

ANNEX III

PART 1: SCHEDULE OF NON-CONFORMING MEASURES

Referred to in Chapter 8 (Trade in Services) and Chapter 9 (Investment)

SCHEDULE OF AUSTRALIA

Section A

Introductory Notes

1. Section A of the Schedule of Australia sets out, pursuant to Article 8.9 (Schedule of Non-Conforming Measures) of Chapter 8 (Trade in Services) and Article 9.5 (Non-Conforming Measures) of Chapter 9 (Investment), Australia’s existing measures that are not subject to some or all of the obligations imposed by:

- (a) Article 8.11 (Market Access) of Chapter 8 (Trade in Services);
- (b) Article 8.10 (National Treatment) of Chapter 8 (Trade in Services) or Article 9.3 (National Treatment) of Chapter 9 (Investment); or
- (c) Article 8.12 (Most-Favoured-Nation Treatment) of Chapter 8 (Trade in Services) or Article 9.4 (Most-Favoured-Nation Treatment) of Chapter 9 (Investment).

- Note 1: Commitments on measures with respect to or relating to trade in financial services are undertaken subject to the limitations and conditions set forth in Chapter 8 (Trade in Services), Annex 8-B (Financial Services) and Chapter 9 (Investment), these Introductory Notes and the Schedule below.
- Note 2: To clarify Australia’s commitment with respect to Article 8.11 (Market Access) of Chapter 8 (Trade in Services), enterprises supplying financial services and constituted under the laws of Australia are subject to non-discriminatory limitations on juridical form.¹
- Note 3: Without prejudice to other means of prudential regulation of cross-border trade in financial services, Australia reserves the right to require the non-discriminatory licensing or registration of cross-border

¹ For example, partnerships and sole proprietorships are generally not acceptable juridical forms for authorised depository institutions in Australia. This note is not itself intended to affect, or otherwise limit, a choice by a financial service supplier of the other Party between branches or subsidiaries.

附件III

PART 1: 非符合措施清单

在第8章（服务贸易）和第9章（投资）中提及

澳大利亚清单

A部分

引言

1. 澳大利亚清单的第A部分列出了，根据第8章第8.9条（非符合措施清单）（服务贸易）和第9章第9.5条（非符合措施）（投资），澳大利亚现有的、未受以下一项或全部义务约束的措施：

- (a) 第8章第8.11条（市场准入）（服务贸易）； (b) 第8章第8.10条（国民待遇）（服务贸易）或第9章第9.3条（国民待遇）（投资）； 或 (c) 第8章第8.12条（最惠国待遇）（服务贸易）或第9章第9.4条（最惠国待遇）（投资）。
注释1：与或涉及金融服务贸易的措施的承诺，受第8章（服务贸易）、附件8-B（金融服务）和第9章（投资）、本引言和下文清单中规定的限制和条件约束。注释2：为明确澳大利亚在第8章第8.11条（市场准入）（服务贸易）项下的承诺，根据澳大利亚法律成立并供应金融服务的实体，其法律形式受到非歧视性限制。¹注释3：在不损害其他跨境金融服务审慎监管手段的情况下，澳大利亚保留要求权利

非歧视性跨境授权或注册

¹ 例如，合伙企业和个体工商户通常不被澳大利亚的授权存款机构视为可接受的法律形式。本说明本身并不打算影响或以其他方式限制金融服务供应商在分支机构或子公司之间选择另一方。

financial service suppliers of China and of financial instruments in accordance with Article 3 (Domestic Regulation) of Annex 8-B (Financial Services).

Note 4: Australia reserves the right to adopt or maintain non-discriminatory limitations concerning admission to the market of new financial services where such measures are required to achieve prudential objectives. Australia may determine the institutional and juridical form through which a new financial service may be supplied and may require authorisation for the supply of the service. Where authorisation to supply a new financial service is required, the authorisation may only be refused for prudential reasons.

2. Each Schedule entry sets out the following elements:

- (a) “Sector” refers to the sector for which the Schedule entry is made;
- (b) “Obligations Concerned” specifies the obligation(s) referred to in paragraph 1 that, pursuant to Article 8.9 (Schedule of Non-Conforming Measures) of Chapter 8 (Trade in Services) and Article 9.5 (Non-Conforming Measures) of Chapter 9 (Investment) do not apply to the listed measure(s);
- (c) “Level of Government” indicates the level of government maintaining the listed measure(s);
- (d) “Source of Measure” means the laws, regulations or other measures that are the source of the non-conforming measure for which the Schedule entry is made. A measure cited in the “Source of Measure” 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;
- (e) “Description” sets out the non-conforming measure for which the Schedule entry is made.

Note 1: In accordance with Article 8.9 (Schedule of Non-Conforming Measures) and Article 9.5 (Non-Conforming Measures) of Chapter 9 (Investment), the articles of this Agreement specified in the “Obligations Concerned” element of an entry do not apply to the non-conforming measure identified in the “Description” element of that entry.

中国金融服务供应商及附件8-B（金融服务）第3条（国内监管）规定的金融工具。注意4：澳大利亚保留采用或维持非歧视性限制的权利，以限制进入新金融服务市场，前提是此类措施为实现审慎目标所必需。澳大利亚可以通过其机构和法律形式确定新金融服务可以供应的方式，并可能要求授权以供应该服务。如需授权供应新金融服务，则授权只能因审慎理由而拒绝。

2. 每个附件条目列出了以下要素：

(a) “Sector” 指的是清单条目所针对的部门； (b) “Obligations Concerned” 指明第1段中提到的义务，根据第8章第8.9条（非符合措施清单）和第9章第9.5条（非符合措施），这些义务不适用于所列措施； (c) “Level of Government” 指示维持所列措施的政府层级； (d) “Source of Measure” 指的是导致清单条目所列非符合措施的法律、法规或其他措施。在“Source of Measure”元素中引用的措施： (i) 指本协定生效之日起修订、延续或重新生效的措施；以及 (ii) 包括根据授权并与其一致的任何下级措施； (e) “Description” 列出清单条目所针对的非符合措施。注释1：根据第8章第8.9条（非符合措施清单）和第9章第9.5条（非符合措施），清单条目“Obligations Concerned”元素中指定的本协定条款不适用于该条目“Description”元素中确定的非符合措施。

- Note 2: A reference to Market Access in the “Obligations Concerned” element of an entry specifies Australia’s obligations under Article 8.11 (Market Access) of Chapter 8 (Trade in Services).
- Note 3: A reference to National Treatment in the “Obligations Concerned” element of an entry specifies Australia’s obligations under Article 8.10 (National Treatment) of Chapter 8 (Trade in Services) and Article 9.3 (National Treatment) of Chapter 9 (Investment).
- Note 4: A reference to Most-Favoured-Nation in the “Obligations Concerned” element of an entry specifies Australia’s obligations under Article 8.12 (Most-Favoured-Nation Treatment) of Chapter 8 (Trade in Services) and Article 9.4 (Most-Favoured-Nation Treatment) of Chapter 9 (Investment).

3. Australia reserves the right to maintain and to add to this Schedule any non-conforming measure at the regional level of government that existed at 1 January 2005, but was not listed in this Schedule at the date of entry into force of this Agreement, against the following obligations:

- (a) Article 8.10 (National Treatment) of Chapter 8 (Trade in Services) and Article 9.3 (National Treatment) of Chapter 9 (Investment); or
- (b) Article 8.12 (Most-Favoured-Nation Treatment) of Chapter 8 (Trade in Services) and Article 9.4 (Most-Favoured-Nation Treatment) of Chapter 9 (Investment).

注释2：清单条目“Obligations Concerned”元素中提到的市场准入指定澳大利亚在第8章第8.10条（市场准入）下的义务。注释3：清单条目“Obligations Concerned”元素中提到的国民待遇指定澳大利亚在第8章第8.10条（国民待遇）和第9章第9.3条（国民待遇）下的义务。注释4：清单条目“Obligations Concerned”元素中提到的最惠国待遇指定澳大利亚在第8章第8.12条（最惠国待遇）和第9章第9.4条（最惠国待遇）下的义务。

3. 澳大利亚保留维持和增加本附件中未列出的2005年1月1日存在的地区政府层级非符合措施的权利， 但该措施在本协定生效之日未列入本附件， 并针对以下义务：

- (a) 第8章第8.10条（国民待遇）和服务贸易；或 (b) 第8章第8.12条（最惠国待遇）和第9章第9.4条（最惠国待遇）。

Australian businesses, or prescribed corporations,⁵ the value of whose assets exceeds 252 million[#] Australian Dollars in the following sectors:

- (i) the telecommunications sector;

澳大利亚企业或指定公司，⁵ 其资产价值超过2.52亿[#] 澳大利亚元，在以下部门：

- (i) 电信部门；

⁴ For the purposes of this entry, “existing” means in existence at the time the investment is proposed or made.

⁵ For the purposes of this entry, “prescribed corporation” means:

- (a) a trading corporation;
- (b) a financial corporation;
- (c) a corporation incorporated in a Territory under the law in force in that Territory relating to companies;
- (d) a foreign corporation that, on its last accounting date, held assets the sum of the values of which exceeded 252 million Australian Dollars (for item (b) of the entry) or 1094 million Australian Dollars (for item (c) of the entry), being assets consisting of all or any of the following:
 - (i) land situated in Australia (including legal and equitable interests in such land);
 - (ii) mineral rights;
 - (iii) shares in a corporation incorporated in Australia;
- (e) a foreign corporation that was, on its last accounting date, a holding corporation of an Australian corporation or Australian corporations, where the sum of the values on that date of the assets of the Australian corporation or Australian corporations exceeded 252 million Australian Dollars (for item (b) of the entry) or 1094 million Australian Dollars (for item (c) of the entry);
- (f) a corporation that was, on its last accounting date, a holding corporation of a foreign corporation referred to in paragraph (d) or (e) of this footnote;
- (g) a foreign corporation that, on its last accounting date, held assets of a kind or kinds referred to in paragraph (d) of this footnote, where the sum of the values on that date of those assets was not less than one-half of the sum of the values on that date of the assets of the foreign corporation and of all the subsidiaries of that corporation; or
- (h) a foreign corporation that was, on its last accounting date, a holding corporation of an Australian corporation or Australian corporations, where the sum of the values on that date of the assets of that Australian corporation or those Australian corporations was not less than one-half of the sum of the values on that date of the assets of the foreign corporation and of all the subsidiaries of that corporation.

[#] This is the figure as at 1 January 2015. To be indexed on 1 January each year to the GDP implicit price deflator in the Australian National Accounts for the previous financial year. If the Agreement has not entered into force by 1 January 2016, this figure will be indexed on the date of entry into force.

⁴ 根据本条目的目的，“现有”是指投资提议或作出时已存在的。

⁵ 根据本条目的目的，“规定公司”是指：

- (a) 贸易公司；
- (b) 金融机构；
- (c) 在某个领地根据该领地现行关于公司的法律注册的公司；
- (d) 在其最后会计日期，持有总价值超过2.52亿澳大利亚元（本条目第(b)项）或10.94亿澳大利亚元（本条目第(c)项）的资产的外国公司，这些资产包括全部或部分以下内容：(i) 位于澳大利亚的土地（包括该土地的法律和衡平权益）；(ii) 矿产权利；(iii) 在澳大利亚注册的公司中的股份；
- (e) 在其最后会计日期，是澳大利亚公司或澳大利亚公司控股公司的外国公司，其中澳大利亚公司或澳大利亚公司的资产总价值在该日期超过2.52亿澳大利亚元（本条目第(b)项）或10.94亿澳大利亚元（本条目第(c)项）；
- (f) 在其最后会计日期，是本脚注第(d)或(e)段所述外国公司控股公司的公司；
- (g) 在其最后会计日期，持有本脚注第(d)段所述种类资产的外国公司，其中这些资产在该日期的总价值不低于该外国公司及其所有子公司的资产在该日期总价值的一半；或
- (h) 在其最后会计日期，是澳大利亚公司或澳大利亚公司控股公司的外国公司，其中该澳大利亚公司或这些澳大利亚公司的资产在该日期的总价值不低于该外国公司及其所有子公司的资产在该日期总价值的一半。

[#] 这是截至2015年1月1日的图表。每年1月1日将根据前一年澳大利亚国家账户的国内生产总值隐含价格折算数进行索引。如果协议在2016年1月1日之前未生效，则此数字将在生效日期进行索引。

(ii)	the transport sector, including airports, port facilities, rail infrastructure, international and domestic aviation and shipping services provided either within, or to and from, Australia;	(ii)	运输部门，包括机场、港口设施、铁路基础设施、国际和国内航空及澳大利亚境内或往来澳大利亚的航运服务；
(iii)	the supply of training or human resources, or the manufacture or supply of military goods, equipment, or technology, to the Australian or other defence forces;	(iii)	培训供应或人力资源，或制造供应军事商品、设备或技术，提供给澳大利亚或其他国防部队；
(iv)	the manufacture or supply of goods, equipment or technologies able to be used for a military purpose;	(iv)	商品制造或供应，设备或技术能够用于军事用途；
(v)	the development, manufacture or supply of, or provision of services relating to, encryption and security technologies and communication systems; and	(v)	开发、制造或供应或服务提供与加密和安全相关技术与通信系统；以及
(vi)	the extraction of (or rights to extract) uranium or plutonium, or the operation of nuclear facilities;	(vi)	提取（或提取权）铀或钚，或核设施的运营；
(c)	investments by foreign persons in existing Australian businesses, or prescribed corporations, in all other sectors, excluding financial sector companies ⁶ , the value of whose total assets exceeds 1094 million [#] Australian Dollars;	(c)	外国人在除金融行业公司以外的所有其他部门对现有的澳大利亚企业或指定公司进行的投资，金融行业公司的总资产价值超过10.94亿澳大利亚元 ⁶ ；
(d)	acquisitions by foreign persons of developed non-residential commercial real estate valued	(d)	外国人的收购已开发的非住宅商业房地产，其价值

⁶ A “financial sector company” means, as defined in section 3 of the *Financial Sector (Shareholdings) Act 1998* (Cth):

- (a) an authorised deposit-taking institution; or
- (b) an authorised insurance company; or
- (c) a holding company of a company covered by paragraph (a) or (b) of this footnote.

[#] This is the figure as at 1 January 2015. To be indexed on 1 January each year to the GDP implicit price deflator in the Australian National Accounts for the previous financial year. If the Agreement has not entered into force by 1 January 2016, this figure will be indexed on the date of entry into force.

⁶ “金融行业公司”是指根据1998年金融行业（持股）法案（联邦）第3条定义的：(a) 授权存款机构；或 (b) 授权保险公司；或 (c) 覆盖本脚注第(a)或(b)项的公司控股公司。

[#] 这是截至2015年1月1日的数据。每年1月1日将根据澳大利亚国家账户中上一年度财政年度的国内生产总值隐含价格折算数进行指数化。如果协议在2016年1月1日之前未生效，则将在生效日期进行指数化。

at more than 1094 million[#] Australian Dollars;

- (e) direct investments by foreign government investors, irrespective of size;

Notified investments may be refused, subject to interim orders, and/or approved subject to compliance with certain conditions. Investments referred to in (a) through (e) for which no notification is required or received may be subject to orders under Sections 18 through 21 and 21A of the FATA.

B. The acquisition of a stake in an existing financial sector company by a foreign investor, or entry into an arrangement by a foreign investor, that would lead to an unacceptable shareholding situation or to practical control⁷ of an existing financial sector company, may be refused, or be subject to certain conditions⁸.

C. In addition to the measures identified in this entry, other entries in Section A or Section B set out additional non-conforming measures imposing specific limits on, or requirements relating to, foreign investment in the following areas:

- (a) Telstra;
- (b) Commonwealth Serum Laboratories;
- (c) Qantas Airways Ltd.;
- (d) Australian international airlines, other than Qantas;
- (e) urban land;
- (f) agricultural land;
- (g) agribusiness;

超过10.94亿[#] 澳大利亚元；

- (e) 外国政府投资者直接投资，无论规模大小；

通知投资可能被拒绝，并依据临时命令，和/或依据遵守特定条件而获得批准。在(a)至(e)中提到的投资，若无需通知或未收到通知，可能受FATA第18至21条和21A条的命令约束。

B. 外国投资者收购现有金融行业公司股份，或通过外国投资者进入某项安排，导致不可接受的持股情况或对现有金融行业公司实际控制⁷，可能被拒绝，或受特定条件⁸约束。

C. 除了本条中确定的措施外，A节或B节中的其他条款还规定了针对以下领域的外国投资施加具体限制或提出相关要求的额外非符合措施：

- (a) Telstra; (b) 联邦血清实验室; (c) 澳洲航空有限公司; (d) 除澳洲航空以外的澳大利亚国际航空公司; (e) 城市土地; (f) 农业用地; (g) 农业企业;

⁷ “Unacceptable shareholding situation” and “practical control” as defined in the *Financial Sector (Shareholdings) Act 1998* (Cth).

⁸ Ministerial statements on foreign investment policy including the Treasurer’s Press Release No. 28 of 9 April 1997.

⁷ 《1998年金融行业（持股）法案》（联邦）中定义的“不可接受的持股情况”和“实际控制”。

⁸ 外国投资政策声明，包括1997年4月9日财政部长第28号新闻稿。

- (h) federal leased airports; and
- (i) shipping.

Queensland

Certain leases (obtained at ballot), and other leases at the discretion of the Minister, may be subject to a condition that the lessee personally lives on the lease for the first seven years of its term.

While all changes to ownership of land must be registered, there is an additional duty on foreign land holders to disclose, through a prescribed notification, present interests in and acquisitions of land, disposal of interests in land and notification on ceasing to be or becoming a foreign person.

Failure to provide the information causes a breach of the Act that may result in prosecution, the imposition of financial penalties and/or forfeiture of the interest in the land to the Crown.

- (h) 联邦租赁机场; 和 (i) 航运。

昆士兰

某些租赁（通过抽签获得），以及其他由部长自行决定的租赁，可能附有条件，即承租人必须在租赁期限的前七年亲自居住在该租赁土地上。

虽然所有土地所有权的变化都必须进行登记，但外国土地持有人还有一项额外的义务，即通过规定的通知披露其在土地上的现有权益和收购土地、处置土地权益以及在成为或不再是外国人时进行通知。

未能提供信息会导致违反法案，可能面临起诉、处以金融罚款和/或王室没收土地中的权益。

2	Sector:	All Sectors
	Obligations Concerned:	National Treatment
	Level of Government:	Central
	Source of Measure:	<i>Corporations Act 2001</i> (Cth) <i>Corporations Regulations 2001</i> (Cth)
	Description:	At least one director of a private company must be ordinarily resident in Australia. At least two directors of a public company must be ordinarily resident in Australia. At least one secretary of a private company (if such a private company appoints one or more secretaries) must be ordinarily resident in Australia. At least one secretary of a public company must be ordinarily resident in Australia.

2	部门:	所有部门
	义务相关:	国民待遇
	政府层级:	中央
	措施来源:	2001年公司法（联邦） 2001年公司 法（联邦） 条例
	描述:	私营公司至少有一名董事必须通常居住在澳大利亚。 公共公司至少有一名董事必须通常居住在澳大利亚。 私营公司至少有一名秘书（如果该私营公司任命一名或多名秘书）必须通常居住在澳大利亚。 至少一家公共公司的秘书必须通常居住在澳大利亚。

3	Sector:	All Sectors
	Obligations Concerned:	National Treatment
	Level of Government:	Regional
	Source of Measure:	<i>Associations Act (NT)</i> <i>Associations Incorporations Act 1991 (ACT)</i> <i>Associations Incorporations Act 1981 (Qld)</i> <i>Association Incorporations Act 1985 (SA)</i> <i>Associations Incorporation Act 1964 (Tas)</i> <i>Associations Incorporation Reform Act 2012 (Vic)</i>
	Description:	<u>Northern Territory</u> An application for the incorporation of an association⁹ must be made by a person who is a resident of the Northern Territory. The public officer of an incorporated association must be a person who is a resident of the Northern Territory. <u>Australian Capital Territory</u> An application for incorporation of an association must be made by a person who is a resident of the Australian Capital Territory. The public officer of an incorporated association must be a person who is a resident of the Australian Capital Territory. <u>Queensland</u> The office of secretary shall become vacant if the person holding that office ceases to be a resident in Queensland, or in another State but not more than 65 kilometres from the Queensland border. The management committee of an incorporated association must ensure the secretary is an individual residing in Queensland, or in another State but not more than 65kilometres from the Queensland border.

⁹ “Association” includes a trading association.

3	部门:	所有部门
	义务相关:	国民待遇
	政府层级:	区域
	措施来源:	协会法（北领地）协会注册法1991（澳大利亚首都领地）协会注册法1981（昆士兰州）协会注册法1985（南澳大利亚州）协会注册法1964（塔斯马尼亚州）协会注册改革法2012（维多利亚州）
	描述:	<u>北领地</u> 一个注册协会的申请⁹ 必须由北领地的居民提出。 注册协会的公共官员必须是一个北领地的居民。 <u>澳大利亚首都领地</u> 协会注册申请必须由澳大利亚首都领地的居民提出。 注册协会的公共官员必须为澳大利亚首都领地的居民。 <u>昆士兰</u> 秘书的职务若由在昆士兰居住的人或距昆士兰边境不 注册协会的管理委员会必须确保秘书是居住在昆士

⁹ “协会”包括贸易协会。

The members of the management committee of an incorporated association must ensure that the association has an address nominated for the service of documents on the association. The nominated address must be a place in the State where a document can be served personally on a person. A post office box is not a place that can be shown as a nominated address.

