hojin').
- 31 Sector: Professional Services
- Sub-Sector:
- Industry Classification: JSIC 7231 Administrative scriveners' offices
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Administrative Scrivener Law (Law No. 4 of 1951), Chapters 3 to 5 and 8
- Description: Investment liberalisation and Cross-border trade in services
1. A natural person who intends to supply administrative scrivener services is required to be qualified as an administrative scrivener under the laws and regulations of Japan ('Gyosei-Shoshi') and to establish an office within the district of the administrative scrivener association to which the natural person belongs.
 2. An enterprise which intends to supply administrative scrivener services is required to establish an administrative scrivener corporation under the laws and regulations of Japan ('Gyosei-Shoshi-Hojin').
- 32 Sector: Professional Services
- Sub-Sector:
- Industry Classification: JSIC 7299 Professional services, n.e.c.
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Maritime Procedure Agents Law (Law No. 32 of 1951), Article 17
- Description: Investment liberalisation and Cross-border trade in services
- Maritime procedure agent services are required to be supplied by a natural person who is qualified as a maritime procedure agent under the laws and regulations of Japan ('Kaijidairishi').
- 33 Sector: Professional Services
- Sub-Sector:
- Industry Classification: JSIC 7222 Land and house surveyors' offices
- Obligations Concerned: Market access (Articles 8.7 and 8.15)

- Level of Government: Central Government
- Measures: Land and House Surveyor Law (Law No. 228 of 1950), Chapters 3, 4, 5, 7 and 10
- Description: Investment liberalisation and Cross-border trade in services
1. A natural person who intends to supply land and house surveyor services is required to be qualified as a land and house surveyor under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi") and to establish an office within the district of the land and house surveyor association to which the natural person belongs.
 2. An enterprise which intends to supply land and house surveyor services is required to establish a land and house surveyor corporation under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi-Hojin").
- 34 Sector: Real Estate
- Sub-Sector:
- Industry Classification: JSIC 6811 Sales agents of buildings and houses
JSIC 6812 Land subdividers and developers
JSIC 6821 Real estate agents and brokers
JSIC 6941 Real estate managers
- Obligations Concerned: Market access (Article 8.15)
- Level of Government: Central Government
- Measures: Building Lots and Buildings Transaction Business Law (Law No. 176 of 1952), Chapter 2
Real Estate Syndication Law (Law No. 77 of 1994), Chapters 2, 5, 6 and 7
Law Concerning Improving Management of Condominiums (Law No. 149 of 2000), Chapter 3
- Description: Cross-border trade in services
1. A person who intends to conduct building lots and buildings transaction business is required to establish an office in Japan and to obtain a licence from the Minister of Land, Infrastructure, Transport and Tourism or from the prefectural governor having jurisdiction over the district where the office is located.
 2. A person who intends to conduct real estate syndication business is required to establish an office in Japan and to obtain permission from or to be registered with the competent Minister or from the prefectural governor having jurisdiction over the district where the office is located or to submit notification to the competent Minister.
 3. A person who intends to conduct condominiums management business is required to establish an office in Japan and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism.
- 35 Sector: Real Estate Appraisal Services
- Sub-Sector:
- Industry Classification: JSIC 7294 Certified real estate appraisers
- Obligations Concerned: Market access (Article 8.15)
- Level of Government: Central Government
- Measures: Law Concerning the Appraisal of Real Estate (Law No. 152 of 1963), Chapter 3
- Description: Cross-border trade in services
- A person who intends to supply real estate appraisal services is required to establish an office in Japan and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism or the prefecture having jurisdiction over the district where the office is located.

- 36 Sector: Seafarers
- Sub-Sector:
- Industry Classification: JSIC 031 Marine fisheries
JSIC 451 Oceangoing transport
JSIC 452 Coastwise transport
- Obligations Concerned: Market access (Article 8.15)
National treatment (Article 8.16)
- Level of Government: Central Government
- Measures: Mariners Law (Law No. 100 of 1947), Chapter 4
Official Notification of the Director General of Seafarers Department, Maritime Technology and Safety Bureau of the Ministry of Transport, No. 115, 1990
Official Notification of the Director General of Seafarers Department, Maritime Technology and Safety Bureau of the Ministry of Transport, No. 327, 1990
Official Notification of the Director General of Maritime Bureau of the Ministry of Land, Infrastructure and Transport, No. 153, 2004
- Description: Cross-border trade in services
Foreign nationals employed by Japanese enterprises except for the seafarers referred to in the relevant official notifications may not work on vessels flying the Japanese flag.
- 37 Sector: Security Guard Services
- Sub-Sector:
- Industry Classification: JSIC 923 Guard services
- Obligations Concerned: National treatment (Article 8.8)
- Level of Government: Central Government
- Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽¹⁾
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
- Description: Investment liberalisation
1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in security guard services in Japan.
 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
- 38 Sector: Services Related to Occupational Safety and Health
- Sub-Sector:
- Industry Classification: JSIC 7299 Professional services, n.e.c.
JSIC 7441 Commodity inspection services
JSIC 7452 Environmental surveying certification
JSIC 8222 Vocational guidance centers
- Obligations Concerned: Market access (Article 8.15)
- Level of Government: Central Government

⁽¹⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Measures:	<p>Industrial Safety and Health Law (Law No. 57 of 1972), Chapters 5 and 8</p> <p>Ministerial Ordinance for Registration and Designation related to Industrial Safety and Health Law, and Orders based on the Law (Ministerial Ordinance of the Ministry of Labour No. 44 of 1972)</p> <p>Working Environment Measurement Law (Law No. 28 of 1975), Chapters 2 and 3</p> <p>Enforcement Regulation of the Working Environment Measurement Law (Ministerial Ordinance of the Ministry of Labour No. 20 of 1975)</p>
Description:	<p><u>Cross-border trade in services</u></p> <p>A person who intends to supply inspection or verification services for working machines, skill training courses, and other related services in connection with occupational safety and health, or working environment measurement services is required to be resident or to establish an office in Japan, and to be registered with the Minister of Health, Labour and Welfare or Director-General of the Prefectural Labour Bureau.</p>
39 Sector:	Surveying Services
Sub-Sector:	
Industry Classification:	JSIC 7422 Surveying services
Obligations Concerned:	Market access (Article 8.15)
Level of Government:	Central Government
Measures:	Survey Law (Law No. 188 of 1949), Chapter 6
Description:	<p><u>Cross-border trade in services</u></p> <p>A person who intends to supply surveying services is required to establish a place of business in Japan and to be registered with the Minister of Land, Infrastructure, Transport and Tourism.</p>
40 Sector:	Business Services
Sub-Sector:	Registration of Aircraft in the National Register
Industry Classification:	
Obligations Concerned:	<p>Market access (Articles 8.7 and 8.15)</p> <p>National treatment (Articles 8.8 and 8.16)</p> <p>Senior management and boards of directors (Article 8.10)</p>
Level of Government:	Central Government
Measures:	Civil Aeronautics Law (Law No. 231 of 1952), Chapter 2
Description:	<p><u>Investment liberalisation and Cross-border trade in services</u></p> <ol style="list-style-type: none"> 1. An aircraft owned by any of the following natural persons or entities may not be registered in the national register: <ol style="list-style-type: none"> (a) a natural person who does not have Japanese nationality; (b) a foreign country, or a foreign public entity or its equivalent; (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which one-third or more of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which one-third or more of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c). 2. A foreign aircraft may not be registered in the national register.

- 41 Sector: Transport
- Sub-Sector: Customs Brokerage
- Industry Classification: JSIC 4899 Services incidental to transport, n.e.c.
- Obligations Concerned: Market access (Article 8.15)
- Level of Government: Central Government
- Measures: Customs Brokerage Law (Law No. 122 of 1967), Chapter 2
- Description: Cross-border trade in services
- A person who intends to conduct customs brokerage business is required to have a place of business in Japan and to obtain permission of the Minister of Finance.
- 42 Sector: Transport
- Sub-Sector: Freight Forwarding Business
(excluding freight forwarding business using air transportation)
- Industry Classification: JSIC 4441 Collect-and-deliver freight transport
JSIC 4821 Deliver freight transport, except collect-and-deliver freight transport
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
National treatment (Articles 8.8 and 8.16)
Most-favoured-nation treatment (Articles 8.9 and 8.17)
Senior management and boards of directors (Article 8.10)
- Level of Government: Central Government
- Measures: Freight Forwarding Business Law (Law No. 82 of 1989), Chapters 2 to 4
Enforcement Regulation of Freight Forwarding Business Law (Ministerial Ordinance of the Ministry of Transport No. 20 of 1990), Chapters 3 to 5
- Description: Investment liberalisation and Cross-border trade in services
1. The following natural persons or entities are required to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism for conducting freight forwarding business using international shipping. That registration shall be made, or that permission or approval shall be granted, on the basis of reciprocity:
 - (a) a natural person who does not have Japanese nationality;
 - (b) a foreign country, or a foreign public entity or its equivalent;
 - (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and
 - (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which one-third or more of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which one-third or more of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).
 2. A person who intends to conduct freight forwarding business is required to establish an office in Japan, and to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism.

- 43 Sector: Transport
- Sub-Sector: Railway Transport
- Industry Classification: JSIC 421 Railway transport
JSIC 4851 Railway facilities services
- Obligations Concerned: National treatment (Article 8.8)
- Level of Government: Central Government
- Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽¹⁾
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
- Description: Investment liberalisation
1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in railway transport industry in Japan.
 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
 4. The manufacture of vehicles or parts and components for the railway transport industry is not included in railway transport industry. Therefore, the prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law do not apply to the investments in the manufacture of these products.
- 44 Sector: Transport
- Sub-Sector: Road Passenger Transport
- Industry Classification: JSIC 4311 Common omnibus operators
- Obligations Concerned: National treatment (Article 8.8)
- Level of Government: Central Government
- Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽²⁾
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
- Description: Investment liberalisation
1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in the omnibus industry in Japan.
 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
 4. The manufacture of vehicles or parts and components for the omnibus industry is not included in the omnibus industry. Therefore, the prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law do not apply to the investments in the manufacture of these products.

⁽¹⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

⁽²⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

- 45 Sector: Transport
- Sub-Sector: Road Transport
- Industry Classification: JSIC 431 Common omnibus operators
- JSIC 432 Common taxicab operators
- JSIC 433 Contracted omnibus operators
- JSIC 4391 Motor passenger transport (particularly-contracted)
- JSIC 441 Common motor trucking
- JSIC 442 Motor trucking (particularly-contracted)
- JSIC 443 Mini-sized vehicle freight transport
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- Level of Government: Central Government
- Measures: Road Transport Law (Law No. 183 of 1951), Chapter 2
- Special Measures Law concerning the proper management and revitalisation of the taxi business in specified and semi-specified regions (Law No. 64 of 2009), Chapters 2 and 7 (hereinafter referred to in this reservation as 'the Law')
- Trucking Business Law (Law No. 83 of 1989), Chapter 2
- Description: Investment liberalisation and Cross-border trade in services
1. A person who intends to conduct road passenger transport business or road freight transport business is required to establish a place of business in Japan, and to obtain permission of, or to submit notification to, the Minister of Land, Infrastructure, Transport and Tourism.
 2. In respect of common taxicab operators business, the Minister of Land, Infrastructure, Transport and Tourism may not grant permission to a person who intends to conduct the businesses, or may not approve a modification of the business plan of those businesses in the 'specified regions' and in the 'semi-specified regions' designated by the Minister of Land, Infrastructure, Transport and Tourism. That permission may be granted, or that modification of the business plan may be approved with respect to 'semi-specified regions' when the standards set out in the Law are met, including those that the capacity of common taxicab operators businesses in that region does not exceed the volumes of the traffic demand. That designation would be made when the capacity of common taxicab transportation businesses in that region exceeds or is likely to exceed the volumes of traffic demand to the extent that it would become difficult to secure the safety of transportation and the benefits of passengers.
 3. In respect of common motor trucking business or motor trucking business (particularly-contracted), the Minister of Land, Infrastructure, Transport and Tourism may not grant permission to a person who intends to conduct the businesses, or may not approve a modification of the business plan of those businesses, in 'the emergency supply/demand adjustment area' designated by the Minister of Land, Infrastructure, Transport and Tourism. That designation would be made when the capacity of common motor trucking businesses or motor trucking businesses (particularly-contracted) in that area has significantly exceeded the volumes of transportation demand to the extent that the operation of those businesses would become difficult.
- 46 Sector: Transport
- Sub-Sector: Services Incidental to Transport
- Industry Classification: JSIC 4852 Fixed facilities for road transport
- Obligations Concerned: Market access (Articles 8.7 and 8.15)

	Level of Government:	Central Government
	Measures:	Road Transport Law (Law No. 183 of 1951), Chapter 4
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> A person who intends to conduct motorway businesses is required to obtain a licence from the Minister of Land, Infrastructure, Transport and Tourism. The issuance of a licence is subject to an economic needs test, such as whether the proposed motorway is appropriate in scale compared with the volume and nature of traffic demand in the proposed area.
47	Sector:	Transport
	Sub-Sector:	Services Incidental to Transport
	Industry Classification:	
	Obligations Concerned:	Market access (Articles 8.7 and 8.15) National treatment (Article 8.16)
	Level of Government:	Central Government
	Measures:	Pilotage Law (Law No. 121 of 1949), Chapters 2 to 4
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> 1. Only a Japanese national may become a pilot in Japan. 2. Pilots directing ships in the same pilotage district are required to establish a pilot association for the pilotage district.
48	Sector:	Transport
	Sub-Sector:	Water Transport
	Industry Classification:	JSIC 451 Oceangoing transport
	Obligations Concerned:	Market access (Article 8.15) National treatment (Article 8.16) Most-favoured-nation treatment (Article 8.17)
	Level of Government:	Central Government
	Measures:	Law Concerning Special Measures against Unfavourable Treatment to Japanese Oceangoing Ship Operators by Foreign Government (Law No. 60 of 1977)
	Description:	<u>Cross-border trade in services</u> Oceangoing ship operators of a Member State of the European Union may be restricted or prohibited from entering Japanese ports or from loading and unloading cargoes in Japan in cases where Japanese oceangoing ship operators are prejudiced by the Member State of the European Union.
49	Sector:	Transport
	Sub-Sector:	Water Transport
	Industry Classification:	JSIC 4542 Coastwise ship leasing
	Obligations Concerned:	National treatment (Article 8.8)
	Level of Government:	Central Government
	Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽¹⁾ Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

⁽¹⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description:	<u>Investment liberalisation</u>
	<ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in water transport industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy ⁽¹⁾. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. 4. For the purposes of this reservation, 'water transport industry' refers to coastwise ship leasing industry.
50 Sector:	Transport
Sub-Sector:	Water Transport
Industry Classification:	
Obligations Concerned:	<p>Market access (Articles 8.7 and 8.15)</p> <p>National treatment (Articles 8.8 and 8.16)</p> <p>Most-favoured-nation treatment (Articles 8.9 and 8.17)</p>
Level of Government:	Central Government
Measures:	Ship Law (Law No. 46 of 1899), Article 3
Description:	<p><u>Investment liberalisation and Cross-border trade in services</u></p> <p>Unless otherwise specified in the laws and regulations of Japan, or international agreements to which Japan is a party, ships not flying the Japanese flag are prohibited from entering the ports in Japan which are not open to foreign commerce.</p>
51 Sector:	Vocational Skills Test
Sub-Sector:	
Industry Classification:	
Obligations Concerned:	Market access (Articles 8.7 and 8.15)
Level of Government:	Central Government
Measures:	Human Resources Development Promotion Law (Law No. 64 of 1969), Chapter 5
Description:	<p><u>Investment liberalisation and Cross-border trade in services</u></p> <p>Some of specific type of non-profit organisation (the employers' organisations, their federations, general incorporated associations, general incorporated foundations, incorporated labour unions or miscellaneous incorporated non-profit organisations) can supply the service. Those organisations which intend to carry out the vocational skills test for workers are required to establish an office in Japan and to be designated by the Minister of Health, Labour and Welfare.</p>
52 Sector:	Water Supply and Waterworks
Sub-Sector:	
Industry Classification:	JSIC 3611 Water for end users, except industrial users
Obligations Concerned:	National treatment (Article 8.8)
Level of Government:	Central Government

⁽¹⁾ For greater certainty, absence of reference in this description to 'national security', which is referred to in No. 11, 13, 15, 37, 43, 44, 52 and 54 in the Schedule of Japan in this Annex, does not mean that Article 1.5 does not apply to the screening or that Japan waives its right to invoke Article 1.5 to justify the screening.

Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 ⁽¹⁾ Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3
Description:	<u>Investment liberalisation</u> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in water supply and waterworks industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
53 Sector:	Wholesale and Retail Trade
Sub-Sector:	Livestock
Industry Classification:	JSIC 5219 Miscellaneous agricultural, livestock and aquatic products
Obligations Concerned:	Market access (Article 8.15)
Level of Government:	Central Government
Measures:	Livestock Dealer Law (Law No. 208 of 1949), Article 3
Description:	<u>Cross-border trade in services</u> A person who intends to conduct livestock trading business is required to be resident in Japan, and to obtain a licence from the prefectural governor having jurisdiction over the place of residence. For greater certainty, 'livestock trading' means the trading or exchange of livestock, or the good offices for that trading or exchange.
54 Sector:	Aerospace Industry
Sub-Sector:	Aircraft Manufacturing and Repairing Industry
Industry Classification ⁽²⁾ :	JSIC 16* Manufacture of chemical and allied products JSIC 18* Manufacture of plastics products, except otherwise classified JSIC 19* Manufacture of rubber products JSIC 21* Manufacture of ceramic, stone and clay products JSIC 23* Manufacture of non-ferrous metals and products JSIC 24* Manufacture of fabricated metal products JSIC 25* Manufacture of general purpose machinery JSIC 27* Manufacture of business oriented machinery JSIC 28* Electronic parts, devices and electronic circuits JSIC 29* Manufacture of electrical machinery, equipment and supplies JSIC 30* Manufacture of information and communication electronics equipment JSIC 31* Manufacture of transportation equipment JSIC 39* Information services JSIC 90* Machine, etc. repair services, except otherwise classified

⁽¹⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

⁽²⁾ An asterisk (*) on the JSIC numbers indicates that the activities covered by this reservation under such numbers are limited to those related to the aerospace industry.

Obligations Concerned:	<p>Market access (Articles 8.7 and 8.15)</p> <p>National treatment (Articles 8.8 and 8.16)</p> <p>Prohibition of performance requirements (Article 8.11)</p>
Level of Government:	Central Government
Measures:	<p>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30 ⁽¹⁾</p> <p>Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5</p> <p>Aircraft Manufacturing Industry Law (Law No.237 of 1952), Articles 2 to 5</p>
Description:	<p><u>Investment liberalisation and Cross-border trade in services</u></p> <ol style="list-style-type: none"> 1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in aircraft industry in Japan. 2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 3. The investors may be required to alter the content of the investment or discontinue the investment process, depending on the screening result. 4. A technology introduction contract between a resident and a non-resident related to the aircraft industry is subject to the prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law. 5. The screening is conducted from the viewpoint of whether the conclusion of the technology introduction contract is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered. 6. The resident may be required to alter the provisions of the technology introduction contract or discontinue the conclusion of that contract, depending on the screening result. 7. The number of licences conferred to manufacturers and service suppliers in those sectors may be limited. 8. An enterprise which intends to produce aircraft and supply repair services is required to establish a factory related to manufacture or repair aircraft under the laws and regulations of Japan.

⁽¹⁾ For greater certainty, for the purposes of this reservation, the definition of 'inward direct investment' provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

ANNEX II

RESERVATIONS FOR FUTURE MEASURES

Schedule of the European Union

Headnotes

1. The Schedule of the European Union sets out, under Article 8.12 and Article 8.18, the reservations taken by the European Union with respect to future measures that do not conform with obligations imposed by:
 - (a) Article 8.7 or 8.15;
 - (b) Article 8.8 or 8.16;
 - (c) Article 8.9 or 8.17;
 - (d) Article 8.10; or
 - (e) Article 8.11.
2. The reservations of a Party are without prejudice to the rights and obligations of the Parties under GATS.
3. Each reservation sets out the following elements:
 - (a) 'sector' refers to the general sector in which the reservation is taken;
 - (b) 'sub-sector' refers to the specific sector in which the reservation is taken;
 - (c) 'industry classification' refers, where applicable, to the activity covered by the reservation according to the CPC, ISIC Rev. 3.1, or as expressly otherwise described in a Party's reservation;
 - (d) 'type of reservation' specifies the obligation referred to in paragraph 1 for which a reservation is taken;
 - (e) 'description' sets out the scope of the sector, sub-sector or activities covered by the reservation; and
 - (f) 'existing measures' identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.
4. In the interpretation of a reservation, all elements of the reservation shall be considered. The 'description' element shall prevail over all other elements.
5. A reservation taken at the level of the European Union applies to a measure of the European Union and of a Member State of the European Union at the central level, as well as a measure of a government within a Member State of the European Union, unless the reservation excludes a Member State of the European Union. A reservation taken by a Member State of the European Union applies to a measure of a government at the central, regional or local level within that Member State. For the purposes of the reservations of Belgium, the central level of government covers the federal government and the governments of the Regions and the Communities as each of them holds equipollent legislative powers. For the purposes of the reservations of the European Union and its Member States, a regional level of government in Finland means the Åland Islands.
6. This schedule applies only to the territories of the European Union in accordance with subparagraph 1(a) of Article 1.3 and is only relevant in the context of trade relations between the European Union and its Member States with Japan. It does not affect the rights and obligations of the Member States under European Union law.
7. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures where they do not constitute a market access or a national treatment limitation within the meaning of Articles 8.7, 8.8, 8.15 and 8.16. Those measures (e.g. the need to obtain a licence, universal service obligations, the need to have recognised qualifications in regulated sectors, the need to pass specific examinations, including language examinations and any non-discriminatory requirements that certain activities may not be carried out in protected zones or areas), even if not listed, apply in any case.

8. For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to natural or juridical persons of Japan the treatment granted in a Member State, pursuant to the TFEU, or to any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:

- (i) natural persons or residents of a Member State of the European Union; or
- (ii) juridical persons constituted or organised under the law of another Member State or of the European Union and having their registered office, central administration or principal place of business in a Member State of the European Union.

Such national treatment is granted to juridical persons which are constituted or organised under the law of a Member State or the European Union and have their registered office, central administration or principal place of business in a Member State, including those which are owned or controlled by natural or juridical persons of Japan.

9. For the purposes of this Schedule, 'ISIC Rev. 3.1' means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 4, ISIC Rev. 3.1, 2002.