South Australia

The public officer of an incorporated association must be a person who is a resident of South Australia.

Tasmania

A person is not eligible to be appointed as a public officer of an incorporated association unless the person is resident in Tasmania.

Victoria

A person applying for the incorporation of an association must be an Australian resident.

The first secretary and secretary of an incorporated association must be Australian residents and the first secretary of an association applying for incorporation must be an Australian resident.

The first secretary of an amalgamated association must be an Australian resident.

注册协会的管理委员会成员必须确保该协会有一个地址用于文书送达。该指定地址必须是该州的一个地点，可以在该地点对个人进行亲自送达文书。邮政信箱不能作为指定地址。

南澳大利亚州

注册协会的公共官员必须是一个南澳大利亚州的居民。

塔斯马尼亚

除非该居民居住在塔斯马尼亚州，否则个人无权被任命为注册协会的公共官员。

维多利亚州

申请注册协会的个人必须是澳大利亚居民。

注册协会的首任秘书和秘书必须是澳大利亚居民，且申请注册的协会的首任秘书必须是澳大利亚居民。

合并社团的首任秘书必须是澳大利亚居民。

4	Sector:	All Sectors
	Obligations Concerned:	National Treatment
	Level of Government:	Regional
	Source of Measure	<i>Cooperatives Act 2002 (ACT)</i> <i>Co-operatives (Adoption of National Law) Act 2012 (NSW)</i> <i>Co-operatives Act (NT)</i> <i>Cooperatives Act 1997 (Qld)</i> <i>Co-operatives Act 1997 (SA)</i> <i>Cooperatives Act 1999 (Tas)</i> <i>Co-operatives National Law Application Act 2013 (Vic)</i> <i>Co-operatives Act 2009 (WA)</i>
	Description:	<u>All Australian States and Territories</u> Except for South Australia, a cooperative must have a registered office in each state or territory in which it operates. In South Australia, registers must be kept at an office in South Australia. The secretary of a cooperative must be a person ordinarily resident in Australia. Excluding those states and territories which have implemented the Co-operatives National Law, a foreign cooperative must appoint a person who will act as agent of the cooperative in each state or territory in which it operates. Excluding those states and territories which have implemented the Co-operatives National Law, a foreign cooperative must appoint a person resident in each state or territory in which it operates as a person on whom all notices and legal process may be served on behalf of the cooperative. At least two of the directors of a cooperative must be Australian residents.

4	部门:	所有部门
	义务相关:	国民待遇
	政府层级:	区域
	措施来源	2002年合作社法案（澳大利亚首都领地） 2012年合作社（采用国家法律）法案（新南威尔士州） 合作社法案（北领地） 1997年合作社法案（昆士兰州） 1997年合作社法案（南澳大利亚州） 1999年合作社法案（塔斯马尼亚州） 2013年合作社国家法律适用法案（维多利亚州） 2009年合作社法案（西澳大利亚州）
	描述:	<u>所有澳大利亚州和领地</u> 除南澳大利亚州外，合作社必须在它运营的每个州或领地拥有注册办公室。在南澳大利亚州，注册簿必须保存在南澳大利亚州的某个办公室。 合作社的秘书必须是在澳大利亚通常居住的个人。 不包括已实施《合作社国家法》的州和领地，外国合作社必须在它运营的每个州或领地任命一名个人作为合作社的代理人。 不包括已实施《合作社国家法》的州和领地，外国合作社必须在它运营的每个州或领地任命一名居民个人，该个人可以代表合作社接收所有通知和法律程序。 合作社的至少两名董事必须是澳大利亚居民。

5	Sector:	All Sectors	5 部门：所有部门 相关义务：国民待遇 政府层级：区域 措施来源：	
	Obligations Concerned:	National Treatment		
	Level of Government:	Regional		
	Source of Measure:	<i>Partnership Act 1963 (ACT)</i> <i>Partnership Act 1892 (NSW)</i> <i>Partnership Act 1997 (NT)</i> <i>Partnership Act 1891 (Qld)</i> <i>Partnership Act 1891 (SA)</i> <i>Partnership Act 1891 (Tas)</i> <i>Partnership Act 1958 (Vic)</i>		1963年合伙企业法（澳大利亚首都领地） 1892年合伙企业法（新南威尔士州） 1997年合伙企业法（北领地） 1891年合伙企业法（昆士兰） 1891年合伙企业法（南澳大利亚州） 1891 年合伙企业法（塔斯马尼亚州） 1958 年合伙企业法（维多利亚州）
	Description:	<u>Australian Capital Territory, New South Wales, Northern Territory, Queensland, South Australia, Tasmania and Victoria</u> A limited partnership or an incorporated limited partnership established in a State or Territory must have an office, principal office or registered office in that State or Territory.	描述：	澳大利亚首都领地，新南威尔士州，北 领地，昆士兰，南澳大利亚州，塔斯马尼亚州和维多利亚州 在一个州或领地设立的有限合伙企业或公司型有限合伙企业，必须在该州或领地拥有办公室、主要办公室或注册办公室。

6	Sector:	All Sectors
	Obligations Concerned:	National Treatment
	Level of Government:	Regional
	Source of Measure:	<i>Consumer Affairs and Fair Trading Act</i> (NT) <i>Consumer Affairs and Fair Trading (Trading Stamps) Regulations</i> (NT)
	Description:	<u>Northern Territory</u> A promoter of a third party trading scheme ¹⁰ must maintain an office in Australia.

¹⁰ The term “third party trading scheme” means a scheme or arrangement under which the acquisition of goods or services by a consumer from a supplier is a condition, which gives rise, or apparently gives rise, to an entitlement to a benefit from a third party in the form of goods or services or some discount, concession or advantage in connection with the acquisition of goods or services.

6	部门:	所有部门
	相关义务:	政府国民待遇水平: 区域
	措施来源:	消费者事务与公平交易法案 (NT)
	描述:	消费者事务与公平交易 (交易印花) 法规 (NT) 描述: 北领地 一个第三方交易方案的推广者 ¹⁰ 必须在澳大利亚维持一个办公室。

¹⁰ “第三方交易方案”一词是指一项计划或安排，根据该计划或安排，消费者从供应商处获取商品或服务是一项条件，该条件导致或表面上导致消费者有权从第三方获得商品或服务或某些折扣、让步或优势，这些商品或服务与获取商品或服务有关。

7	Sector:	Security Services	7部门：安全服务义务 相关义务：政府国民待遇水平：区域
	Obligations Concerned:	National Treatment	措施来源：1997年安全产业法（新南威尔士州）
	Level of Government:	Regional	
	Source of Measure:	Security Industry Act 1997 (NSW)	
	Description:	<u>New South Wales</u> A person must be an Australian citizen or an Australian permanent resident to obtain a licence to carry on a security activity in New South Wales.	描述：<u>新南威尔士州</u> 个人必须成为澳大利亚公民或澳大利亚永久居民才能在新南威尔士州从活动并获得许可证。

8	Sector:	Professional Services
	Obligations Concerned:	National Treatment
	Level of Government:	Central
	Source of Measure:	<i>Patents Act 1990</i> (Cth) <i>Patent Regulations 1991</i> (Cth)
	Description:	In order to register to practise in Australia, patent attorneys must be ordinarily resident in Australia ¹¹ .

¹¹ For the purposes of this entry, a person is taken to be “ordinarily resident” in Australia if the person has his or her home in Australia or Australia is the country of his or her permanent abode even though he or she is temporarily absent from Australia. However, the person is taken not to be “ordinarily resident” in Australia if he or she resides in Australia for a special or temporary purpose only.

8 部门：专业服务义务相关 政府层级：中央 措施来源：1990年专利法（联邦） 1991年专利条例（联邦） 描述：为了在澳大利亚注册执业，专利代理人必须通常居住在澳大利亚¹¹。

¹¹ 根据本入境规定，如果个人在澳大利亚有家或在澳大利亚是永久住所（即使其暂时缺席），则被视为“通常居住”在澳大利亚。但是，如果个人仅出于特殊或临时目的居住在澳大利亚，则不被视为“通常居住”在澳大利亚。

9	Sector:	Professional Services	9 部门:	专业服务
	Obligations Concerned:	National Treatment	相关义务:	国民待遇
	Level of Government:	Regional	政府层级:	区域
	Source of Measure:	<i>Trustee Companies Act 1947</i> (ACT) <i>Trustee Companies Act 1964</i> (NSW) <i>Companies (Trustees and Personal Representatives) Act 1981</i> (NT) <i>Trustee Companies Act 1968</i> (Qld) <i>Trustee Companies Act 1988</i> (SA) <i>Trustee Companies Act 1953</i> (Tas) <i>Trustee Companies Act 1984</i> (Vic) <i>Trustee Companies Act 1987</i> (WA)	措施来源:	1947年信托公司法案（澳大利亚首都领地） 1964年信托公司法案（新南威尔士州） 1981年公司（信托人和个人代表）法案（北领地） 1968年信托公司法案（昆士兰州） 1988年信托公司法案（南澳大利亚州） 1953年信托公司法案（塔斯马尼亚州） 1984年信托公司法案（维多利亚州） 1987年信托公司法案（西澳大利亚州）
	Description:	<u>Northern Territory</u> A body corporate may not obtain a grant of probate or act as an executor of a will, or trustee of an estate of a deceased person unless it is a “licensed trustee company” as defined in section 601RAA of the <i>Corporations Act 2001</i> (Cth), or a body corporate authorised by a law of the Northern Territory to obtain a grant of probate and so act. <u>Western Australia</u> A company can only act as a trustee company in Western Australia if it is a “licensed trustee company” as defined in section 601RAA of the <i>Corporations Act 2001</i> (Cth). <u>All other Australian States and Territories</u> A body corporate may not obtain a grant of probate or act as an executor of a will and any codicil unless it is a “licensed trustee company” within the meaning of Chapter 5D of the <i>Corporations Act 2001</i> (Cth).	描述:	北领地 一个法人实体不得获得遗嘱认证或作为遗嘱执行人，或作为死者的遗产受托人，除非它是根据2001年公司法（联邦）第601RAA条定义的“持牌信托公司”，或是由北领地的法律授权获得遗嘱认证并如此行动的法人实体。 <u>西澳大利亚州</u> 一家公司只能在西澳大利亚州作为持牌信托公司行事，前提是该公司符合《2001年公司法（联邦）》（第601RAA条）中定义的“持牌信托公司”。 <u>所有其他澳大利亚州和领地</u> 法人实体不得获得遗嘱认证或担任遗嘱执行人及任何补遗，除非它是根据2001年公司法（联邦）第5D章定义的“持牌信托公司”。

10	Sector:	Professional Services	10 部门:	专业服务
	Obligations Concerned:	National Treatment	相关义务:	国民待遇
	Level of Government:	Central and Regional	政府层级:	中央和地方
	Source of Measure:	<i>Corporations Act 2001</i> (Cth) <i>Co-operative Housing and Starr-Bowkett Societies Act 1998</i> (NSW) <i>Estate Agents Act 1980</i> (Vic)	措施来源:	2001年公司法（联邦）1998年合作住房与斯特劳-鲍克特社团法（新南威尔士州）1980年房地产经纪人法（维多利亚州）
	Description:	<u>Commonwealth</u> A person who is not ordinarily resident in Australia may be refused registration as a company auditor or liquidator. At least one partner in a firm providing auditing services must be a registered company auditor who is ordinarily resident in Australia. <u>New South Wales</u> A person must be ordinarily resident in New South Wales in order to be an auditor of specified kinds of societies and associations. <u>Victoria</u> A firm of auditors cannot audit an estate agent’s accounts unless at least one member of the firm of auditors is an Australian resident.	描述:	联邦_____ 通常居住在澳大利亚的个人可能被拒绝注册为公司审计师或清算人。提供审计服务的公司至少有一名合伙人必须是通常居住在澳大利亚的注册公司审计师。 新南威尔士州_____ 个人必须通常居住在新南威尔士州，才能成为某些社会和协会的审计师。 <u>维多利亚州</u> 审计师事务所不能审计房地产经纪人的账目，除非该审计师事务所至少有一名成员是澳大利亚居民。

11

Sector:

Professional Services

Obligations
Concerned:

National Treatment

Level of Government:

Regional

Source of Measure:

Architects Act (NT)

Description:

Northern Territory

To qualify for registration as an architectural partnership or company, the partnership/company must have a place of business or be carrying on business within the Northern Territory.

11 部门：专业服务义务相关：

国民待遇

政府层级：区域 措施来源：建筑师法案 (NT)

描述：

北领地

要注册为建筑合伙企业或公司，合伙企业/公司必须在北领地拥有营业场所或开展业务。

12

Sector:

Professional Services

Obligations
Concerned:

National Treatment
Most-Favoured-Nation Treatment

Level of Government:

Central

Source of Measure:

Migration Act 1958 (Cth)

Description:

To practise as a migration agent in Australia, a person must be an Australian citizen or permanent resident or a citizen of New Zealand with a special category visa.

12

部门:

专业服务

相关义务:

国民待遇 最惠国待遇

政府层级:

中央

措施来源:

1958年移民法（联邦）

描述:

要在澳大利亚从事移民代理业务，个人必须是澳大利亚公民或永久居民，或持有新西兰公民身份并拥有特殊类别签证。

13	Sector:	Professional Services
	Obligations Concerned:	National Treatment
	Level of Government:	Central
	Source of Measure:	<i>Customs Act 1901</i> (Cth)
	Description:	To act as a customs broker in Australia, service suppliers must provide the service in and from Australia.

13 部门：专业服务义务相关：国民待遇水平：中央：措施来源：1901年海关法（联邦）
描述：要在澳大利亚担任海关经纪人，服务供应商必须在澳大利亚境内和境外提供服务。

14	Sector:	Communication Services	14部门:	通信服务
	Obligations Concerned:	Market Access National Treatment Most-Favoured-Nation Treatment	相关义务:	市场准入国民待遇最惠国待遇
	Level of Government:	Central	政府层级:	中央
	Source of Measure:	<i>Australian Postal Corporation Act 1989</i> (Cth)	措施来源:	1989年澳大利亚邮政公司法案（联邦）
	Description:	Australia Post, a wholly-owned government entity, has the exclusive right to issue postage stamps and carry letters within Australia, whether the letters originated within or outside Australia. This includes: – the collection within Australia of letters for delivery within Australia; and – the delivery of letters within Australia. This reservation does not include: – the carriage of a letter weighing more than 250 grams; – the carriage of a letter within Australia for a charge or fee that is at least four times the rate of postage that is current at the time for the carriage within Australia of a standard postal article by ordinary post¹²; and – other exceptions to the reserved services set out in Section 30 of the <i>Australian Postal Corporation Act 1989</i> (Cth). Australia Post also has certain rights, powers and immunities ascribed only to it, such as the use and access to public land for the provision of postal and courier services.	描述:	澳大利亚邮政，一家国有全资实体，在澳大利亚内发行邮票和寄递信件拥有独家权利，无论信件是否源自澳大利亚内或澳大利亚外。这包括： – 在澳大利亚内收集用于澳大利亚内投递的信件；和 – 在澳大利亚内投递信件。 这项保留不包括： – 运输超过250克的信件； – 在澳大利亚境内运输信件，其费用至少是当前普通邮政运输标准邮政物品邮资率的四倍¹²；以及 – 澳大利亚邮政公司法案1989年（联邦）第30节中规定的保留服务之其他例外。 澳大利亚邮政还拥有某些仅为其专属的权利、权力和豁免权，例如为提供邮政和快递服务而使用和进入公共土地的权利。

¹² As specified in accordance with the *Australian Postal Corporation Act 1989* (Cth) and its subordinate legislation and regulations or any amendments thereto.

¹²根据1989年澳大利亚邮政公司法案（联邦）及其附属立法、法规或任何修正案的规定。

15	Sector:	Communication Services	15部门:	通信服务
	Obligations Concerned:	Market Access National Treatment	相关义务:	市场准入国民待遇
	Level of Government:	Central	政府层级:	中央
	Source of Measure:	<i>Telstra Corporation Act 1991</i> (Cth)	措施来源:	1991年Telstra公司法案（澳）
	Description:	Aggregate foreign equity is restricted to no more than 35 per cent of shares of Telstra. Individual or associated group foreign investment is restricted to no more than five per cent of shares. The chairperson and a majority of directors of Telstra must be Australian citizens and Telstra is required to maintain its head office, main base of operations and place of incorporation in Australia.	描述:	外国股权总额限制为不超过Telstra股份的35%。单个或关联外国投资限制为不超过股份的5%。 Telstra的董事长和多数董事必须是澳大利亚公民，并且Telstra必须将其总部、主要运营基地和注册地设在美国大利亚。

16	Sector:	Research and Development Services	16	部门:	研究与开发服务
	Obligations Concerned:	National Treatment		相关义务:	国民待遇
	Level of Government:	Regional		政府层级:	区域
	Source of Measure:	<i>Biodiscovery Act 2004</i> (Qld)		措施来源:	生物发现法案2004（昆士兰）
	Description:	<u>Queensland</u> Benefit sharing agreements require sublicences for use of samples or derivatives to conduct biodiscovery research and commercialisation to be offered first to Queensland-based entities, then to Australian-based entities, and then to overseas-based entities. Any entity with a benefit sharing agreement must obtain consent before granting a sublicense to an overseas-based entity.		描述:	昆士兰 利益共享协议要求在使用样本或衍生物进行生物发现研究和商业化时提供再许可，首先提供给昆士兰实体，然后提供给澳大利亚实体，最后提供给海外实体。任何有利益共享协议的实体在向海外实体授予再许可前必须获得同意。

17	Sector:	Real Estate and Distribution Services
	Obligations Concerned:	National Treatment
	Level of Government:	Regional
	Source of Measure:	<i>Community Land Management Act 1989</i> (NSW) <i>Strata Schemes Management Act 1996</i> (NSW) <i>Property, Stock and Business Agents Act 2002</i> (NSW) <i>Agents Licensing Act</i> (NT) <i>Agents Act 2003</i> (ACT) <i>Property Agents and Motor Dealers Act 2000</i> (Qld) <i>Estate Agents Act 1980</i> (Vic) <i>Conveyancers Act 2006</i> (Vic) <i>Real Estate and Business Agents Act 1978</i> (WA) <i>Real Estate and Business Agents (General) Regulations 1979</i> (WA) <i>Settlement Agents Act 1981</i> (WA) <i>Settlement Agents Regulations 1982</i> (WA)
	Description:	<u>New South Wales</u> A person cannot be appointed as an agent (for a proprietor of a development lot, neighbourhood lot or strata lot) if they are not an Australian resident. A person cannot be appointed as an agent (for an owner of a lot, for dealings with the owner’s corporation) if they are not an Australian resident. To be licensed as a property, stock, business, strata managing or community managing agent in NSW, licensees must have a registered office in New South Wales. <u>Northern Territory</u> A licensed agent¹³ must maintain an office in Australia at or from which the conduct of business under the licence is to occur. <u>Australian Capital Territory</u> An estate agent must have their principal place of business in the Australian Capital Territory.

¹³ A “licensed agent” includes a real estate agent, business agent or conveyancing agent.

17	部门:	房地产和分销服务
	相关义务:	国民待遇
	政府层级:	区域
	措施来源:	社区土地管理法 1989 (新南威尔士州) 分层方案管理法 1996 (新南威尔士州) 房地产、股票和商业代理人法 2002 (新南威尔士州) 代理人许可法 (北领地) 代理人法 2003 (澳大利亚首都领地) 房地产代理人和汽车经销商法 2000 (昆士兰州) 1980年房地产经纪人员法 (维多利亚州) 房地产转让法 2006 (维多利亚州) 房地产和商业代理人法 1978 (西澳大利亚州) 房地产和商业代理人 (一般) 条例 1979 (西澳大利亚州) 结算代理人法 1981 (西澳大利亚州) 结算代理人条例 1982 (西澳大利亚州)
	描述:	<u>新南威尔士州</u> 如果个人不是澳大利亚居民，则不能被任命为代理人（针对开发地块、邻里地块或分层地块的所有者）。如果个人不是澳大利亚居民，则不能被任命为代理人（针对地块所有者，或与所有者公司的交易）。在新南威尔士州，要获得房地产、股票、商业、分层管理或社区管理代理人的执照，持牌人必须在新南威尔士州拥有注册办公室。 <u>北领地</u> 持牌代理人¹³ 必须在澳大利亚设有办公室，该办公室应作为许可证项下业务活动的地点。 <u>澳大利亚首都领地</u> 房地产经纪人必须在澳大利亚首都领地设有其主要

¹³ “持牌代理人”包括房地产经纪人、商业代理人或产权转移代理人。

Queensland

In order to operate as a real estate agent, auctioneer, motor dealer or commercial agent, a person must have a business address in Queensland. This must be a physical address and not a post box.

Victoria

A person cannot be licensed as an estate agent unless they have a registered office in Victoria and they must maintain a principal office in Victoria. An agent's representative must have a registered address in Victoria to which documents can be sent.

A person cannot be licensed as a conveyancer or carry on a conveyancing business in Victoria unless they maintain a principal place of business in Victoria.

Western Australia

A person seeking to carry on business as a real estate or business agent in Western Australia must establish and maintain a registered office in the State.

A person seeking to carry on business as a settlement agent (conveyancer) in Western Australia must ordinarily reside in the State.

A licensed settlement agent must establish and maintain a registered office in the State.

昆士兰

为了作为房地产经纪人、拍卖师、汽车经销商或商业代理人运营，个人必须在昆士兰设有商业地址。该地址必须是实际地址，不能是邮政信箱。

维多利亚州

个人不能被许可为房地产经纪人，除非他们在维多利亚州有注册办公室，并且必须维持一个维多利亚州的主要办公室。代理人的代表必须在维多利亚州有一个

个人不能被许可为产权转移代理人或在维多利亚州开展产权转移业务，除非他们在维多利亚州维持一个主要营业场所。

西澳大利亚州

在澳大利亚西澳大利亚州从事房地产或商业代理人业务的人员必须在该州设立并维持一个注册办公室。

在澳大利亚西澳大利亚州从事结算代理人（产权转移代理人）业务的人员通常必须居住在该州。

一名持牌结算代理人必须在州内设立并维持一个注册办公室。

18	Sector:	Fishing and Pearling	18	部门:	渔业和珍珠业
	Obligations Concerned:	Market Access National Treatment		相关义务:	市场准入国民待遇
	Level of Government:	Central and Regional		政府层级:	中央和地方
	Source of Measure:	<i>Fisheries Management Act 1991</i> (Cth) <i>Foreign Fishing Licences Levy Act 1991</i> (Cth) <i>Fisheries Management Act 1994</i> (NSW) <i>Fisheries Act 1995</i> (Vic) <i>Fish Resources Management Act 1994</i> (WA) <i>Pearling Act 1990</i> (WA) Ministerial Policy Guideline No. 17 of August 2001 (WA)		措施来源:	1991年渔业管理法案（联邦）1991年外国捕鱼许可证征税法案（联邦）1994年渔业管理法案（新南威尔士州）1995年渔业法案（维多利亚州）1994年渔业资源管理法案（西澳大利亚州）1990年珍珠业法案（西澳大利亚州）2001年8月第17号部长政策指南（西澳大利亚州）
	Description:	<u>Commonwealth</u> Foreign fishing vessels ¹⁴ seeking to undertake fishing activity, including any activity in support of or in preparation for any fishing activity or the processing, carrying or transhipment of fish, in the Australian Fishing Zone must be authorised. Where foreign fishing vessels are authorised to undertake such fishing activity, they may be subject to a levy ¹⁵ . <u>New South Wales</u> A foreign person or a foreign-owned body is not permitted to hold shares in a share management fishery. <u>Victoria</u> A fishery access licence or aquaculture licence can only be issued to a natural person who is an Australian resident, or to a single corporation that has a registered office in Australia.		描述:	联邦—— 外国捕鱼船 ¹⁴ 希望在澳大利亚捕鱼区从事捕鱼活动，包括任何支持或准备任何捕鱼活动的活动，或鱼的处理、运输或转运，必须获得授权。 如果外国捕鱼船被授权从事此类捕鱼活动，它们可能需要缴纳一个税额 ¹⁵ 。 <u>新南威尔士州</u> 外国人或外资机构不得持有股份管理渔业的股份。 <u>维多利亚州</u> 渔业准入许可证或水产养殖许可证只能颁发给澳大利亚居民的自然人，或注册办公室位于澳大利亚的单一公司。

¹⁴ For the purposes of this reservation, a “foreign fishing vessel” is one that does not meet the definition of an Australian boat under the *Fisheries Management Act 1991* (Cth), that is, an Australian-flagged boat (not owned by a foreign resident) or a boat owned by an Australian resident or corporation and built, and whose operations are based, in Australia.

¹⁵ The levy charged will be in accordance with the *Foreign Fishing Licences Levy Act 1991* (Cth) or any amendments thereto.

根据本保留条款，“外国捕鱼船”是指根据1991年渔业管理法案（联邦）不符合澳大利亚船只定义的船只，即澳大利亚旗船（非外国居民所有）或由澳大利亚居民或公司所有且在澳大利亚建造、运营的船只。

所征收的税费将根据1991年外国捕鱼许可证征税法案（联邦）或其任何修正案执行。

Western Australia

Only an individual who is an Australian citizen or permanent resident may be a licensee within the Western Australian pearling industry.

In the case of corporations, partnerships or trusts holding licences, these must be Australian owned and/or controlled (at least 51 per cent of the issued share capital, partnership interest or trust property must be owned by Australians; the chairman, majority of the board of directors and all the company officers must be Australians and must be nominated by, and represent, Australian interests).

西澳大利亚州

只有澳大利亚公民或永久居民的个人才能在西澳大利亚州珍珠业中成为持牌人。

对于持有许可证的公司、合伙企业或信托，这些必须是澳大利亚拥有和控制的（至少51%的已发行股本、合伙权益或信托财产必须由澳大利亚人拥有；董事长、董事会多数成员和所有公司官员必须是澳大利亚人，并且由澳大利亚人提名，代表澳大利亚利益）。

19

Sector:

Mining and Related Services

Obligations Concerned: National Treatment

Level of Government: Regional

Source of Measure: Mount Isa Mines Limited Agreement Act 1985 (Qld)

Description: Queensland

The operator of Mount Isa Mines shall, so far as is reasonably and economically practicable:

(a)

use the services of professional consultants resident and available within Queensland;

(b)

use labour available within Queensland;

(c)

when preparing specifications, calling for tenders and letting contracts for works, materials, plant, equipment and supplies ensure that Queensland suppliers, manufacturers, and contractors are given reasonable opportunity to tender or quote; and

(d)

give proper consideration and where possible preference to Queensland suppliers, manufacturers and contractors when letting contracts or placing orders for works, materials, plant, equipment and supplies where price, quality, delivery and service are equal to or better than that obtainable elsewhere.

19

部门:

采矿及相关服务

相关义务: 国民待遇

政府层级: 区域

措施来源: Mount Isa Mines Limited Agreement Act 1985 (QLD)

描述: 昆士兰

Mount Isa Mines 的操作员应当, 在合理且经济可行的范围内:

(a)

使用在昆士兰居住且可用的专业顾问的服务;

(b)

使用昆士兰的劳动力;

(c)

在准备规范、招标和为工程、材料、设备、材料和供应品签订合同时, 确保昆士兰的供应商、制造商和承包商有合理的机会投标或报价; 以及

(d)

在为工程、材料、设备、材料和供应品签订合同或下订单时, 给予昆士兰的供应商、制造商和承包商适当的考虑, 并在可能的情况下优先考虑, 前提是价格、质量、投递和服务与从其他地方获得的价格、质量、投递和服务相等或更好。

20	Sector:	Other Business Services	20部门:	其他商业服务
	Obligations Concerned:	National Treatment	相关义务:	国民待遇
	Level of Government:	Regional	政府层级:	区域
	Source of Measure:	<i>Prostitution Regulation Act</i> (NT)	措施来源:	性交易监管法案（北领地）
	Description:	<u>Northern Territory</u> To be eligible for the grant of an operator’s licence or a manager’s licence in respect of an escort agency business, an individual must be resident in the Northern Territory. For a body corporate to be granted an operator’s licence, its officers must also meet the residency requirement.	描述:	北领地 要获得伴游机构业务的经营者许可证或经理许可证, 个人必须在北领地居住。 法人实体获得经营者许可证, 其官员必须同时满足居住要求。

21

Sector:

Distribution Services

Obligations
Concerned:

National Treatment

Level of Government:

Regional

Source of Measure:

Rice Marketing Act 1983 (NSW)
Marketing of Potatoes Act 1946 (WA)

Description:

New South Wales and Western Australia

New South Wales retains marketing board arrangements for rice and Western Australia retains marketing board arrangements for potatoes.

21

部门:

分销服务

相关义务:

国民待遇

政府层级:

区域

措施来源:

1983年新南威尔士州大米营销法案 1946年西澳大利亚州马铃薯营销法案

描述:

新南威尔士州和西澳大利亚州

新南威尔士州保留大米营销委员会安排，西澳大利亚州保留马铃薯营销安排。

22	Sector:	Distribution Services
	Obligations Concerned:	National Treatment
	Level of Government:	Regional
	Source of Measure:	<i>Firearms Act</i> (NT)
	Description:	<u>Northern Territory</u> Grant of a firearms licence ¹⁶ requires residency in the Northern Territory. Licences and permits expire three months after the holder ceases to reside permanently in the Northern Territory.

¹⁶ Firearms licences include but are not limited to firearms dealer’s licence, armourer’s licence, firearms museum licence, firearms collector’s licence, firearms employee licence, and paintball operator’s licence.

22	部门： 分销服务 相关义务： 国民待遇 政府层级： 区域 措施来源： 枪支法案（NT） 描述： 北领地
	枪支许可证 ¹⁶ 的授予要求在北领地居住。许可证和执照在持有人永久停止在北领地居住后三个月内到期。

¹⁶ 枪支许可证包括但不限于枪支经销商许可证、枪支保管员许可证、枪支博物馆许可证、枪支收藏家许可证、枪支雇员许可证和彩弹枪经营者许可证。

23	Sector:	Distribution Services	23部门:	分销服务
	Obligations Concerned:	National Treatment	相关义务:	国民待遇
	Level of Government:	Regional	政府层级:	区域
	Source of Measure:	<i>Liquor Act</i> (NT) and policy and practice <i>Kava Management Act</i> (NT) <i>Tobacco Control Act</i> (NT) and policy and practice	措施来源:	酒精法案（NT）和政策及实践 卡瓦管理法案（NT） 烟草控制法案（NT）和政策及实践
	Description:	<u>Northern Territory</u> The Northern Territory Licensing Commission may require a liquor licensee where the licensee is an individual, or at least one of the licensees where the licence is held by a partnership, or the licence nominee where the licence is held by a corporation, to ordinarily reside within the general locality of the premises to which the licence relates. The holder of a tobacco retail licence may only sell tobacco products from the premises specified in the licence. A tobacco retail licence in relation to liquor licensed premises may only be granted to the liquor licensee of those premises. An applicant for a retail licence for kava must ordinarily reside or carry on business in the relevant licence area in the Northern Territory.	描述:	北领地 北领地牌照委员会可能要求持牌人（持牌人为个人时），或合伙企业持牌人中至少一名持牌人（牌照由合伙企业持有时），或公司持牌人的牌照指定人（牌照由公司持有时），通常居住在其牌照相关的场所的普通地区内。 烟草零售牌照持有人只能从牌照中指定的场所销售烟草产品。 与酒精牌照场所相关的烟草零售牌照只能授予该场所的酒精牌照持有人。 申请卡瓦零售许可证的申请人通常必须在北领地的相关许可证区域内居住或从事商业活动。

24	Sector:	Distribution Services	24部门:	分销服务
	Obligations Concerned:	National Treatment		相关义务: 国民待遇
	Level of Government:	Regional		政府层级: 区域
	Source of Measure:	<i>Wine Industry Act 1994</i> (Qld)		措施来源: 1994年（昆士兰）葡萄酒产业法
	Description:	<u>Queensland</u> In order to obtain a wine merchant’s licence to sell wine, the business conducted by a person under the licence must contribute to the Queensland wine industry in a substantial way. In order to obtain a wine producer’s licence to sell wine, a person must be selling wine made from fruit grown by the person on the premises to which the licence relates, or selling wine made by the person on the premises to which the licence relates.		描述: 昆士兰 为了获得葡萄酒商许可证以销售葡萄酒，持证个人进行的商业活动必须对昆士兰葡萄酒产业做出实质性贡献。为了获得葡萄酒生产商许可证以销售葡萄酒，个人必须在与许可证相关的场所销售由该个人在场所种植的水果制成的葡萄酒，或销售由该个人在场所制作的葡萄酒。

25	Sector:	Health Services
	Obligations Concerned:	National Treatment
	Level of Government:	Central
	Source of Measure:	<i>Commonwealth Serum Laboratories Act 1961</i> (Cth)
	Description:	The votes attached to significant foreign shareholdings ¹⁷ may not be counted in respect of the appointment, replacement or removal of more than one-third of the directors of Commonwealth Serum Laboratories (CSL) who hold office at a particular time. The head office, principal facilities used by CSL and any CSL subsidiaries used to produce products derived from human plasma collected from blood or plasma donated by individuals in Australia must remain in Australia. Two-thirds of the directors of the board of CSL and the chairperson of any meeting must be Australian citizens. CSL must not seek incorporation outside of Australia.

¹⁷ For the purposes of this entry, the term “significant foreign shareholding” means a holding of voting shares in CSL in which a foreign person has a relevant interest, if the foreign person has relevant interests in at least five per cent of the voting shares in CSL.

25	部门:	健康服务
	相关义务:	国民待遇
	政府层级:	中央
	措施来源:	1961年血清联盟法案（联邦）
	描述:	具有重大外国持股的选票 ¹⁷ 可能不会被计入，涉及联邦血清实验室（CSL）在特定时间内持有职位的董事超过三分之一的人选任命、更换或删除。CSL总部、CSL使用的主要设施以及任何用于生产从澳大利亚个人捐赠的血液或血浆中收集的人体血浆派生产品的CSL子公司必须仍留在澳大利亚。CSL董事会三分之二的董事和任何会议的董事长必须是澳大利亚人。CSL不得寻求在澳大利亚境外注册。

¹⁷ 根据本入境规定，术语“重大外国持股”是指外国人在CSL的投票股份中持有相关利益的情况，如果该外国人在CSL至少五分之一的投票股份中持有相关利益。

26

Sector:

Tourism and Travel-related Services

Obligations
Concerned:

National Treatment

Level of Government:

Regional

Source of Measure:

Travel Agents Act 1988 (Qld)

Description:

Queensland

In order to obtain a licence to operate as a travel agent, a person must have a business address in Queensland.

26

部门：旅游和旅行相关服务义务相关：

国民待遇

政府层级：区域 措施来源：旅行代理商法案
1988（昆士兰）描述：

昆士兰

为了获得作为旅行代理商经营的许可证，个人必须在昆士兰拥有商业地址。

27	Sector:	Recreational, Cultural and Sporting Services	27部门:	休闲、文化和体育服务
	Obligations Concerned:	National Treatment		相关义务: 国民待遇
	Level of Government:	Regional		政府层级: 区域
	Source of Measure:	<i>Nature Conservation Act 1992 (Qld)</i> <i>Nature Conservation (Wildlife Management) Regulation 2006 (Qld)</i> <i>Nature Conservation (Administration) Regulation 2006 (Qld)</i> Nature Conservation (Protected Plants) Conservation Plan 2000 (Qld)	措施来源:	自然保护法案1992（昆士兰）自然保护（野生动物管理）条例2006（昆士兰）自然保护（行政管理）条例2006（昆士兰）自然保护（受保护植物）保护计划2000（昆士兰）
	Description:	<u>Queensland</u> The Chief Executive of the Queensland Department of Environment and Heritage Protection may grant a wildlife authority, ¹⁸ other than a wildlife movement permit, to a corporation only if the corporation has an office in the State. The chief executive may approve a person to be an authorised cultivator or propagator for protected plants only if: (a) in the case of a natural person, the person is a resident of the State; or (b) if the person is a corporation, the corporation has premises in the State at which the plants are to be cultivated or propagated. An individual or corporation is only taken to be a “person aggrieved” by a decision, failure to make a decision or conduct under the Act if the individual is an Australian citizen or ordinarily resident in Australia or, if a corporation, established in Australia.	描述:	昆士兰 昆士兰环境和遗产保护部首席执行官可以仅授予在州内设有办公室的公司野生动物授权, ¹⁸ 而非野生动物移动许可证。 首席执行官仅可在以下情况下批准个人成为受保护植物的授权培育者或繁殖者: (a) 对于自然人, 该个人是州的居民; 或 (b) 如果该个人是公司, 该公司在州内设有用于培育或繁殖植物的场所。 个人或公司仅在符合以下条件时被视为受《法案》中某项决定、未作出决定或行为影响的“受影响的人”: 该个人是澳大利亚公民或通常居住在澳大利亚, 或若为公司, 则是在澳大利亚设立的。

¹⁸ This term is defined in Schedule 7 of the *Nature Conservation (Administration) Regulation 2006 (Qld)*.

¹⁸ Th 该术语在《自然保护（行政管理）条例2006（昆士兰）》附件7中定义

28	Sector:	Transport Services
	Obligations Concerned:	National Treatment
	Level of Government:	Central
	Source of Measure:	<i>Competition and Consumer Act 2010</i> (Cth)
	Description:	Every ocean carrier who provides international liner cargo shipping services to or from Australia must, at all times, be represented by a natural person who is resident in Australia. Only a person¹⁹ affected by a registered conference agreement or by a registered non-conference ocean carrier with substantial market power may apply to the Australian Competition and Consumer Commission to examine whether conference members, and non-conference operators with substantial market power, are hindering other shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent that is reasonable. For greater certainty, matters which are relevant to the determination of ‘reasonable’ include Australia’s national interest and the interests of Australian shippers.

¹⁹ For the purposes of this entry, sections 10.48 and 10.58 of Part X of the *Competition and Consumer Act 2010* (Cth) list the categories of persons to whom this reservation will apply.

28	部门:	运输服务
	相关义务:	国民待遇
	政府层级:	中央
	措施来源:	2010年竞争与消费者法案（联邦）
	描述:	向澳大利亚或从澳大利亚提供国际班轮货运服务的每艘海运承运人，必须始终由一名居住在澳大利亚的自然人代表。 只有受注册联营协议影响的个人¹⁹ 或具有市场支配力的注册非联营海运承运人可以申请向澳大利亚竞争与消费者委员会审查联营成员和非联营具有市场支配力的经营者是否阻碍其他航运经营者有效地提供出口班轮货运服务，其程度是否合理。为明确起见，与确定“合理”相关的事项包括澳大利亚的国家利益和澳大利亚托运人的利益。

¹⁹ 根据本条款的规定，2010年竞争与消费者法案（联邦）第X部分的第10.48条和第10.58条列出了本保留将适用的个人类别。

29	Sector:	Transport Services	29部门:	运输服务
	Obligations Concerned:	Market Access National Treatment	义务相关:	市场准入 国民待遇
	Level of Government:	Central	政府层级:	中央
	Source of Measure:	<i>Air Navigation Act 1920</i> (Cth) Ministerial Statements	措施来源:	1920年航空导航法案（联邦）部长声明
	Description:	Total foreign ownership of individual Australian international airlines (other than Qantas) is restricted to a maximum of 49 per cent. Furthermore, it is required that: (a) at least two-thirds of the board members must be Australian citizens; (b) the chairperson of the board must be an Australian citizen; (c) the airline’s head office must be in Australia; and (d) the airline’s operational base must be in Australia.	描述:	除Qantas以外的澳大利亚单个国际航空公司的外国所有权总额限制在最高49%。 此外，还要求： (a) 至少三分之二的董事会成员必须是澳大利亚公民； (b) 董事会主席必须是澳大利亚公民；(c) 航空公司总部必须在澳大利亚；以及(d) 航空公司运营基地必须在澳大利亚。

30	Sector:	Transport Services
	Obligations Concerned:	Market Access National Treatment
	Level of Government:	Central
	Source of Measure:	<i>Qantas Sale Act 1992</i> (Cth)
	Description:	Total foreign ownership of Qantas Airways Ltd is restricted to a maximum of 49 per cent. In addition: (a) the head office of Qantas must always be located in Australia; (b) the majority of Qantas’ operational facilities must be located in Australia; (c) at all times, at least two-thirds of the directors of Qantas must be Australian citizens; (d) at a meeting of the board of directors of Qantas, the director presiding at the meeting (however described) must be an Australian citizen; and (e) Qantas is prohibited from taking any action to become incorporated outside Australia.