10. For greater certainty, non-discriminatory measures do not constitute a market access limitation within the meaning of Articles 8.7 and 8.15 for:

- (a) a measure requiring the separation of the ownership of infrastructure from the ownership of the goods or services provided through that infrastructure to ensure fair competition, for example in the fields of energy, transportation and telecommunications;
- (b) a measure restricting the concentration of ownership to ensure fair competition;
- (c) a measure seeking to ensure the conservation and protection of natural resources and the environment, including a limitation on the availability, number and scope of concessions granted, and the imposition of a moratorium or ban;
- (d) a measure limiting the number of authorisations granted because of technical or physical constraints, for example telecommunications spectra and frequencies; or
- (e) a measure requiring that a certain percentage of the shareholders, owners, partners, or directors of an enterprise be qualified or practice a certain profession such as lawyers or accountants.

11. Measures affecting cabotage in maritime transport services are not listed in this Schedule as they are excluded from the scope of Section B of Chapter 8, pursuant to subparagraph 2(a) of Article 8.6 and Section C of Chapter 8, pursuant to subparagraph 2(a) of Article 8.14.

12. The following abbreviations are used in the list of reservations below:

EU European Union, including all its Member States

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK Denmark

EE Estonia

EL Greece

ES Spain

FI Finland

FR France

HR Croatia

HU Hungary
IE Ireland
IT Italy
LT Lithuania
LU Luxembourg
LV Latvia
MT Malta
NL Netherlands
PL Poland
PT Portugal
RO Romania
SE Sweden
SI Slovenia
SK Slovak Republic
UK United Kingdom

List of reservations:

Reservation No. 1 – All sectors

Reservation No. 2 – Professional services – legal services

Reservation No. 3 – Professional services – health related and retail of pharmaceuticals

Reservation No. 4 – Business services – research and development services

Reservation No. 5 – Business services – real estate services

Reservation No. 6 – Business services – rental or leasing services

Reservation No. 7 – Business services – collection agency services and credit reporting services

Reservation No. 8 – Business services – placement services

Reservation No. 9 – Business services – security and investigation services

Reservation No. 10 – Business services – other business services

Reservation No. 11 – Telecommunication

Reservation No. 12 – Construction

Reservation No. 13 – Distribution services

Reservation No. 14 – Education services

Reservation No. 15 – Environmental services

Reservation No. 16 – Financial services

Reservation No. 17 – Health and social services

Reservation No. 18 – Tourism and travel related services

Reservation No. 19 – Recreational, cultural and sporting services

Reservation No. 20 – Transport services and auxiliary transport services

Reservation No. 21 – Agriculture, fishing and water

Reservation No. 22 – Energy related activities

Reservation No. 23 – Other services not included elsewhere

Reservation No. 1 – All sectors

Sector: All sectors

Type of reservation: Market access

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

Prohibition of performance requirements

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:**(a) Commercial presence**With respect to Investment liberalisation – Market access:

The **EU**: Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.

Public utilities exist in sectors such as related scientific and technical consulting services, research and development (R&D) services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on such services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical. This reservation does not apply to telecommunications and to computer and related services.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **FI**: Restrictions on the right for natural persons, who do not enjoy regional citizenship in Åland, and for legal persons, to acquire and hold real property on the Åland Islands without obtaining permission from the competent authorities of the Åland Islands. Restrictions on the right of establishment and right to carry out economic activities by natural persons, who do not enjoy regional citizenship in Åland, or by any enterprise, without obtaining permission from the competent authorities of the Åland Islands.

Existing measures:

FI: Ahvenanmaan maanhankintalaki (Act on land acquisition in Åland) (3/1975), s. 2; and

Ahvenanmaan itsehallintolaki (Act on the Autonomy of Åland) (1144/1991), s. 11.

With respect to Investment liberalisation – Market access, National treatment, Prohibition of performance requirements, Senior management and boards of directors:

In **FR**: Types of establishment - pursuant to articles L151-1 and R153-1 of the financial and monetary code, foreign investments in France in sectors listed in article R153-2 of the financial and monetary code are subject to prior approval from the Minister for the Economy.

Existing measures:

FR: Financial and monetary code, articles L151-1, R153-1.

With respect to Investment liberalisation – National treatment, Senior management and boards of directors:

In **FR**: Types of establishment - limiting foreign participation in newly privatised companies to a variable amount, determined by the government of France on a case by case basis, of the equity offered to the public. For establishing in certain commercial, industrial or artisanal activities, a specific authorisation is needed if the managing director is not a holder of a permanent residence permit.

With respect to Investment liberalisation – Market access:

In **HU**: Commercial presence should take a form of limited liability company, joint-stock company or representative office. Initial entry as a branch is not permitted except for financial services.

With respect to Investment liberalisation – Market access, National treatment:

In **BG**: Certain economic activities related to the exploitation or use of State or public property are subject to concessions granted under the provisions of the Concessions Act.

In commercial corporations in which the State or a municipality holds a share in the capital exceeding 50 per cent, any transactions for disposition of fixed assets of the corporation, to conclude any contracts for acquisition of participating interest, lease, joint activity, credit, securing of receivables, as well as incurring any obligations arising under bills of exchange, are subject to authorisation or permission by the Privatisation Agency or other state or regional bodies, whichever is the competent authority. This reservation does not apply to mining and quarrying, which are subject to a separate reservation in Schedule of the European Union in Annex I to Annex 8-B.

In **IT**: The Government may exercise certain special powers in enterprises operating in the areas of defence and national security, and in certain activities of strategic importance in the areas of energy, transport and communications. This relates to all juridical persons carrying out activities considered of strategic importance in the areas of defence and national security, not only to privatised companies.

If there is a threat of serious injury to the essential interests of defence and national security, the Government has following special powers to:

- (i) impose specific conditions in the purchase of shares;
- (ii) veto the adoption of resolutions relating to special operations such as transfers, mergers, splitting up and changes of activity; or
- (iii) reject the acquisition of shares, where the buyer seeks to hold a level of participation in the capital that is likely to prejudice the interests of defence and national security.

Any resolution, act or transaction (such as transfers, mergers, splitting up, change of activity or termination) relating to strategic assets in the areas of energy, transport and communications shall be notified by the concerned company to the Prime Minister's office. In particular, acquisitions by any natural or juridical person outside the European Union that give this person control over the company shall be notified.

The Prime Minister may exercise the following special powers to:

- (i) veto any resolution, act and transaction that constitutes an exceptional threat of serious injury to the public interest in the security and operation of networks and supplies;
- (ii) impose specific conditions in order to guarantee the public interest; or
- (iii) reject an acquisition in exceptional cases of risk to the essential interests of the State.

The criteria on which to evaluate the real or exceptional threat and conditions and procedures for the exercise of the special powers are laid down in the law.

Existing measures:

IT: Law 56/2012 on special powers in companies operating in the field of defence and national security, energy, transport and communications; and

Decree of the Prime Minister DPCM 253 of 30.11.2012 defining the activities of strategic importance in the field of defence and national security.

With respect to Investment liberalisation – Market access, National treatment, Most-favoured-nation treatment, Prohibition of performance requirements, Senior management and boards of directors:

In **LT**: Enterprises of strategic importance to national security which must belong to the State by the right of ownership (proportion of capital which may be held by private national or foreign persons conforming to national security interests, with respect to investment into enterprise, sectors and facilities of strategic importance to national security, and procedure and criteria for determination of conformity of potential national investors and potential enterprise participants etc.).

Existing measures:

LT: Law on Enterprises and Facilities of Strategic Importance for National Security and Other Enterprises of Importance to Ensuring National Security of the Republic of Lithuania of 10 October 2002 No. IX-1132 (As last amended on 30 June 2016 by Law No XII-1272).

With respect to Investment liberalisation – National treatment and Senior management and boards of directors:

In **SE**: Discriminatory requirements for founders, senior management and boards of directors when new forms of legal association are incorporated into Swedish law.

(b) **Acquisition of real estate**

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors:

In **HU**: The acquisition of state-owned properties.

With respect to Investment liberalisation – Market access, National treatment:

In **HU**: The acquisition of arable land by foreign legal persons and non-resident natural persons, including with regard to the authorisation process for the acquisition of arable land.

Existing measures:

HU: Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter II (Paragraph 6-36) and Chapter IV (Paragraph 38-59)); and

Act CCXII of 2013 on the transitional measures and certain provisions related to Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter IV (Paragraph 8-20)).

In **LV**: The acquisition of rural land by nationals of Japan or of a third country, including with regard to the authorisation process for the acquisition of rural land.

Existing measures:

LV: Law on land privatisation in rural areas, ss. 28, 29, 30.

In **SK**: Foreign companies or natural persons may not acquire agricultural and forest land outside the border of the built-up area of a municipality and some other land (e.g. natural resources, lakes, rivers, public roads etc.). For transparency purposes, the regulation of land use provided for in Act No 44/1988 on protection and exploitation of natural resources at the time of the signature of this Agreement is not a non-conforming measure.

Existing measures:

SK: Act No 229/1991 on regulation of the ownership of land and other agricultural property;

Act No 460/1992 Constitution of the Slovak Republic;

Act No 180/1995 on some measures for land ownership arrangements;

Act No 202/1995 on Foreign Exchange;

Act No 503/2003 on restitution of ownership to land;

Act No 326/2005 on Forests; and

Act No 140/2014 on the acquisition of ownership of agricultural land.

With respect to Investment liberalisation – National treatment and Cross-border trade in services – Market access:

In **BG**: Foreign natural and foreign juridical persons (including through a branch) cannot acquire ownership of land in Bulgaria. Juridical persons of Bulgaria with foreign participation cannot acquire ownership of agricultural land. Foreign juridical persons and foreign citizens with permanent residence abroad can acquire ownership of buildings and real estate property rights (right to use, right to build, right to raise a superstructure and servitudes). Foreign citizens with permanent residence abroad, foreign juridical persons and companies in which foreign participation ensures a majority in adopting decisions or blocks the adoption of decisions, can acquire real estate property rights in specific geographic regions designated by the Council of Ministers subject to permission.

Existing measures:

BG: Constitution of the Republic of Bulgaria, article 22;

Law on Ownership and Use of Agricultural Land, article 3; and

Law on Forests, article 10.

In **EE:** Non-European Economic Area (EEA), non-Organisation for Economic Co-operation and Development natural or legal persons can acquire an immovable which contains agricultural and/or forest land only with the authorisation of the county governor and the authorisation of the municipal council, and they must be able to prove in a way prescribed by law that the immovable to be acquired will, according to its intended purpose, be used efficiently, sustainably and purposefully.

Existing measures:

EE: Kinnisasja omandamise kitsendamise seadus (Restrictions on Acquisition of Immovables Act) Chapters 2 and 3.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services - Market access, National treatment:

In **LT:** Any measure which is consistent with the commitments taken by the European Union and which are applicable in Lithuania in GATS with respect to land acquisition. The land plot acquisition procedure, terms and conditions, as well as restrictions shall be established by the Constitutional Law, the Law on Land and the Law on the Acquisition of Agricultural Land. However, local governments (municipalities) and other national entities of Members of the Organisation for Economic Co-operation and Development and North Atlantic Treaty Organization conducting economic activities in Lithuania, which are specified by the constitutional law in compliance with the criteria of European Union and other integration which Lithuania has embarked on, are permitted to acquire into their ownership non-agricultural land plots required for the construction and operation of buildings and facilities necessary for their direct activities.

Existing measures:

LT: Constitution of the Republic of Lithuania;

The Constitutional Law of the Republic of Lithuania on the Implementation of Paragraph 3 of Article 47 of the Constitution of the Republic of Lithuania of 20 June 1996, No. I-1392 as last amended 20 March 2003, No. IX-1381;

Law on land, of 27 January 2004, No. IX-1983; and

Law on acquisition of agricultural land of 24 April 2014, No. XII-854.

(c) Recognition

With respect to Investment liberalisation –National treatment and Cross-border trade in services – National treatment:

In **EU:** The European Union directives on mutual recognition of diplomas and other professional qualification only apply to the citizens of the European Union. The right to practise a regulated professional service in one Member State of the European Union does not grant the right to practise in another Member State.

(d) Most-Favoured-Nation Treatment

With respect to Investment liberalisation – Most-favoured-nation treatment and Cross-border trade in services – Most-favoured-nation treatment:

The **EU:** According differential treatment pursuant to any international investment treaties or other trade agreement in force or signed prior to the date of entry into force of this Agreement.

The **EU:** According differential treatment to a country pursuant to any existing or future bilateral or multilateral agreement which:

- (i) creates an internal market in services and investment;
- (ii) grants the right of establishment; or
- (iii) requires the approximation of legislation in one or more economic sectors.

An internal market on services and establishment means an area without internal frontiers in which the free movement of services, capital and persons is ensured.

The right of establishment means an obligation to abolish in substance all barriers to establishment among the parties to the regional economic integration agreement by the entry into force of that agreement. The right of establishment shall include the right of nationals of the parties to the regional economic integration agreement to set up and operate enterprises under the same conditions provided for nationals under the law of the country where such establishment takes place.

The approximation of legislation means:

- (i) the alignment of the legislation of one or more of the parties to the regional economic integration agreement with the legislation of the other Party or parties to that agreement; or
- (ii) the incorporation of common legislation into the law of the parties to the regional economic integration agreement.

Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at such time that it has been enacted in the law of the Party or parties to the regional economic integration agreement.

Existing measures:

EU: European Economic Area;

Stabilisation Agreements;

EU-Swiss Confederation bilateral agreements; and

Deep and Comprehensive Free Trade Agreements.

The **EU:** According differential treatment relating to the right of establishment to nationals or enterprises through existing or future bilateral agreements between the following Member States of the European Union: BE, DE, DK, EL, ES, FR, IE, IT, LU, NL, PT, UK, and any of the following countries or principalities: Andorra, Monaco, San Marino and the Vatican City State.

In **DK, FI, SE:** Measures taken by Denmark, Sweden and Finland aimed at promoting Nordic cooperation, such as:

- (i) financial support to research and development projects (the Nordic Industrial Fund);
- (ii) funding of feasibility studies for international projects (the Nordic Fund for Project Exports); and
- (iii) financial assistance to companies ⁽¹⁾ utilizing environmental technology (the Nordic Environment Finance Corporation).

This reservation is without prejudice to the exclusion of procurement by a Party or subsidies in paragraphs 5 and 6 of Article 8.12, and subparagraphs 2(c) and (e) of Article 8.14.

In **PL:** Preferential conditions for establishment or the cross-border supply of services, which may include the elimination or amendment of certain restrictions embodied in the list of reservations applicable in Poland, may be extended through commerce and navigation treaties.

In **PT:** Waiving nationality requirements for the exercise of certain activities and professions by natural persons supplying services for countries in which Portuguese is the official language (Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique and São Tomé & Príncipe).

(e) **Arms, ammunitions and war material**

With respect to Investment liberalisation – Market access, National treatment, Most-favoured-nation treatment, Senior management and boards of directors, Prohibition of performance requirements and Cross-border trade in services – Market access, National treatment, Most-favoured-nation treatment:

In **EU:** Production or distribution of, or trade in, arms, munitions and war material. War material is limited to any product which is solely intended and made for military use in connection with the conduct of war or defence activities.

⁽¹⁾ This applies to East European companies, which are cooperating with one or more Nordic companies.

Reservation No. 2 – Professional services – legal services

Sector: Professional services - legal services: services of notaries and by bailiffs; accounting and book-keeping services; auditing services, taxation advisory services; architecture and urban planning services, engineering services, and integrated engineering services

Industry classification: Part of CPC 861, part of 87902, 862, 863, 8671, 8672, 8673, 8674, part of 879

Type of reservation: Market access

National treatment

Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Legal services

The **EU**, with the exception of **SE**: Reserves the right to adopt or maintain any measure with respect to the supply of legal advisory and legal authorisation, documentation, and certification services provided by legal professionals entrusted with public functions, such as notaries, '*huissiers de justice*' or other '*officiers publics et ministériels*', and with respect to services provided by bailiffs who are appointed by an official act of government (part of CPC 861, part of 87902).

With respect to Investment liberalisation – Most-favoured-nation treatment and Cross-border trade in services – Most-favoured-nation treatment:

In **BG**: Full national treatment on the establishment and operation of companies, as well as on the supply of services, may be extended only to companies established in, and citizens of, the countries with whom preferential arrangements have been or will be concluded (part of CPC 861).

In **LT**: Attorneys from foreign countries can participate as advocates in court only in accordance with bilateral agreements on legal assistance (part of CPC 861).

(b) Accounting and bookkeeping services (CPC 8621 other than auditing services, 86213, 86219, 86220)

With respect to Cross-border trade in services – Market access:

In **HU**: Cross-border activities for accounting and bookkeeping.

Existing measures:

HU: Act C of 2000; and

Act LXXV of 2007.

(c) Auditing services (CPC – 86211, 86212 other than accounting and bookkeeping services)

With respect to Cross-border trade in services - National treatment:

In **BG**: An independent financial audit shall be implemented by registered auditors who are members of the Institute of the Certified Public Accountants. Subject to reciprocity, the Institute of the Certified Public Accountants shall register an audit entity of Japan or of a third country upon the latter furnishing proof that:

- (i) three-fourths of the members of the management bodies and the registered auditors carrying out audit on behalf of the entity meet requirements equivalent to those for Bulgarian auditors and have passed successfully the examinations for it;

- (ii) the audit entity carries out independent financial audit in accordance with the requirements for independence and objectivity; and
- (iii) the audit entity publishes on its website an annual transparency report or performs other equivalent requirements for disclosure in case it audits public-interest entities.

Existing measures:

BG: Independent Financial Audit Act.

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors:

In **CZ**: Only an enterprise in which at least 60 per cent of capital interests or voting rights are reserved to nationals of the Czech Republic or of the Member States of the European Union may be authorised to carry out audits in the Czech Republic.

Existing measures:

CZ: Law of 26 March 2009 no. 93/2009 Coll., on Auditors.

With respect to Cross-border trade in services – Market access, National treatment:

In **UK**: Cross-border supply of auditing services.

Existing measures:

UK: Companies Act 2006.

With respect to Cross-border trade in services – Market access:

In **HU**: Cross-border supply of auditing services.

Existing measures:

HU: Act C of 2000; and

Act LXXV of 2007.

In **PT**: Cross-border supply of auditing services.

(d) Architecture and urban planning services (CPC 8674)

With respect to Cross-border trade in services – Market access, National treatment:

In **HR**: The cross-border supply of urban planning.

Reservation No. 3 - Professional services – health related and retail of pharmaceuticals

Sector:	Health related professional services and retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists
Industry classification:	CPC 63211, 85201, 9312, 9319, 93121
Type of reservation:	Market access National treatment Prohibition of performance requirements Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

(a) Medical and dental services; services provided by midwives, nurses, physiotherapists, psychologists and paramedical personnel (CPC 63211, 85201, 9312, 9319, CPC 932)

In **FI**: The supply of all health-related professional services, whether publicly or privately funded, including medical and dental services, services provided by midwives, physiotherapists and paramedical personnel and services provided by psychologists, excluding services provided by nurses (CPC 9312, 93191).

Existing measures:

FI: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990).

In **BG:** The supply of all health-related professional services, including medical and dental services, services provided by nurses, midwives, physiotherapists and paramedical personnel and services provided by psychologists (CPC 9312, part of 9319).

Existing measures:

BG: Law for Medical Establishment, Professional Organisation of Medical Nurses, Midwives and Associated Medical Specialists Guild Act.

With respect to Investment liberalisation – Market access:

In **UK:** Establishment for doctors under the National Health Service is subject to medical manpower planning (CPC 93121, 93122).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access and National treatment:

In **CZ, MT:** The supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, psychologists, as well as other related services (CPC 9312, part of 9319).

Existing measures:

CZ: Act No 296/2008 Coll., on Safeguarding the Quality and Safety of Human Tissues and Cells Intended for Use in Man ('Act on Human Tissues and Cells');

Act No 378/2007 Coll., on Pharmaceuticals and on Amendments to Some Related Acts (Act on Pharmaceuticals);

Act. 123/2000 Coll., on Medical Devices; and

Act. 285/2002 Coll., on the Donating, Taking and Transplanting of Tissues and Organs and on Amendment to Certain Acts (Transplantation Act).

With respect to Cross-border trade in services – Market access, National treatment:

The **EU**, with the exception of **NL** and **SE:** The supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, requires residency. These services may only be provided by natural persons physically present in the territory of the European Union (CPC 9312, part of 9319).

In **BE, UK:** The cross-border supply of medical, dental and midwives services and services provided by nurses, physiotherapists, psychologists and paramedical personnel (part of CPC 85201, 9312, part of 93191, in addition part of 85201 in BE).

In **UK:** For service suppliers not physically present in the territory of the UK (part of CPC 85201, 9312, part of 93191).

(b) Veterinary services (CPC 932)

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **BG:** A veterinary medical establishment may be established by a natural or a legal person.

The practice of veterinary medicine is subject to a condition of nationality of a Member State of the European Union or the EEA, otherwise a permanent residence permit is required for foreign nationals (physical presence is required).

With respect to Cross-border trade in services – Market access, National treatment:

In **BE, LV**: Cross-border supply of veterinary services.

(c) **Retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists (CPC 63211)**

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

The **EU**, with the exception of **EL, IE, LU, LT, NL**, and **UK**: For restricting the number of suppliers entitled to provide a particular service in a specific local zone or area on a non-discriminatory basis in order to prevent oversupply in areas of limited demand. An economic needs test may therefore be applied, taking into account such factors as the number of and impact on existing establishments, transport infrastructure, population density or geographic spread.

The **EU**, with the exception of **BE, BG, CZ, EE**, and **IE**: Mail order is only possible from Member States of the EEA, thus establishment in any of those countries is required for the retail of pharmaceuticals and specific medical goods to the general public in the European Union.

In **BE**: Mail order is only authorised for pharmacies open to the public, thus establishment in Belgium is required for the retail of pharmaceuticals and specific goods to the general public.

In **BG, EE** and **ES**: The mail order of pharmaceuticals is prohibited.

In **CZ**: Mail order is only possible from Member States of the European Union.

In **IE** and **LT**: The mail order of pharmaceuticals requiring a prescription is prohibited.

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors, Prohibition of performance requirements and Cross-border trade in services – Market access, National treatment:

In **FI**: Retail sales of pharmaceutical products.

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

In **SE**: Retail sales of pharmaceutical goods and the supply of pharmaceutical goods to the general public.

With respect to Cross-border trade in services – Market access, National treatment:

In **UK**: The cross-border retail sales of pharmaceuticals and of medical and orthopaedic goods, and other services supplied by pharmacists.

Existing measures:

AT: Arzneimittelgesetz (Medication Act), BGBl. Nr. 185/1983 as amended, §§ 57, 59, 59a; and

Medizinproduktegesetz (Medical Products Law), BGBl. Nr. 657/1996 as amended, § 99.