30	部门:	运输服务
	义务相关:	市场准入 国民待遇
	政府层级:	中央
	措施来源:	1992年Qantas出售法案（联邦）
	描述:	Qantas航空有限公司的外国所有权总额限制为最高49%。此外： (a) Qantas的总部必须始终位于澳大利亚； (b) Qantas的大部分运营设施必须位于澳大利亚； (c) 在任何时候，Qantas的董事中至少有三分之二必须是澳大利亚公民； (d) 在Qantas董事会会议上，主持会议的董事（无论如何描述）必须是澳大利亚公民； 以及 (e) Qantas被禁止采取任何成为在澳大利亚境外注册的行动。

31	Sector:	Transport Services	31部门:	运输服务
	Obligations Concerned:	National Treatment	相关义务:	国民待遇
	Level of Government:	Regional	政府层级:	区域
	Source of Measure:	<i>Commercial Passenger (Road Transport) Act</i> (NT) <i>Road Transport (Public Passenger Services) Regulations 2002</i> (ACT) <i>Taxi Act 1994</i> (WA) <i>Transport Coordination Act 1966</i> (WA)	措施来源:	商业客运（公路运输）法案（NT） 公路运输（公共客运服务）条例2002（ACT） 出租车法案1994（WA） 交通协调法案1966（WA）
	Description:	<u>Northern Territory</u> A taxi licence will be cancelled where the holder, being an individual, has not been ordinarily resident in the Northern Territory for more than six months or, being a body corporate, has ceased for more than six months to have its principal place of business in the Northern Territory. <u>Australian Capital Territory</u> An application for accreditation to run a public transport service must be made by an Australian citizen or permanent resident of Australia. <u>Western Australia</u> To hold a Government Lease taxi plate, the plate holder must be an Australian citizen or a permanent resident.	描述:	北领地 在持有人为个人且未在北领地通常居住超过六个月，或持有人为法人实体且已停止在北领地拥有主要营业场所超过六个月的情况下，出租车许可证将被吊销。 澳大利亚首都领地 申请运营公共交通服务的认证必须由澳大利亚公民或澳大利亚永久居民提出。 西澳大利亚州 要持有政府租赁出租车牌照，牌照持有人必须是澳大利亚公民或永久居民。

32	Sector:	Financial Services
	Obligations Concerned:	Market Access National Treatment
	Level of Government:	Central
	Source of Measure:	<i>Banking Act 1959</i> (Cth) <i>Banking Amendment Regulations 2000 (No. 1)</i> (Cth) <i>Payment Systems (Regulation) Act 1998</i> (Cth)
	Description:	To undertake banking business in Australia an entity must be a body corporate and authorised by the Australian Prudential Regulation Authority (APRA) as an authorised deposit-taking institution (ADI). Foreign deposit-taking institutions (including foreign banks) may only operate a banking business in Australia through locally incorporated deposit-taking subsidiaries or authorised branches (foreign ADIs), or through both structures. A foreign ADI is not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than 250,000 Australian Dollars. A foreign deposit-taking institution that operates a representative office in Australia is not permitted to undertake any banking business, including advertising for deposits, in Australia. Such a representative office is only permitted to act as a liaison point. Foreign banks located overseas may only raise funds in Australia through the issue of debt securities provided those securities are offered/traded in parcels of not less than 500,000 Australian Dollars and the securities and any associated information memoranda clearly state the issuing bank is not authorised under the <i>Banking Act 1959</i> (Cth) in Australia.

32	部门:	金融服务
	相关义务:	市场准入 国民待遇
	政府层级:	中央
	措施来源:	1959年银行法（联邦）银行修正条例（第1号） （联邦）支付系统（监管）法（联邦）
	描述:	要在澳大利亚从事银行业务，实体必须是一个法人实体，并经澳大利亚审慎监管局（APRA）授权为授权存款机构（ADI）。 外国存款机构（包括外国银行）只能在澳大利亚通过当地注册的存款子公司或授权分支机构（外国ADI），或通过这两种结构进行银行业务。 外国存款机构不允许接受来自个人和非公司机构的初始存款（及其他资金），金额低于25万澳大利亚元。 在澳大利亚设有代表处的外国存款机构不允许在澳大利亚从事任何银行业务，包括存款广告。此类代表处仅允许作为联络点。 位于海外的外国银行只能通过发行债务证券的方式在澳大利亚筹集资金，但前提是这些证券以不少于500,000澳大利亚元的批量提供/交易，并且证券及任何相关的信息备忘录中明确说明发行银行未在澳大利亚获得1959年银行法（联邦）的授权。

33	Sector:	Financial Services	33 部门：金融服务义务 相关义务：国民待遇水平 中央政府：措施来源：1959年
	Obligations Concerned:	National Treatment	联邦银行法（联邦） 描述：联邦银行的负债，此前为联邦政府所有，已纳入过渡性担保安排。
	Level of Government:	Central	
	Source of Measure:	<i>Commonwealth Banks Act 1959</i> (Cth)	
	Description:	Liabilities of the Commonwealth Bank, previously Commonwealth Government-owned, are covered by transitional guarantee arrangements.	

34	Sector:	Financial Services	34	部门:	金融服务
	Obligations Concerned:	National Treatment		相关义务:	国民待遇
	Level of Government:	Regional		政府层级:	区域
	Source of Measure:	<i>Credit (Administration) Act 1984 (WA)</i> <i>Credit (Administration) Regulations 1985 (WA)</i> <i>Debt Collectors Licensing Act 1964 (WA)</i> <i>Debt Collectors Licensing Regulations 1964 (WA)</i> <i>Finance Brokers Control Act 1975 (WA)</i> <i>Finance Brokers (General) Regulations 1977 (WA)</i>		措施来源:	信用（管理）法案1984（西澳大利亚州） 信用（管理）条例1985（西澳大利亚州） 债务收款人许可证法案1964（西澳大利亚州） 债务收款人许可证条例1964（西澳大利亚州） 金融中介控制法案1975（西澳大利亚州） 金融中介（一般）条例1977（西澳大利亚州）
	Description:	<u>Western Australia</u> A natural person (whether alone or in partnership with other persons) or an incorporated body seeking to carry on a business of providing credit in Western Australia (including where the provision of the credit is connected with the carrying on of another business), must have a principal office in Australia and a principal place of business in Western Australia. Any person (including an incorporated body) seeking to exercise or carry on the business or any functions of a debt collector in Western Australia, must have a principal place of business in the State. A natural person seeking to carry on business as a finance broker in Western Australia must be ordinarily resident in Western Australia. A finance broker must have a registered office in Western Australia while carrying on business as a broker.		描述:	<u>西澳大利亚州</u> 自然人（单独或与其他人合伙）或法人实体，若寻求在西澳大利亚州提供信贷的营业，必须在澳大利亚设有主要办公室，并在西澳大利亚州设有主要营业场所（包括信贷提供与另一项业务的开展相关的情况）。 任何寻求在西澳大利亚州行使或开展债务收款人业务或债务收款人职能的个人（包括法人实体），必须在该州设有主要营业场所。 一名自然人若想在西澳大利亚州以金融中介的身份开展业务，必须通常居住在西澳大利亚州。金融中介在开展中介业务时，必须在西澳大利亚州拥有注册办公室。

35	Sector:	Financial Services
	Obligations concerned:	National Treatment
	Level of Government:	Regional
	Source of Measure:	<i>Second-hand Dealers and Pawnbrokers Act 2003</i> (Qld)
	Description:	<u>Queensland</u> A person operating as a second-hand dealer or as a pawnbroker must have a principal place of business in Queensland where a document can be served personally. A post office box does not suffice.

35部门:	金融服务
相关义务:	国民待遇
政府层级:	区域
措施来源:	二手经销商和当铺法案2003（昆士兰）
描述:	昆士兰 作为二手经销商或当铺经营者，个人必须在昆士兰拥有主要营业场所，以亲自送达文件。邮政信箱不足以满足此要求。

Section B

Introductory Notes

1. Section B of the Schedule of Australia sets out, pursuant to Article 8.9 (Schedule of Non-Conforming Measures) of Chapter 8 (Trade in Services) and Article 9.5 (Non-Conforming Measures) of Chapter 9 (Investment), the specific sectors, sub-sectors or activities for which Australia may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

- (a) Article 8.11 (Market Access) of Chapter 8 (Trade in Services);
- (b) Article 8.10 (National Treatment) of Chapter 8 (Trade in Services) or Article 9.3 (National Treatment) of Chapter 9 (Investment); or
- (c) Article 8.12 (Most-Favoured-Nation Treatment) of Chapter 8 (Trade in Services) or Article 9.4 (Most-Favoured-Nation Treatment) of Chapter 9 (Investment).

Note 1: Commitments on financial services are undertaken subject to the limitations and conditions set forth in Chapter 8 (Trade in Services), Annex 8-B (Financial Services) and Chapter 9 (Investment), these Introductory Notes and the Schedule below.

Note 2: To clarify Australia’s commitment with respect to Article 8.11 (Market Access) of Chapter 8 (Trade in Services), enterprises supplying financial services and constituted under the laws of Australia are subject to non-discriminatory limitations on juridical form.²⁰

Note 3: Without prejudice to other means of prudential regulation of cross-border trade in financial services, Australia reserves the right to require the non-discriminatory licensing or registration of cross-border financial service suppliers of China and of financial instruments in accordance with Article 3 (Domestic Regulation) of Annex 8-B (Financial Services).

Note 4: Australia reserves the right to adopt or maintain non-discriminatory limitations concerning admission to the market of new financial services where such measures are required to achieve prudential

²⁰ For example, partnerships and sole proprietorships are generally not acceptable juridical forms for authorised depository institutions in Australia. This note is not itself intended to affect, or otherwise limit, a choice by a financial service supplier of the other Party between branches or subsidiaries.

第B部分

引言

1. 澳大利亚清单的B部分根据第8章（服务贸易）第8.9条（非符合措施清单）和第9章（投资）第9.5条（非符合措施），列出了澳大利亚可能维持现有或采用新的或更严格的、不符合其义务所施加的非符合措施的具体行业、子行业或活动：

- (a) 第8章第8.11条（市场准入）；(b) 第8章第8.10条（国民待遇）或第9章第9.3条（国民待遇）；或(c) 第8章第8.12条（最惠国待遇）或第9章第9.4条（最惠国待遇）。注释1：金融服务承诺受限于第8章（服务贸易）、附件8-B（金融服务）和第9章（投资）中规定的限制和条件、本引言以及下文附件。注释2：为明确澳大利亚在第8章第8.11条（市场准入）方面的承诺，根据澳大利亚法律成立并供应金融服务的实体受制于法律形式上的非歧视性限制。²⁰

注意3：在不损害其他对跨境金融服务进行审慎监管手段的前提下，澳大利亚保留要求中国跨境金融服务供应商和金融工具根据附件8-B（金融服务）第3条（国内监管）进行非歧视性许可或注册的权利。

注意4： 澳大利亚保留采用或维持与新金融服务市场准入相关的非歧视性限制的权利，前提是此类措施为实现审慎目标所必需。

²⁰ 例如，合伙企业和个体工商户通常不被接受为澳大利亚授权存款机构的法律形式。本注释本身并不打算影响，或以其他方式限制，金融服务供应商（另一方）在分支机构或子公司之间的选择。

objectives. Australia may determine the institutional and juridical form through which a new financial service may be supplied and may require authorisation for the supply of the service. Where authorisation to supply a new financial service is required, the authorisation may only be refused for prudential reasons.

澳大利亚可以通过机构和法律形式确定新金融服务可以供应的方式，并可能要求授权以供应该服务。在需要授权供应新金融服务的情况下，授权只能因审慎理由而被拒绝。

2. Each Schedule entry sets out the following elements:

- (a) “Sector” refers to the sector for which the entry is made;
- (b) “Obligations Concerned” specifies the obligation(s) referred to in paragraph 1 that, pursuant to Article 8.9 (Schedule of Non-Conforming Measures) of Chapter 8 (Trade in Services) and Article 9.5 (Non-Conforming Measures) of Chapter 9 (Investment), do not apply to the sectors, sub-sectors or activities listed in the entry;
- (c) “Description” sets out the scope of the sector, sub-sector or activities covered by the entry; and
- (d) “Existing Measures” identifies for transparency purposes, where relevant and practical, existing measures that apply to the sector, sub-sector or activities covered by the entry.

- Note 1: In accordance with Article 8.9 (–Schedule of Non-Conforming Measures) of Chapter 8 (Trade in Services) and Article 9.5 (Non-Conforming Measures) of Chapter 9 (Investment), the articles of this Agreement specified in the “Obligations Concerned” element of an entry do not apply to the non-conforming measure identified in the “Description” element of that entry.
- Note 2: A reference to Market Access in the “Obligations Concerned” element of an entry specifies Australia’s obligations under Article 8.11 (Market Access) of Chapter 8 (Trade in Services).
- Note 3: A reference to National Treatment in the “Obligations Concerned” element of an entry specifies Australia’s obligations under Article 8.10 (National Treatment) of Chapter 8 (Trade in Services) and Article 9.3 (National Treatment) of Chapter 9 (Investment).
- Note 4: A reference to Most-Favoured-Nation in the “Obligations Concerned” element of an entry specifies Australia’s obligations under Article 8.12 (Most-Favoured-Nation Treatment) of Chapter 8 (Trade in Services) and Article 9.4 (Most-Favoured-Nation Treatment) of Chapter 9 (Investment).

2. 每个附件条目列出了以下要素：

- (a) “部门”指作出入境的部门；(b) “相关义务”指第1段中提到的义务，根据第8章第8.9条（非符合措施清单）（服务贸易）和第9章第9.5条（非符合措施）（投资），这些义务不适用于入境中列出的部门、子行业或活动；(c) “描述”列出了入境所涵盖的部门、子行业或活动的范围；以及(d) “现有措施”列出了在相关且实际的情况下，确定适用于入境所涵盖的部门、子行业或活动的现有措施。注释1：根据第8章第8.9条（非符合措施清单）（服务贸易）和第9章第9.5条（非符合措施）（投资），“相关义务”元素中指定的本协定的条款不适用于该入境“描述”元素中确定的非符合措施。注释2：入境中“相关义务”元素中提到的市场准入，指定了澳大利亚在第8章第8.10条（市场准入）（服务贸易）下的义务。注释3：入境中“相关义务”元素中提到的国民待遇，指定了澳大利亚在第8章第8.10条（市场准入）（服务贸易）和第9章第9.3条（国民待遇）（投资）下的义务。注释4：入境中“相关义务”元素中提到的最惠国待遇，指定了澳大利亚在第8章第8.12条（最惠国待遇）（服务贸易）和第9章第9.4条（最惠国待遇）（投资）下的义务。

1	Sector:	All Sectors
	Obligations Concerned:	Market Access
	Description:	Australia reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, or other movement of natural persons, including entry or temporary stay, subject to the provisions of Chapter 10 (Movement of Natural Persons).
	Existing Measures:	

1	部门:	所有部门
	义务相关:	市场准入
	描述:	澳大利亚保留根据第10章（自然人流动）的规定，针对由自然人存在或自然人其他流动（包括入境或临时停留）而提供的服务采用或维持任何措施的权利。
	现有措施:	

2	Sector:	All Sectors	2 部门:	所有部门
	Obligations Concerned:	Market Access National Treatment	相关义务:	市场准入国民待遇
	Description:	Australia reserves the right to adopt or maintain any measure according preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector. Australia reserves the right to adopt or maintain any measure with respect to investment that accords preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation. For the purpose of this reservation, an Indigenous person means a person of the Aboriginal and Torres Strait Islander peoples.	描述:	澳大利亚保留根据任何原住民或组织的偏好而采取或维持任何措施的权利，或为任何原住民或组织在服务部门中获取、设立或运营任何商业或工业项目提供优惠待遇。 澳大利亚保留采用或维持任何在投资方面给予任何原住民个人或组织优先考虑或为任何原住民个人或组织提供优惠待遇的措施的权利。 就保留而言，原住民是指澳大利亚原住民和托雷斯海峡岛民。
	Existing Measures:	Legislation and ministerial statements at all levels of government including: Australia’s foreign investment policy, which includes the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth); <i>Foreign Acquisitions and Takeovers Regulations 1989</i> (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements. <i>Native Title Act 1993</i> (Cth) <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> (Cth) <i>Aboriginal Land Rights Act 1983</i> (NSW) <i>Native Title (New South Wales) Act 1994</i> (NSW) <i>Aboriginal Land Act 1991</i> (Qld) <i>Torres Strait Islander Land Act 1991</i> (Qld) <i>Native Title (South Australia) Act 1994</i> (SA) <i>Maralinga Tjarutja Land Rights Act 1984</i> (SA) <i>Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981</i> (SA) <i>Anangu Pitjantjatjara Yankunytjatjara Land Rights Regulations 2010</i> (SA) The statutory bodies that administer the Anangu Pitjantjatjara Yankunytjatjara lands and the Maralinga	现有措施:	各级政府立法和部长声明，包括： 澳大利亚的外国投资政策，包括1975年（联邦）外国收购和接管法案；1989年（联邦）外国收购和接管条例；1998年金融行业（持股）法案（联邦）；以及部长声明。1993年原住民土地权利法案（联邦）1976年（北领地）土著土地权利法案（联邦）1983年（新南威尔士）土著土地权利法案1994年（新南威尔士）原住民土地权利法案1991年（昆士兰）土著土地法案1991年（昆士兰）托雷斯海峡岛民土地法案1994年（南澳大利亚）原住民土地权利法案1984年（南澳大利亚）马拉林加-查鲁特查拉土地权利法案1981年（南澳大利亚）阿南古-皮坦贾特拉-扬库尼亚特拉土地权利法案2010年（南澳大利亚）阿南古-皮坦贾特拉-扬库尼亚特拉土地权利条例管理阿南古-皮坦贾特拉-扬库尼亚特拉土地和马拉林加的法定机构

Tjarutja lands
Mining Act 1971 (SA)
Opal Mining Act 1995 (SA)
Aboriginal Lands Act 1995 (Tas)
Traditional Owner Settlement Act 2010 (Vic)

Tjarutja土地1971年矿业法（南澳大利亚州）1995年欧泊
矿业法（南澳大利亚州）1995年原住民土地法（塔斯马尼
亚州）2010年传统业主和解法（维多利亚州）

3	Sector:	All Sectors	3 部门:	所有部门
	Obligations Concerned:	Market Access	相关义务:	市场准入
	Description:	Australia reserves the right to adopt or maintain any measure at the regional level of government that is not inconsistent with Australia’s Revised Services Offer of 31 May 2005 in the World Trade Organization Doha Development Agenda negotiations (WTO Document - TN/S/O/AUS/Rev.1).	描述:	澳大利亚保留在地区政府层级采用或维持任何与澳大利亚在2005年5月31日修订的服务承诺不一致的措施的权利，该措施与世界贸易组织多哈发展议程谈判（WTO文件 - TN/S/O/AUS/Rev.1）中的规定相符。
	Existing Measures:		现有措施:	

4	Sector:	All Sectors	4 部门:	所有部门
	Obligations Concerned:	Market Access National Treatment	相关义务:	市场准入国民待遇
	Description:	Australia reserves the right to adopt or maintain any measure with respect to proposals by ‘foreign persons’ ²¹ , and foreign government investors to invest in Australian urban land ²² (including interests that arise via leases, financing and profit sharing arrangements, and the acquisition of interests in urban land corporations and trusts), other than developed non-residential commercial real estate.	描述:	澳大利亚保留对‘外国人’ ²¹ 和外国政府投资者就投资澳大利亚城市土地 ²² （包括通过租赁、融资和利润分享安排产生的权益，以及收购城市土地公司和信托的权益），除已开发的非住宅商业房地产以外的措施的权利。
	Existing Measures:	Australia’s foreign investment policy, which includes the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth) (FATA); <i>Foreign Acquisitions and Takeovers Regulations 1989</i> (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements. <i>Economic Development Act 2012</i> (Qld) <i>Sustainable Planning Act 2009</i> (Qld) <i>Integrated Resort Development Act 1997</i> (Qld) <i>Mixed Use Development Act 1992</i> (Qld) <i>Sanctuary Cove Resort Act 1995</i> (Qld) <i>Townsville City Council (Douglas Land Development) Act 1993</i> (Qld)	现有措施:	澳大利亚的外国投资政策，包括1975年外国收购和接管法案（联邦）（FATA）；1989年外国收购和接管条例（联邦）；1998年金融行业（持股）法案（联邦）；以及部长声明。2012年经济发展法案（昆士兰州）2009年可持续规划法案（昆士兰州）1997年综合度假开发法案（昆士兰州）1992年混合用途开发法案（昆士兰州）1995年圣安地列斯湾度假法案（昆士兰州）1993年托恩斯维尔市议会（道格拉斯土地开发）法案（昆士兰州）

²¹ The term “foreign person” has the meaning set out in the FATA.

²² The term “Australian urban land” has the meaning set out in the FATA.

²¹ “外国人”一词具有FATA中规定的含义。²² “澳大利亚城市土地”一词具有FATA中规定的含义。

5	Sector:	All Sectors
	Obligations Concerned:	Market Access National Treatment Most-Favoured-Nation Treatment
	Description:	Australia reserves the right to adopt or maintain any measure that it considers necessary for the protection of its essential security interests with respect to proposals by foreign persons ²³ and foreign government investors to invest in Australia.
	Existing Measures:	Australia’s foreign investment policy, which includes the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth); <i>Foreign Acquisitions and Takeovers Regulations 1989</i> (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements.

5	部门:	所有部门
	相关义务:	市场准入国民待遇最惠国待遇
	描述:	澳大利亚保留采取或维持任何措施的权利，该措施据其判断对于保护其基本安全利益是必要的，这些利益涉及外国人 ²³ 和外国政府投资者向澳大利亚提出的投资提议。
	现有措施:	澳大利亚的外国投资政策，包括1975年外国收购和接管法案（联邦）；1989年外国收购和接管条例（联邦）；1998年金融行业（持股）法案（联邦）；以及部长声明。

²³ The term “foreign person” has the meaning set out in the FATA.

²³ “外国人”一词具有FATA中规定的含义。

6	Sector:	All Sectors	6部门:	所有部门
	Obligations Concerned:	Market Access National Treatment Most-Favoured-Nation Treatment	相关义务:	市场准入国民待遇最惠国待遇
	Description:	Australia reserves the right to adopt or maintain any measure to allow the screening of proposals, by foreign persons ²⁴ , to invest 15 million Australian Dollars or more in Australian agricultural land and 53 million Australian Dollars or more in Australian agribusinesses.	描述:	澳大利亚保留采取或维持任何措施的权利，以允许外国人 ²⁴ ，投资1500万澳大利亚元或更多资金于澳大利亚农业用地，以及5300万澳大利亚元或更多资金于澳大利亚农业企业。
	Existing Measures:	Australia’s foreign investment policy, which includes the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth); <i>Foreign Acquisitions and Takeovers Regulations 1989</i> (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth) and Ministerial Statements.	现有措施:	澳大利亚的外国投资政策，包括1975年外国收购和接管法案（联邦）；1989年外国收购和接管条例（联邦）；1998年金融行业（持股）法案（联邦）和部长声明。

²⁴ The term “foreign person” has the meaning set out in the FATA.

²⁴ “外国人”一词具有FATA中规定的含义。

7	Sector:	All Sectors	7部门:	所有部门
	Obligations Concerned:	Market Access National Treatment	相关义务:	市场准入国民待遇
	Description:	Australia reserves the right to adopt or maintain any measure with respect to: (a) the devolution to the private sector of services provided in the exercise of governmental authority at the time that the Agreement comes into force; and (b) the privatisation of government owned entities or assets.	描述:	澳大利亚保留采用或维持任何措施的权利，涉及： (a) 将政府权力下的服务下放至私营部门，在协议生效时；以及 (b) 政府所有实体或资产的私有化。
	Existing Measures:		现有措施:	

8	Sector:	All Sectors
	Obligations Concerned:	Market Access National Treatment Most-Favoured-Nation Treatment
	Description:	Australia reserves the right to adopt or maintain any measure with respect to the provision of law enforcement and correctional services, and the following services ²⁵ to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public transport and public housing.
	Existing Measures:	

²⁵ For the avoidance of doubt, this includes any measure with respect to: the collection of blood and its components; the distribution of blood and blood-related products, including plasma derived products; plasma fractionation services; and the procurement of blood and blood-related products and services.

8	部门:	所有部门
	相关义务:	市场准入国民待遇 最惠国待遇
	描述:	澳大利亚保留采取或维持有关执法和矫正服务以及以下服务 ²⁵ 的权利，只要这些服务是作为公共目的而建立或维持的社会服务：收入保障或保险、社会保障或保险、社会福利、公共教育、公共培训、健康、儿童保育、公共事业、公共交通和公共住房。
	现有措施:	

²⁵ 为避免歧义，这包括任何涉及以下方面的措施：血液及其成分的采集；血液和血液相关产品的分配，包括血浆衍生产品；血浆分离服务；以及血液和血液相关产品及服务的采购。

9	Sector:	Communication Services and Recreational, Cultural and Sporting Services
	Obligations Concerned:	Market Access National Treatment Most-Favoured-Nation Treatment
	Description:	Australia reserves the right to adopt or maintain any measure with respect to: - the creative arts,²⁶ cultural heritage²⁷ and other cultural industries, including audiovisual services, entertainment services and libraries, archives, museums and other cultural services; - broadcasting and audiovisual services, including measures with respect to planning, licensing and spectrum management, and including: (a) services offered in Australia; (b) international services originating from Australia.
	Existing Measures:	<i>Broadcasting Services Act 1992</i> (Cth) <i>Radiocommunications Act 1992</i> (Cth) <i>Income Tax Assessment Act 1936</i> (Cth) <i>Income Tax Assessment Act 1997</i> (Cth) <i>Screen Australia Act 2008</i> (Cth) Broadcasting Services (Australian Content) Standard 2005 Children’s Television Standards 2009 Television Program Standard 23 – Australian Content in Advertising Commercial Radio Codes of Practice and Guidelines Community Broadcasting Codes of Practice International Co-Production Program

²⁶ “Creative arts” include: the performing arts – including theatre, dance and music – visual arts and craft, literature, film, television, video, radio, creative on-line content, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid arts work which uses new technologies to transcend discrete artform divisions.

²⁷ “Cultural heritage” includes: ethnological, archaeological, historical, literary, artistic, scientific or technological moveable or built heritage, including the collections which are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions.

9 部门:	通信服务与休闲、文化和体育服务
义务相关:	市场准入国民待遇最惠国待遇
描述:	澳大利亚保留采取或维持任何措施的权利，涉及： - 创意艺术、²⁶ 文化遗产²⁷ 和其他文化产业，包括视听服务、娱乐服务和图书馆、档案馆、博物馆和其他文化服务； - 广播和视听服务，包括与规划、许可和频谱管理相关的措施，包括：(a) 澳大利亚提供的服务；(b) 源自澳大利亚的国际服务。
现有措施:	1992年广播服务法案（联邦） 1992年无线电通信法案（联邦） 1936年所得税评估法案（联邦） 1997年所得税评估法案（联邦） 2008年澳大利亚银幕法案（联邦） 2005年广播服务（澳大利亚内容）标准 2009年儿童电视标准 第23号电视节目标准——广告中的澳大利亚内容 商业无线电实践守则和指南 社区广播实践守则 国际联合制作计划

²⁶ “创意艺术”包括：表演艺术——包括戏剧、舞蹈和音乐——视觉艺术和手工艺、文学、电影、电视、视频、广播、创意在线内容、原住民传统实践和当代文化表达，以及使用新技术超越独立艺术形式界限的数字交互媒体和混合艺术作品。

²⁷ “文化遗产”包括：民族学的、考古学的、历史的、文学的、艺术的、科学或技术性的可移动或建筑遗产，包括由博物馆、画廊、图书馆、档案馆和其他遗产收藏机构记录、保存和展出的收藏品。

10

Sector:

Distribution Services

Obligations
Concerned:

Market Access

Description:

Australia reserves the right to adopt or maintain any measure with respect to wholesale and retail trade services of tobacco products, alcoholic beverages, or firearms.

Existing Measures:

10

部门:

分销服务

义务
相关:

市场准入

描述:

澳大利亚保留就烟草产品、酒精饮料或枪支的批发和零售贸易服务采取或维持任何措施的权利。

现有措施:

11

Sector:

Education Services

Obligations
Concerned:

Market Access
National Treatment

Description:

Australia reserves the right to adopt or maintain any
measure with respect to primary education.

Existing Measures:

11

部门:

教育服务

相关义务:

市场准入国民待遇

描述:

澳大利亚保留就初等教育采取或维持任何措施的权利。

现有措施:

12	Sector:	Education Services	12	部门:	教育服务
	Obligations Concerned:	National Treatment Most-Favoured-Nation Treatment		相关义务:	国民待遇 最惠国待遇
	Description:	Australia reserves the right to adopt or maintain any measure with respect to: (a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content; (b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programs, including the standards that must be met; (c) government funding, subsidies or grants, such as land grants, preferential tax treatment and other public benefits, provided to education and training institutions; or (d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.		描述:	澳大利亚保留采取或维持任何措施的权利，涉及： (a) 各个教育培训机构在招生政策上保持自主权的能力（包括在考虑学生的平等机会和学分及学位的认可方面），在设定学费标准以及在课程内容或课程内容的开发方面的能力； (b) 非歧视性认证和教育培训机构及其课程的质量保证程序，包括必须达到的标准；(c) 政府资助、补贴或拨款，如土地拨款、税收优惠和其他公共福利，提供给教育培训机构；或(d) 教育培训机构需要在特定司法管辖区内遵守与设施的建设和运营相关的非歧视性要求。
	Existing Measures:			现有措施:	

13	Sector:	Gambling and Betting
	Obligations Concerned:	Market Access National Treatment
	Description:	Australia reserves the right to adopt or maintain any measure with respect to gambling and betting.
	Existing Measures:	Legislation and ministerial statements including: <i>Interactive Gambling Act 2001</i> (Cth) <i>Gambling and Racing Control Act 1999</i> (ACT) <i>Unlawful Gambling Act 2009</i> (ACT) <i>Race & Sports Bookmaking Act 2001</i> (ACT) <i>Totalisator Act 2014</i> (ACT) <i>Racing Act 1999</i> (ACT) <i>Casino Control Act 2006</i> (ACT) <i>Gaming Machine Act 2004</i> (ACT) <i>Interactive Gambling Act 1998</i> (ACT) <i>Lotteries Act 1964</i> (ACT) <i>Pool Betting Act 1964</i> (ACT) <i>Casino Control Act 1992</i> (NSW) <i>Gaming Machines Act 2001</i> (NSW) <i>Public Lotteries Act 1996</i> (NSW) <i>Lotteries and Art Unions Act 1901</i> (NSW) <i>Racing Administration Act 1998</i> (NSW) <i>Greyhound Racing Act 2009</i> (NSW) <i>Harness Racing Act 2009</i> (NSW) <i>Thoroughbred Racing Act 1996</i> (NSW) <i>Totalizator Act 1987</i> (NSW) <i>Unlawful Gambling Act 1998</i> (NSW) <i>Gambling Control Act</i> (NT) <i>Gaming Machine Act</i> (NT) <i>Racing and Betting Act</i> (NT) <i>Totaliser Licensing and Regulation Act</i> (NT) <i>Soccer Football Pools Act</i> (NT) <i>TAB Queensland Limited Privatisation Act 1999</i> (Qld) <i>Casino Control Act 1982</i> (Qld) <i>Jupiters Casino Agreement Act 1983</i> (Qld) <i>Brisbane Casino Agreement Act 1992</i> (Qld) <i>Breakwater Island Casino Agreement Act 1984</i> (Qld) <i>Lotteries Act 1997</i> (Qld) <i>Cairns Casino Agreement Act 1993</i> (Qld) <i>Charitable and Non-Profit Gaming Act 1999</i> (Qld) <i>Keno Act 1996</i> (Qld) <i>Wagering Act 1998</i> (Qld)

13	部门:	Gambling and Betting
	相关义务:	市场准入国民待遇
	描述:	澳大利亚保留就赌博和博彩采取或维持任何措施的权利。
	现有措施:	立法和部长声明，包括： 2001年互动赌博法案（联邦） 赌博和赛马控制法案 1999年（澳大利亚首都领地） 2009年非法赌博法案（澳大利亚首都领地） 2001年赛马和体育博彩法案（澳大利亚首都领地） 2014年总isator法案（澳大利亚首都领地） 1999年赛马法案（澳大利亚首都领地） 2006 年赌场控制法案（澳大利亚首都领地） 2004 年赌博机法案（澳大利亚首都领地） 1998年互动赌博法案（澳大利亚首都领地） 1964年彩票法案（澳大利亚首都领地） 1964年投注池法案（澳大利亚首都领地） 1992年赌场控制法案（新南威尔士州） 2001年赌博机法案（新南威尔士州） 1996年公共彩票法案（新南威尔士州） 1901年彩票和艺术联盟法案（新南威尔士州） 1998年赛马管理局法案（新南威尔士州） 2009年灰狗赛马法案（新南威尔士州） 2009年赛马车法案（新南威尔士州） 1996年纯血赛马法案（新南威尔士州） 1987年总isator许可和监管法案（北领地） 1998年非法赌博法案（新南威尔士州） 赌博控制法案（北领地） 赌博机法案（北领地） 赛马和博彩法案（北领地） 总 isator 许可和监管法案（北领地） 足球彩票法案（北领地） 1999年TAB昆士兰有限公司私有化法案（昆士兰州） 1982年赌场控制法案（昆士兰州） 1983年朱庇特赌场协议法案（昆士兰州） 1992年布里斯班赌场协议法案（昆士兰州） 1984年防波堤岛赌场协议法案（昆士兰州） 1997年彩票法案（昆士兰州） 1993年凯恩斯赌场协议法案（昆士兰州） 1999年慈善和非营利博彩法案（昆士兰州） 1996年keno法案（昆士兰州） 1998年投注法案（昆士兰州）

Gaming Machine Act 1991 (Qld)
Racing Act 2002 (Qld)
Casino Act 1997 (SA)
Lottery and Gaming Act 1936 (SA)
Independent Gambling Authority Act 2001 (SA)
Gaming Machines Act 1992 (SA)
State Lotteries Act 1966 (SA)
Racing (Proprietary Business Licensing) Act 2000 (SA)
Authorised Betting Operations Act 2000 (SA)
TAB (Disposal) Act 2000 (SA)
Gaming Control Act 1993 (Tas)
TT-Line Gaming Act 1993 (Tas)
Gambling Regulation Act 2003 (Vic)
Racing Act 1958 (Vic)
Casino Control Act 1991 (Vic)
Casino (Management Agreement) Act 1993 (Vic)
Casino (Burswood Island) Agreement Act 1985 (WA)
Racing and Wagering Western Australia Act 2003 (WA)
Gaming and Wagering Commission Act 1987 (WA)
Betting Control Act 1954 (WA)
Casino Control Act 1984 (WA)
Lotteries Commission Act 1990 (WA)

1991年赌博机法案（昆士兰） 2002年赛马法案（昆士兰） 1997年赌场法案（南澳大利亚） 1936年彩票和赌博法案（南澳大利亚） 独立赌博管理局法案 2001年（南澳大利亚） 1992年赌博机法案（南澳大利亚） 1966年州彩票法案（南澳大利亚） 赛马（特许经营企业许可）法案2000年（南澳大利亚） 授权博彩运营法案2000年（南澳大利亚） TAB（处置）法案2000年（南澳大利亚） 1993年赌博控制法案（塔斯马尼亚） 1993 年 TT-Line 赌博法案（塔斯马尼亚） 2003 年赌博监管法案（维多利亚） 1958年赛马法案（维多利亚） 1991 年赌场控制法案（维多利亚） 赌场（管理协议）法案1993年（维多利亚） 赌场（伯斯伍德岛）协议法案1985年（西澳大利亚） 2003年赛马和博彩西澳大利亚法案（西澳大利亚） 赌博和博彩委员会法案1987年（西澳大利亚） 1954年博彩控制法案（西澳大利亚） 1984年赌场控制法案（西澳大利亚） 1990年彩票委员会法案（西澳大利亚）

14	Sector:	Maritime Transport
	Obligations Concerned:	Market Access National Treatment
	Description:	Australia reserves the right to adopt or maintain any measure with respect to maritime cabotage services and offshore transport services. ²⁸
	Existing Measures:	<i>Customs Act 1901</i> (Cth) <i>Workplace Relations Act 1996</i> (Cth) <i>Seafarers' Compensation and Rehabilitation Act 1992</i> (Cth) <i>Occupational Health and Safety (Maritime Industry) Act 1993</i> (Cth) <i>Shipping Registration Act 1981</i> (Cth) <i>Income Tax Assessment Act 1936</i> (Cth) <i>Coastal Trading (Revitalising Australian Shipping) Act 2012</i> (Cth) <i>Coastal Trading (Revitalising Australian Shipping)(Consequential Amendments and Transitional Provisions) Act 2012</i> (Cth) <i>Shipping Reform (Tax Incentive) Act 2012</i> (Cth)

²⁸ For the purposes of this entry, the term “cabotage” means the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia. The term “offshore transport” means shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.

14部门：海上运输义务相关：市场准入国民待遇

描述：	澳大利亚保留采取或维持与沿海运输服务和近海运输服务相关的任何措施的权利。 ²⁸
现有措施：	1901 年海关法（联邦） 1996 年劳动关系法（联邦） 1992 年海员赔偿与康复法（ 联邦 ） 1993 年职业健康与安全（海事行业）法（联邦） 1981 年船舶注册法（联邦） 1936 年所得税评估法案（联邦） 2012 年沿海贸易（振兴澳大利亚航运）法（联邦） 2012 年沿海贸易（振兴澳大利亚航运）（后续修正及过渡规定）法（联邦） 2012 年航运改革（税收激励）法（联邦）

²⁸ 根据本入境规定，“沿海运输”一词是指旅客或商品在位于澳大利亚的港口之间，或源自并终止于同一位于澳大利亚的港口的运输。“近海运输”一词是指涉及旅客或商品在位于澳大利亚的港口与任何与澳大利亚大陆架自然资源的勘探或开发相关的地点或附属地点之间进行运输的航运服务。

15	Sector:	Maritime Transport
	Obligations Concerned:	National Treatment
	Description:	Australia reserves the right to adopt or maintain any measure with respect to the registration of vessels in Australia.
	Existing Measures:	<i>Shipping Registration Act 1981 (Cth)</i>

15部门：海上运输义务相关：国民待遇描述：澳大利亚保留就澳大利亚船舶注册采取或维持任何措施的权利。现有措施：1981年船舶注册法（联邦）

16	Sector:	Transport Services	16部门：运输服务义务相关：市场准入国民待遇
	Obligations Concerned:	Market Access National Treatment	
	Description:	Australia reserves the right to adopt or maintain any measure with respect to investment in federal leased airports.	描述：澳大利亚保留就联邦租赁机场投资采取或维持任何措施的权利。 现有措施：
	Existing Measures:	<i>Airports Act 1996 (Cth)</i> <i>Airports (Ownership-Interests in Shares) Regulations 1996 (Cth)</i> <i>Airports Regulations 1997 (Cth)</i>	1996年机场法案（联邦） 1996年机场（股份所有权利益）条例（联邦） 1997年机场条例（联邦）

17	Sector:	All Sectors	17部门:	所有部门
	Obligations Concerned:	Most-Favoured-Nation Treatment	相关义务:	最惠国待遇
	Description:	Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to the service suppliers or investors of non-parties under any bilateral or multilateral international agreement in force on, or signed prior to, the date of entry into force of this Agreement.²⁹ Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to the service suppliers or investors of non-parties under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving: (a) aviation; (b) fisheries; or (c) maritime matters, including salvage.	描述:	澳大利亚保留根据任何在生效日期或生效日期之前签署的双边或多边国际协定，对非缔约方的服务供应商或投资者给予更优惠待遇的权利。²⁹ 澳大利亚保留采取或维持任何措施的权利，该措施对任何在生效或签署于本协定生效之日起的双边或多边国际协定下，给予非缔约方的服务供应商或投资者的优惠待遇，该协定涉及： (a) 航空；(b) 渔业；或 (c) 海事事项，包括救助。
	Existing Measures:		现有措施:	

²⁹ For greater certainty, this right extends to any differential treatment accorded pursuant to a subsequent review or amendment of the relevant bilateral or multilateral international agreement. For the avoidance of doubt, this includes measures adopted or maintained under any existing or future protocol to the *Australia New Zealand Closer Economic Relations - Trade Agreement* (ANZCERTA), done at Canberra on 28 March 1983.

²⁹ 为进一步明确，该权利扩展到根据相关双边或多边国际协定的后续审查或修订而给予的任何差别待遇。为消除任何疑虑，这包括根据任何现有或未来的《澳大利亚新西兰更紧密经济关系贸易协定》（ANZCERTA）附件在堪培拉于1983年3月28日签署的措施的采取或维持。

18

Sector:

Financial Services

Obligations
Concerned:

National Treatment

Description:

Australia reserves the right to adopt or maintain any measure with respect to the guarantee by government of government-owned entities, including guarantees related to the privatisation of such entities, which may conduct financial operations.