BE: Arrêté royal du 21 janvier 2009 portant instructions pour les pharmaciens; and Arrêté royal du 10 novembre 1967 relatif à l'exercice des professions des soins de santé.

FI: Lääkelaki (Medicine Act) (395/1987).

SE: Law on trade with pharmaceuticals (2009:336);

Regulation on trade with pharmaceuticals (2009:659); and

The Swedish Medical Products Agency has adopted further regulations, the details can be found at (LVFS 2009:9).

Reservation No. 4 – Business services – research and development services

Sector: Business services - research and development services
Industry classification: CPC 851, 852, 853
Type of reservation: Market access
National treatment
Section: Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

In **RO**: With regard to the cross-border supply of research and development services.

Existing measures:

RO: Governmental Ordinance no. 6 / 2011;
Order of Minister of Education and Research no. 3548 / 2006; and
Governmental Decision no. 134 / 2011.

Reservation No. 5 – Business services – real estate services

Sector: Business services – Real estate services
Industry classification: CPC 821, 822
Type of reservation: Market access
National treatment
Section: Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

In **CZ** and **HU**: Cross-border supply of real estate services.

Reservation No. 6 – Business services – rental or leasing services

Sector: Business services - rental or leasing services without operators
Industry classification: CPC 832
Type of reservation: Market access
National treatment
Section: Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

In **BE** and **FR**: Cross-border supply of leasing or rental services without operator concerning personal and household goods.

Reservation No. 7 – Business services – collection agency services and credit reporting services

Sector: Business services - collection agency services, credit reporting services
Industry classification: CPC 87901, 87902
Type of reservation: Market access
National treatment
Section: Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

The **EU**, with the exception of **ES**, **LV** and **SE**, with regard to the supply of collection agency services and credit reporting services.

Reservation No. 8 – Business services – placement services

Sector: Business Services – placement services
 Industry classification: CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209
 Type of reservation: Market access
 National treatment
 Senior management and boards of directors
 Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

With the exception of **HU** and **SE**: The supply of placement services of domestic help personnel, other commercial or industrial workers, nursing and other personnel (CPC 87204, 87205, 87206, 87209).

With the exception of **BE**, **HU** and **SE**: To require establishment and to prohibit the cross-border supply of placement services of office support personnel and other workers.

In **AT**, **BG**, **CY**, **CZ**, **EE**, **FI**, **MT**, **PL**, **PT**, **RO**, **SI** and **SK**: The establishment of placement services of office support personnel and other workers.

In **LT** and **LV**: The supply of placement services of office support personnel.

In **DE** and **IT**: To restrict the number of suppliers of placement services.

In **FR**: These services can be subject to a state monopoly.

In **DE**: The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-European Union and non-EEA personnel for specified professions (CPC 87202).

In **AT**, **BG**, **CY**, **CZ**, **DE**, **EE**, **FI**, **MT**, **LT**, **LV**, **PL**, **PT**, **RO**, **SI** and **SK**: The supply of supply services of office support personnel.

In **FR**, **IE**, **IT** and **NL**: To require establishment and to prohibit the cross-border supply of supply services of office personnel.

In **IT**: To restrict the number of suppliers of supply services of office personnel (87203).

In **BG**, **CY**, **CZ**, **DE**, **EE**, **FI**, **MT**, **LT**, **LV**, **PL**, **PT**, **RO**, **SI** and **SK**: The supply of executive search services.

In **IE**: To require establishment and to prohibit the cross-border supply of the supply of executive search services (87201).

With respect to Investment liberalisation –Market access:

In **ES**: To restrict the number of suppliers of executive search services, and to restrict the number of suppliers of placement services (CPC 87201, 87202).

Existing measures:

AT: §§97 and 135 of the Austrian Trade Act (Gewerbeordnung), Federal Law Gazette Nr. 194/1994 as amended; and Temporary Employment Act (Arbeitskräfteüberlassungsgesetz/AÜG), Federal Law Gazette Nr. 196/1988 as amended.

BG: Law for Promotion of the Employability, articles 26, 27, 27a and 28.

CY: Private Employment Agency Law 150(I)/2013 issued on the 6/12/2013; and Private Employment Agency Law N. 126(I)/2012.

CZ: Act on Employment (435/2004).

DE: Sec. 38 Employment Regulation (Beschäftigungsverordnung); and

Sec. 292 Social Code No. III Employment Promotion (Drittes Buch Sozialgesetzbuch, SGB III).

DK: §§ 8a – 8f in law decree no. 73 of 17th of January 2014 and specified in decree no. 228 of 7th of March 2013 (employment of seafarers); and

Employment Permits Act 2006. S1(2) and (3).

EL: Law 4052/2012 (Official Government Gazette 41 A) as amended to some of its provision by the law N.4093/2012 (Official Government Gazette 222 A).

ES: Real Decreto-ley 8/2014, de 4 de julio, de aprobación de medidas urgentes para el crecimiento, la competitividad y la eficiencia, artículo 117 (tramitado como Ley 18/2014, de 15 de octubre).

FI: Laki julkisesta työvoima-ja yrityspalvelusta (Act on Public Employment and Enterprise Service) (916/2012).

HR: Act on Employment Mediation and Unemployment Rights (OG 80/08, 121/10, 118/12 and 153/13);

Ordinance on performance of activities related to employment (OG 8/14);

Labour Act (OG 93/14) articles 44 to 47; and

Aliens Act (OG 130/11 and 74/12) for employment of aliens in Croatia.

IE: Employment Permits Act 2006. S1(2) and (3).

IT: Legislative Decree 276/2003 articles 4, 5.

LT: Lithuanian Labour Code, Law of the Republic of Lithuania on Temporal Employment Agencies of 19 of May 2011 No. XI-1379 Last amendment 11 of April 2013 No XII-230

LU: Loi du 18 janvier 2012 portant création de l'Agence pour le développement de l'emploi (Law of 18 January 2012 concerning the creation of an agency for employment development – ADEM).

MT: Employment and Training Services Act, (Cap 343) (Articles 23 to 25); and

Employment Agencies Regulations (S.L. 343.24).

PL: Article 18 of the Act of 20 April 2004 on the promotion of employment and labour market institutions (Dz. U. of 2015, Item. 149, as amended).

PT: Decree-Law No 260/2009 of 25 September, as amended by Law No. 5/2014 of 12 February (access and provision of services by placement agencies).

RO: Law no. 156/2000 on the protection of Romanian citizens working abroad, republished, and Government Decision no. 384/2001 for approving the methodological norms for applying the Law no. 156/2000, with subsequent amendments;

Ordinance of the Government no. 277/2002, as modified by Government Ordinance No. 790/2004 and Government Ordinance No. 1122/2010; and

Law no.53/2003 - Labour Code, republished, with subsequent amendments and supplement and the Government Decision no 1256/2011 on the operating conditions and authorization procedure for temporary work agency.

SI: Labour market regulation act (Official Gazette of RS, No. 80/2010, 21/2013, 63/2013); and

Employment, Self-employment and Work of Aliens Act – ZZSDT (Official Gazette of RS, No. 47/2015).

SK: Act No 5/2004 on Employment Services; and

Act No 455/1991 on Trade Licensing.

Reservation No. 9 – Business services – security and investigation services

Sector: Business services – security and investigation services
 Industry classification: CPC 87301, 87302, 87303, 87304, 87305, 87309
 Type of reservation: Market access
 National treatment
 Prohibition of performance requirements
 Senior management and boards of directors
 Section: Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Security services (CPC 87302, 87303, 87304, 87305, 87309)

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors, Prohibition of performance requirements and Cross-border trade in services – Market access, National treatment:

In **BG, CY, CZ, EE, LT, LV, MT, PL, RO, SI** and **SK**: The supply of security services.

In **DK, HR** and **HU**: The supply of the following subsectors: guard services (87305) in HR and HU, security consultation services (87302) in HR, airport guard services (part of 87305) in DK and armoured car services (87304) in HU.

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

In **BE**: The European Union nationality is required for boards of directors of companies providing guard and security services (87305) as well as consultancy and training relating to security services (87302). The senior management of companies providing guard and security consultancy services are also required to be resident nationals of a Member State of the European Union.

In **FI**: Licences to provide security services may be granted only to natural persons resident in the EEA or juridical persons established in the EEA.

With respect to Cross-border trade in services – Market access, National treatment:

In **BE, ES, FI, FR** and **PT**: The supply of security services by a foreign provider on a cross-border basis is not allowed. Nationality requirements exist for specialised personnel in PT, for private security personnel in ES and for managing directors and directors in FR.

Existing measures:

BG: Private Security Business Act.

CZ: Trade Licensing Act.

DK: Regulation on aviation security.

FI: Laki yksityisistä turvallisuuspalveluista 282/2002 (Private Security Services Act).

LT: Law on security of Persons and Assets 8 July 2004 No. IX-2327.

LV: Security Guard Activities Law (Sections 6, 7, 14).

PL: Act of 22 August 1997 on the protection of persons and property (Journal of Laws of 2016, item 1432 as amended).

PT: Law 34/2013; and

Ordinance 273/2013.

SI: Zakon o zasebnem varovanju (Law on private security).

(b) Investigation services (CPC 87301)

The **EU**, with the exception of **AT** and **SE**: The supply of investigation services.

With respect to Investment liberalisation - Market access and Cross-border trade in services – Market access:

In **LT** and **PT**: Investigation services are a monopoly reserved to the State.

Reservation No. 10 – Business services – other business services

Sector: Business services – other business services (translation and interpretation services, duplicating services, services incidental to energy distribution and services incidental to manufacturing)

Industry classification: CPC 87905, 87904, 884, 887

Type of reservation: Market access

National treatment

Most-favoured-nation treatment

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

(a) Translation and interpretation services (CPC 87905)

With respect to Cross-border trade in services – Market access, National treatment:

In **HR**: Cross-border supply of translation and interpretation of official documents.

(b) Duplicating services (CPC 87904)

With respect to Cross-border trade in services – Market access:

In **HU**: Requiring establishment for the supply of duplicating services.

(c) Services incidental to energy distribution and services incidental to manufacturing (part of CPC 884, 887 other than advisory and consulting services)

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

In **HU**: Services incidental to energy distribution, and to the cross-border supply of services incidental to manufacturing, with the exception of advisory and consulting services relating to these sectors.

(d) Maintenance and repair of vessels, rail transport equipment and aircraft and parts thereof (part of CPC 86764, CPC 86769, CPC 8868)

With respect to Cross-border trade in services – Market access, National treatment:

In **EU**, with the exception of **DE**, **EE** and **HU**: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of transport equipment from outside its territory.

In **EU**, with the exception of **CZ**, **EE**, **HU**, **LU** and **SK**: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of internal waterways transport vessels from outside its territory.

In **EU**, with the exception of **EE**, **HU** and **LV**: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of maritime vessels from outside its territory.

In **EU**, with the exception of **AT**, **EE**, **HU**, **LV**, and **PL**: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of aircraft and parts thereof from outside its territory (part of CPC 86764, CPC 86769, CPC 8868).

In **EU**: Only recognised organisations authorised in the European Union may carry out statutory surveys and certification of ships on behalf of Member States of the European Union. Establishment may be required.

Existing measures:

EU: Regulation (EC) 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations.

(e) **Other business services related to aviation**

With respect to Investment liberalisation - Most-favoured-nation treatment and Cross-border trade in services – Most-favoured-nation treatment:

The **EU**: According differential treatment to a third country pursuant to existing or future bilateral agreements relating to the following services:

- (i) the selling and marketing of air transport services;
- (ii) computer reservation system (CRS) services;
- (iii) maintenance and repair of aircrafts and parts; or
- (iv) rental or leasing of aircraft without crew.

Reservation No. 11 – Telecommunication

Sector: Telecommunication services
 Type of reservation: Market access
 National treatment
 Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to broadcast transmission services. Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

Reservation No. 12 – Construction

Sector: Construction services
 Industry classification: CPC 51
 Type of reservation: Market access
 National treatment
 Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

In **LT**: The right to prepare design documentation for construction works of exceptional significance is only given to a design enterprise registered in Lithuania or a foreign design enterprise which has been approved by an institution authorised by the Government for those activities. The right to perform technical activities in the main areas of construction may be granted to a non-Lithuanian person who has been approved by an institution authorised by the Government of Lithuania.

Reservation No. 13 – Distribution services

Sector: Distribution services
 Industry classification: CPC 62117, 62251, 8929, part of 62112, 62226, 63107
 Type of reservation: Market access
 National treatment
 Senior management and boards of directors
 Prohibition of performance requirements
 Section: Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) **Distribution of pharmaceuticals**

In **BG**: Cross-border wholesale distribution of pharmaceuticals (CPC 62251).

In **FI**: Distribution of pharmaceutical products (CPC 62117, 62251, 8929).

Existing measures:

BG: Law on Medicinal Products in Human Medicine.

FI: Lääkelaki (Medicine Act) (395/1987).

(b) **Distribution of alcoholic beverages**

In **FI**: Distribution of alcoholic beverages (part of CPC 62112, 62226, 63107, 8929).

Existing measures:

FI: Alkoholilaki (Alcohol Act) (1143/1994).

(c) **Other distribution (part of CPC 621, CPC 62228, CPC 62251, CPC 62271, part of CPC 62272, CPC 62276, CPC 63108, part of CPC 6329)**With respect to Cross-border trade in services – Market access, National treatment:

In **BG**: Wholesale distribution of chemical products, precious metals and stones, medical substances and products and objects for medical use; tobacco and tobacco products and alcoholic beverages.

Bulgaria reserves the right to adopt or maintain any measure with respect to the services provided by commodity brokers.

Existing measures:

In **BG**: Law on Medicinal Products in Human Medicine;

Law of Veterinary Activity;

Law for Prohibition of Chemical Weapons and for Control over Toxic Chemical Substances and Their Precursors;

Law for Tobacco and Tobacco Products;

Law on excise duties and tax warehouses; and

Law on wine and spirits.

Reservation No. 14 – Education services

Sector: Education services

Industry classification: CPC 92

Type of reservation: Market access

National treatment

Senior management and boards of directors

Prohibition of performance requirements

Section: Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

The EU: All educational services which receive public funding or State support in any form, and are therefore not considered to be privately funded. Where the supply of privately funded education services by a foreign provider is permitted, participation of private operators in the education system may be subject to concession allocated on a non-discriminatory basis.

The **EU**, with the exception of **CZ**, **NL**, **SE** and **SK**: With respect to the supply of privately funded other education services, which means other than those classified as being primary, secondary, higher and adult education services (CPC 92).

In **BG**, **IT** and **SI**: To restrict the cross-border supply of privately funded primary education services (CPC 921).

In **BG** and **IT**: To restrict the cross-border supply of privately funded secondary education services (CPC 922).

In **AT**: To restrict the cross-border supply of privately funded adult education services by means of radio or television broadcasting (CPC 924).

In **CY**, **FI**, **MT** and **RO**: The supply of privately funded primary, secondary, and adult education services (CPC 921, 922, 924).

In **AT**, **BG**, **CY**, **FI**, **MT** and **RO**: The supply of privately funded higher education services (CPC 923).

In **CZ** and **SK**: The majority of the members of the board of directors of an establishment providing privately funded education services must be nationals of that country (CPC 921, 922, 923 for SK other than 92310, 924).

In **SI**: The majority of the members of the board of directors of an establishment providing privately funded secondary or higher education services must be Slovenian nationals (CPC 922, 923).

In **SE**: Educational services suppliers that are approved by public authorities to provide education. This reservation applies to privately funded educational services suppliers with some form of State support, *inter alia* educational service suppliers recognised by the State, educational services suppliers under State supervision or education which entitles to study support (CPC 92).

In **SK**: EEA residency is required for providers of all privately funded education services other than post-secondary technical and vocational education services. An economic needs test may apply and the number of schools being established may be limited by local authorities (CPC 921, 922, 923 other than 92310, 924).

Existing measures:

BG: Public Education Act, article 12;

Law for the Higher Education, paragraph 4 of the additional provisions; and

Vocational Education and Training Act, article 22.

FI: Perusopetuslaki (Basic Education Act) (628/1998);

Lukiolaki (General Upper Secondary Schools Act) (629/1998);

Laki ammatillisesta koulutuksesta (Vocational Training and Education Act) (630/1998);

Laki ammatillisesta aikuiskoulutuksesta (Vocational Adult Education Act) (631/1998);

Ammattikorkeakoululaki (Polytechnics Act) (351/2003); and

Yliopistolaki (Universities Act) (558/2009).

IT: Royal Decree 1592/1933 (Law on secondary education);

Law 243/1991 (Occasional public contribution for private universities);

Resolution 20/2003 of CNVSU (Comitato nazionale per la valutazione del sistema universitario); and

Decree of the President of the Republic (DPR) 25/1998.

SK: Act 245/2008 on education;

Act 131/2002 on Universities, Articles 2, 47, 49a; and

Act 596/2003 on State Administration in Education and School Self-government, Article 16.

Reservation No. 15 – Environmental services

Sector: Environmental services: waste and soil management
Industry classification: CPC 9401, 9402, 9403, 94060
Type of reservation: Market access
Section: Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In **DE**: The supply of waste management services other than advisory services, and with respect to services relating to the protection of soil and the management of contaminated soils, other than advisory services.

Reservation No. 16 – Financial services

Sector: Financial services
Industry classification:
Type of reservation: Market access
National treatment
Senior management and boards of directors
Section: Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) All financial servicesWith respect to Investment liberalisation – Market access:

The **EU**: To require a financial institution, other than a branch, when establishing in a Member State of the European Union to adopt a specific legal form, on a non-discriminatory basis.

(b) Insurance and insurance-related servicesWith respect to Cross-border trade in services – Market access, National treatment:

The **EU**, with the exception of **CY**, **LV**, **LT**, **MT** and **PL**: For the supply of insurance and insurance-related services except for:

- (i) direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:
 - maritime transport and commercial aviation and space launching and freight (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 deriving therefrom; and
 - goods in international transit;
- (ii) Reinsurance and retrocession; and
- (iii) Services auxiliary to insurance.

In **BG**: Transport insurance, covering goods, insurance of vehicles as such and liability insurance regarding risks located in the Bulgaria may not be underwritten by foreign insurance companies directly.

In **CY**: For the supply of insurance and insurance-related services except for:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to:
 - maritime transport and commercial aviation and space launching and freight (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 deriving therefrom; and
 - goods in international transit;

- (ii) Insurance intermediation;
- (iii) Reinsurance and retrocession; and
- (iv) Services auxiliary to insurance.

In **FR**: Insurance of risks relating to ground transport may be underwritten only by insurance firms established in the European Union.

Existing measures:

FR: Article L 310-10 du code des assurances.

In **IT**: Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the European Union, except for international transport involving imports into Italy.

Existing measures:

IT: Article 29 of the code of private insurance (Legislative decree no. 209 of 7 September 2005).

In **IT**: Requiring establishment and prohibiting the cross-border supply of actuarial services.

Existing measures:

IT: Law 194/1942 on the actuarial profession.

In **MT**, **LT**, and **LV**: For the supply of insurance and insurance-related services except for:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to:
 - maritime transport and commercial aviation and space launching and freight (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 deriving therefrom; and
 - goods in international transit;
- (ii) reinsurance and retrocession; and
- (iii) services auxiliary to insurance.

In **PL**: For the supply of insurance and insurance-related services except for:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to goods in international trade; and
- (ii) reinsurance and retrocession of risks relating to goods in international trade.

In **PT**: Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by firms established in the European Union.

Only persons or companies established in the European Union may act as intermediaries for such insurance business in Portugal.

Existing measures:

PT: Article 7 of Decree-Law 94-B/98; and

article 7 of Decree-Law 144/2006.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **DE**: If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany.

Existing measures:

DE: § 43 Abs. 2 Luftverkehrsgesetz (LuftVG); and

§ 105 Abs. 1 Luftverkehrszulassungsordnung (LuftVZO).

In **ES:** Residence is required, or alternatively to have two years of experience, for the actuarial profession.

In **HU:** The supply of direct insurance in the territory of Hungary by insurance companies not established in the European Union is allowed only through a branch office registered in Hungary.

Existing measures:

HU: Act LX of 2003.

With respect to Investment liberalisation – Market access, National treatment, Senior management and board of directors and Cross-border trade in services – Market access, National treatment

In **FI:** The supply of insurance broker services is subject to a permanent place of business in the European Union.

Only insurers having their head office in the European Union or having their branch in Finland may offer direct insurance services, including co-insurance.

At least one half of the members of the board of directors and the supervisory board, the managing director of an insurance company providing statutory pension insurance shall have their place of residence in the EEA, unless the competent authorities have granted an exemption. Foreign insurers cannot obtain a licence in Finland as a branch to carry on statutory pension insurance. At least one auditor shall have his permanent residence in the EEA.

For other insurance companies, residency in the EEA is required for at least one member of the board of directors, the supervisory board and the managing director. At least one auditor shall have his permanent residence in the EEA.

The general agent of an insurance company of Japan must have his place of residence in Finland, unless the company has its head office in the European Union.

Existing measures:

FI: Laki ulkomaisista vakuutusyhtiöistä (Act on Foreign Insurance Companies) (398/1995);

Vakuutusyhtiölaki (Insurance Companies Act) (521/2008);

Laki vakuutusedustuksesta (Act on Insurance Mediation) (570/2005); and

Laki työeläkevakuutusyhtiöistä (Act on Companies providing statutory pension insurance) (354/1997).

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **SK:** Foreign nationals may establish an insurance company in the form of a joint stock company or may conduct insurance business through their branches having a registered office in the Slovak Republic. The authorisation in both cases is subject to the evaluation of the supervisory authority.

Existing measures:

SK: Act 39/2015 on Insurance.

(c) Banking and other financial services

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In the **EU:** Only firms having their registered office in the European Union can act as depositories of the assets of investment funds. The establishment of a specialised management company, having its head office and registered office in the same Member State of the European Union, is required to perform the activities of management of common funds, including unit trusts, and where allowed under national law, investment companies.

Existing measures:

EU: Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS), as amended by: Directives 2010/78/EU, 2011/61/EU, 2013/14/EU, and 2014/91/EU of the European Parliament and of the Council; and

Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers, as amended by Directive 2013/14/EU and Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments.

SK: Investment services in the Slovak Republic can be provided by management companies which have the legal form of joint-stock company with equity capital according to the law (no branches).

Existing measures:

SK: Act 566/2001 on Securities and Investment Services; and

Act 483/2001 on Banks.

With respect to Investment liberalisation – National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

In **EE:** For acceptance of deposits, requirement of authorisation by the Estonian Financial Supervision Authority and registration under Estonian law as a joint-stock company, a subsidiary or a branch.

Existing measures:

EE: Krediitiasutuste seadus (Credit Institutions Act) § 206 and §21.