Existing Measures:

18部门:

金融服务

义务
相关:

国民待遇

描述:

澳大利亚保留采取或维持任何措施的权力，这些措施涉及政府为政府拥有的实体提供的担保，包括与这些实体的私有化相关的担保，这些实体可能进行金融业务。

现有措施:

19	Sector:	Financial Services	19	部门:	金融服务
	Obligations Concerned:	Market Access National Treatment Most-Favoured-Nation Treatment		相关义务:	市场准入国民待遇最惠国待遇
	Description:	Banking and other Financial Services (excluding Insurance and Insurance-related Services): Except as provided in paragraphs 2 and 3 of this entry Australia reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraph (x)(i) of Article 8.2 (Definitions) of Chapter 8 (Trade in Services) for banking and other financial services. Australia shall permit, under terms and conditions that accord national treatment, a services supplier of China to undertake the cross-border provision and transfer of financial information and financial data processing as referred to in paragraph 3(a)(xv) of Article 2 (Definitions) of Annex 8-B (Financial Services) and advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services as referred to in paragraph 3(a)(xvi) of Article 2 (Definitions) of Annex 8-B (Financial Services). In relation to the following services Australia shall ensure a services supplier of China, upon obtaining an Australian financial services licence and any other necessary authorisations, or exemptions therefrom, in accordance with prescribed Australian laws and regulations, may undertake: (a) securities related transactions on a wholesale basis between and among financial institutions and other entities; (b) the following services to a collective investment scheme located in Australia: (i) investment advice; and (ii) portfolio management services, excluding: (A) trustee services; and (B) custodial services and execution services that		描述:	银行及其他金融服务（不包括保险和与保险相关的服务）： 除本条第2段和第3段另有规定外澳大利亚保留采取或维持任何措施的权利该措施涉及根据第8章（服务贸易）第8.2（定义）第8条（x）（i）款中定义的服务贸易针对银行业及其他金融服务。 澳大利亚应根据给予国民待遇的条款和条件允许中国的服务供应商从事第8-B附件（金融服务）第2条（定义）第3(a)(xv)款中所述的跨境提供和转移金融信息以及金融数据处理此外还允许从事与第8-B附件（金融服务）第2条（定义）第3(a)(xvi)款中所述的银行业及其他金融服务相关的咨询及其他辅助服务不包括中介。 就以下服务而言澳大利亚应确保中国的服务供应商在根据规定的澳大利亚法律法规获得澳大利亚金融服务许可证及任何其他必要授权或豁免后可以从事： (a) 金融机构和其他实体之间以及之间的证券相关交易，以批发方式进行； (b) 向位于澳大利亚的集合投资计划提供的以下服务： (i) 投资建议；以及 (ii) 投资组合管理服务，不包括：托管服务；以及 (B) 与管理集合投资计划无关的保管服务和执行服务。

	are not related to managing a collective investment scheme.		与管理集合投资计划无关。
Note:	For the purposes of this entry, the term “collective investment scheme” means a managed investment scheme as defined under section 9 of the <i>Corporations Act 2001</i> (Cth), other than a managed investment scheme operated in contravention of subsection 601ED (5) of the <i>Corporations Act 2001</i> (Cth), or an entity that: (i) carries on a business of investment in securities, interests in land, or other investments; and (ii) in the course of carrying on that business, invests funds subscribed, whether directly or indirectly, after an offer or invitation to the public (within the meaning of section 82 of the <i>Corporations Act 2001</i> (Cth)) made on terms that the funds subscribed would be invested.		注意：根据本条目的目的，“集合投资计划”一词是指根据2001年公司法（联邦）第9条定义的受管理投资计划，但排除根据2001年公司法（联邦）第601ED(5)款运营的受管理投资计划，或是指以下实体： (i) 经营证券投资业务、土地权益或其他投资业务；和 (ii) 在从事该商业的过程中，直接或间接地投资认购资金，且该投资是在向公众发出要约或邀请（根据2001年公司法（联邦）第82条的定义）的基础上进行的，且该要约或邀请的条款表明认购资金将被投资。
Existing Measures:		现有措施:	

20	Sector:	Financial Services	20	部门:	金融服务
	Obligations Concerned:	Market Access National Treatment Most-Favoured-Nation Treatment		相关义务:	市场准入国民待遇 最惠国待遇
	Description:	Insurance and Insurance-related Services: Except as provided in paragraph 2 Australia reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraph (x)(i) of Article 8.2 (Definitions) of Chapter 8 (Trade in Services) for insurance and insurance related services. Australia shall ensure a services supplier of China, under terms and conditions that accord national treatment may provide via cross-border supply mode and whether as a principal, through an intermediary or as an intermediary, the following services: (a) insurance of risks relating to: (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; (b) reinsurance and retrocession and the services auxiliary to insurance as referred to in paragraph 3(a)(iv) of Article 2 (Definitions) of Annex 8-B (Financial Services); and (c) insurance intermediation, such as brokerage and agency as referred to in paragraph 3(a)(iii) of Article 2 (Definitions) of Annex 8-B (Financial Services) in relation to the services referred to in subparagraphs (a) and (b).		描述:	保险与与保险相关的服务: 除第2段另有规定外，澳大利亚保留根据第8章（服务贸易）第8.2条（定义）第(x)(i)项中定义的服务贸易，针对保险和保险相关服务，采取或维持任何措施的权利。 澳大利亚应确保中国的服务供应商，在符合国民待遇条款的条件下，可以通过跨境供应模式，作为主要机构、通过中介机构或作为中介机构，提供以下服务： (a) 与以下风险相关的保险：(i) 海上运输、商业航空、航天发射和货运（包括卫星），此类保险应涵盖以下全部或部分：所运输的商品、运输商品的交通工具及由此产生的任何责任；以及国际转运商品；(b) 再保险和分保以及附件8-B（金融服务）中第2条（定义）第3(a)(iv)款所述的与保险相关的服务；以及 (c) 保险中介，例如附件8-B（金融服务）中第2条（定义）第3(a)(iii)款所述的与上述第(a)和(b)项所述服务相关的经纪和代理。
	Existing Measures:			现有措施:	

21	Sector:	Financial Services	21 部门：相关金融服务义务：市场准入国民待遇最惠国
	Obligations Concerned:	Market Access National Treatment Most-Favoured-Nation Treatment	待遇描述：
	Description:	Australia reserves the right to adopt or maintain any measure regarding solicitation in its Territory.	澳大利亚保留在其领地内采取或维持与招揽相关的任何措施的权利。
	Existing Measures:		现有措施：

PART 2: SCHEDULE OF SPECIFIC COMMITMENTS ON SERVICES
Referred to in Chapter 8 (Trade in Services) and Chapter 10 (Movement of Natural Persons)
SCHEDULE OF THE PEOPLE’S REPUBLIC OF CHINA

PART 2: 附件 具体承诺 服务
参见第8章（服务贸易）和第10章（自然人流动） **中华人民共和国附件**

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS INCLUDED IN THIS SCHEDULE ¹	(3) ² In China, foreign invested enterprises include foreign capital enterprises (also referred to as wholly foreign-owned enterprises) and joint venture enterprises and there are two types of joint venture enterprises: equity joint ventures and contractual joint ventures. ³ The proportion of foreign investment in an equity joint venture shall be no less than 25 percent of the registered capital of the joint venture. The establishment of branches by enterprises of Australia is unbound, unless otherwise indicated in specific sub-sectors, as the laws and regulations on branches of foreign enterprises are under formulation.	(3) Unbound for all subsidies to domestic services suppliers except those committed by China in its WTO accession.	

¹ Where commitments have been made in respect of “wholly foreign owned enterprises”, joint ventures with foreign majority or minority ownership are also allowed, unless there are special requirements under China’s laws and regulations.

² For the purpose of this Schedule, limitations or commitments that refer to a “foreign” or “Australian” participation by service suppliers of Australia in a company, enterprise, firm or other type of commercial presence in China, (whether “wholly foreign-owned”, “foreign majority ownership”, “foreign investment”, “foreign ownership”, “foreign minority ownership” or any other form of foreign participation stipulated in Chinese law) means the total participation of non-Chinese capital whatever its origin and its owner, including but not exclusively, the participation by service suppliers of Australia. The aforementioned types of foreign participation shall not, collectively or individually, exceed China’s WTO commitments, except the more preferential commitments in the China-Australia FTA as allowed by current Chinese laws, regulations and rules.

³ The terms of the contract, concluded in accordance with China’s laws, regulations and other measures, establishing a “contractual joint venture” govern matters such as the manner of operation and management of the joint venture as well as the investment or other contributions of the joint venture parties. Equity participation by all parties to the contractual joint venture is not required, but is determined pursuant to the joint venture contract. “Foreign invested enterprise” in this Schedule means a foreign invested enterprise duly constituted or otherwise organised under “Law on Chinese-Foreign Equity Joint Ventures”, “Law on Chinese-Foreign Contractual Joint Ventures” and “Law on Foreign-Capital Enterprises”.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
I. 横向承诺			
本附件所包含的所有行业 THIS SCHEDULE ¹	(3) ² 在中国，外商投资企业包括外国资本企业（也称为外商独资企业），以及合资企业，合资企业有两种类型：股权合资企业，和契约合资企业。 ³ 外国占比对一家合资企业的投资股权合资企业注册资本的百分比 注册资本 分支机构的设立 澳大利亚的企业是未绑定的。除非另有说明 特定子部门，作为法律 外国分支机构的法规 企业正在制定中。	(3) 未绑定所有补贴至国内服务供应商除外 中国在其加入世界贸易组织时所做的。	

¹ 在“外商独资企业”方面已做出承诺的情况下，中外合资企业（包括外资多数或少数股权的合资企业）也被允许，除非根据中国的法律法规存在特殊要求。² 就本附件而言，涉及澳大利亚服务供应商在一家公司中“外国”或“澳大利亚”参与的限制或承诺，

在中国设立的公司或其他类型的商业存在（无论“外商独资”、“外资多数所有权”、“外国投资”、“外国所有权”、“少数股权”（或中国法律规定的任何其他外国参与形式）是指非中国资本的总参与，无论其来源如何。企业, 外国定
除上述外国参与形式外，还不得，除非根据现行中国法律允许的中国-澳大利亚自由贸易协定中的更优惠承诺，ations and

规则.³ 根据中国的法律、法规和其他措施签订的合同条款，建立“契约型合资企业”管理事项，包括合资企业的运营和管理方式以及合资方投资或其他贡献。所有参与方的股权参与并非强制要求，而是根据合资企业合同确定。“外商投资企业”在本附件中指一家外国投资企业
合资企业的运营和管理方式以及合资方投资或其他贡献。所有参与方的股权参与并非强制要求，而是根据合资企业合同确定。“外商投资企业”在本附件中指一家外国投资企业
契约型合资企业并非强制要求，而是根据合资企业合同确定。“外商投资企业”在本附件中指一家外国投资企业
企业依照《中外合资经营企业法》、《中外合作经营企业法》或《外国资本企业法》成立或组织
《外国资本企业法》。”等
等
ested
及“法律

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
	Representative offices of enterprises of Australia are permitted to be established in China, but they shall not engage in any profit-making activities except for the representative offices under CPC 861, 862, 863, 865 in the sectoral specific commitments. The land in the People’s Republic of China is State-owned. Use of land by enterprises and individuals is subject to the following maximum term limitations: (a) 70 years for residential purposes; (b) 50 years for industrial purposes; (c) 50 years for the purpose of education, science, culture, public health and physical education; (d) 40 years for commercial, tourist and recreational purposes; (e) 50 years for comprehensive utilisation or other purposes. (4) Unbound except for measures concerning the entry and temporary stay of natural persons who fall into one of the following categories:	(4) Unbound except for the measures concerning the entry and temporary stay of natural persons who fall into the categories referred to in the market access column.	

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
	企业代表处 澳大利亚的 代表处可以在中国设立，但它们不得从事任何营利活动 除CPC的代表处外 不得从事 861, 862, 863, 865 在部门 特定承诺。 中华人民共和国的土地是国家所有。 企业和个人使用土地 需遵守以下规定 受以下条款约束 最大期限 (a) 70年用于住宅用途； (b) 工业用途50年； (c) 50年用于 教育，科学，文化，公共 健康与体育 (d) 40年用于商业、旅游和休闲目的； 休闲目的； (e) 50年用于综合利用或其他目的。 其他目的。 (4) 除入境和临时措施外未绑定， 涉及入境和临时措施的， 停留的自然人属于 以下类别之一：	(4) 除入境和临时停留措施外未绑定 有关属于以下类别的自然人的入境和临时 停留： 所指类别中 市场准入列。	

	(a) Business visitor⁴ shall be permitted entry for a maximum of 180 days; (b) Manager⁵, executive⁶ and specialist,⁷ defined as senior employees of a corporation of Australia that has established a representative office, branch or subsidiary in the territory of the People's Republic of China, temporarily moving as intra-corporate transferees, shall be permitted entry for an initial stay of three years; (c) Contractual service supplier⁸ (CSS) shall be granted a stay permit as stipulated in the terms of contracts concerned or for an initial stay not exceeding one year; The services provided by CSS are only limited to the specific sectors as follows: (1) medical and dental services; (2) architectural services; (3) engineering services; (4) urban planning services (except general urban planning); (5) integrated engineering services; (6) computer and related services; (7) construction and related engineering services; (8) education services: provided that the CSS shall have acquired a bachelor's degree or above, have received appropriate professional titles or certificates, and have at least two years of professional work experience; and that the Chinese party involved in the contract shall be a juridical person which has the function of providing education services; (9) tourism services; and (10) accounting services.		
--	---	--	--

	(a) 商务访客⁴ 将被允许入境最多180天; (b) 经理⁵, 高管⁶ 和专家,⁷ 定义为高级公司的高级员工 澳大利亚已设立代表处、分支机构或子公司在中华人民共和国领土内暂时作为内部企业调派人员转移的, 应被企业调派人员, 应当允许初期停留的入境许可三年; (c) 合同服务供应商⁸ (CSS) 应被授予停留许可, 如合同条款所规定 相关合同或初期停留不超过一年; CSS提供的服务是仅限于特定行业 as follows: (1)医疗和牙科服务; (2)建筑服务; (3)工程服务; (4) 城市规划服务 (不包括一般城市规划); (5) 综合工程服务; (6) 计算机和相关服务; (7) 建筑和相关工程服务; (8) 教育服务: 前提是CSS 应已获得学士学位或以上, 拥有适当的专业资格或证书, 并且拥有至少两年的专业工作经验; 并且中方参与合同应当是具有提供教育职能的法入; 合同涉及的法人应当是具有提供教育职能的法入服务; (9) 旅游服务; 和 (10) 会计服务。		
--	--	--	--

⁴ “Business visitor” means a natural person of Australia who is: (a) a service seller who is a sales representative of a service supplier of Australia and is seeking temporary entry into China for the purpose of negotiating the sale of services for that service supplier, where such representative will not be engaged in making direct sales to the general public or in supplying services directly; or (b) an investor of Australia, or a duly authorised representative of an investor of Australia, seeking temporary entry into China to establish, expand, monitor, or dispose of a commercial presence of that investor.

⁵ “Manager” means a natural person within an organisation who primarily directs the organisation or a department or subdivision of the organisation, supervises and controls the work of other supervisory, professional or managerial employees, has the authority to hire and fire or take other personnel actions (such as promotion or leave authorisation), and exercises discretionary authority over day-to-day operations.

⁶ “Executive” means a natural person within an organisation who primarily directs the management of the organisation, exercises wide latitude in decision making, and receives only general supervision or direction from higher level executives, the board of directors or stockholders of the business. An executive would not directly perform tasks related to the actual provision of the service nor the operation of an investment.

⁷ “Specialist” means a natural person within an organisation who possesses knowledge at an advanced level of technical expertise, and who possesses proprietary knowledge of the organisation’s service, research equipment, techniques or management.

⁸ “Contractual service supplier” means a natural person of Australia who: (a) is an employee of a service supplier or an enterprise of Australia, whether a company, partnership or firm, who enters into China temporarily in order to perform a service pursuant to a contract between his or her employer and a service consumer(s) in China; (b) is employed by a company, partnership or firm of Australia which has no commercial presence in China where the service is to be supplied; (c) receives his or her remuneration from that employer; and (d) has appropriate educational and professional qualifications relevant to the service to be supplied.

⁴ “商务访客”是指澳大利亚的自然人，其定义为：(a) 服务销售者，即澳大利亚服务供应商的销售代表，为该供应商寻求临时进入中国以谈判销售服务，该代表不会直接向公众销售或直接提供服务；或(b) 澳大利亚投资者，或澳大利亚投资者的合法授权代表，寻求临时进入中国以建立、扩大、监控或处置该投资者的商业存在。

⁵ “经理”是指组织内的自然人，主要负责指导组织或组织的部门或分支机构，监督和控制其他监督、专业或管理人员的工作，有权招聘和解雇或采取其他人事行动（如晋升或休假授权），并对日常运营行使自由裁量权。

⁶ “高管”是指组织内的自然人，主要负责指导组织的管理，在决策方面具有广泛的自由裁量权，并仅从高级管理人员、董事会或股东那里接受一般监督或指导。高管不会直接执行与服务实际提供或投资运营相关的工作。

⁷ “专家”是指组织内的自然人，其具备高级技术专长知识，并且拥有该组织的服务、研究设备、技术或管理的专有知识，知识该组织的服务、研究设备、技术或管理。

⁸ “合同服务供应商”是指澳大利亚的自然人，其：(a) 是服务供应商或澳大利亚的企业（公司、合伙企业或公司）的雇员，临时进入中国以根据其雇主与中国服务消费者(s)之间的合同提供服务；(b) 受雇于在中国提供服务的澳大利亚公司、合伙企业或公司，该公司在华没有商业存在；(c) 从其雇主那里获得报酬；并且 (d) 具有与服务提供相关的适当教育和专业资格。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
	(d) Installer and maintainer⁹: the duration of stay for installers and maintainers is subject to the duration of the contract, but shall not exceed 180 days; (e) Accompanying Spouse and Dependent¹⁰: Accompanying spouse and dependent of Australian entrants defined in (b) or (c) are accorded the same period of stay as for the entrants, provided that the stay in China of those entrants is greater than 12 months. The working rights of the abovementioned accompanying spouse and dependent in China are subject to relevant Chinese laws, regulations and rules.		

⁹ “Installer and maintainer” means a natural person who is an installer or maintainer of machinery and/or equipment, where such installation and/or maintenance service by the supplying company is a condition of purchase of the said machinery or equipment. An installer or maintainer cannot perform services which are not related to the service activity which is the subject of the contract.

¹⁰ “Accompanying spouse and dependent” means the entrant’s spouse, their parents and their children who are under 18 years old.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
	(d) 安装和维护人员⁹: 安装人员的停留期限 与维护人员相关的内容受 合同的期限, 但是应当 不超过180天; (e) 随行配偶和 受抚养人¹⁰: 随行配偶和 澳大利亚入境者的受抚养人 在(b)或(c)中定义的 被给予与 入境者, 但前提是停留 中国入境者中, 中国的人数更多 超过12个月。 工作权利 上述随附 中国的配偶和受抚养人 根据相关中国法律, 法规和规则。		

⁹ “安装和维护人员”是指作为机械和/或设备的安装人员或维护人员的自然人, 其中供应公司的此类安装和/或维护服务是购买所述机械或设备的一个条件。安装人员或维护人员不能提供与服务活动无关的服务, 该服务活动是合同的主体。

¹⁰“随行配偶和受抚养人”是指入境者的配偶、其父母及其未满18岁的子女。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
II. SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services (a) Legal Services (CPC 861, excluding Chinese law practice)	(1) None (2) None (3) Law firms of Australia can provide legal services only in the form of representative offices. Representative offices can engage in profit-making activities. Business scope of representative offices of Australia is only as follows: (a) to provide clients with consultancy on the legislation of the country/region where the lawyers of the law firm are permitted to engage in lawyer's professional work, and on international conventions and practices; (b) to handle, when entrusted by clients or Chinese law firms, legal affairs of the country/region where the lawyers of the law firm are permitted to engage in lawyer's professional work; (c) to entrust, on behalf of foreign clients, Chinese law firms to deal with the Chinese legal affairs; (d) to enter into contracts to maintain long-term entrustment relations with Chinese law firms for legal affairs; (e) to provide information on the impact of the Chinese legal environment.	(1) None (2) None (3) All representatives shall be resident in China no less than six months each year. The representative office shall not employ Chinese national registered lawyers.	(1) In accordance with Chinese laws, regulations and rules, Australian law firms which have established their representative offices in the China (Shanghai) Pilot Free Trade Zone ("FTZ") may enter into contracts with Chinese law firms in the FTZ. Based on such contracts, these Australian and Chinese law firms may dispatch their lawyers to each other to act as legal counsels. This means Chinese law firms may dispatch their lawyers to the Australian law firms to act as legal counsels on Chinese law and international law, and Australian law firms may dispatch their lawyers to the Chinese law firms to act as legal counsels on foreign law and international law. The two sides shall cooperate within their respective business scope.