In **FI:** At least one of the founders, the members of the board of directors, the supervisory board, the managing director of banking services providers and the person entitled to sign the name of the credit institution shall have their permanent residence in the EEA. At least one auditor shall have his permanent residence in the EEA. For payment services, residency or domicile in Finland may be required.

Existing measures:

FI: Laki liikepankeista ja muista osakeyhtiömuotoisista luottolaitoksista (Act on Commercial Banks and Other Credit Institutions in the Form of a Limited Company) (1501/2001);

Säästöpankkilaki (1502/2001) (Savings Bank Act);

Laki osuuspankeista ja muista osuuskuntamuotoisista luottolaitoksista (1504/2001) (Act on Cooperative Banks and Other Credit Institutions in the Form of a Cooperative Bank);

Laki hypoteekkiyhdistyksistä (936/1978) (Act on Mortgage Societies);

Maksulaitoslaki (297/2010) (Act on Payment Institutions);

Laki ulkomaisen maksulaitoksen toiminnasta Suomessa (298/2010) (Act on the Operation of Foreign Payment Institution in Finland); and

Laki luottolaitostoiminnasta (Act on Credit Institutions) (121/2007).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access:

In **IT:** Services of ‘consulenti finanziari’ (financial consultant).

Existing measures:

IT: Articles 91-111 of Consob Regulation on Intermediaries (no. 16190 of 29 October 2007).

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

In **LT:** Only banks having their registered office or branch in Lithuania and authorised to provide investment services in the EEA may act as the depositories of the assets of pension funds. At least one head of a bank's administration must speak the Lithuanian language and permanently reside in Lithuania.

Existing measures:

LT: Law on Banks of the Republic of Lithuania of 30 March 2004 No IX-2085;

Law on Collective Investment Undertakings of the Republic of Lithuania of 4 July 2003 No IX-1709; and

Law on Supplementary Voluntary Pension Accumulation of the Republic of Lithuania of 3 June 1999 No VIII-1212.

With respect to Cross-border trade in services – Market access, National treatment:

The **EU**, with the exception of **BE, CY, EE, LT, LV, MT, RO** and **SI**: For the supply of banking and other financial services, except for:

- (i) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (ii) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that sub-paragraph.

In **BE**: For the supply of banking and other financial services except for the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;

In **CY**: For the supply of banking and other financial services except for:

- (i) the trading for own account or for the account of customers, whether on an exchange or an over-the-counter market or otherwise of transferrable securities;
- (ii) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (iii) advisory and other auxiliary financial services, relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that subparagraph.

In **EE** and **LT**: for the supply of banking and other financial services except for:

- (i) acceptance of deposits;
- (ii) lending of all types;
- (iii) financial leasing;
- (iv) all payment and money transmission services; guarantees and commitments;
- (v) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market;
- (vi) 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;
- (vii) money broking;
- (viii) asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services;
- (ix) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;
- (x) provision and transfer of financial information, and financial data processing and related software; and
- (xi) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E but not intermediation as described in that subparagraph.

In **LV**: For the supply of banking and other financial services, except for:

- (i) 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;
- (ii) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (iii) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that subparagraph.

In **MT**: For the supply of banking and other financial services, except for:

- (i) the acceptance of deposits;
- (ii) lending of all types;
- (iii) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (iv) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that subparagraph.

In **RO**: For the supply of banking and other financial services, except for:

- (i) acceptance of deposits;
- (ii) lending of all types;
- (iii) guarantees and commitments;
- (iv) money broking;
- (v) provision and transfer of financial information, and financial data processing and related software; and
- (vi) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that subparagraph.

In **SI**: For the supply of banking and other financial services, except for:

- (i) lending of all types;
- (ii) the acceptance of guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors;
- (iii) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (iv) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that subparagraph.

Reservation No. 17 – Health and social services

Sector: Health and social services

Industry classification: CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193, 93199

Type of reservation: Market access

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

Prohibition of performance requirements

Section: Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) **Health services – hospital, ambulance, residential health services (CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193, 93199)**

With respect to Investment liberalisation - Market access, National treatment, Prohibition of performance requirements, Senior management and boards of directors:

The EU: For the supply of all health services which receive public funding or State support in any form, and are therefore not considered to be privately funded.

The EU: For all privately funded health services, other than privately funded hospital, ambulance, and residential health facilities services other than hospital services. The participation of private operators in the privately funded health network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

This reservation does not relate to the supply of all health-related professional services, including the services supplied by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations (CPC 931 other than 9312, part of 93191).

In AT, PL and SI: The supply of privately funded ambulance services (CPC 93192).

In BE and UK: the establishment of privately funded ambulance and residential health facilities services other than hospital services (CPC 93192, 93193).

In BG, CY, CZ, FI, MT and SK: The supply of privately-funded hospital, ambulance, and residential health services other than hospital services (CPC 9311, 93192, 93193).

In FI: Supply of other human health services (CPC 93199).

Existing measures:

CZ: Act No. 372/2011 Sb. on Health Care Services and Conditions of Their Provision.

FI: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990).

With respect to Investment liberalisation – Market access, National treatment, Most-favoured-nation treatment, Senior management and boards of directors, Prohibition of performance requirements:

In DE: The supply of the Social Security System of Germany, where services may be provided by different companies or entities involving competitive elements which are thus not 'Services carried out exclusively in the exercise of governmental authority'. To accord better treatment in the context of a bilateral trade agreement with regard to the supply of health and social services (CPC 93).

With respect to Investment liberalisation – Market access, National treatment:

In DE: The ownership of privately funded hospitals run by the German Forces.

To nationalise other key privately funded hospitals (CPC 93110).

In FR: To the supply of privately funded laboratory analysis and testing services.

With respect to Cross-border trade in services – Market access, National treatment:

In FR: The supply of privately funded laboratory analysis and testing services (part of CPC 9311).

Existing measures:

FR: Article L 6213-1 à 6213-6 du Code de la Santé Publique.

(b) Health and social services, including pension insurance

With respect to Cross-border trade in services – Market access, National treatment:

The **EU**, with the exception of **HU**: Requiring establishment or physical presence in its territory of suppliers and restricting the cross-border supply of health services from outside their territory, the cross-border supply of social services from outside their territory, as well as activities or services forming part of a public retirement plan or statutory system of social security. This reservation does not relate to the supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations (CPC 931 other than 9312, part of 93191).

In **HU**: The cross-border supply from outside its territory of all hospital, ambulance, and residential health services other than hospital services, which receive public funding (CPC 9311, 93192, 93193).

(c) Social services, including pension insurance

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors, Prohibition of performance requirements:

The **EU**: The supply of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded, and activities or services forming part of a public retirement plan or statutory system of social security. The participation of private operators in the privately funded social network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

In **BE, CY, DE, DK, EL, ES, FR, IE, IT, PT**, and **UK**: The supply of privately funded social services other than services relating to convalescent and rest houses and old people's homes.

In **CZ, FI, HU, MT, PL, RO, SK**, and **SI**: The supply of privately funded social services.

In **DE**: The Social Security System of Germany, where services are provided by different companies or entities involving competitive elements and might therefore not fall under the definition of the 'Services carried out exclusively in the exercise of governmental authority'.

Existing measures:

FI: Laki yksityisistä sosiaalipalveluista (Private Social Services Act) (922/2011).

IE: Health Act 2004 (S. 39); and

Health Act 1970 (as amended –S.61A).

IT: Law 833/1978 Institution of the public health system;

Legislative Decree 502/1992 Organisation and discipline of the health field; and

Law 328/2000 Reform of social services.

Reservation No. 18 – Tourism and travel related services

Sector: Tourist guides services, health and social services

Industry classification: CPC 7472

Type of reservation: National treatment

Most-favoured-nation treatment

Section: Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to Investment liberalisation –National treatment and Cross-border trade in services – National treatment:

In **FR**: To require nationality of a Member State of the European Union for the supply of tourist guide services in its territory.

With respect to Investment liberalisation –Most-favoured-nation treatment and Cross-border trade in services – Most-favoured-nation treatment:

In **LT**: In so far as Japan allows nationals of Lithuania to provide tourist guide services, Lithuania will allow nationals of Japan to provide tourist guide services under the same conditions.

Reservation No. 19 – Recreational, cultural and sporting services

Sector:	Recreational, cultural and sporting services
Industry classification:	CPC 962, 963, 9619, 964
Type of reservation:	Market access National treatment Senior management and boards of directors Prohibition of performance requirements
Section:	Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Libraries, archives, museums and other cultural services (CPC963)

The EU, with the exception of **AT** and, for investment, in **LT**: The supply of library, archive, museum and other cultural services.

In **AT** and **LT**: A licence or concession may be required for establishment.

(b) Entertainment services, theatre, live bands and circus services (CPC 9619, 964 other than 96492)

The EU, with the exception of **AT** and **SE**: The cross-border supply of entertainment services, including theatre, live bands, circus and discotheque services.

In **CY, CZ, FI, MT, PL, RO, SI** and **SK**: With respect to the supply of entertainment services, including theatre, live bands, circus and discotheque services.

In **BG**: The supply of the following entertainment services: circus, amusement park and similar attraction services, ballroom, discotheque and dance instructor services, and other entertainment services.

In **EE**: The supply of other entertainment services except for cinema theatre services.

In **LT** and **LV**: The supply of all entertainment services other than cinema theatre operation services.

In **CY, CZ, LV, PL, RO** and **SK**: The cross-border supply of sporting and other recreational services.

(c) News and press agencies (CPC 962)

With respect to Investment liberalisation – Market access, National treatment:

In **FR**: Foreign participation in existing companies publishing publications in the French language may not exceed 20 per cent of the capital or of voting rights in the company. The establishment of press agencies of Japan is subject to conditions set out in domestic regulation. The establishment of press agencies by foreign investors is subject to reciprocity.

Existing measures:

FR: Ordonnance n° 45-2646 du 2 novembre 1945 portant réglementation provisoire des agences de presse; and
Loi n° 86-897 du 1 août 1986 portant réforme du régime juridique de la presse.

With respect to Cross-border trade in services – Market access:

In **HU:** For supply of news and press agencies services.

(d) Gambling and betting services (CPC 96492)

The **EU**, with the exception of **MT**: The supply of gambling activities, which involve wagering a stake with pecuniary value in games of chance, including in particular lotteries, scratch cards, gambling services offered in casinos, gambling arcades or licensed premises, betting services, bingo services and gambling services operated by and for the benefit of charities or non-profit-making organisations.

This reservation does not apply to games of skill, gambling machines that do not give prizes or that give prizes only in the form of free games, and promotional games, whose exclusive purpose is to encourage the sale of goods or services which are not covered by this exclusion.

Reservation No. 20 – Transport services and auxiliary transport services

Sector: Transport services

Type of reservation: Market access

National treatment

Most-favoured-nation treatment

Prohibition of performance requirements

Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

(a) Maritime transport – any other commercial activity undertaken from a ship

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors, Prohibition of performance requirements and Cross-border trade in services – Market access, National treatment:

The **EU**: The nationality of the crew on a seagoing or non-seagoing vessel.

With respect to Investment liberalisation – Market access, National treatment, Most-favoured-nation treatment, Senior management and boards of directors:

The **EU**, except **LV** and **MT**: For the purpose of registering a vessel and operating a fleet under the national flag of the state of establishment (all commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing; international passenger and freight transportation (CPC 721); and services auxiliary to maritime transport).

With respect to Cross-border trade in services – Market access, National treatment:

The **EU**: With respect to Japan when action undertaken or officially decided by Japan restricts or prohibits European Union shipping operators from entering Japanese ports, or from loading and unloading cargoes in Japan.

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **MT**: Exclusive rights exist for the maritime link to mainland Europe through Italy with Malta (CPC 7213, 7214, part of 742, 745, part of 749).

With respect to Cross-border trade in services – Market access, National treatment:

In **SK**: Foreign investors must have their principal office in the Slovak Republic in order to apply for a licence enabling them to provide a service (CPC 722).

(b) Auxiliary services to maritime transport

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

The **EU**: The supply of pilotage and berthing services. For greater certainty, regardless of the criteria which may apply to the registration of ships in a Member State of the European Union, the European Union reserves the right to require that only ships registered on the national registers of Member States of the European Union may provide pilotage and berthing services (CPC 7452).

The **EU**, with the exception of **LT** and **LV**: Only vessels carrying the flag of a Member State of the European Union may provide pushing and towing services (CPC 7214).

In **LT**: Only juridical persons of Lithuania or juridical persons of a Member State of the European Union with branches in Lithuania that have a Certificate issued by the Lithuanian Maritime Safety Administration may provide pilotage and berthing, pushing and towing services (CPC 7214).

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **BE**: Cargo handling services can only be operated by accredited workers, eligible to work in port areas designated by royal decree (CPC 741).

Existing measures:

BE: Loi du 8 juin 1972 organisant le travail portuaire;

Arrêté royal du 12 janvier 1973 instituant une Commission paritaire des ports et fixant sa dénomination et sa compétence;

Arrêté royal du 4 septembre 1985 portant agrément d'une organisation d'employeur (Anvers);

Arrêté royal du 29 janvier 1986 portant agrément d'une organisation d'employeur (Gand);

Arrêté royal du 10 juillet 1986 portant agrément d'une organisation d'employeur (Zeebrugge);

Arrêté royal du 1^{er} mars 1989 portant agrément d'une organisation d'employeur (Ostende); and

Arrêté royal du 5 juillet 2004 relatif à la reconnaissance des ouvriers portuaires dans les zones portuaires tombant dans le champ d'application de la loi du 8 juin 1972 organisant le travail portuaire, tel que modifié.

(c) Inland waterways transport and auxiliary services to inland waterways transport

With respect to Investment liberalisation – Market access, National treatment, Most-favoured-nation treatment, Senior management and boards of directors, Prohibition of performance requirements and Cross-border trade in services – Market access, National treatment, Most-favoured-nation treatment:

The **EU**: Inland waterways passenger and freight transportation (CPC 722); and services auxiliary to inland waterways transportation.

For greater certainty this reservation also covers the supply of cabotage transport on inland waterways (CPC 722).

(d) Rail transport and auxiliary services to rail transport

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **EU**: Railway passenger and freight transportation (CPC 711).

In **FI**: For cross-border supply of rail transport. With regard to establishment of rail passenger transport services, currently, there are exclusive rights (granted to VR-Group Ltd that is 100 per cent owned by the State) until 2017 in Helsinki Metropolitan Area and elsewhere until 2019 in this field, which may be renewed (CPC 7111, 7112).

In **LT**: Maintenance and repair services of rail transport equipment are subject to a state monopoly (CPC 86764, 86769, part of 8868).

In **SE** (with respect only to Market access): Maintenance and repair services of rail transport equipment are subject to an economic needs test when an investor intends to establish its own terminal infrastructure facilities. Main criteria: space and capacity constraints (CPC 86764, 86769, part of 8868).

Existing measures:

FI: Rautatielaki (Railway Act) (304/2011).

SE: Planning and Building Act (2010:900).

(e) **Road transport (passenger transportation, freight transportation, international truck transport services) and services auxiliary to road transport**

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

The **EU**:

- (i) to require establishment and to limit the cross-border supply of road transport services (CPC 712).
- (ii) to limit the supply of cabotage within a Member State of the European Union by foreign investors established in another Member State of the European Union (CPC 712).
- (iii) an economic needs test may apply to taxi services in the European Union setting a limit on the number of service suppliers. Main criteria: Local demand as provided in applicable laws (CPC 71221).

With respect to Investment liberalisation – Market access:

In **BE**: A maximum number of licences can be fixed by law (CPC 71221).

Existing measures:

EU: Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC;

Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market; and

Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006.

In **IT**: An economic needs test is applied to limousine services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

An economic needs test is applied to intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

An economic needs test is applied to the supply of freight transportation services. Main criteria: local demand (CPC 712).

Existing measures:

IT: Legislative decree 285/1992 (Road Code and subsequent amendments) article 85;

Legislative Decree 395/2000 article 8 (road transport of passengers);

Law 21/1992 (Framework law on non-scheduled public road transport of passengers);

Law 218/2003 article 1 (transport of passenger through rented buses with driver); and

Law 151/1981 (framework law on public local transport).

In **PT**: For passenger transportation, an economic needs test is applied to the supply of limousine services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment (CPC 712).

With respect to Investment liberalisation – Market access, National treatment:

In **LV**: For passenger and freight transportation services, an authorisation is required, which is not extended to foreign registered vehicles. Established entities are required to use nationally registered vehicles (CPC 712).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **BG**: For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of a Member State of the European Union and to juridical persons of the European Union having their headquarters in the European Union. Incorporation is required. Condition of nationality of a Member State of the European Union for natural persons (CPC 712).

In **MT**: For public bus service: The entire network is subject to a concession which includes a Public Service Obligation agreement to cater for certain social sectors (such as students and the elderly) (CPC 712).

With respect to Investment liberalisation – Market access, National treatment, and Cross-border trade in services – Market access, National treatment:

In **FI**: Authorisation is required to provide road transport services, which is not extended to foreign registered vehicles (CPC 712).

With respect to Investment liberalisation – Market access, National treatment:

In **FR**: Non-European Union investors are not allowed to provide intercity bussing services (CPC 712).

With respect to Investment liberalisation – Market access:

In **ES**: For passenger transportation, an economic needs test applies to services provided under CPC 7122. Main criteria: local demand. An economic needs test applies for intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

In **SE**: Maintenance and repair services of road transport equipment are subject to an economic needs test when an investor intends to establish its own terminal infrastructure facilities. Main criteria: space and capacity constraints (CPC 6112, 6122, 86764, 86769, part of 8867).

In **SK**: For freight transportation, an economic needs test is applied. Main criteria: local demand (CPC 712).

With respect to Cross-border trade in services – Market access:

In **BG**: To require establishment for supporting services to road transport (CPC 744).

Existing measures:

EU: Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC;

Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market; and

Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006.

FI: Laki kaupallisista tavarankuljetuksista tiellä (Act on Commercial Road Transport) 693/2006; and

Ajoneuvolaki (Vehicles Act) 1090/2002.

SE: Planning and Building Act (2010:900).

(f) **Space transport and rental of space craft**

With respect to Investment liberalisation – Market access, National treatment, Prohibition of performance requirements, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

The EU: The transportation services via space and the rental of space craft (CPC 733, part of 734).

(g) **Most-favoured-nation exemptions**

With respect to Investment liberalisation –Most-favoured-nation treatment, and Cross-border trade in services – Most-favoured-nation treatment:

(i) Transport (cabotage) other than maritime transport

In **FI**: According differential treatment to a country pursuant to existing or future bilateral agreements exempting foreign registered vehicles from the general prohibition from providing cabotage transport (including combined transport, road and rail) in Finland on the basis of reciprocity (part of CPC 711, part of 712, part of 722).

(ii) Supporting services for maritime transport

In **BG**: In so far as Japan allows service suppliers from Bulgaria to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods in containers, Bulgaria will allow service suppliers from Japan to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods in containers under the same conditions (part of CPC 741, part of 742).

(iii) Rental or leasing of vessels

In **DE**: Chartering-in of foreign ships by consumers resident in Germany may be subject to a condition of reciprocity (CPC 7213, 7223, 83103).

(iv) Road and rail transport

The EU: To accord differential treatment to a country pursuant to existing or future bilateral agreements relating to international road haulage (including combined transport – road or rail) and passenger transport, concluded between the European Union or the Member States of the European Union and a third country (CPC 7111, 7112, 7121, 7122, 7123). That treatment may:

- reserve or limit the supply of the relevant transport services between the contracting Parties or across the territory of the contracting Parties to vehicles registered in each contracting Party ⁽¹⁾; or
- provide for tax exemptions for such vehicles.

(v) Road transport

In **BG**: Measures taken under existing or future agreements, which reserve or restrict the supply of these kinds of transportation services and specify the terms and conditions of this supply, including transit permits or preferential road taxes, in the territory of Bulgaria or across the borders of Bulgaria (CPC 7121, 7122, 7123).

In **CZ**: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of the Czech Republic to the contracting parties concerned (CPC 7121, 7122, 7123).

In **ES**: Authorisation for the establishment of a commercial presence in Spain may be refused to service suppliers whose country of origin does not accord effective market access to service suppliers of Spain (CPC 7123).

⁽¹⁾ With regard to Austria the part of the most-favoured-nation treatment exemption regarding traffic rights covers all countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be considered in future.

Existing measures:

Ley 16/1987, de 30 de julio, de Ordenación de los Transportes Terrestres.

In **HR**: Measures applied under existing or future agreements on international road transport and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of transport services into, in, across and out of Croatia to the parties concerned (CPC 7121, 7122, 7123).

In **LT**: Measures that are taken under bilateral agreements and which set the provisions for transport services and specify operating conditions, including bilateral transit and other transport permits for transport services into, through and out of the territory of Lithuania to the contracting parties concerned, and road taxes and levies (CPC 7121, 7122, 7123).

In **SK**: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of the Slovak Republic to the contracting parties concerned (CPC 7121, 7122, 7123).

(vi) Rail transport

In **BG**, **CZ** and **SK**: For existing or future agreements, and which regulate traffic rights and operating conditions, and the supply of transport services in the territory of Bulgaria, the Czech Republic and Slovakia and between the countries concerned. (CPC 7111, 7112).

(vii) Air transport - Services auxiliary to air transport

The **EU**: According differential treatment to a third country pursuant to existing or future bilateral agreements relating to ground-handling services.

(viii) Road and rail transport

In **EE**: when according differential treatment to a country pursuant to existing or future bilateral agreements on international road transport (including combined transport-road or rail), reserving or limiting the supply of a transport services into, in, across and out of Estonia to the contracting Parties to vehicles registered in each contracting Party, and providing for tax exemption for such vehicles (part of CPC 711, part of 712, part of 721).

(ix) All passenger and freight transport services other than maritime and air transport

In **PL**: In so far as Japan allows the supply of transport services into and across the territory of Japan by passenger and freight transport suppliers of Poland, Poland will allow the supply of transport services by passenger and freight transport suppliers of Japan into and across the territory of Poland under the same conditions.

Reservation No. 21 – Agriculture, fishing and water

Sector:	Agriculture, hunting, forestry; fishing, aquaculture, services incidental to fishing; collection, purification and distribution of water
Industry classification:	ISIC Rev. 3.1 011, ISIC Rev. 3.1 012, ISIC Rev. 3.1 013, ISIC Rev. 3.1 014, ISIC Rev. 3.1 015, CPC 8811, 8812, 8813 other than advisory and consultancy services; ISIC Rev. 3.1 0501, 0502, CPC 882
Type of reservation:	Market access National treatment Most-favoured-nation treatment Prohibition of performance requirements Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) **Agriculture, hunting and forestry**

With respect to Investment liberalisation – Market access, National treatment:

In **HR**: Agricultural and hunting activities.

In **HU**: Agricultural activities (ISIC Rev. 3.1 011, 3.1 012, 3.1 013, 3.1 014, 3.1 015, CPC 8811, 8812, 8813 other than advisory and consultancy services).

Existing measures:

HR: Law on Agricultural Land (Official Gazette no. 152/08, 25/09, 153/09, 21/10, 39/11 and 63/11), article 2.

(b) **Fishing, aquaculture and services incidental to fishing (ISIC Rev. 3.1 0501, 0502, CPC 882)**

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors, Prohibition of performance requirements, Most-favoured-nation treatment and Cross-border trade in services – Market access, National treatment, Most-favoured-nation treatment:

The **EU**: In particular within the framework of the Common Fisheries Policy, and of fishing agreements with a third country, access to and use of the biological resources and fishing grounds situated in maritime waters coming under the sovereignty or within the jurisdiction of Member States of the European Union, including:

- (i) regulating the landing of catches performed in the sub-quotas allocated to vessels of Japan or of a third country in European Union ports;
- (ii) determining a minimum size for a company in order to preserve both artisanal and coastal fishing vessels; or
- (iii) according differential treatment to Japan or a third country pursuant to existing or future bilateral agreements relating to fisheries.

A commercial fishing licence granting the right to fish in the territorial waters of a Member State of the European Union may only be granted to vessels flying the flag of a Member State of the European Union.

The nationality of the crew of a fishing vessel flying the flag of a Member State of the European Union.

The establishment of marine or inland aquaculture facilities.

In **FR**: Nationals of non-European Union countries cannot participate in French maritime State property for fish, shellfish or algae farming.

With respect to Investment liberalisation – Market access, National treatment, Most-favoured-nation treatment and Cross-border trade in services – Market access, National treatment:

In **BG**: The taking of marine and river-living resources, performed by vessels in the internal marine waters, and the territorial sea of Bulgaria, shall be performed by vessels flying the flag of Bulgaria. A foreign ship may not engage in commercial fishing in the exclusive economic zone save on the basis of an agreement between Bulgaria and the flag state. While passing through the exclusive economic zone, foreign fishing ships may not maintain their fishing gear in operational mode.

(c) **Collection, purification and distribution of water**

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

The **EU**: For activities, including services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the supply of drinking water, and water management.

Reservation No. 22 – Energy related activities

Sector: Production of energy and related services

Industry classification: ISIC Rev. 3.1 10, 1110, 12, 120, 1200, 13, 14, 232, 233, 2330, 40, 401, 4010, 402, 4020, part of 4030, CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88, 887.

Type of reservation: Market access

National treatment

Prohibition of performance requirements

Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) **Energy services – general (ISIC Rev. 3.1 10, 1110, 13, 14, 232, 40, 401, 402, part of 403, 41; CPC 613, 62271, 63297, 7131, 742, 7422, 887 (other than advisory and consulting services))**

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors, Prohibition of performance requirements and Cross-border trade in services – Market access, National treatment:

The EU: Where a Member State of the European Union permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, with respect to enterprises of Japan controlled by natural persons or enterprises of a third country which accounts for more than 5 per cent of the European Union's oil, natural gas or electricity imports, in order to guarantee the security of the energy supply of the European Union as a whole, or of an individual Member State of the European Union. This reservation does not apply to advisory and consultancy services provided as services incidental to energy distribution.

This reservation does not apply to HR, HU and LT (for LT, only CPC 7131) with regard to the pipeline transport of fuels, nor to LV with regard to services incidental to energy distribution, nor to SI with regard to services incidental to the distribution of gas (ISIC Rev. 3.1 401, 402, CPC 7131, 887 other than advisory and consultancy services).

In CY: For the manufacture of refined petroleum products in so far as the investor is controlled by a natural or juridical person of a non-European Union country which accounts for more than 5 per cent of the European Union's oil or natural gas imports, as well as to the manufacture of gas, distribution of gaseous fuels through mains on own account, the production, transmission and distribution of electricity, the pipeline transportation of fuels, services incidental to electricity and natural gas distribution other than advisory and consulting services, wholesale services of electricity, retailing services of motor fuel, electricity and non-bottled gas (ISIC Rev. 3.1 232, 4010, 4020, CPC 613, 62271, 63297, 7131, and 887 other than advisory and consulting services).

In FI: The transmission and distribution networks and systems of energy and of steam and hot water.

In FI: The quantitative restrictions in the form of monopolies or exclusive rights for the importation of natural gas, and for the production and distribution of steam and hot water. Currently, natural monopolies and exclusive rights exist (ISIC Rev. 3.1 40, CPC 7131, 887 other than advisory and consultancy services).

In FR: The electricity and gas transmission systems and oil and gas pipeline transport (CPC 7131).

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

In BE: The energy distribution services, and services incidental to energy distribution (CPC 887 other than consultancy services).

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services –
Market access, National treatment:

In **BE**: For energy transmission services, regarding the types of legal entities and to the treatment of public or private operators to whom BE has conferred exclusive rights. Establishment is required within the European Union (ISIC Rev. 3.1 4010, CPC 71310).

In **BG**: For services incidental to energy distribution (part of CPC 88).

In **PT**: For the production, transmission and distribution of electricity, the manufacturing of gas, the pipeline transportation of fuels, wholesale services of electricity, retailing services of electricity and non-bottled gas, and services incidental to electricity and natural gas distribution. Concessions for electricity and gas sectors are assigned only to limited companies with their headquarters and effective management in PT (ISIC Rev. 3.1 232, 4010, 4020, CPC 7131, 7422, 887 other than advisory and consulting services).

In **SK**: An authorisation is required for the production, transmission and distribution of electricity, manufacture of gas and distribution of gaseous fuels, production and distribution of steam and hot water, pipeline transportation of fuels, wholesale and retail of electricity, steam and hot water, and services incidental to energy distribution, including services in the area of energy efficiency, energy savings and energy audit. An economic needs test is applied and the application may be denied only if the market is saturated. For all those activities, an authorisation may only be granted to a natural person with permanent residency in a Member State of the European Union or the EEA or a juridical person established in the European Union or the EEA (ISIC Rev. 3.1 4010, 4020, 4030, CPC 7131).

With respect to Investment liberalisation – Market access, National treatment:

In **BE**: With the exception of the mining of metal ores and other mining and quarrying, foreign enterprises controlled by natural persons or enterprises of a third country which accounts for more than 5 per cent of the European Union's oil or natural gas or electricity imports may be prohibited from obtaining control of the activity. Incorporation is required (no branching) (ISIC Rev. 3.1 10, 1110, 13, 14, 232, part of 4010, part of 4020, part of 4030).

Existing measures:

EU: Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC; and

Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC.

BG: Energy Act.

CY: The Regulation of the Electricity Market Laws of 2003 Law 122(I)/2003 as amended by Laws 239(I)/2004, 143(I)/2005, 173(I)/2006, 92(I)/2008, 211(I)/2012, 206(I)/2015 and 18(I)/2017;

The Regulation of the Gas Market Laws of 2004 to 2007;

The Petroleum (Pipelines) Law, Chapter 273 of the Constitution of the Republic of Cyprus;

The Petroleum Law L.64(I)/1975; and

The Petroleum and Fuel Specifications Laws of 2003 to 2009.

FI: Maakaasumarkkinalaki (Natural Gas Market Act) (508/2000); and

Sähkömarkkinalaki (Electricity Market Act) (386/1995).

FR: Energy Code (L111-5, L111-53).

PT: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas;

Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October – Electricity; and

Decree-Law 31/2006, 15 February – Crude oil/Petroleum products.

SK: Act 51/1988 on Mining, Explosives and State Mining Administration;

Act 569/2007 on Geological Activity, Article 5;

Act 251/2012 on Energy, Articles 6 and 7; and

Act 657/2004 on Thermal Energy, Article 5.

(b) **Electricity (ISIC Rev. 3.1 40, 401; CPC 62271, 887 (other than advisory and consulting services))**

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors, Prohibition of performance requirements and Cross-border trade in services – Market access, National treatment:

In **FI**: The importation of electricity. With respect to cross-border trade, the wholesale and retail of electricity.

In **FR**: Only companies where 100 per cent of the capital is held by the French State, by another public sector organisation or by Electricité de France (EDF), may own and operate electricity transmission or distribution systems.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **BG**: For the production of electricity and the production of heat.

In **PT**: The activities of electricity transmission and distribution are carried out through exclusive concessions of public service.

With respect to Investment liberalisation – Market access, National treatment:

In **BE**: An individual authorisation for the production of electricity of a capacity of 25 MW requires establishment in the European Union, or in another State which has a similar regime to that enforced by Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity in place, and where the company has an effective and continuous link with the economy.

The offshore production of electricity within the offshore territory of BE is subject to concession and a joint venture obligation with a company from a Member State of the European Union, or a foreign company from a country having a similar regime to that of Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC, particularly with regard to conditions relating to the authorisation and selection. Additionally, the company should have its central administration or its head office in a Member State of the European Union or a country meeting the above criteria, where it has an effective and continuous link with the economy.

The construction of electrical power lines which link offshore production to the transmission network of Elia requires authorisation and the company must meet the previously specified conditions, except for the joint venture requirement.

With respect to Cross-border trade in services – National treatment:

In **BE**: An authorisation is necessary for the supply of electricity by an intermediary having customers established in BE who are connected to the national grid system or to a direct line whose nominal voltage is higher than 70,000 volts. That authorisation may only be granted to a natural or juridical person established in the EEA.

With respect to Investment liberalisation – Market access:

In **FR**: For the production of electricity.

Existing measures:

BE: Arrêté Royal du 11 octobre 2000 fixant les critères et la procédure d'octroi des autorisations individuelles préalables à la construction de lignes directes;

Arrêté Royal du 20 décembre 2000 relatif aux conditions et à la procédure d'octroi des concessions domaniales pour la construction et l'exploitation d'installations de production d'électricité à partir de l'eau, des courants ou des vents, dans les espaces marins sur lesquels la Belgique peut exercer sa juridiction conformément au droit international de la mer; and

Arrêté Royal du 12 mars 2002 relatif aux modalités de pose de câbles d'énergie électrique qui pénètrent dans la mer territoriale ou dans le territoire national ou qui sont installés ou utilisés dans le cadre de l'exploration du plateau continental, de l'exploitation des ressources minérales et autres ressources non vivantes ou de l'exploitation d'îles artificielles, d'installations ou d'ouvrages relevant de la juridiction belge.

FI: Maakaasumarkkinalaki (Natural Gas Market Act) (508/2000); and

Sähkömarkkinalaki (Electricity Market Act) 588/2013.

FR: Energy Code (L111-5, L111-53).

PT: Decree-Law 215-A/2012; and

Decree-Law 215-B/2012, 8 October – Electricity.

- (c) **Fuels, gas, crude oil or petroleum products (ISIC Rev. 3.1 232, 40, 402; CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88, 887 (other than advisory and consulting services))**

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors, Prohibition of performance requirements and Cross-border trade in services – Market access, National treatment:

In **FI:** To prevent control or ownership of a liquefied natural gas (LNG) terminal (including those parts of the LNG terminal used for storage or re-gasification of LNG) by foreign persons or enterprises for energy security reasons.

In **FR:** Only companies where 100 per cent of the capital is held by the French State, by another public sector organisation or by ENGIE, may own and operate gas transmission or distribution systems for reasons of national energy security.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **BE:** For bulk storage services of gas, regarding the types of legal entities and the treatment of public or private operators to whom Belgium has conferred exclusive rights. Establishment is required within the European Union for bulk storage services of gas (part of CPC 742).

In **BG:** For pipeline transportation, storage and warehousing of petroleum and natural gas, including transit transmission (CPC 71310, part of CPC 742).

In **PT:** For the cross-border supply of storage and warehousing services of fuels transported through pipelines (natural gas). Also, concessions relating to the transmission, distribution and underground storage of natural gas and the reception, storage and regasification terminal of LNG are awarded through contracts concession, following public calls for tenders (CPC 7131, CPC 7422).

With respect to Cross-border trade in services – Market access, National treatment:

In **BE:** The pipeline transport of natural gas and other fuels is subject to an authorisation requirement. An authorisation may only be granted to a natural or juridical person established in a Member State of the European Union (in accordance with Article 3 of the AR of 14 May 2002).

Where the authorisation is requested by a company:

- (i) the company must be established in accordance with Belgian law, or the law of another Member State of the European Union, or the law of a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas; and
- (ii) the company must hold its administrative seat, its principal establishment or its head office within a Member State of the European Union, or a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas, provided that the activity of this establishment or head office represents an effective and continuous link with the economy of the country concerned (CPC 7131).

In **BE:** In general the supply of natural gas to customers (customers being both distribution companies and consumers whose overall combined consumption of gas arising from all points of supply attains a minimum level of one million cubic metres per year) established in Belgium is subject to an individual authorisation provided by the minister, except where the supplier is a distribution company using its own distribution network. Such an authorisation may only be granted to a natural or juridical person established in a Member State of the European Union.

In **CY**: For the cross-border supply of storage and warehousing services of fuels transported through pipelines, and the retail sales of fuel oil and bottled gas other than by mail order (CPC 613, CPC 62271, CPC 63297, CPC 7131, CPC 742).

With respect to Investment liberalisation – Market access and Cross-border trade in services – Market access:

In **HU**: The supply of pipeline transport services requires establishment. Services may be provided through a Contract of Concession granted by the state or the local authority. The supply of this service is regulated by the Hungarian Concession Law (CPC 7131).

With respect to Cross-border trade in services – Market access:

In **LT**: For pipeline transportation of fuels and services auxiliary to pipeline transport of goods other than fuel.

Existing measures:

BE: Arrêté Royal du 14 mai 2002 relatif à l'autorisation de transport de produits gazeux et autres par canalisations; and

Loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations (article 8.2).

BG: Energy Act.

CY: The Regulation of the Electricity Market Law of 2003 Law 122(I)/2003 as amended by Laws 239(I)/2004, 143(I)/2005, 173(I)/2006, 92(I)/2008, 211(I)/2012, 206(I)/2015 and 18(I)/2017;

The Regulating of the Gas Market Laws of 2004 to 2007;

The Petroleum (Pipelines) Law, Chapter 273 of the Constitution of the Republic of Cyprus;

The Petroleum Law L.64(I)/1975; and

The Petroleum and Fuel Specifications Laws of 2003 to 2009.

FI: Maakaasumarkkinalaki (Natural Gas Market Act) (508/2000).

FR: Energy Code (L111-5, L111-53).

HU: Act XVI of 1991 about Concessions.

LT: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973.

PT: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas;

Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October – Electricity; and

Decree-Law 31/2006, 15 February – Crude oil/Petroleum products.

(d) **Nuclear (ISIC Rev. 3.1 12, 3.1 23, 120, 1200, 233, 2330, 40, part of 4010, CPC 887))**

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

In **DE**: For the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

With respect to Investment liberalisation – Market access, National treatment and Cross-border trade in services – Market access, National treatment:

In **AT** and **FI**: for the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

In **BE**: For the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors, Prohibition of performance requirements:

In **HU** and **SE**: For the processing of nuclear fuel and nuclear-based electricity generation.

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors:

In **BG**: For the processing of fissionable and fusionable materials or the materials from which they are derived, as well as to the trade therewith, to the maintenance and repair of equipment and systems in nuclear energy production facilities, to the transportation of those materials and the refuse and waste matter of their processing, to the use of ionising radiation, and on all other services relating to the use of nuclear energy for peaceful purposes (including engineering and consulting services and services relating to software etc.).

With respect to Investment liberalisation – Market access, National treatment:

In **FR**: These activities must respect the obligations of the Euratom-Japan Agreement.

Existing measures:

AT: Bundesverfassungsgesetz für ein atomfreies Österreich (Constitutional Act for a Nonnuclear Austria) BGBl. I Nr. 149/1999.

BG: Safe Use of Nuclear Energy Act.

FI: Ydinenergialaki (Nuclear Energy Act) (990/1987).

HU: Act CXVI of 1996 on Nuclear Energy; and

Government Decree Nr. 72/2000 on Nuclear Energy.

SE: The Swedish Environmental Code (1998:808); and

Law on Nuclear Technology Activities (1984:3).

Reservation No. 23 – Other services not included elsewhere

Sector:	Other services not included elsewhere
Industry classification:	CPC 9703, part of CPC 612, part of CPC 621, part of CPC 625, part of 85990
Type of reservation:	Market access National treatment Most-favoured-nation treatment Prohibition of performance requirements Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

(a) Funeral, cremation services and undertaking services (CPC 9703)

With respect to Investment liberalisation – Market access:

In **FI**: Cremation services and operation/maintenance of cemeteries and graveyards can only be performed by the state, municipalities, parishes, religious communities or non-profit foundations or societies.

In **PT**: Commercial presence is required to provide funeral and undertaking services. EEA nationality is required in order to become a technical manager for entities providing funeral and undertaking services.

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors and Cross-border trade in services – Market access, National treatment:

In **DE**: Only juridical persons established under public law may operate a cemetery. The creation and operation of cemeteries and services related to funerals are carried out as governmental services.

In **SE**: Church of Sweden or local authority monopoly on cremation and funeral services.

In **SI**: Funeral, cremation and undertaking services.

Existing measures:

FI: Hautaustoimilaki (Act on Burial Service) (457/2003).

PT: Decree-Law 10/2015, of 16 January.

SE: Begravningslag (1990:1144).

(b) Other business-related services

With respect to Cross-border trade in services – Market access, National treatment:

In **CZ**: Auction services in the Czech Republic are subject to licence. To obtain a licence (for the supply of voluntary public auctions), a company must be incorporated in the Czech Republic and a natural person is required to obtain a residency permit, and the company, or natural person must be registered in the Commercial Register of the Czech Republic (part of CPC 612, part of CPC 621, part of CPC 625, part of 85990).

Existing measures:

CZ: Act no.455/1991 Coll., Trade Licence Act; and

Act no. 26/2000 Coll., on public auctions.

With respect to Cross-border trade in services – Market access, National treatment:

In **LT**: State enterprise 'Infostruktura' has exclusive rights to provide the following services: data transmission through secure state data transmission networks, granting of internet addresses ending 'gov.lt', certification of electronic cash-registers.

Existing measures:

LT: Government Resolution of 28 May 2002 No. 756 on the approval of the standard procedure for setting prices and tariffs of goods and services of a monopolistic nature provided by state owned enterprises and public institutions established by ministries, governmental institutions and county governors and assigned to them.

With respect to Cross-border trade in services – Market access:

In **FI**: Require establishment in Finland or elsewhere in the EEA in order to provide electronic identification services.

Existing measures:

FI: Laki vahvasta sähköisestä tunnistamisesta ja sähköisistä luottamuspalveluista 617/2009 (Act on Strong Electronic Identification and Electronic Trust Services 617/2009).

(c) New services

With respect to Investment liberalisation – Market access, National treatment, Senior management and boards of directors, Prohibition of performance requirements and Cross-border trade in services – Market access, National treatment:

The **EU**: For the provision of new services other than those classified in the United Nations Provisional Central Product Classification (CPC), 1991.

Schedule of Japan

Headnotes

1. This Schedule sets out, in accordance with Articles 8.12, 8.18 and 8.24, the reservations taken by Japan with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
 - (a) Article 8.7 or 8.15;
 - (b) Article 8.8 or 8.16;
 - (c) Article 8.9 or 8.17;
 - (d) Article 8.10; or
 - (e) Article 8.11.
2. Each reservation sets out the following elements:
 - (a) 'Sector' refers to the general sector in which the reservation is taken;
 - (b) 'Sub-Sector' refers to the specific sector in which the reservation is taken;
 - (c) 'Industry Classification' refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
 - (d) 'Obligations Concerned' specifies the obligations referred to in paragraph 1 for which the reservation is taken;
 - (e) 'Description' sets out the scope of the sectors, sub-sectors or activities covered by the reservation; and
 - (f) 'Existing Measures' identifies, for transparency purposes, existing measures that apply to the sectors, sub-sectors or activities covered by the reservation.
3. In the interpretation of a reservation, all elements of the reservation shall be considered. The 'Description' element shall prevail over all the other elements.
4. With respect to financial services:
 - (a) for prudential reasons within the context of Article 8.65, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with a regulatory framework aimed at achieving those prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant laws of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws; and
 - (b) services supplied in the territory of the European Union to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (d)(ii) of Article 8.2.
5. With respect to maritime transport services, measures affecting cabotage in maritime transport services are not listed in this Schedule, as these are excluded from the scope of Section B of Chapter 8, pursuant to subparagraph 2(a) of Article 8.6 and Section C of Chapter 8, pursuant to subparagraph 2(a) of Article 8.14.
6. Laws and regulations of Japan with regard to spectrum availability affecting obligations under Articles 8.7 and 8.15 are not included in this Schedule of Japan, taking into account the Attachment 6 of Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001).
7. For the purposes of the Schedule of Japan in this Annex, 'JISIC' means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised on 30 October 2013.

- 1 Sector: All Sectors
- Sub-Sector:
- Industry Classification:
- Obligations Concerned: Market access (Article 8.7)
- National treatment (Article 8.8)
- Senior management and boards of directors (Article 8.10)
- Description: Investment liberalisation
1. When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Japan reserves the right to:
 - (a) prohibit or impose limitations on the ownership of those interests or assets by entrepreneurs of the European Union or their investment;
 - (b) impose limitations on the ability of entrepreneurs of the European Union or their investment as owners of those interests or assets to control any resulting enterprise; or
 - (c) adopt or maintain any measure relating to the nationality of executives, managers or members of the board of directors of any resulting enterprise.
 2. Notwithstanding paragraph 1, the central level of the Government of Japan shall not adopt any prohibition, limitation or measure referred to in paragraph 1 by new laws or regulations following the initial transfer from the central level of the Government of Japan to an entrepreneur of the European Union or to its investment of the interests or assets referred to in paragraph 1. ⁽¹⁾
- Existing Measures:
- 2 Sector: All Sectors
- Sub-Sector:
- Industry Classification:
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- National treatment (Articles 8.8 and 8.16)
- Senior management and boards of directors (Article 8.10)
- Description: Investment liberalisation and Cross-border trade in services
- Japan reserves the right to adopt or maintain any measure relating to investments in or the supply of telegraph services, betting and gambling services, manufacture of tobacco products, manufacture of Bank of Japan notes, minting and sale of coinage and postal services in Japan. ⁽²⁾
- Existing Measures: Telecommunications Business Law (Law No. 86 of 1984)
- Supplementary Provisions, Article 5
- Postal Law (Law No. 165 of 1947), Article 2
- Law Concerning Correspondence Delivery Provided by Private Operators (Law No. 99 of 2002)

⁽¹⁾ For greater certainty, the central level of the Government of Japan can maintain such prohibition, limitation or measure that is adopted or maintained at the initial transfer.