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
II. 具体承诺			
1. 商业服务			
A. 专业服务 (a) 法律服务 (CPC 861, 不包括中国法律实践)	(1) 无 (2) None (3) 澳大利亚律师事务所可以提供法律服务, 仅以代表处形式为代表处。代表处可以从事营利活动。代表处的业务范围 澳大利亚的办公室仅限于如下: (a) 向客户提供咨询 关于该国家/地区的立法 律师的业务 律师事务所被允许从事 律师的专业工作, 以及 国际公约和实践; (b) 在客户或中国律师事务所委托下处理 或中国律师事务所的法律事务 the 国家/地区 where the lawyers of the 律师事务所 are permitted to engage in lawyer's 专业工作; (c) to entrust, on behalf of 外国 客户, 中国律师事务所要处理 中国法律事务; (d) 签订合同以维持 与中国律师事务所的长期委托关系 进行法律事务; (e) 提供关于 中国法律 环境的影响。	(1) None (2) None (3) 所有代表应当是居民 在中国每年至少居住六个月 代表处 不得雇用中国公民 注册律师。	(1) 根据中国法律, 法规和规则, 澳大利亚法律 事务所 成立 have 了他们的 中国代表处 (中国 (上海) 自由贸易试验区) ("自贸区")可以与中国自贸区内的 的中国律师事务所签订合同。基于 这些合同, 这些澳大利亚和 中国的律师事务所可以派遣其 律师相互之间作为法律 顾问。 这意味着中国律师事务所可以 派遣他们的律师到澳大利亚 律师事务所作为法律顾问, 在 中国法律和国际法律 , and 澳大利亚律师事务所可以派遣他们的 律师到中国律师事务所担任 外国法律和国际法律 的法律顾问。双方应在各自的 业务范围内合作。 范围。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
	Entrustment allows the representative office of Australia to directly instruct lawyers in the entrusted Chinese law firm, as agreed between both parties. The representatives of an Australian law firm shall be practitioner lawyers who are members of the bar or law society in a WTO Member and have practiced for no less than two years outside of China. The Chief representative shall be a partner or equivalent (e.g., member of a law firm of a limited liability corporation) of a law firm of Australia and have practiced for no less than three years outside of China. (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	(2) In accordance with Chinese laws, regulations and rules, Australian law firms which have established their representative offices in the China (Shanghai) Pilot Free Trade Zone (“FTZ”) are permitted to form a commercial association with Chinese law firms in the Shanghai FTZ. Within validity of this commercial association, the two law firms of each side respectively have independent legal status, name, financial operation, and bear civil liabilities independently. Clients of the commercial association are not limited within the Shanghai FTZ. Australian lawyers in this type of commercial association are not permitted to practise Chinese law.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
	委托允许澳大利亚代表处直接指示 在受托的中国律师事务所的律师委托中国律师事务所，作为之间达成的协议。 澳大利亚的 律师事务所应为执业者 律师协会的成员 或世界贸易组织成员中的律师协会并且在中国境外执业不少于两年。首席代表应为一名 合伙人或同等职位（例如，成员的有限责任公司律师事务所的律师事务所）的 澳大利亚的，并且在中国境外执业时间不少于三年 。 (4) 未绑定，如横向承诺中所述 横向承诺	(4) 未绑定，如横向承诺中所述 横向承诺	(2) 根据《中国法律》，法规和规则，澳大利亚法律企业 其中 have 设立 其代表 在中国设立代表处 (上海) 自由贸易试验区 (“自贸区”) 可以组建与上海自贸区的中国律师事务所的商业协会。上海自贸区内的企业。在商业协会的有效性 the 两部法律 公司 of each side 分别地 have 独立的 法律地位，名称，财务运营，和 bear 民事 责任 独立地。商业协会的客户是在上海自贸区不受限制。澳大利亚律师在此类商业协会中不被允许从事中国法律业务。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) Partnerships or incorporated accounting firms are limited to Certified Public Accountants (CPAs) licensed by the Chinese authorities. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	- Accounting firms of Australia are permitted to affiliate with Chinese firms and enter into contractual agreements with their affiliated firms in other WTO Members. - Issuance of licences to natural persons of Australia who have passed the Chinese national CPA examination shall be accorded national treatment. - Applicants of Australia shall be informed of results in writing no later than 30 days after submission of their applications. - Accounting firms providing services in CPC 862 can engage in taxation and management consulting services. They are not subject to requirements on form of establishment in CPC 865 and 8630.
(c) Taxation services (CPC 8630)	(1) None (2) None (3) Firms of Australia are permitted to establish wholly foreign-owned subsidiaries. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
(b) 会计, 审计 and 簿记服务 (CPC 862)	(1) None (2) None (3) 合伙企业或注册会计师事务所受限于注册会计师 (CPAs) licensed by the Chinese 当局。 (4) 未绑定 except as indicated in horizontal commitments。	(1) None (2) None (3) None (4) 未绑定 except as indicated in 横向承诺。	- 澳大利亚会计师事务所是允许与中国企业关联并与其关联的企业签订协议的其他WTO成员。 - 发放自然人的许可证 澳大利亚拥有个人通过了中国的注册会计师考试审查应予以承认国民待遇 - 澳大利亚的申请人应当书面通知结果不迟于提交后30天提交后30天他们的申请。 - 提供服务的会计师事务所 在CPC 862中可以从事税务和管理咨询服务。它们不受关于组织形式在CPC 865和8630中的要求。
(c) 税务服务 (CPC 8630)	(1) None (2) None (3) 澳大利亚公司被允许设立外商独资子公司。 (4) 未绑定, 除非在横向承诺中说明。	(1) 无 (2) None (3) None (4) 未绑定, 除非在横向承诺。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
(d) Architectural services (CPC 8671) (e) Engineering services (CPC 8672) (f) Integrated engineering services (CPC 8673) (g) Urban planning services (except general urban planning) (CPC 8674)	(1) None for scheme design. Co-operation with Chinese professional organisations is required except scheme design. (2) None (3) Wholly foreign-owned enterprises are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) Service suppliers of Australia shall be registered architects/engineers, or enterprises engaged in architectural/engineering/urban planning services, in Australia. (4) Unbound except as indicated in horizontal commitments.	1. For Australian architectural enterprises established in China, when applying for higher-level qualifications, their performance in China and Australia will be recognised by the competent authority in the process of review and approval. 2. For Australian urban planning enterprises established in China, when applying for higher-level qualifications, their performance in China and Australia will be recognised by the competent authority in the process of review and approval.
(h) Medical and dental services (CPC 9312)	(1) None (2) None (3) Service suppliers of Australia are permitted to establish joint venture hospitals or clinics with Chinese partners with quantitative limitations in line with China's needs, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments and as follows: Doctors of Australia with professional certificates issued by Australia shall be permitted to provide short-term medical services in China after they obtain licences from the National Health and Family Planning Commission of the People's Republic of China. The term of service is six months and may extend to one year.	(1) None (2) None (3) The majority of doctors and medical personnel of the joint venture hospital and clinics shall be of Chinese nationality. (4) Unbound except as indicated in horizontal commitments.	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
(d) 建筑服务 (CPC 8671) (e) 工程服务 (CPC 8672) (f) 综合工程服务 (CPC 8673) (g) 城市规划服务 (不包括一般城市规划) (CPC 8674)	(1) 方案设计无。 与中国专业组织的合作是服务。 除方案设计外均需遵守。 (2) None (3) 外商独资企业允许。 (4) 未绑定, 除非在横向承诺	(1) 无 (2) 无 (3) 澳大利亚的服务供应商应当是注册建筑师/工程师, 或从事建筑/工程/城市规划服务的企业, 在澳大利亚。 (4) 未绑定, 除非在横向承诺	1. 对于在中国设立的澳大利亚建筑企业申请更高资质时, 其在中国的表现和澳大利亚的表现将被考虑。 被主管部门认可在审查和批准过程中。 2. 对于澳大利亚城市规划企业在中国设立的企业, 当申请更高资质时, 它们在中国和澳大利亚的表现将被主管部门认可 审查过程中的权力批准。
(h) 医疗和牙科服务 (CPC 9312)	(1) 无 (2) 无 (3) 澳大利亚的服务供应商是被允许设立合资医院或诊所与中国合作伙伴, 但数量上有限制符合中国的需要, 外资多数所有权允许。 (4) unbound except as indicated in horizontal commitments and as follows: 澳大利亚医生与由澳大利亚签发的专业证书在获得许可证后, 中国将允许在中国提供短期医疗服务在获得许可证后从国家卫生健康委员会和计划生育委员会获得中华人民共和国。The 服务期限为六个月, 并可延长至一年。	(1) 无 (2) 无 (3) 大部分医生和医疗合资企业人员医院和诊所应当是中国国籍。 (4) 未绑定, 除非在横向承诺	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
B. Computer and Related Services (Computer and related services do not cover the economic activity consisting of the provision of content services which require computer and related services as means of supply) (a) Consultancy services related to the installation of computer hardware (CPC 841)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	
(b) Software implementation services (CPC 842) (c) Data processing services (CPC 843) - Input preparation services (CPC 8431)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	
- Data processing and tabulation services (CPC 8432) - Time-sharing services (CPC 8433)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: certified engineers, or personnel with Bachelor's degree (or above) and three years of experience in these fields.	
C. Research and Development Services - Research & experimental development services on natural sciences and engineering (CPC 8510) (excluding prohibited foreign investment industries defined in <i>Catalogue for the Guidance of Foreign Investment Industries</i> published by the Chinese Government)	(1) Unbound (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
B. 计算机和相关服务 (计算机和相关服务不包括由内容服务提供的经济活动, 这些服务需要计算机和相关服务作为供应手段) 供应方式 (a) 与计算机硬件安装相关的咨询服务 计算机 硬件 (CPC 841)	(1) None (2) None (3) None (4) 未绑定, 除非在横向承诺中另有说明。	(1) None (2) None (3) None (4) 资格要求如下: 认证工程师, 或人员具有学士学位 (或以上) 并在这些领域有三年经验这些领域。	
(b) 软件实施服务 (CPC 842) (c) 数据处理服务 (CPC 843) - 输入准备服务 (CPC 8431)	(1) None (2) 无 (3) 外商独资企业是允许的。 (4) 未绑定, 除非在横向承诺	(1) None (2) None (3) None (4) 资格要求如下: 认证工程师, 或具有学士学位 (或以上) 和在这些领域有三年经验。	
- 数据处理和制表服务 (CPC 8432) - 分时服务 (CPC 8433)	(1) None (2) None (3) None (4) 未绑定, 除非在横向承诺	(1) None (2) None (3) None (4) 资格要求如下: 认证工程师或人员具有学士学位 (或以上) 并在这些领域有三年经验这些领域。	
C. 研究与开发服务 - 研究与实验发展服务在自然科学与工程 (CPC 8510) (不包括禁止外国投资行业定义在《外商投资产业指导目录》由中国发布的外商投资政府)	(1) 未绑定 (2) 无 (3) 外商独资企业是允许的。 (4) 除另有说明外均未绑定横向承诺。	(1) 未绑定 (2) None (3) None (4) 未绑定 except as indicated in 横向承诺。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
D. Real Estate Services (a) Real estate services involving own or leased property (CPC 821) (b) Real estate services on a fee or contract basis (CPC 822)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
F. Other Business Services (a) Advertising Services (CPC 871)	(1) Only through advertising agents registered in China who have the right to provide foreign advertising services. (2) Only through advertising agents registered in China who have the right to provide foreign advertising services. (3) Service suppliers of Australia are permitted to establish advertising enterprises in China. Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(b) Market research services (CPC 86401, only limited to investigation services designed to secure information on the prospects and performance of an organisation's products in the market)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments. Requirement for a commercial presence.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
D. 房地产服务 (a) 涉及自有或租赁物业 (CPC 821) (b) 按费用收取的房地产服务合同基础 (CPC 822)	(1) None (2) None (3) 外商独资企业是允许的。 (4) 未绑定，除非在横向承诺	(1) None (2) None (3) None (4) 未绑定，除非在横向承诺。	
F. 其他商业服务 (a) 广告服务 (CPC 871)	(1) 仅通过广告代理在中国注册且拥有提供外国广告服务的权利 (2) 只能通过在中国注册的广告代理拥有提供外国广告服务权利的提供外国广告服务的权利 (3) 澳大利亚的服务供应商是被允许在中国建立广告企业。完全外国子公司被允许。 未绑定，除非在 (4) 其中指示 横向承诺。	(1) None (2) None (3) None (4) 未绑定，除非在横向承诺中另有说明 横向承诺。	
(b) 市场调研服务 (CPC 86401, 仅限于调查服务，旨在获取信息关于前景和表现的一个组织的产品在市场中)	(1) 未绑定 (2) 未绑定 (3) 仅以合资企业形式 外资多数所有权被允许。经济需求测试是必需的。 (4) 未绑定，除非在横向承诺 商业存在要求 商业存在。	(1) 未绑定 (2) 未绑定 (3) 未绑定 (4) 未绑定，但如 横向承诺。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
(c) Management Consulting services (CPC 865)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(d) Services related to management consulting (only limited to the following sub-sector) - Project management services other than for construction (CPC 86601)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
(e) Technical testing and analysis services (CPC 8676) and freight inspection covered by CPC 749, excluding statutory inspection services for freight inspection services	(1) None (2) None (3) Services suppliers of Australia which have been engaged in inspection services in Australia for more than three years are permitted to establish joint venture technical testing, analysis and freight inspection companies with no less than US\$ 350,000 in registered capital. Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(f) Services incidental to agriculture, forestry, hunting and fishing (CPC 881, 882)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
(c) 管理咨询服务 (CPC 865)	(1) None (2) None (3) 外商独资子公司是允许的。 (4) 未绑定，除非在横向承诺	(1) None (2) None (3) None (4) 未绑定，除非另有说明。横向承诺	
(d) 与管理相关的服务 咨询（仅限于） （以下子行业） - 项目管理服务其他 比建设用少 (CPC 86601)	(1) None (2) None (3) 仅以合资企业形式允许， 外资多数所有权经济需求测试是必需的。 (4) 未绑定 except as indicated in 横向承诺。	(1) 未绑定 (2) 未绑定 (3) 未绑定 (4) 未绑定 except as indicated in 横向承诺。	
(e) 技术测试和分析 服务 (CPC 8676) 和由CPC 749覆盖的货运检验 不包括法定 货运检验服务 检验服务	(1) None (2) None (3) 澳大利亚服务供应商 其中已经参与 澳大利亚的检验服务 超过三年的被允许 设立合资技术 检测、分析及货运 检验公司，注册资本 不低于35万美元。 。外商独资子公司 被允许。 (4) 未绑定，如横向承诺中所述 横向承诺中所述。	(1) None (2) None (3) None (4) 未绑定，如横向承诺中所述 横向承诺中所述。	
(f) 农业相关服务， 林业、狩猎和渔业 (CPC 881, 882)	(1) 无 (2) 无 (3) 仅以合资企业形式存在， 外资多数所有权 允许。 (4) 未绑定，除非在 横向承诺中说明。	(1) 无 (2) 无 (3) 无 (4) unbound except as indicated in 横向承诺。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
(h) Services incidental to mining (CPC 883, only including oil and natural gas)	(1) Unbound (2) None (3) Only in the form of oil and gas exploitation in cooperation with Chinese partners. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(i) Services incidental to manufacturing (CPC 884, 885, except for 88442, and excluding prohibited foreign investment industries defined in <i>Catalogue for the Guidance of Foreign Investment Industries</i> published by the Chinese Government.)	(1) Unbound* (2) None (3) Wholly foreign-owned subsidiaries are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(m) Related scientific technical consulting services (CPC 8675) - <u>Field services for iron, copper, manganese, coal bed methane and shale gas.</u> Geological, geophysical (excluding gravity and magnetic prospecting and surveying services) and other scientific prospecting services (part of CPC 86751) Sub-surface surveying services (part of CPC 86752)	(1) None (2) None (3) Only in the form of prospecting and surveying services for iron, copper, manganese, coal bed methane and shale gas in cooperation with Chinese partners. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	In accordance with the requirements of <i>Catalogue for the Guidance of Foreign Investment Priority Industries in the Central and Western Regions</i> , and subject to approval, the Australian services suppliers are allowed to provide comprehensive utilization of mineral resources exploitation services in the central and western regions of China.

* Unbound due to lack of technical feasibility.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
(h) 采矿附带服务 (CPC 883, 仅包括石油和天然气)	(1) 未绑定 (2) None (3) 仅以石油和天然气开采的形式与合作的中国合作伙伴。 (4) 未绑定，如横向承诺中所述。横向承诺。	(1) 未绑定 (2) 无 (3) 无 (4) 未绑定 except as indicated in horizontal commitments.	
(i) 制造附带服务 (CPC 884, 885, 除88442外 and excluding prohibited foreign investment industries defined in 指导目录 外商投资产业 由中国政府发布 政府。)	(1) 未绑定* (2) None (3) 外商独资子公司 被允许。 (4) 未绑定，除非在 横向承诺中说明。	(1) 未绑定* (2) 无 (3) 无 (4) 未绑定 except as indicated in horizontal commitments.	
(m) 相关科学技术 咨询服务 (CPC 8675) - <u>现场服务 for 铁, 铜, 锰, 煤层甲烷和页岩气。</u> 地质、地球物理（不包括重力和磁力勘探和勘探服务）和其他科学勘探服务 (属于CPC 86751的一部分) 地下勘探服务 (属于CPC 86752的一部分)	(1) None (2) None (3) 仅以勘探和铁、铜、锰、煤层甲烷和页岩气的合作服务中国合作伙伴。 (4) 未绑定，除非在 横向承诺中说明。	(1) 无 (2) None (3) None (4) 未绑定，除非在 横向承诺中说明。	根据要求 指导目录 中央和西部地区 的外国投资优先产业 的要求，并经批准后， 澳大利亚服务供应商 矿产资源的综合利用 开发服务在中国 中西部地区。

* 由于缺乏技术可行性而未绑定。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
(m) Related scientific technical consulting services (CPC 8675) - Offshore oil-field services geological, geophysical and other scientific prospecting services (CPC 86751) Sub-surface surveying services (CPC 86752)	(1) None (2) None (3) Only in the form of petroleum exploitation in cooperation with Chinese partners. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- Onshore oil-field services	(1) None (2) None (3) Only in the form of petroleum exploitation in cooperation with China National Petroleum Corp. (CNPC) or China Petroleum & Chemical Corporation (SINOPEC) in the designated areas approved by the Chinese Government. In order to carry out the petroleum contract, the service supplier of Australia shall establish a branch, subsidiary or representative office within the territory of the People's Republic of China and go through registration formalities in accordance with the laws. The domiciles of the said offices shall be determined through consultation with CNPC or SINOPEC. The service supplier of Australia shall open its bank account with a bank approved by the Chinese authorities to engage in foreign exchange business within the Chinese territory. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) The service supplier of Australia shall furnish CNPC or SINOPEC accurately and promptly with the reports on the petroleum operations, and shall submit to CNPC or SINOPEC the data and samples as well as various technological, economic, accounting and administrative reports related to petroleum operations. CNPC or SINOPEC shall have the ownership of all of the data records, samples, vouchers and other original information acquired during the implementation of the petroleum operations. The investment of service suppliers of Australia shall be made in US dollars or other hard currencies. (4) Unbound except as indicated in horizontal commitments.	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
(m) 相关科学技术咨询服务 (CPC 8675) - 海上油田服务地质、地球物理及其他科学勘探服务 (CPC 86751) 地下勘探服务 (CPC 86752)	(1) None (2) None (3) 仅以石油形式合作开采中国合作伙伴。 (4) 未绑定, 如横向承诺中所述横向承诺。	(1) 无 (2) None (3) None (4) 未绑定, 如横向承诺中所述横向承诺。	
- 陆上油田服务	(1) None (2) None (3) 仅以石油开采形式与...合作开采中国石油天然气集团公司 (CNPC)或中国石油化工集团公司 (SINOPEC) 在经批准的指定区域内中国政府。为了执行石油合同, 澳大利亚的服务供应商应设立分支机构, 子公司或代表处, 在中华人民共和国领地内设立。中华民国并办理注册程序根据法律。所述办公室的住所应通过协商确定通过协商确定与中国石油天然气集团公司或中国石油化工集团公司。澳大利亚的服务供应商应在中国当局批准的银行开立其银行账户以从事外国外汇业务在中国领土内中国当局。 (4) unbound except as indicated in horizontal承诺。	(1) None (2) None (3) 澳大利亚的服务供应商应向中国石油天然气集团公司或中国石油化工集团公司准确并及时提供关于石油作业的报告, 并应向中国石油天然气集团公司或中国石油化工集团公司提交数据和样本, 作为各种技术、经济、会计和与石油作业相关的行政报告, 石油作业。中国石油天然气集团公司或中国石油化工集团公司应当拥有所有数据记录的样本、凭证和其他原始在石油作业实施期间获得的信息。石油投资的投资。澳大利亚的服务供应商应当以美元或其他硬通货支付。 (4) 未绑定, 除非在横向承诺中另有说明。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
(o) Building-cleaning services (CPC 874)	(1) Unbound* (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(p) Photographic services (CPC 875)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(q) Packaging services (CPC 876)	(1) None (2) None (3) Service suppliers of Australia are permitted to establish wholly foreign-owned subsidiaries. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(r) Printing of packaging materials, on a fee or contract basis (CPC 88442, only limited to the printing of packaging materials)	(1) Unbound (2) Unbound (3) Wholly foreign-owned enterprises are allowed. Economic needs tests are required. (4) Unbound except as indicated in Horizontal Commitments.	(1) Unbound (2) Unbound (3) Unbound (4) Unbound except as indicated in Horizontal Commitments.	