⁽²⁾ For the purposes of this reservation, 'postal services' means delivery of other persons' correspondence (tanin-no-shinsho-no-sotatsu) specified in paragraph 2 of Article 4 of Postal Law (Law No. 165 of 1947) and correspondence delivery service (shinshobin-no-ekimu) within the meaning of the Law Concerning Correspondence Delivery Provided by Private Operators (Law No. 99 of 2002), but does not include special correspondence delivery services (tokutei-shinshobin-ekimu) within the meaning of the latter Law. Services not included in this definition include delivery of parcels, packages, goods, direct mail and periodicals.

- Horse Racing Law (Law No. 158 of 1948), Article 1-2
- Law relating to Motorboat Racing (Law No. 242 of 1951), Article 2
- Bicycle Racing Law (Law No. 209 of 1948), Article 1
- Auto Racing Law (Law No. 208 of 1950), Article 3
- Lottery Law (Law No. 144 of 1948), Article 4
- Bank of Japan Act (Law No. 89 of 1997), Articles 46 and 49
- The Law relating to Unit of Currency and Issue of Coin (Law No. 42 of 1987), Articles 4 and 10
- Sports Promotion Lottery Law (Law No. 63 of 1998), Article 3
- 3 Sector: All Sectors (Unrecognised or Technically Unfeasible Services)
- Sub-Sector:
- Industry Classification:
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- National treatment (Articles 8.8 and 8.16)
- Most-favoured-nation treatment (Articles 8.9 and 8.17)
- Description: Investment liberalisation and Cross-border trade in services
1. Japan reserves the right to adopt or maintain any measure relating to services other than those recognised or other than those that should have been recognised by the Government of Japan owing to the circumstances at the time of entry into force of this Agreement.
 2. Any services classified positively and explicitly in JSIC or CPC, at the time of entry into force of this Agreement should have been recognised by the Government of Japan at that time.
 3. Japan reserves the right to adopt or maintain any measure relating to the supply of services in any mode of supply in which those services were not technically feasible at the time of entry into force of this Agreement.
- Existing Measures:
- 4 Sector: Aerospace Industry
- Sub-Sector: Space Industry
- Industry Classification:
- Obligations Concerned: Market access (Articles 8.7 and 8.15)
- National treatment (Articles 8.8 and 8.16)
- Senior management and boards of directors (Article 8.10)
- Prohibition of performance requirements (Article 8.11)
- Description: Investment liberalisation and Cross-border trade in services
1. Japan reserves the right to adopt or maintain any measure relating to investments in space industry.
 2. Japan reserves the right to adopt or maintain any measure relating to the supply of services in space industry, including:
 - (a) services based on technological inducement contracts for importing technology for development, production or use;
 - (b) production services on fee or contract basis;
 - (c) repair and maintenance services; and
 - (d) space transportation services.

	Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30
5	Sector:	Arms and Explosives Industry
	Sub-Sector:	Arms Industry
		Explosives Manufacturing Industry
	Industry Classification:	
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)
		National treatment (Articles 8.8 and 8.16)
		Senior management and boards of directors (Article 8.10)
		Prohibition of performance requirements (Article 8.11)
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>
		1. Japan reserves the right to adopt or maintain any measure relating to investments in arms industry and explosives manufacturing industry.
		2. Japan reserves the right to adopt or maintain any measure relating to the supply of services in arms industry and explosives manufacturing industry, including:
		(a) services based on technological inducement contracts for importing technology for development, production or use;
		(b) production services on fee or contract basis; and
		(c) repair and maintenance services.
	Existing Measures:	Ordinance Manufacturing Law (Law No. 145 of 1953), Article 5
		Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30
		Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5
6	Sector:	Information and Communications
	Sub-Sector:	Broadcasting Industry
	Industry Classification:	JSIC 380 Establishments engaged in administrative or ancillary economic activities
		JSIC 381 Public broadcasting, except cablecasting
		JSIC 382 Private-sector broadcasting, except cablecasting
		JSIC 383 Cablecasting
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)
		National treatment (Articles 8.8 and 8.16)
		Senior management and boards of directors (Article 8.10)
		Prohibition of performance requirements (Article 8.11)
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>
		1. Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in broadcasting industry.
		2. For the purposes of this reservation, 'broadcasting' means the transmission of telecommunications with the aim of direct reception by the public (paragraph 1 of Article 2 of the Broadcast Law) and does not include on-demand services including those services provided over the internet.

	Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3 Radio Law (Law No. 131 of 1950), Chapter 2 Broadcast Law (Law No. 132 of 1950), Chapters 2 and 5 to 8
	7 Sector:	Education and Learning Support
	Sub-Sector:	Primary and Secondary Educational Services
	Industry Classification:	JSIC 811 Kindergartens JSIC 812 Elementary schools JSIC 813 Lower secondary schools JSIC 814 Upper secondary schools, secondary schools JSIC 815 School for special needs education JSIC 819 Integrated centres for early childhood education and care
	Obligations Concerned:	Market access (Articles 8.7 and 8.15) National treatment (Articles 8.8 and 8.16)
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> Japan reserves the right to adopt or maintain any measure relating to investments or the supply of primary and secondary educational services.
	Existing Measures:	Fundamental Law of Education (Law No. 120 of 2006), Article 6 School Education Law (Law No. 26 of 1947), Article 2 Private School Law (Law No. 270 of 1949), Article 3 Law Concerning Advancement of Comprehensive Service Related to Education, Child Care, etc. of Preschool Children (Law No.77 of 2006)
8	Sector:	Energy
	Sub-Sector:	Electricity Utility Industry Gas Utility Industry Nuclear Energy Industry
	Industry Classification ⁽¹⁾ :	JSIC 0519*1 Miscellaneous metal mining JSIC 2391 Nuclear fuel JSIC 281*2 Electronic devices JSIC 282*2 Electronic parts JSIC 289*2 Miscellaneous electronic parts, devices and electronic circuits JSIC 291*2 Electrical generating, transmission and distribution apparatus JSIC 292*2 Industrial electrical apparatus JSIC 2952*2 Primary batteries (dry and wet) JSIC 296*2 Electronic equipment

⁽¹⁾ An asterisk (*1) on the JSIC number indicates that the activities covered by the reservation under such number are limited to nuclear materials. An asterisk (*2) on the JSIC numbers indicates that the activities covered by the reservation under such numbers are limited to the activities related to nuclear energy industry.

	JSIC 297*2	Electric measuring instruments
	JSIC 299*2	Miscellaneous electrical machinery equipment and supplies
	JSIC 30*2	Manufacture of information and communication electronics equipment
	JSIC 313*2	Shipbuilding and repairing, and marine engines
	JSIC 3159*2	Miscellaneous industrial trucks and parts and accessories
	JSIC 3199*2	Transportation equipment, n.e.c.
	JSIC 33	Production, transmission and distribution of electricity
	JSIC 34	Production and distribution of gas
	JSIC 8899*2	Waste disposal business, n.e.c.
	JSIC 9011*2	General machine repair shops, except construction and mining machinery
	JSIC 902*2	Electrical machinery, apparatus, appliances and supplies repair shop
Obligations Concerned:	Market access (Articles 8.7 and 8.15)	
	National treatment (Articles 8.8 and 8.16)	
	Senior management and boards of directors (Article 8.10)	
	Prohibition of performance requirements (Article 8.11) ⁽¹⁾	
	Most-favoured-nation treatment (Article 8.17)	
Description:	<u>Investment liberalisation and Cross-border trade in services</u>	
	Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in the energy industry listed in the 'sub-sector' element.	
Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30	
	Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5	
	Electricity Business Law (Law No.170 of 1964), Chapter 2	
	Gas Business Law (Law No.51 of 1954), Chapter 3	
	Specified Radioactive Waste Final Disposal Law (Law No. 117 of 2000), Chapter 5	
9 Sector:	Financial Services	
Sub-Sector:	Banking and Other Financial Services (excluding insurance)	
Industry Classification:		
Obligations Concerned:	Market access (Article 8.15)	
	National treatment (Article 8.16)	

⁽¹⁾ With respect to the obligation under Article 8.11, this reservation applies only to measures which are not inconsistent with the obligations under the Agreement on Trade-Related Investment Measures.

Description:	<u>Cross-border trade in services</u>
	<p>Japan reserves the right to adopt or maintain any measure with respect to cross-border trade in financial services for banking and other financial services, other than the following services set out in subparagraphs (a) to (d) through the mode of supply defined in subparagraph (d)(i) of Article 8.2 and the following service set out in subparagraph (e) through the mode of supply defined in subparagraph (d)(ii) of Article 8.2: ⁽¹⁾</p> <ul style="list-style-type: none"> (a) securities-related transactions with financial institutions and other entities in Japan as prescribed by the relevant laws and regulations of Japan; (b) sales of a beneficiary certificate of an investment trust and an investment security, through securities firms in Japan; ⁽²⁾ (c) the following services to a collective investment scheme: <ul style="list-style-type: none"> (i) investment advice; and (ii) portfolio management services, excluding: <ul style="list-style-type: none"> (A) trustee services; and (B) custodial services and execution services that are not related to managing a collective investment scheme ⁽³⁾. (d) provision and transfer of financial information and financial data processing as referred to in subparagraph (a)(ii)(K) of Article 8.59 and advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services as referred to in subparagraph (a)(ii)(L) of Article 8.59; and (e) the services as referred to in subparagraph (a)(ii) of Article 8.59.
Existing Measures:	Financial Instruments and Exchange Law (Law No. 25 of 1948), Articles 29, 29-2 and 61
10 Sector:	Financial Services
Sub-Sector:	Insurance and Insurance-related Services
Industry Classification:	
Obligations Concerned:	Market access (Article 8.15) National treatment (Article 8.16)
Description:	<u>Cross-border trade in services</u> <p>Japan reserves the right to adopt or maintain any measure with respect to cross-border trade in financial services for insurance and insurance-related services, other than the following services, whether supplied by a financial service supplier of the European Union established in the territory of European Union as a principal, through an intermediary or as an intermediary through the modes of supply defined in subparagraphs (d)(i) and (d)(ii) of Article 8.2: ⁽⁴⁾</p> <ul style="list-style-type: none"> (a) insurance of risks relating to: <ul style="list-style-type: none"> (i) maritime shipping and commercial aviation and space launching and freight (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 therefrom; and (ii) goods in international transit; and (b) reinsurance, retrocession and the services auxiliary to insurance as referred to in subparagraph (a)(i)(D) of Article 8.59.

⁽¹⁾ With respect to subparagraphs (a) to (d) of this reservation, Japan may require the registration or authorisation of cross-border financial service suppliers of the European Union and of financial instruments.

⁽²⁾ Solicitation is required to be conducted by securities firms in Japan.

⁽³⁾ The term 'collective investment scheme' in this reservation is construed as a financial instruments business operator engaged in investment management business under the Financial Instruments and Exchange Law (Law No. 25 of 1948).

⁽⁴⁾ Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

Existing Measures:	Insurance Business Law (Law No. 105 of 1995), Articles 185, 186, 275, 276, 277, 286 and 287 Cabinet Order for Enforcement of Insurance Business Law (Cabinet Order No. 425 of 1995), Articles 19 and 39-2 Ministerial Ordinance for Enforcement of Insurance Business Law (Ministerial Ordinance of the Ministry of Finance No. 5 of 1996), Articles 116 and 212-6
11 Sector:	Fisheries and Services Incidental to Fisheries
Sub-Sector:	Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf
Industry Classification:	JSIC 031 Marine fisheries JSIC 032 Inland water fisheries JSIC 041 Marine aquaculture JSIC 042 Inland water aquaculture JSIC 8093 Recreational fishing guide business
Obligations Concerned:	Market access (Articles 8.7 and 8.15) National treatment (Articles 8.8 and 8.16) Most-favoured-nation treatment (Articles 8.9 and 8.17) Senior management and boards of directors (Article 8.10) Prohibition of performance requirements (Article 8.11)
Description:	<u>Investment liberalisation and Cross-border trade in services</u> 1. Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan. 2. For the purposes of this reservation, the term 'fisheries' means the work of taking and cultivation of aquatic resources, including the following fisheries related services: (a) investigation of aquatic resources without taking those resources; (b) luring of aquatic resources; (c) preservation and processing of fish catches; (d) transportation of fish catches and fish products; and (e) provision of supplies to other vessels used for fisheries.
Existing Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3 Law for Regulation of Fishing Operation by Foreign Nationals (Law No. 60 of 1967), Articles 3, 4 and 6 Law Concerning the Exercise of Sovereign Rights concerning Fisheries in the Exclusive Economic Zones (Law No. 76 of 1996), Articles 4, 5, 7, 8, 9, 10, 11, 12 and 14
12 Sector:	Land Transaction
Sub-Sector:	
Industry Classification:	
Obligations Concerned:	Market access (Article 8.7) National treatment (Articles 8.8 and 8.16) Most-favoured-nation treatment (Articles 8.9 and 8.17)

Description:	<u>Investment liberalisation and Cross-border trade in services</u>
	<ol style="list-style-type: none"> 1. With respect to the acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed by Cabinet Order on foreign nationals or legal persons, where Japanese nationals or legal persons are placed under identical or similar prohibitions or restrictions in the foreign country. 2. Japan reserves the right to adopt or maintain any measure relating to the acquisition of agricultural land properties in Japan. ⁽¹⁾
Existing Measures:	<p>Alien Land Law (Law No. 42 of 1925), Article 1</p> <p>Agricultural Land Act (Law No. 229 of 1952), Articles 2, 3, 6 and 7</p>
13 Sector:	Public Law Enforcement and Correctional Services and Social Services
Sub-Sector:	
Industry Classification:	
Obligations Concerned:	<p>Market access (Articles 8.7 and 8.15)</p> <p>National treatment (Articles 8.8 and 8.16)</p> <p>Most-favoured-nation treatment (Articles 8.9 and 8.17)</p> <p>Senior management and boards of directors (Article 8.10)</p> <p>Prohibition of performance requirements (Article 8.11)</p>
Description:	<p><u>Investment liberalisation and Cross-border trade in services</u></p> <p>Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in public law enforcement and correctional services, and in social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public training, health, child care and public housing.</p>
Existing Measures:	
14 Sector:	Security Guard Services
Sub-Sector:	
Industry Classification:	JSIC 923 Guard Services
Obligations Concerned:	<p>Market access (Articles 8.7 and 8.15)</p> <p>National treatment (Article 8.16)</p>
Description:	<p><u>Investment liberalisation and Cross-border trade in services</u></p> <p>Japan reserves the right to adopt or maintain any measure relating to the supply of security guard services.</p>
Existing Measures:	Security Business Law (Law No. 117 of 1972), Articles 4 and 5
15 Sector:	All Sectors
Sub-Sector:	
Industry Classification:	
Obligations Concerned:	Most-favoured-nation treatment (Articles 8.9 and 8.17)

⁽¹⁾ The obligation under Article 8.7 is stipulated in this reservation for the sole purpose of reserving the right to adopt or maintain any measure relating to the acquisition of agricultural land properties in Japan. With regard to the acquisition of agricultural land properties in Japan, only measures that do not conform with the obligation under Article 8.7 may be imposed.

Description:

Investment liberalisation and Cross-border trade in services

1. Japan reserves the right to adopt or maintain any measure that accords less favourable treatment to services, service suppliers, covered enterprises or entrepreneurs of the European Union to any extent than any treatment that Japan accords to services, service suppliers, enterprises or entrepreneurs of a third country, provided that Japan is obliged to accord any treatment to services, service suppliers, enterprises or entrepreneurs of the third country under any bilateral or multilateral agreement in force on, or signed prior to, the date of entry into force of this Agreement except for the TPP Agreement ⁽¹⁾ (hereinafter, such bilateral or multilateral agreement is referred to in this reservation as 'the pre-existing agreement').
2. To the extent that Japan's right provided for in paragraph 1 is not prejudiced, provided that the TPP Agreement is in force on, or prior to, the date of entry into force of this Agreement, with respect to the treatment that is accorded to services, service suppliers, enterprises or entrepreneurs of a TPP member ⁽²⁾ by the TPP Agreement irrespective of whether Japan has become, remains or ceases to be a party to any of the pre-existing agreement, no less favourable treatment than that treatment is accorded by Japan to services, service suppliers, covered enterprises or entrepreneurs of the European Union in like circumstances. ⁽³⁾
3. Japan reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral agreement, other than the pre-existing agreement and the TPP Agreement, involving:
 - (a) fisheries; or
 - (b) maritime matters, including salvage.

Existing Measures:

16 Sector: Agriculture

Sub-Sector: Dairy Cattle Farming

Beef Cattle Farming

Industry Classification: JSIC 0121 Dairy Cattle Farming

JSIC 0122 Beef Cattle Farming

Obligations Concerned: Market access (Article 8.7)

Description: Investment liberalisation

Japan reserves the right to adopt or maintain any measure relating to investments in dairy cattle farming and beef cattle farming.

Existing Measures: Law Concerning Dairy and Beef Cattle Production Promotion (Law No. 182 of 1954), Article 10

17 Sector: Transport/Business Services

Sub-Sector: Air Transport

⁽¹⁾ For the purposes of this reservation, 'the TPP Agreement' means the Trans-Pacific Partnership Agreement signed in Auckland on February 4, 2016 or any other international agreement related to services and investments which:

(a) provides services, service suppliers, enterprises or entrepreneurs with the substantially equivalent liberalisation and protection to those of the Trans-Pacific Partnership Agreement signed in Auckland on February 4, 2016; and

(b) is signed by all of the following states: Japan, Australia, New Zealand, Peru, Singapore, Malaysia, Viet Nam, Canada, Mexico, Brunei Darussalam and Chile.

⁽²⁾ For the purposes of this reservation, 'the TPP member' means any state or separate customs territory for which the TPP Agreement enters into force.

⁽³⁾ For greater certainty, this reservation does not include subsequent reviews, amendments or liberalisation under the framework of those agreements, to the extent that any treatment to services, service suppliers, enterprises or entrepreneurs of a third country under the pre-existing agreement referred to in paragraph 1 is newly accorded as a result of those subsequent reviews, amendments or liberalisation.

Industry Classification:

Obligations Concerned: Most-favoured-nation treatment (Articles 8.9 and 8.17)

Description: Investment liberalisation and Cross-border trade in services

Japan reserves the right to adopt or maintain any measure under any bilateral or multilateral agreement involving aviation relating to the services referred to in subparagraphs 2(b)(i) to (iv) of Article 8.6 and subparagraphs 2(b)(i) to (iv) of Article 8.14.

Existing Measures:

18 Sector: Transport

Sub-Sector:

Industry Classification:

Obligations Concerned: Market access (Articles 8.7 and 8.15)

National treatment (Articles 8.8 and 8.16)

Most-favoured-nation treatment (Articles 8.9 and 8.17)

Senior management and boards of directors (Article 8.10)

Prohibition of performance requirements (Article 8.11)

Description: Investment liberalisation and Cross-border trade in services

Japan reserves the right to adopt or maintain any measure on water transport services including cabotage, on ship leasing or rental services for water transport services and on auxiliary services for water transport services.

For the purposes of this reservation, oceangoing transport (JSIC 451) and coastwise transport (JSIC 452) are excluded from water transport services.

Existing Measures:

ANNEX III

BUSINESS VISITORS FOR ESTABLISHMENT PURPOSES, INTRA-CORPORATE TRANSFEREES, INVESTORS AND
SHORT-TERM BUSINESS VISITORS

Schedule of the European Union

1. Articles 8.25 and 8.27 do not apply to any existing non-conforming measure listed in this Schedule, to the extent of the non-conformity.
2. A measure listed in this Schedule may be maintained, continued, promptly renewed, or amended, provided that the amendment does not decrease the conformity of the measure with Article 8.25 or 8.27 as it existed immediately before the amendment. ⁽¹⁾
3. For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to natural or juridical persons of Japan the treatment granted in a Member State, pursuant to the TFEU, or to any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:
 - (i) natural persons or residents of a Member State or
 - (ii) juridical persons constituted or organised under the law of another Member State or of the European Union and having their registered office, central administration or principal place of business in a Member State.Such treatment is granted to juridical persons which are constituted or organised under the law of a Member State or the European Union and have their registered office, central administration or principal place of business in a Member State, including those which are owned or controlled by natural or juridical persons of Japan.
4. Commitments for business visitors for establishment purposes, intra-corporate transferees, investors and short term business visitors do not apply in cases where the intent or effect of their temporary presence is to interfere with, or otherwise affect the outcome of, any labour or management dispute or negotiation.
5. The following abbreviations are used in the list below:

EU European Union, including all its Member States

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK Denmark

EE Estonia

EL Greece

ES Spain

FI Finland

FR France

HR Croatia

HU Hungary

IE Ireland

IT Italy

⁽¹⁾ This paragraph does not apply to reservations of the United Kingdom.

LT Lithuania
 LU Luxembourg
 LV Latvia
 MT Malta
 NL Netherlands
 PL Poland
 PT Portugal
 RO Romania
 SE Sweden
 SI Slovenia
 SK Slovak Republic
 UK United Kingdom

6. The permissible length of stay shall be as follows:

- (a) business visitors for establishment purposes: up to 90 days in any six month period;
- (b) intra-corporate transferees: up to three years, with possible extension by discretion of the European Union and its Member States;
- (c) investors: up to one year; and
- (d) short term business visitors: up to 90 days within any six month period.

7. Business visitors for establishment purposes

All sectors:	<p>AT: Business visitor needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.</p> <p>CY, UK: Permissible length of stay: up to 90 days in any 12 month period. Business visitor needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.</p> <p>CZ: Business visitor for establishment purposes needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.</p> <p>SK: Business visitor for establishment purposes needs to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound. Work permit required, including economic needs test.</p>
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8. Intra-corporate transferees (managers and specialists)

All sectors:	<p>AT, CZ, SK, UK: Intra-corporate transferees need to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound.</p> <p>BG: The number of foreign natural persons employed within a Bulgarian enterprise may not exceed ten per cent of the average annual number of citizens of the European Union employed by the respective Bulgarian enterprise. If less than 100 persons are employed, the number may, subject to authorisation, exceed ten per cent.</p> <p>CY: The number of foreign natural persons employed within a Cypriot enterprise may not exceed ten per cent of the average annual number of citizens of the European Union employed by the respective Cypriot enterprise. For small and medium enterprises the number of foreign personnel under this category may be subject to authorisation.</p> <p>FI: Senior personnel needs to be employed by an enterprise other than a non-profit organisation.</p> <p>HU: Natural persons who have been a partner in an enterprise do not qualify to be transferred as intra-corporate transferees.</p> <p>LT: Maximum length of stay is three years.</p>
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9. Investors

All sectors:	<p>AT: Economic needs test.</p> <p>CY: Maximum stay of 90 days within any six month period.</p> <p>CZ, SK: Work permit, including economic needs test, required in case of investors employed by an enterprise.</p> <p>DK: Maximum stay of 90 days within any six month period. If investors wish to establish a business in Denmark as self-employed, a work permit is required.</p> <p>FI: Investors need to be employed by an enterprise other than a non-profit organisation, in a position of middle or top management.</p> <p>HU: Maximum length of stay 90 days if the investor is not employed by an enterprise in Hungary. Economic needs test required where the investor is employed by an enterprise in Hungary.</p> <p>IT: Economic needs test required if the investor is not employed by an enterprise.</p> <p>LT, NL, PL: The category of investors is not recognised with regard to natural persons representing the investor.</p> <p>LV: For pre-investment phase maximum length of stay is limited to 90 days within any six months period. Extension in post-investment phase to one year, subject to criteria in national legislation such as field and amount of investment made.</p> <p>SE: Work permit required if investor considered to be employed.</p> <p>UK: The category of investors is not recognised: Unbound.</p>
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10. Short-term business visitors

All activities referred to in paragraph 11:	<p>CY, DK, HR: Work permit, including economic needs test, required in case the short-term business visitor provides a service in the territory of Cyprus, Denmark or Croatia, respectively.</p> <p>LV: Work permit required for operations or activities to be performed on the basis of a contract.</p> <p>MT: Work permit required. No economic needs tests performed.</p> <p>SI: A single residency and work permit is required for the provision of services exceeding 14 days at a time and for certain activities (research and design; training seminars; purchasing; commercial transactions; translation and interpretation). An economic needs test is not required.</p> <p>SK: In case of providing a service in the territory of Slovakia, a work permit, including economic needs test, is required beyond seven days in a month or 30 days in calendar year.</p> <p>UK: The category of short-term business visitors is not recognised: Unbound.</p>
Research and design:	AT: Work permit, including economic needs test, required, except for research activities of scientific and statistical researchers.
Marketing research:	<p>AT: Work permit required, including economic needs test. Economic needs test is waived for research and analysis activities for up to seven days in a month or 30 days in a calendar year. University degree required.</p> <p>CY: Work permit required, including economic needs test.</p>
Trade fairs and exhibitions:	AT, CY: Work permit, including economic needs test, required for activities beyond seven days in a month or 30 days in a calendar year.

After-sales or after-lease service:	<p>AT: Work permit required, including economic needs test. Economic needs test is waived for natural persons training workers to perform services and possessing uncommon knowledge.</p> <p>CY, CZ: Work permit is required beyond seven days in a month or 30 days in calendar year.</p> <p>FI: Depending on the activity, a residence permit may be required.</p> <p>SE: Work permit required, except for (i) people who participate in training, testing, preparation or completion of deliveries, or similar activities within the framework of a business transaction, or (ii) fitters or technical instructors in connection with urgent installation or repair of machinery for up to two months, in the context of an emergency. No economic needs test performed.</p>
Commercial transactions:	<p>AT, CY: Work permit, including economic needs test, required for activities beyond seven days in a month or 30 days in a calendar year.</p> <p>FI: The natural person needs to be providing services as an employee of an enterprise located in Japan.</p>
Tourism personnel:	<p>CY, PL: Unbound.</p> <p>FI: The natural person needs to be providing services as an employee of an enterprise located in Japan.</p> <p>SE: Work permit required, except for drivers and staff of tourist buses. No economic needs test performed.</p>
Translation and interpretation:	<p>AT: Work permit required, including economic needs test.</p> <p>CY, PL: Unbound.</p>

11. Activities of short-term business visitors are:

- (a) meetings and consultations: natural persons attending meetings or conferences, or engaged in consultations with business associates;
- (b) research and design: technical, scientific and statistical researchers conducting independent research or research for an enterprise located in Japan;
- (c) marketing research: market researchers and analysts conducting research or analysis for an enterprise located in Japan;
- (d) training seminars: personnel of an enterprise who enter the European Union to receive training in techniques and work practices which are utilised by companies or organisations in the European Union, provided that the training received is confined to observation, familiarisation and classroom instruction;
- (e) trade fairs and exhibitions: personnel attending a trade fair for the purpose of promoting their company or its products or services;
- (f) sales: representatives of a supplier of services or goods taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves. Short-term business visitors do not engage in making direct sales to the general public;
- (g) purchasing: buyers purchasing goods or services for an enterprise, or management and supervisory personnel, engaging in a commercial transaction carried out in Japan;
- (h) after-sales or after-lease service: installers, repair and maintenance personnel and supervisors, possessing specialised knowledge essential to a seller's contractual obligation, performing services or training workers to perform services pursuant to a warranty or other service contract incidental to the sale or lease of commercial or industrial equipment or machinery, including computer software, purchased or leased from an enterprise located outside the European Union into which temporary entry is sought, throughout the duration of the warranty or service contract;
- (i) commercial transactions: management and supervisory personnel and financial services personnel (including insurers, bankers and investment brokers) engaging in a commercial transaction for an enterprise located in Japan;

- (j) tourism personnel: tour and travel agents, tour guides or tour operators attending or participating in conventions or accompanying a tour that has begun in Japan; and
- (k) translation and interpretation: translators or interpreters performing services as employees of an enterprise located in Japan.

Schedule of Japan

Business visitors for establishment purposes

1. The permissible length of stay in Japan for business visitors for establishment purposes of the European Union shall be a period of up to 90 days.
2. The permissible length of stay in Japan for business visitors for establishment purposes of the European Union is without prejudice to the rights granted by Japan to nationals or citizens of the European Union under bilateral visa waivers.

Intra-corporate transferees

3. With respect to specialists defined in subparagraph(d)(i)(B) of Article 8.21, 'specialised knowledge' means technology or knowledge at an advanced level pertinent to natural sciences, including physical sciences and engineering, or to human sciences, including jurisprudence, economics, business management and accounting, or ideas and sensitivity based on culture of a country other than Japan, recognised under the status of residence of 'Engineer/Specialist in Humanities/International Services' provided for in the Immigration Control and Refugee Recognition Act (Cabinet Order No.319 of 1951).
4. The 'technology or knowledge at an advanced level pertinent to natural or human sciences' referred to in paragraph 3 means specialised technology or knowledge of natural or human sciences acquired by that person, in principle, by completing college education (i.e. bachelor's degree, associate's degree awarded through graduating from a junior college, or their equivalents) or higher education.
5. The permissible length of stay in Japan for intra-corporate transferees of the European Union shall be a period of up to five years.

Investors

6. The permissible length of stay in Japan for investors of the European Union shall be a period of up to five years.

Short-term business visitors

7. Short-term business visitors of the European Union are allowed to participate in business contacts, including negotiations for the sale of goods or supply of services, or other similar activities which comply with the conditions set out in Article 8.27 during their temporary stay in Japan.
8. The permissible length of stay in Japan for short-term business visitors of the European Union shall be a period of up to 90 days.
9. The permissible length of stay in Japan for short-term business visitors of the European Union is without prejudice to the rights granted by Japan to nationals or citizens of the European Union under bilateral visa waivers.

Accompanying spouse and children

10. Entry and temporary stay in Japan shall be granted to a spouse and children accompanying a natural person of the European Union who has been granted entry and temporary stay in Japan pursuant to paragraphs 3 to 5 or paragraph 6, in principle for the same period as the period of the temporary stay in Japan granted to that natural person, provided that those spouse and children concerned obtain maintenance from that natural person and engage in daily activities recognised under the status of residence of 'Dependent' provided for in the Immigration Control and Refugee Recognition Act.
11. A spouse who has been granted the entry and temporary stay in Japan pursuant to paragraph 10 may, upon application, have his or her status of residence changed to that under which he or she is allowed to work, subject to the approval of the Government of Japan in accordance with the Immigration Control and Refugee Recognition Act.
12. For the purposes of this Schedule, 'spouse' or 'children' means a spouse or children recognised as such in accordance with the laws and regulations of Japan.

ANNEX IV

CONTRACTUAL SERVICE SUPPLIERS AND INDEPENDENT PROFESSIONALS

Schedule of the European Union

1. The European Union shall allow the supply of services in its territory by contractual service suppliers or independent professionals of Japan through the presence of natural persons in accordance with Article 8.26 for the sectors listed in this Schedule, subject to the relevant limitations listed in paragraph 16.
2. The list of reservations in paragraph 16 is composed of the following elements:
 - (a) the first column indicating the sector or sub-sector for which the category of contractual service suppliers and independent professionals are liberalised; and
 - (b) the second column describing the applicable limitations.
3. In addition to the list of reservations in this Schedule, the European Union may adopt or maintain a measure relating to qualification requirements, qualification procedures, technical standards, licensing requirements or licensing procedures that does not constitute a limitation within the meaning of Article 8.26. Those measures, which include requirements to obtain a licence, to obtain recognition of qualifications in regulated sectors or to pass specific examinations, such as language examinations, even if not listed in this Schedule, apply in any case to contractual service suppliers or independent professionals of Japan.
4. The European Union does not undertake any commitment for contractual service suppliers and independent professionals in economic activities which are not listed.
5. Commitments for contractual service suppliers and independent professionals do not apply in cases where the intent or effect of their temporary presence is to interfere with, or otherwise affect the outcome of, any labour or management dispute or negotiation.
6. In the sectors where economic needs tests are applied, their main criteria will be the assessment of the relevant market situation in the Member State of the European Union or the region where the service is to be provided, including with respect to the number of, and the impact on, existing service suppliers.
7. This Schedule applies only to the territories in which the TFEU applies in accordance with subparagraph 1(a) of Article 1.3 and is only relevant in the context of trade relations between the European Union and its Member States with Japan. It does not affect the rights and obligations of the Member States under European Union law.
8. For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to natural or juridical persons of Japan the treatment granted in a Member State, pursuant to the TFEU, or to any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:
 - (i) natural persons or residents of a Member State or
 - (ii) juridical persons constituted or organised under the law of another Member State or of the European Union and having their registered office, central administration or principal place of business in a Member State.

Such treatment is granted to juridical persons which are constituted or organised under the law of a Member State or the European Union and have their registered office, central administration or principal place of business in a Member State, including those which are owned or controlled by natural or juridical persons of Japan.

9. The following abbreviations are used in the list below:

EU European Union, including all its Member States

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom
CSS	Contractual service suppliers
IP	Independent professionals

Contractual service suppliers

10. Subject to the conditions in paragraph 12 and the list of reservations in paragraph 16, the European Union makes commitments in accordance with Article 8.26 with respect to the category of contractual service suppliers in the following sectors or sub-sectors:

- (a) legal advisory services in respect of public international law and foreign law ⁽¹⁾;
- (b) accounting and bookkeeping services;
- (c) taxation advisory services;
- (d) architectural services and urban planning and landscape architectural services;
- (e) engineering services and integrated engineering services;
- (f) medical (including psychologists) and dental services;
- (g) veterinary services;
- (h) midwives services;
- (i) services provided by nurses, physiotherapists and paramedical personnel;
- (j) computer and related services;
- (k) research and development services;
- (l) advertising services;
- (m) market research and opinion polling services;
- (n) management consulting services;

⁽¹⁾ A reservation for legal services described in Annexes I and II to Annex 8-B by a Member State for 'domestic law' as covering 'law of the European Union and of its Member States' applies to this Schedule.

- (o) services related to management consulting;
- (p) technical testing and analysis services;
- (q) related scientific and technical consulting services;
- (r) mining;
- (s) maintenance and repair of vessels;
- (t) maintenance and repair of rail transport equipment;
- (u) maintenance and repair of motor vehicles, motorcycles, snowmobiles and road transport equipment;
- (v) maintenance and repair of aircrafts and parts thereof;
- (w) maintenance and repair of metal products, of (non office) machinery, of (non transport and non office) equipment and of personal and household goods;
- (x) translation and interpretation services;
- (y) telecommunication services;
- (z) postal and courier services;
- (aa) construction and related engineering services;
- (bb) site investigation work;
- (cc) higher education services;
- (dd) Agriculture, hunting and forestry related services advisory and consulting services;
- (ee) environmental services;
- (ff) insurance and insurance related services advisory and consulting services;
- (gg) other financial services advisory and consulting services;
- (hh) transport advisory and consulting services;
- (ii) travel agencies and tour operators' services;
- (jj) tourist guides services; and
- (kk) manufacturing advisory and consulting services.

11. The contractual service suppliers shall comply with the following conditions:

- (a) the natural persons are engaged in the supply of a service on a temporary basis as employees of a juridical person which has obtained a service contract not exceeding 12 months;
- (b) the natural persons entering the European Union have been offering such services as employees of the juridical person supplying the services for at least the year immediately preceding the date of submission of an application for entry into the European Union and possess, at the date of submission of an application for entry into the European Union at least three years professional experience ⁽¹⁾ in the sector of activity which is the subject of the contract;
- (c) the natural persons entering the European Union shall possess:
 - (i) a university degree or a qualification demonstrating knowledge of an equivalent level; ⁽²⁾ and
 - (ii) the professional qualifications to exercise an activity where this is required pursuant to the laws, regulations or legal requirements of the Member State of the European Union where the service is supplied;
- (d) the natural person does not receive remuneration for the provision of services in the territory of the European Union other than the remuneration paid by the juridical person employing the natural person;
- (e) the access accorded relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the Member State of the European Union where the service is provided; and
- (f) the number of persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be requested by the laws, regulations or other legal requirements of the Member State of the European Union where the service is supplied.

⁽¹⁾ Professional experience shall be obtained after having reached the age of majority.

⁽²⁾ Where the degree or qualification has not been obtained in the Member State of the European Union where the service is supplied, that Member State of the European Union may evaluate whether this is equivalent to a university degree required in its territory.

12. The permissible length of stay of contractual service suppliers is for a cumulative period of not more than 12 months, with possible extensions at the discretion of the European Union and its Member States, in any 24 month period or for the duration of the contract, whichever is less.

Independent professionals

13. Subject to the conditions in paragraph 15 and the list of reservations in paragraph 17, the European Union makes commitments in accordance with Article 8.26 with respect to the category of independent professionals in the following sectors or sub-sectors:

- (a) legal advisory services in respect of public international law and foreign law; ⁽¹⁾
- (b) architectural services and urban planning and landscape architectural services;
- (c) engineering services and integrated engineering services;
- (d) computer and related services;
- (e) research and development services;
- (f) market research and opinion polling services;
- (g) management consulting services;
- (h) services related to management consulting;
- (i) mining;
- (j) translation and interpretation services;
- (k) telecommunication services;
- (l) postal and courier services;
- (m) higher education services;
- (n) insurance related services advisory and consulting services;
- (o) other financial services advisory and consulting services;
- (p) transport advisory and consulting services; and
- (q) manufacturing advisory and consulting services.

14. The independent professionals shall comply with the following conditions:

- (a) the natural persons are engaged in the supply of a service on a temporary basis as self-employed persons established in Japan and have obtained a service contract for a period not exceeding twelve months;
- (b) the natural persons entering the European Union possess, at the date of submission of an application for entry into the European Union at least six years professional experience in the sector of activity which is the subject of the contract;
- (c) the natural persons entering the European Union possess:
 - (i) a university degree or a qualification demonstrating knowledge of an equivalent level; ⁽²⁾ and
 - (ii) the professional qualifications to exercise an activity where this is required pursuant to the law, regulations or other legal requirements of the Member State of the European Union where the service is supplied; and
- (d) the access accorded relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the Member State of the European Union where the service is provided.

15. The permissible length of stay of independent professionals is for a cumulative period of not more than 12 months, with possible extensions at the discretion of the European Union and its Member States, in any 24 month period or for the duration of the contract, whichever is less.

⁽¹⁾ A reservation for legal services described in Annexes I and II to Annex 8-B by a Member State for 'domestic law' as covering 'law of the European Union and of its Member States' applies to this Schedule.

⁽²⁾ Where the degree or qualification has not been obtained in the Member State of the European Union where the service is supplied, that Member State of the European Union may evaluate whether this is equivalent to a university degree required in its territory.

16. The European Union lists the following reservations referred to in paragraph 1:

Sector or sub-sector	Description of reservations
EU –all sectors	<p>Length of stay</p> <p>AT, UK: Maximum stay for CSS and IP shall be for a cumulative period of not more than six months in any 12 month period or for the duration of the contract, whichever is less.</p> <p>BE, CZ, MT, PT: Maximum stay for CSS and IP shall be for a period of not more than 12 consecutive months or for the duration of the contract, whichever is less.</p> <p>CY, LT: Maximum stay for CSS and IP shall be for a period of six months renewable once for an additional period of six months, or for the duration of the contract, whichever is less.</p>
Legal advisory services in respect of public international law and foreign law (part of CPC 861)	<p><u>CSS:</u> AT, BE, CY, DE, EE, EL, ES, FR, HR, IE, IT, LU, NL, PL, PT, SE, UK: None. BG, CZ, DK, FI, HU, LT, LV, MT, RO, SI, SK: Economic needs test.</p> <p><u>IP:</u> AT, CY, DE, EE, FR, HR, IE, LU, LV, NL, PL, PT, SE, UK: None. BE, BG, CZ, DK, EL, ES, FI, HU, IT, LT, MT, RO, SI, SK: Economic needs tests.</p>
Accounting and bookkeeping services (CPC 86212 other than ‘auditing services’, 86213, 86219 and 86220)	<p><u>CSS:</u> AT, BE, DE, EE, ES, HR, IE, IT, LU, NL, PL, PT, SE, SI, UK: None. BG, CY, CZ, DK, EL, FI, FR, HU, LT, LV, MT, RO, SK: Economic needs test.</p> <p><u>IP:</u> EU: Unbound.</p>
Taxation advisory services (CPC 863) ⁽¹⁾	<p><u>CSS:</u> AT, BE, DE, EE, ES, FR, HR, IE, IT, LU, NL, PL, SE, SI, UK: None. BG, CY, CZ, DK, EL, FI, HU, LT, LV, MT, RO, SK: Economic needs test. PT: Unbound.</p> <p><u>IP:</u> EU: Unbound.</p>
Architectural services and Urban planning and landscape architectural services (CPC 8671 and 8674)	<p><u>CSS:</u> AT: Planning services only, where: Economic needs test. BE, CY, EE, EL, ES, FR, HR, IE, IT, LU, MT, NL, PL, PT, SE, SI, UK: None. BG, CZ, DE, HU, LT, LV, RO, SK: Economic needs test. DK: Economic needs test, except for CSS stays of up to three months. FI: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.</p>

⁽¹⁾ Taxation advisory services does not include legal advisory and legal representational services on tax matters, which are under legal advisory services in respect of public international law and foreign law.

Sector or sub-sector	Description of reservations
	<p><u>IP:</u> AT: Planning services only, where: Economic needs test. BE, BG, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test. CY, DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. FI: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied.</p>
<p>Engineering services and Integrated engineering services (CPC 8672 and 8673)</p>	<p><u>CSS:</u> AT: Planning services only, where: Economic needs test. BE, CY, EE, EL, ES, FR, HR, IE, IT, LU, MT, NL, PL, PT, SE, SI, UK: None. BG, CZ, DE, LT, LV, RO, SK: Economic needs test. DK: Economic needs test, except for CSS stays of up to three months. FI: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied. HU: Economic needs test.</p> <p><u>IP:</u> AT: Planning services only, where: Economic needs test. BE, BG, CZ, DK, ES, IT, LT, RO, SK: Economic needs test. CY, DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. FI: None, except: The natural person must demonstrate that he or she possesses special knowledge relevant to the service being supplied. HU: Economic needs test.</p>
<p>Medical (including psychologists) and dental services (CPC 9312 and part of 85201)</p>	<p><u>CSS:</u> AT: Unbound, except for psychologists and dental services, where: Economic needs test. BE, BG, EL, FI, HR, HU, LT, LV, SK, UK: Unbound. CY, CZ, DE, DK, EE, ES, IE, IT, LU, MT, NL, PL, PT, RO, SI: Economic needs test. FR: Economic needs test, except for psychologists, where: Unbound. SE: None.</p> <p><u>IP:</u> EU: Unbound.</p>
<p>Veterinary services (CPC 932)</p>	<p><u>CSS:</u> AT, BE, BG, HR, HU, LV, SK, UK: Unbound. CY, CZ, DE, DK, EE, EL, ES, FI, FR, IE, IT, LT, LU, MT, NL, PL, PT, RO, SI: Economic needs test. SE: None.</p> <p><u>IP:</u> EU: Unbound.</p>

Sector or sub-sector	Description of reservations
Midwives services (part of CPC 93191)	<p><u>CSS:</u> AT, CY, CZ, DE, DK, EE, EL, ES, FR, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SI: Economic needs test. BE, BG, FI, HR, HU, SK, UK: Unbound. SE: None.</p> <p><u>IP:</u> EU: Unbound.</p>
Services provided by nurses, physiotherapists and paramedical personnel (part of CPC 93191)	<p><u>CSS:</u> AT, CY, CZ, DE, DK, EE, EL, ES, FR, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SI: Economic needs test. BE, BG, FI, HR, HU, SK, UK: Unbound. SE: None.</p> <p><u>IP:</u> EU: Unbound.</p>
Computer and related services (CPC 84)	<p><u>CSS:</u> AT, BG, CY, CZ, HU, LT, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test except for CSS stays of up to three months. FI: None, except: The natural person must demonstrate special knowledge relevant to the service being supplied.</p> <p><u>IP:</u> AT, BE, BG, CY, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test. DE, EE, EL, FR, IE, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. FI: None, except: The natural person must demonstrate special knowledge relevant to the service being supplied. HR: Unbound.</p>
Research and development Services (CPC 851, 852 excluding psychologists services ⁽¹⁾ , and 853)	<p><u>CSS:</u> EU except in CZ, DK, SK: None EU except in NL, SE: A hosting agreement with an approved research organisation is required. ⁽²⁾ CZ, DK, SK: Economic needs test.</p> <p><u>IP:</u> EU except in BE, CZ, DK, IT, SK: None EU except in NL, SE: A hosting agreement with an approved research organisation is required. ⁽³⁾ BE, CZ, DK, IT, SK: Economic needs test.</p>

⁽¹⁾ Part of CPC 85201, which is under medical and dental services.

⁽²⁾ For all Member States of the European Union except UK and DK, the approval of the research organisation and the hosting agreement must meet the conditions set pursuant to Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

⁽³⁾ For all Member States of the European Union except the UK and DK, the approval of the research organisation and the hosting agreement must meet the conditions set pursuant to Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

Sector or sub-sector	Description of reservations
Advertising services (CPC 871)	<p><u>CSS:</u> AT, BG, CY, CZ, DK, EL, FI, HU, LT, LV, MT, RO, SK: Economic needs test. BE, DE, EE, ES, FR, HR, IE, IT, LU, NL, PL, PT, SE, SI, UK: None.</p> <p><u>IP:</u> EU: Unbound, except NL. NL: None.</p>
Market research and opinion polling services (CPC 864)	<p><u>CSS:</u> AT, BG, CY, CZ, DK, EL, FI, HR, LV, MT, RO, SI, SK: Economic needs test. BE, DE, EE, ES, FR, IE, IT, LU, NL, PL, SE, UK: None. HU, LT: Economic needs test, except for public opinion polling services (CPC 86402), where: Unbound. PT: None, except for public opinion polling services (CPC 86402), where: Unbound.</p> <p><u>IP:</u> AT, BE, BG, CY, CZ, DK, EL, ES, FI, HR, IT, LV, MT, RO, SI, SK: Economic needs test. DE, EE, FR, IE, LU, NL, PL, SE, UK: None. HU, LT: Economic needs test, except for public opinion polling services (CPC 86402), where: Unbound. PT: None, except for public opinion polling services (CPC 86402), where: Unbound.</p>
Management consulting services (CPC 865)	<p><u>CSS:</u> AT, BG, CY, CZ, HU, LT, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FI, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test, except for CSS stays of up to three months.</p> <p><u>IP:</u> AT, BE, BG, CZ, DK, ES, HR, HU, IT, LT, RO, SK: Economic needs test. CY, DE, EE, EL, FI, FR, IE, LU, LV, MT, NL, PL, PT, SE, SI, UK: None.</p>
Services related to management consulting (CPC 866)	<p><u>CSS:</u> AT, BG, CY, CZ, LT, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FI, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test, except for CSS stays of up to three months. HU: Economic needs test, except for arbitration and conciliation services (CPC 86602), where: Unbound.</p> <p><u>IP:</u> AT, BE, BG, CZ, DK, ES, HR, IT, LT, RO, SK: Economic needs test. CY, DE, EE, EL, FI, FR, IE, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. HU: Economic needs test, except for arbitration and conciliation services (CPC 86602), where: Unbound.</p>

Sector or sub-sector	Description of reservations
Technical testing and analysis services (CPC 8676)	<p><u>CSS:</u> AT, BG, CY, CZ, FI, HU, LT, LV, MT, PT, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FR, HR, IE, IT, LU, NL, PL, SE, SI, UK: None. DK: Economic needs test, except for CSS stays of up to three months.</p> <p><u>IP:</u> EU: Unbound, except NL. NL: None.</p>
Related scientific and technical consulting services (CPC 8675)	<p><u>CSS:</u> AT, CY, CZ, DK, FI, HU, LT, LV, MT, PT, RO, SK: Economic needs test. BE, EE, EL, ES, HR, IE, IT, LU, NL, PL, SE, SI, UK: None. DE: Unbound for publicly appointed surveyors. Otherwise, Economic needs test. FR: None, except for 'surveying' operations relating to the establishment of property rights and to land law, where: Unbound.</p> <p><u>IP:</u> EU: Unbound, except NL. NL: None.</p>
Mining (CPC 883, advisory and consulting services only)	<p><u>CSS:</u> AT, BG, CY, CZ, HU, LT, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FI, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test, except for CSS stays of up to three months.</p> <p><u>IP:</u> AT, BE, BG, CY, CZ, DK, ES, HU, IT, LT, PL, RO, SK: Economic needs test. DE, EE, EL, FI, FR, HR, IE, LU, LV, MT, NL, PT, SE, SI, UK: None.</p>
Maintenance and repair of vessels (part of CPC 8868)	<p><u>CSS:</u> AT, BG, CY, CZ, DE, DK, FI, HU, IE, LT, MT, RO, SK: Economic needs test. BE, EE, EL, ES, FR, HR, IT, LU, LV, NL, PL, PT, SE, SI, UK: None</p> <p><u>IP:</u> EU: Unbound, except NL. NL: None.</p>
Maintenance and repair of rail transport equipment (part of CPC 8868)	<p><u>CSS:</u> AT, BG, CY, CZ, DE, DK, FI, HU, IE, LT, RO, SK: Economic needs test. BE, EE, EL, ES, FR, HR, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None.</p> <p><u>IP:</u> EU: Unbound, except NL. NL: None.</p>

Sector or sub-sector	Description of reservations
Maintenance and repair of motor vehicles, motorcycles, snow-mobiles and road transport equipment (CPC 6112, 6122, part of 8867 and part of 8868)	<p><u>CSS:</u> AT, BG, CY, CZ, DE, DK, FI, HU, IE, LT, MT, RO, SK: Economic needs test. BE, EE, EL, ES, FR, HR, IT, LU, LV, NL, PL, PT, SE, SI, UK: None.</p> <p><u>IP:</u> EU: Unbound, except NL. NL: None.</p>
Maintenance and repair of aircraft and parts thereof (part of CPC 8868)	<p><u>CSS:</u> AT, BG, CY, CZ, DE, DK, FI, HU, IE, LT, RO, SK: Economic needs test. BE, EE, EL, ES, FR, HR, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None.</p> <p><u>IP:</u> EU: Unbound, except NL. NL: None.</p>
Maintenance and repair of metal products, of (non office) machinery, of (non transport and non office) equipment and of personal and household goods ⁽¹⁾ (CPC 633, 7545, 8861, 8862, 8864, 8865 and 8866)	<p><u>CSS:</u> AT, BG, CY, CZ, DE, DK, HU, IE, LT, RO, SK: Economic needs test. BE, EE, EL, ES, FR, HR, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. FI: Unbound, except in the context of an after-sales or after-lease contract, where: the length of stay is limited to six months; for maintenance and repair of personal and household goods (CPC 633): Economic needs test.</p> <p><u>IP:</u> EU: Unbound, except NL. NL: None.</p>
Translation and interpretation services (CPC 87905, excluding official or certified activities)	<p><u>CSS:</u> AT, BG, CZ, DK, FI, HU, IE, LT, LV, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FR, HR, IT, LU, MT, NL, PL, PT, SE, SI, UK: None.</p> <p><u>IP:</u> AT, BE, BG, CZ, DK, EL, ES, FI, HU, IE, IT, LT, RO, SK: Economic needs test. CY, DE, EE, FR, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. HR: Unbound.</p>
Telecommunication services (CPC 7544, advisory and consulting services only)	<p><u>CSS:</u> AT, BG, CY, CZ, HU, LT, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FI, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test, except for CSS stays of up to three months.</p>

⁽¹⁾ Maintenance and repair services of office machinery and equipment including computers (CPC 845) are under computer services.

Sector or sub-sector	Description of reservations
	<p><u>IP:</u> AT, BE, BG, CY, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test. DE, EE, EL, FI, FR, HR, IE, LU, LV, MT, NL, PL, PT, SE, SI, UK: None.</p>
Postal and courier services (CPC 751, advisory and consulting services only)	<p><u>CSS:</u> AT, BG, CY, CZ, FI, HU, LT, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test, except for CSS stays of up to three months.</p> <p><u>IP:</u> AT, BE, BG, CY, CZ, DK, ES, FI, HU, IT, LT, RO, SK: Economic needs test. DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PL, PT, SE, SI, UK: None.</p>
Construction and related engineering services (CPC 511, 512, 513, 514, 515, 516, 517 and 518. BG: CPC 512, 5131, 5132, 5135, 514, 5161, 5162, 51641, 51643, 51644, 5165 and 517)	<p><u>CSS:</u> EU: Unbound except in BE, CZ, DK, ES, FR, NL and SE. BE, DK, ES, NL, SE: None. CZ: Economic needs test. FR: Unbound, except for technicians, where: the work permit is delivered for a period not exceeding six months. Compliance with an economic needs test is required.</p> <p><u>IP:</u> EU: Unbound, except NL. NL: None.</p>
Site investigation work (CPC 5111)	<p><u>CSS:</u> AT, BG, CY, CZ, FI, HU, LT, LV, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FR, HR, IE, IT, LU, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test, except for CSS stays of up to three months.</p> <p><u>IP:</u> EU: Unbound.</p>
Higher education services (CPC 923)	<p><u>CSS:</u> EU except in LU, SE: Unbound. LU: Unbound, except for university professors, where: None. SE: None, except for publicly funded and privately funded educational services suppliers with some form of State support, where: Unbound.</p> <p><u>IP:</u> EU except in SE: Unbound. SE: None, except for publicly funded and privately funded educational services suppliers with some form of State support, where: Unbound.</p>

Sector or sub-sector	Description of reservations
Agriculture, hunting and forestry related services (CPC 881, advisory and consulting services only)	<p><u>CSS:</u> EU except in BE, DE, DK, ES, FI, HR and SE: Unbound BE, DE, ES, HR, SE: None DK: Economic needs test. FI: Unbound, except for advisory and consulting services relating to forestry, where: None. <u>IP:</u> EU: Unbound.</p>
Environmental services (CPC 9401, 9402, 9403, 9404, part of 94060, 9405, part of 9406 and 9409)	<p><u>CSS:</u> AT, BG, CY, CZ, DE, DK, EL, HU, LT, LV, RO, SK: Economic needs test. BE, EE, ES, FI, FR, HR, IE, IT, LU, MT, NL, PL, PT, SE, SI, UK: None. <u>IP:</u> EU: Unbound.</p>
Insurance and insurance related services (advisory and consulting services only)	<p><u>CSS:</u> AT, BG, CY, CZ, FI, LT, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test except for CSS stays of up to three months. HU: Unbound. <u>IP:</u> AT, BE, BG, CY, CZ, DK, ES, FI, IT, LT, PL, RO, SK: Economic needs test. DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PT, SE, SI, UK: None. HU: Unbound.</p>
Other financial services (advisory and consulting services only)	<p><u>CSS:</u> AT, BG, CY, CZ, FI, LT, RO, SK: Economic needs test. BE, DE, ES, EE, EL, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test, except for CSS that stays of up to three months. HU: Unbound. <u>IP:</u> AT, BE, BG, CY, CZ, DK, ES, FI, IT, LT, PL, RO, SK: Economic needs test. DE, EE, EL, FR, HR, IE, LU, LV, MT, NL, PT, SE, SI, UK: None. HU: Unbound.</p>
Transport (CPC 71, 72, 73, and 74, advisory and consulting services only)	<p><u>CSS:</u> AT, BG, CY, CZ, HU, LT, RO, SK: Economic needs test. BE: Unbound. DE, EE, EL, ES, FI, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test, except for CSS stays of up to three months.</p>

Sector or sub-sector	Description of reservations
	<p><u>IP:</u> AT, BG, CZ, DK, ES, HU, IT, LT, RO, SK: Economic needs test. BE: Unbound. CY, DE, EE, EL, FI, FR, HR, IE, LU, LV, MT, NL, PT, SE, SI, UK: None. PL: Economic needs test, except for air transport, where: None.</p>
Travel agencies and tour operators services (including tour managers ⁽¹⁾) (CPC 7471)	<p><u>CSS:</u> AT, CY, CZ, DE, EE, ES, FR, HR, IT, LU, NL, PL, SE, SI, UK: None. BE, IE: Unbound, except for tour managers, where: None. BG, EL, FI, HU, LT, LV, MT, PT, RO, SK: Economic needs test. DK: Economic needs test, except for CSS stays of up to three months.</p> <p><u>IP:</u> EU: Unbound.</p>
Tourist guides services (CPC 7472)	<p><u>CSS:</u> AT, BE, BG, CY, CZ, DE, DK, EE, FI, FR, EL, HU, IE, IT, LU, LV, MT, RO, SI, SK: Economic needs test. ES, HR, LT, PL, PT: Unbound. NL, SE, UK: None.</p> <p><u>IP:</u> EU: Unbound.</p>
Manufacturing (CPC 884, and 885, advisory and consulting services only)	<p><u>CSS:</u> AT, BG, CY, CZ, HU, LT, RO, SK: Economic needs test. BE, DE, EE, EL, ES, FI, FR, HR, IE, IT, LU, LV, MT, NL, PL, PT, SE, SI, UK: None. DK: Economic needs test, except for CSS stays of up to three months.</p> <p><u>IP:</u> AT, BE, BG, CY, CZ, DK, ES, HU, IT, LT, PL, RO, SK: Economic needs test. DE, EE, EL, FI, FR, HR, IE, LU, LV, MT, NL, PT, SE, SI, UK: None.</p>

Schedule of Japan

Contractual service suppliers and independent professionals

1. Contractual service suppliers and independent professionals of the European Union are allowed to engage in business activities of supplying services during their temporary stay in Japan which correspond to:
 - (a) activities which require technology or knowledge at an advanced level pertinent to natural sciences, including physical sciences and engineering, or to human sciences, including jurisprudence, economics, business management and accounting, or activities which require ideas and sensitivity based on culture of a country other than Japan, recognised under the status of residence of 'Engineer/Specialist in Humanities/International Services' provided for in the Immigration Control and Refugee Recognition Act (Cabinet Order No.319 of 1951);
 - (b) activities for research, guidance of research, or education at a university in Japan, an equivalent educational institution in Japan, or a college of technology in Japan, recognised under the status of residence of 'Professor' provided for in the Immigration Control and Refugee Recognition Act;

⁽¹⁾ Services suppliers whose function is to accompany a tour group of a minimum of 10 natural persons, without acting as guides in specific locations.

- (c) legal services supplied by the following persons, who must be qualified as specified under the laws and regulations of Japan:
 - (i) a lawyer qualified as 'Bengoshi';
 - (ii) a patent attorney qualified as 'Benrishi';
 - (iii) a maritime procedure agent qualified as 'Kaijidairishi';
 - (iv) a judicial scrivener qualified as 'Shiho-Shoshi';
 - (v) an administrative scrivener qualified as 'Gyosei-Shoshi';
 - (vi) a certified social insurance and labour consultant qualified as 'Shakai-Hoken-Romushi'; or
 - (vii) a land and house surveyor qualified as 'Tochi-Kaoku-Chosashi';
 - (d) legal advisory services on law of jurisdiction where the service supplier is a qualified lawyer and is qualified as 'Gaikokuho-Jimu-Bengoshi' under the laws and regulations of Japan;
 - (e) accounting, auditing and bookkeeping services supplied by an accountant qualified as 'Koninkaikeishi' under the laws and regulations of Japan; or
 - (f) taxation services supplied by a tax accountant qualified as 'Zeirishi' under the laws and regulations of Japan.
2. The 'activities which require technology or knowledge at an advanced level pertinent to natural or human sciences' referred to in subparagraph 1(a) means activities in which the natural person may not be able to engage without the application of specialised technology or knowledge of natural or human sciences acquired by that person, in principle, by completing college education (i.e. bachelor's degree, associate's degree awarded through graduating from a junior college, or their equivalents) or higher education.
 3. The limitations of business activities referred to in paragraph 1 are specified in Appendix IV.
 4. The permissible length of stay in Japan for contractual service suppliers and independent professionals of the European Union shall be a period of up to five years.

Accompanying spouse and children

5. Entry and temporary stay in Japan shall be granted to a spouse and children accompanying a natural person of the European Union who has been granted entry and temporary stay in Japan pursuant to paragraphs 1 to 4, in principle for the same period as the period of the temporary stay in Japan granted to that natural person, provided that those spouse and children concerned obtain maintenance from the natural person and engage in daily activities recognised under the status of residence of 'Dependent' provided for in the Immigration Control and Refugee Recognition Act.
 6. A spouse who has been granted the entry and temporary stay in Japan pursuant to paragraph 5 may, upon application, have his or her status of residence changed to that under which he or she is allowed to work, subject to the approval of the Government of Japan in accordance with the Immigration Control and Refugee Recognition Act.
 7. For the purposes of this Schedule, 'spouse' or 'children' means a spouse or children recognised as such in accordance with the laws and regulations of Japan.
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APPENDIX IV

LIMITATIONS OF BUSINESS ACTIVITIES OF CONTRACTUAL SERVICE SUPPLIERS AND INDEPENDENT PROFESSIONALS IN JAPAN ⁽¹⁾

Sector or subsector	Limitations
Legal services, as referred to in subparagraph 1(c) of the Schedule of Japan of Annex IV (CPC 861**)	None
Legal advisory services, as referred to in subparagraph 1(d) of the Schedule of Japan of Annex IV (CPC 861**)	None
Accounting, auditing and bookkeeping services, as referred to in subparagraph 1(e) of the Schedule of Japan of Annex IV (CPC 862**)	None
Taxation services, as referred to in subparagraph 1(f) of the Schedule of Japan of Annex IV (CPC 863**)	None
Architectural services (CPC 8671)	None
Engineering services (CPC 8672)	None
Integrated engineering services (CPC 8673)	None
Urban planning services and landscape architectural services (CPC 8674)	None
Computer and related services (CPC 84)	None
Research and experimental development services on natural sciences and engineering (CPC 8510)	None
Research and experimental development services on social sciences and humanities (CPC 8520)	None
Interdisciplinary research and experimental development services (CPC 8530)	None
Sale or leasing services of advertising space or time (CPC 8711)	None
Planning, creating and placement services of advertising (CPC 8712)	None

⁽¹⁾ Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (WTO Document MTN.GNS/W/120, dated 10 July 1991) and the CPC. These alphabetical and numerical divisions are indicated to enhance the clarity of the description of specific commitments, but shall not be construed as being a part of the specific commitments. The use of '**' against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code. This list of sectors or subsectors is based on the categories of the statuses of residence under the Immigration Control and Refugee Recognition Act of Japan (Cabinet Order No 319 of 1951).

Sector or subsector	Limitations
Other advertising services (CPC 8719)	None
Market research and public opinion polling services (CPC 8640)	None
Management consulting services (CPC 8650)	None
Services related to management consulting (CPC 8660)	None
Technical testing and analysis services (CPC 8676)	None
Engineering related scientific and technical consulting services (CPC 8675)	None
Maintenance and repair of equipment (excluding vessels, aircrafts and other transport equipment) (CPC 633, 8861-8866)	None
Trade fair and exhibition organisation services (CPC 87909**)	None
Translation and interpretation services (CPC 87905)	None
Specialty design services (CPC 87907)	None
Radio and television transmission services (CPC 7524**)	For greater certainty, activities recognised under the status of residence of 'Entertainer' are not included.
General construction work for buildings (CPC 512)	None
General construction work for civil engineering (CPC 513)	None
Installation and assembly work (CPC 514, 516)	None
Building completion and finishing work (CPC 517)	None
Other construction related services — Pre-erection work at construction sites (CPC511) — Special trade construction work (CPC515) — Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator (CPC518)	None

Sector or subsector	Limitations
Adult education services (CPC 924**)	Limited to language instruction education in private enterprises
Other education services (CPC 929**)	Limited to language instruction education in private enterprises
Sewage services (CPC 9401)	None
Refuse disposal services (CPC 9402)	None
Cleaning services of exhaust gases (CPC 9404)	None
Noise abatement services (CPC 9405)	None
Nature and landscape protection services (CPC 9406)	None
Other environmental protection services (CPC 9409)	None
Travel agency and tour operator services (CPC 7471)	None
Tourist guide services (CPC 7472)	None

ANNEX 8-C

UNDERSTANDING ON MOVEMENT OF NATURAL PERSONS FOR BUSINESS PURPOSES

Procedural commitments related to entry and temporary stay

1. The Parties should ensure that the processing of applications for entry and temporary stay pursuant to their respective commitments in this Agreement follows good administrative practice. To that effect:
 - (a) the Parties shall ensure that fees charged by competent authorities for the processing of applications for the entry and temporary stay do not unduly impair or delay trade in goods or services or establishment or operation under this Agreement;
 - (b) subject to the competent authorities' discretion, documents required from the applicant for applications for the grant of entry and temporary stay of short-term visitors for business purposes should be commensurate with the purpose for which they are collected;
 - (c) complete applications for the grant of entry and temporary stay shall be processed as expeditiously as possible;
 - (d) the competent authorities of a Party shall endeavour to provide, without undue delay, information in response to any reasonable request from an applicant concerning the status of an application;
 - (e) if the competent authorities of a Party require additional information from the applicant in order to process the application, they shall endeavour to notify, without undue delay, the applicant of the required additional information;
 - (f) the competent authorities of a Party shall notify the applicant of the outcome of the application promptly after a decision has been taken; if the application is approved, the competent authorities of a Party shall notify the applicant of the period of stay and other relevant terms and conditions; if the application is denied, the competent authorities of a Party shall, upon request or upon their own initiative, make available to the applicant information on any available review or appeal procedures; and
 - (g) the Parties shall endeavour to accept and process applications in electronic format.

Additional procedural commitments applying to intra-corporate transferees and their family members ⁽¹⁾

2. The competent authorities in the European Union shall adopt a decision on the application for entry and temporary stay of an intra-corporate transferee, or a renewal of it, and shall notify the decision to the applicant in writing, in accordance with the notification procedures under the relevant laws and regulations, as soon as possible but not later than 90 days from the date on which the complete application was submitted.
3. To the extent practicable, the competent authorities of Japan shall adopt a decision on the application for an entry visa of an intra-corporate transferee, or for an extension permit of an intra-corporate transferee, and shall notify the decision to the applicant in writing within a period of time not exceeding 90 days after the submission of a complete application or, where applicable, after the submission of a complete application relating to the entry and temporary stay prior to the application requesting entry visa as defined in paragraph 4. Where it is not practicable for a decision to be made within 90 days, the competent authorities of Japan shall endeavour to make the decision within a reasonable period of time thereafter.
4. For the purposes of this Annex, 'application relating to the entry and temporary stay prior to the application requesting entry visa' means an application requesting a Certificate of Eligibility. The period between the date when the Certificate of Eligibility is issued and the date of the applicant's request for an entry visa is not included within the period of 90 days mentioned above.
5. Where the information or documentation for the application is incomplete, the competent authorities shall endeavour to notify the applicant within a reasonable period of time of the additional information that is required and set a reasonable deadline for providing it. The period referred to in paragraphs 2 and 3 shall be suspended until the competent authorities have received the required additional information.

⁽¹⁾ Paragraphs 2, 5 and 6 do not apply to the Member States of the European Union that are not subject to the application of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (hereinafter referred to in this Annex as 'the ICT Directive').

6. The European Union shall:

- (a) extend to family members of a Japanese national who is an intra-corporate transferee to the European Union the rights granted to family members of an intra-corporate transferee pursuant to Article 19 of the ICT Directive; and
- (b) grant a Japanese national who is an intra-corporate transferee to the European Union a right of intra-European Union mobility, in accordance with the ICT Directive.

Cooperation on return and readmission

7. The Parties acknowledge that the enhanced movement of natural persons following from paragraphs 1 to 6 requires full cooperation on return and readmission of natural persons staying in a Party in contravention of its rules for entry and temporary stay.
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