* Unbound due to lack of technical feasibility.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
(o) 建筑清洁服务 (CPC 874)	(1) 未绑定* (2) None (3) 外商独资企业被允许。 (4) 未绑定，除非在横向承诺。	(1) 未绑定* (2) None (3) None (4) 未绑定，除横向承诺中另有说明外横向承诺。	
(p) 摄影服务 (CPC 875)	(1) None (2) None (3) 仅以合资企业形式，外资多数所有权，被允许。 (4) 未绑定，除非在横向承诺	(1) None (2) None (3) None (4) 未绑定，除非在横向承诺。	
(q) 包装服务 (CPC 876)	(1) 无 (2) 无 (3) 澳大利亚的服务供应商是允许设立外商独资子公司。 (4) 未绑定，除非在横向承诺	(1) 无 (2) 无 (3) 无 (4) 未绑定 except as indicated in 横向承诺。	
(r) 包装材料印刷， on a fee or contract basis (CPC 88442, only limited to the 包装材料印刷)	(1) 未绑定 (2) 未绑定 (3) 外商独资企业被允许。经济需求测试是必需的。 (4) 未绑定 except as indicated in 横向承诺.	(1) 未绑定 (2) 未绑定 (3) 未绑定 (4) 未绑定 except as indicated in 横向承诺。	

* 未绑定，因缺乏技术可行性。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
(s) Convention services (CPC 87909)	(1) None (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(t) Translation and interpretation services (CPC 87905)	(1) None (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Qualifications are as follows: three years of experience in translation or interpretation and a good command of the working language(s).	
- Maintenance and repair services (CPC 63, 6112 and 6122) - Maintenance and repair services of office machinery and equipment including computers (CPC 845 and 886) - Rental and leasing services (CPC 831, 832, excluding CPC 83202)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. For Rental and Leasing services, service suppliers are required to have global assets of US\$ 5 million. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
(s) 公约服务 (CPC 87909)	(1) None (2) None (3) 仅以合资企业形式存在, 外资多数所有权被允许。 (4) 除另有说明外未绑定横向承诺。	(1) None (2) None (3) None (4) 未绑定, 如横向承诺中所述。横向承诺。	
(t) 翻译和口译服务 (CPC 87905)	(1) None (2) None (3) 外商独资企业是允许的。 (4) 未绑定, 除非在横向承诺	(1) 无 (2) 无 (3) 无 (4) 资格要求如下: 三项翻译多年的经验口译和熟练掌握工作语言。	
- 维护和维修服务 (CPC 63, 6112 和 6122) - 维护和维修服务 办公室 机械和设备 包括计算机 (CPC 845和886) - 租赁服务 (CPC 831, 832, 不包括 CPC 83202)	(1) None (2) None (3) 外商独资子公司是允许的。 对于租赁服务, 服务供应商需要拥有500万美元的全球资产。 (4) 未绑定, 除非在横向承诺中另有说明中。	(1) 无 (2) 无 (3) 无 (4) unbound except as indicated in horizontal commitments.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
2. COMMUNICATION SERVICES			
B. Courier Services (CPC 75121, except for those specifically reserved to Chinese postal authorities by law)	(1) None (2) None (3) Service suppliers of Australia are permitted to establish wholly foreign-owned subsidiaries (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
C. Telecommunication Services ¹¹ Value-added Services Including the following: (h) Electronic mail (i) Voice mail (j) On-line information and database retrieval (k) Electronic data interchange (l) Enhanced/Value-added facsimile services (including store and forward, store and retrieve) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing)	(1) See mode 3 (2) None (3) Service suppliers of Australia are permitted to establish joint venture value-added telecommunication enterprises and foreign investment in the joint ventures shall be no more than 50 percent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Services suppliers of Australia are permitted to set up either Australia-China joint ventures or wholly Australian-owned enterprises in the China (Shanghai) Pilot Free Trade Zone (“FTZ”) in order to undertake the following value-added telecom services: 1. Information services (App store only); 2. Store and forward; 3. Call center; and 4. Domestic Multi-Parties Communication. Services suppliers of Australia are permitted to set up Australia-China joint ventures in the FTZ in order to undertake On-line Data and Transaction Processing Services (for-profit E-Commerce). The Australian investment in the joint venture shall be no more than 55 per cent. All these Australia-China joint ventures or wholly Australian-owned telecom enterprises shall be registered in the Shanghai FTZ. The services facilities of these enterprises shall be located in the Shanghai FTZ as well.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
2. 通信服务			
B. 快递服务 (CPC 75121, 除那些特别保留给中国邮政当局的法律)	(1) None (2) None (3) 澳大利亚的服务供应商是允许设立外商独资子公司 (4) 未绑定，除非在横向承诺中另有说明中。	(1) None (2) None (3) None (4) 未绑定，除非在横向承诺中另有说明中。	
C. 电信服务 ¹¹ 增值服务 包括以下： (h) 电子邮件 (i) 语音邮件 (j) 在线信息和数据库检索 (k) 电子数据交换 (l) 增强型/增值传真服务 (包括存储转发、存储和检索) (m) 代码和协议转换 (n) 在线信息和/或数据处理 (包括事务处理处理)	(1) 见模式3 (2) None (3) 澳大利亚的服务供应商是允许设立合资企业增值电信企业和国外投资在合资企业中不得超过50%。 (4) 未绑定，除非在横向承诺。	(1) None (2) None (3) None (4) unbound except as indicated in 横向承诺。	澳大利亚服务供应商是被允许设立澳大利亚-中国合资企业或全部澳大利亚-中国内企业 (上海)自由贸易试验区 (“自贸区”)以开展以下增值电信服务： 1. 信息服务（仅限应用商店）； 2. 存储转发； 3. 呼叫中心；和 4. 国内多方通信通信。 澳大利亚服务供应商被允许在自贸区设立澳大利亚-中国合资企业，以从事在线数据处理和事务处理服务（营利性电子商务）。澳大利亚合资企业投资不得超过55百分比。所有这些中澳合资企业或完全由澳大利亚拥有的电信企业应当注册在上海自贸区。服务设施这些企业应位于上海自贸区也是如此。

¹¹ China’s commitments are scheduled in accordance with the following: Notes for Scheduling Basic Telecom Services Commitments (S/GBT/W/2/REV/1) and Market Access Limitations on Spectrum Availability (S/GBT/W/3) attached hereto.
All international telecommunications services shall go through gateways established with the approval of China’s telecommunications authorities, which will act as independent regulatory in accordance with the principles of paragraph 5 of the Reference Paper.

中国的承诺按照以下附件进行安排：基本电信服务承诺安排说明（S/GBT/W/2/REV/1）和频谱可用性市场准入限制（S/GBT/W/3）。所有国际电信服务均需通过经中国电信主管部门批准设立的网关进行，该网关将根据参考文件第5段的原则作为独立监管机构。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
Basic Telecommunication Services - Paging Services	(1) See mode 3 (2) None (3) Service suppliers of Australia are permitted to establish joint venture enterprises and foreign investment in the joint ventures shall be no more than 50 percent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	China undertakes the obligations contained in the Reference Paper in Attachment 1 attached hereto.
Mobile Voice and Data Services: - Analogue / Digital / Cellular Services - Personal Communication Services	(1) See mode 3 (2) None (3) Service suppliers of Australia are permitted to establish joint ventures only, and foreign investment in the joint ventures shall be no more than 49 percent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
基础电信服务 服务 - 寻呼服务	(1) 参见模式3 (2) None (3) 澳大利亚的服务供应商被允许设立合资企业服务供应商企业和国外投资在合资企业中不得超过50%。 (4) 未绑定，除非在横向承诺	(1) None (2) None (3) None (4) 未绑定，除非在横向承诺。	中国承担附件1中所述的义务 参考文件中包含的附件1。
移动语音和数据服务： - 模拟 / 数字 / 蜂窝服务 - 个人通信服务	(1) 参见模式3 (2) None (3) 澳大利亚的服务供应商是被允许设立合资企业仅，外国投资在合资企业不得超过49百分比。 (4) 未绑定，除非在横向承诺中说明。	(1) None (2) None (3) None (4) 未绑定，除非在横向承诺中说明。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
- Domestic Services (a) Voice services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (f) Facsimile services (g) Domestic private leased circuit services	(1) See mode 3 (2) None (3) Service suppliers of Australia are permitted to establish joint ventures only, and foreign investment in the joint ventures shall be no more than 49 percent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- International Services (a) Voice services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (f) Facsimile services (g) International closed user group voice and data services (use of private leased circuit service is permitted)			

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
- 国内服务 (a) 语音服务 (b) 分组交换数据传输服务 (c) 电路交换数据传输服务 (f) 传真服务 (g) 国内专用租用电路服务	(1) 见模式3 (2) None (3) 澳大利亚的服务供应商是被允许设立合资企业仅，且外国投资在合资企业不得超过49百分比。 (4) 未绑定，除非在横向承诺中说明。	(1) None (2) None (3) None (4) 未绑定，除非在横向承诺中说明。	
- 国际服务 (a) 语音服务 (b) 分组交换数据传输服务 (c) 电路交换数据传输服务 (f) 传真服务 (g) 国际闭路用户组语音和数据服务（使用专用租用电路服务是允许的）			

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
D. Audiovisual Services - Videos, including entertainment software and (CPC 83202), distribution services - Sound recording distribution services	(1) None (2) None (3) Services suppliers of Australia are permitted to establish contractual joint ventures with Chinese partners to engage in the distribution of audiovisual products, excluding motion pictures, without prejudice to China's right to examine the content of audio and video products (see footnote 3). (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	Without prejudice to compliance with China's regulations on the administration of films, China allows the importation of motion pictures for theatrical release from foreign countries on a revenue-sharing basis and the number of such imports shall be 20 on an annual basis.
- Cinema Theatre Services	(1) None (2) None (3) Services suppliers of Australia are permitted to construct and/or renovate cinema theatres, with foreign investment no more than 49 percent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
D. 视听服务 - 视频, 包括娱乐软件和 (CPC 83202), 分销服务 - 声音录制分销服务	(1) None (2) 无 (3) 澳大利亚服务供应商是被允许设立契约型合资企业与中国合作伙伴从事视听产品分销业务, 不包括电影, 在不损害中国权利的情况下中国检查的权利音频和视频产品的内容 (参见脚注3)。 (4) 未绑定, 除非在横向承诺中另有说明 横向承诺中	(1) None (2) 无 (3) None (4) 未绑定 except as indicated in horizontal commitments.	Without prejudice to compliance with 中国电影管理规定, 中国允许进口在电影方面, 中国允许进口影院上映的电影来自外国, 并在收入分成基础上进行进口, 此类进口的数量每年应为20。
- 影院服务	(1) None (2) None (3) 澳大利亚服务供应商是被允许建设和/或翻新电影院 , with 外国投资不超过49 百分比。 (4) 未绑定, 除非在横向承诺中说明。	(1) None (2) None (3) None (4) unbound except as indicated in 横向承诺。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES (CPC 511, 512, 513 ¹² , 514, 515, 516, 517, 518 ¹³)	(1) Unbound* (2) None (3) Joint ventures, with foreign majority ownership are permitted. Wholly foreign-owned enterprises are permitted. Wholly foreign-owned enterprises can only undertake the following four types of construction projects. 1. Construction projects wholly financed by foreign investment and/or grants. 2. Construction projects financed by loans of international financial institutions and awarded through international tendering according to the terms of loans. 3. Chinese-foreign jointly constructed projects with foreign investment equal to or more than 50 percent; and Chinese-foreign jointly constructed projects with foreign investment less than 50 percent but technically difficult to be implemented by Chinese construction enterprises alone. 4. Chinese invested construction projects which are difficult to be implemented by Chinese construction enterprises alone can be jointly undertaken by Chinese and foreign construction enterprises with the approval of the provincial government.	(1) Unbound* (2) None (3) None	Australian construction enterprises established in the China (Shanghai) Pilot Free Trade Zone (“FTZ”) may undertake joint Chinese-foreign constructed projects in Shanghai. Under such circumstances, these Australian construction enterprises will be exempted from the foreign investment ratio requirement in the projects.
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

¹² Including dredging services relating to infrastructure construction.

¹³ Coverage of CPC 518 is limited only to the rental and leasing services of construction and/or demolition machines with operator which are owned and used by foreign construction enterprises in their supply of services.

* Unbound due to lack of technical feasibility.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
3. 建筑和相关工程服务 (CPC 511, 512, 513 ¹² , 514, 515, 516, 517, 518 ¹³)	(1) 未绑定* (2) 无 (3) 合资企业， 外资多数所有权是允许的。 外商独资企业是允许的。外商独资企业只能开展以下四类建设项目。 1. 完全由外国投资资助的建设项目和/或拨款。 2. 由国际金融贷款机构并通过国际招标贷款条款。 3. 中外合资建设项目与外国投资等于或超过50百分比；以及中外合资建设项目有外国投资但低于50%但在技术上难以由中国实施企业单独。 4. 中国投资建设难以由中国建筑企业单独实施的企业单独可以由中国共同承担的和外国建筑企业经省政府批准	(1) 未绑定* (2) 无 (3) 无	澳大利亚建筑企业在中国（上海）试点自贸区（“FTZ”）可以开展中外合资建设项目在上海。在这种情况下，这些澳大利亚建筑企业将免于外国投资比例要求在项目。
	(4) 未绑定，除非在横向承诺	(4) 未绑定 except as indicated in horizontal commitments.	

¹² 包括与基础设施建设相关的疏浚服务。

¹³ CPC 518 的覆盖范围仅限于由外国建筑企业在其服务供应中拥有和使用、 配备操作员的建筑和/或拆除机械的租赁和租赁服务。

* 因技术可行性不足而未绑定。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
4. DISTRIBUTION SERVICES (as defined in Attachment 2)			
A. Commission Agents' Services (excluding salt, tobacco)	(1) Unbound (2) None (3) Wholly foreign-owned enterprises are allowed.	(1) Unbound (2) None (3) None	Australian enterprises are permitted to distribute their products manufactured in China, including the products listed in the market access or sector or sub-sector column, and provide subordinate services as defined in Attachment 2. Service suppliers of Australia are permitted to provide the full range of related subordinate services, including after sales services, as defined in Attachment 2, for the products they distribute.
B. Wholesale Trade Services (excluding salt, tobacco)	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
C. Retailing Services (excluding tobacco).	(1) Unbound except for mail order. (2) None (3) Wholly foreign-owned enterprises are allowed, except for chain stores which sell products of different types and brands from multiple suppliers with more than 30 outlets. For such chains stores with more than 30 outlets, foreign majority ownership is not permitted if those chain stores distribute any of the following products:	(1) Unbound except for mail order. (2) None (3) None	Australian enterprises may distribute their products manufactured in China, including those excepted products as listed in the market access or sector or sub-sector column, and provide subordinate services as defined in Attachment 2. Service suppliers of Australia are permitted to provide full range of related subordinate services, including after sales services, as defined in Attachment 2, for the products they distribute.

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
4. 分销服务 (如附件2所述)			
A. 佣金代理服务 (不包括盐、烟草)	(1) 未绑定 (2) None (3) 外商独资企业是允许的。	(1) 未绑定 (2) None (3) None	澳大利亚企业被允许分销其在中国制造的产品, 包括市场准入或行业或子行业中列出的产品。列, 并提供附属服务如附件2所述。 澳大利亚的服务供应商是允许提供全部范围的相关附属服务, 包括售后服务, 如定义所述附件2, 针对他们分销的产品。
B. 批发贸易服务 (不包括盐、烟草)	(4) 未绑定, 除非在横向承诺	(4) unbound except as indicated in 横向承诺。	
C. 零售服务 (不包括烟草)。	(1) 除邮购外无约束。 (2) None (3) 外商独资企业允许, 但除销售不同类型和品牌产品的连锁店多个供应商超过30家门店的此类连锁店拥有超过30家门店的, 外资多数所有权是不允许的如果那些连锁店分销任何下列产品中的任何一种:	(1) 除邮购外无约束。 (2) None (3) None	澳大利亚企业可以分销其中国制造的产品, 包括那些例外产品作为, 列在市场准入或行业或, 子行业列中, 并提供, 附件2中定义的附属服务, 附件2。 澳大利亚的服务供应商是被允许提供相关的全部附属服务, 包括售后服务, 如附件2中定义的, 为他们分销的产品。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
	books, newspapers, magazines, pharmaceutical products, pesticides, mulching films, processed oil, crude oil, chemical fertilizers and products listed in Annex 2a of the Protocol of China's WTO Accession (WT/L/432). The chain store operators of Australia will have the freedom of choice of any partner, legally established in China according to China's laws and regulations. (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
D. Franchising	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
E. Wholesale or retail trade services away from a fixed location.	(1) None (2) None (3) None ¹⁴ (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
	书籍，报纸，杂志，药品，农药，地膜，加工油，原油油，化肥和产品 附件2a中列出的产品 中国加入世界贸易组织的议定书 (WT/L/432). 连锁店 澳大利亚经营者将拥有任何合伙人的选择自由，在中国合法设立 根据中国的法律法规，法规。 (4) 未绑定，如横向承诺中所述 横向承诺中所述。	(4) 未绑定，如横向承诺中所述 横向承诺中所述。	
D. 特许经营	(1) None (2) None (3) None (4) 未绑定，如横向承诺中所述 横向承诺。	(1) None (2) None (3) None (4) 未绑定except as indicated in 横向承诺。	
E. 批发或零售贸易服务 远离固定地点。	(1) None (2) None (3) 无 ¹⁴ (4) 未绑定 except as indicated in 横向承诺。	(1) None (2) None (3) None (4) 未绑定 except as indicated in 横向承诺。	

¹⁴ See paragraph 310 of the Report of the Working Party on the Accession of China to the WTO.

¹⁴ See paragraph 310 of the 中国加入世界贸易组织的工作组报告.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
5. EDUCATIONAL SERVICES (Excluding special education services e.g. military, police, political and party school education)			China agrees to list within one year, through its examination and evaluation procedures, on the website www.jsj.edu.cn the 77 Australian CRICOS (the Commonwealth Register of Institutions and Courses for Overseas Students)-registered higher education institutions that are set up in accordance with Australian laws and eligible to confer diplomas or degrees recognised by Australian education authorities.
A. Primary education services (CPC 921, excluding national compulsory education in CPC 92190)	(1) Unbound (2) None (3) Joint schools may be established, with foreign majority ownership permitted.	(1) Unbound (2) None (3) Unbound	
B. Secondary education services (CPC 922, excluding national compulsory education in CPC 92210)	(4) Unbound except as indicated in horizontal commitments and the following:	(4) Qualifications are as follows: possession of Bachelor’s degree or above;	
C. Higher education services (CPC 923)	Individual education service suppliers of Australia may enter into China to provide education services when invited or employed by Chinese schools and other education institutions.	and an appropriate professional title or certificate, with two years’ professional experience.	
D. Adult education services (CPC 924)			
E. Other education services (CPC 929, including English languages training)			

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
5. 教育服务 (不包括特殊教育服务，例如军事、警察、政党和党校教育)			中国同意在一年内列出，通过其审查和评估程序，在网站 www.jsj.edu.cn 77 澳大利亚 CRICOS（联邦注册机构及海外学生课程注册）为海外学生设立的高等教育机构根据规定设立的符合澳大利亚法律，并有权授予澳大利亚教育当局认可的文凭或学位。
A. 初等教育服务 (CPC 921，不包括国家CPC国家义务教育92190)	(1) 未绑定 (2) None (3) 可建立联合学校，外资多数所有权被允许。	(1) 未绑定 (2) None (3) 未绑定	
B. 中等教育服务 (CPC 922, 不包括国家义务教育CPC国家义务教育92210)	(4) 未绑定，除非在横向承诺和以下：个体教育服务	(4) 资格如下：拥有学士学位或上方；并具有适当的专业资格	
C. 高等教育服务 (CPC 923)	供应商的澳大利亚可以进入中国提供教育服务	或证书，具有两年的专业经验。	
D. 成人教育服务 (CPC 924)	当被邀请或雇佣时		
E. 其他教育服务 (CPC 929，包括英语)语言培训)，	中国学校和其他教育机构。		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
6. ENVIRONMENTAL SERVICES (excluding environmental quality monitoring and pollution source inspection)			
A. Sewage Services (CPC 9401)	(1) Unbound except for environmental consultation services. (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
B. Solid Waste Disposal Services (CPC 9402)	(1) Unbound except for environmental consultation services. (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
C. Cleaning Services of Exhaust Gases (CPC 9404)	(1) Unbound except for environmental consultation services. (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
D. Noise Abatement Services (CPC 9405)	(1) Unbound except for environmental consultation services. (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
6. 环境服务 (不包括环境质量监测和污染源检查)			
A. 污水服务 (CPC 9401)	(1) 除环境咨询服务外不受限制咨询服务。 (2) None (3) 外商独资企业被允许。 (4) 除环境咨询服务外不受限制横向承诺。	(1) None (2) None (3) None (4) 未绑定, 除非在横向承诺中另有说明横向承诺。	
B. 固体废物处理服务 (CPC 9402)	(1) 未绑定, 除非涉及环境咨询服务。 (2) None (3) 外商独资企业是允许的。 (4) 未绑定, 除非在横向承诺	(1) None (2) None (3) None (4) 未绑定, 除非在横向承诺。	
C. 废气清洁服务 (CPC 9404)	(1) 除环境咨询服务外不受限制咨询服务。 (2) None (3) 外商独资企业是允许的。 (4) 未绑定, 如横向承诺中所述。横向承诺中所述。	(1) None (2) None (3) None (4) 未绑定, 如横向承诺中所述。横向承诺中所述。	
D. 噪音减弱服务 (CPC 9405)	(1) 除环境咨询服务外不受限制咨询服务。 (2) None (3) 外商独资企业被允许。 (4) 除环境咨询服务外不受限制横向承诺。	(1) None (2) None (3) None (4) 未绑定except as indicated in横向承诺。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
E. Nature and Landscape Protection Services (CPC 9406)	(1) Unbound except for environmental consultation services. (2) None (3) Foreign services suppliers engaged in environmental services are permitted to provide services only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
F. Other Environmental Protection Services (CPC 9409)	(1) Unbound except for environmental consultation services. (2) None (3) Foreign services suppliers engaged in environmental services are permitted to provide services only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
G. Sanitation Services (CPC 9403)	(1) Unbound except for environmental consultation services. (2) None (3) Wholly foreign-owned enterprises are allowed. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
E. 自然与景观保护服务 (CPC 9406)	(1) 除环境咨询服务外不受限制 环境咨询服务。 (2) 无 (3) 外国服务供应商从事环境服务的是仅以合资企业形式提供服务的形式被允许的 外资多数所有权被允许的。 (4) 未绑定 except as indicated in 横向承诺.	(1) None (2) 无 (3) None (4) 未绑定 except as indicated in 横向承诺.	
F. 其他环境保护服务 (CPC 9409)	(1) 除环境咨询服务外不受限制。 (2) 无 (3) 外国服务供应商在环境服务中是仅允许以合资企业的形式提供服务 合资企业, 其中 外资多数所有权 是允许的。 (4) 除在以下情况外未绑定 横向承诺。	(1) None (2) 无 (3) None (4) 未绑定except as indicated in 横向承诺。	
G. 卫生服务 (CPC 9403)	(1) 除环境咨询服务外不受限制 咨询服务。 (2) None (3) 外商独资企业 被允许。 (4) 除横向承诺中所述外 。	(1) None (2) None (3) None (4) unbound except as indicated in 横向承诺。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
7. FINANCIAL SERVICES			
A. All Insurance and Insurance-Related Services (a) Life, health and pension/annuities insurance (b) Non-life insurance (c) Reinsurance (d) Services auxiliary to insurance	(1) Unbound except for: (a) reinsurance; (b) international marine, aviation, and transport insurance; and (c) brokerage for large scale commercial risks, international marine, aviation, and transport insurance, and reinsurance. (2) Unbound for brokerage. Other, none. (3) A. <u>Form of establishment</u> Non-life insurers of Australia are permitted to establish as a branch or as a wholly-owned subsidiary; i.e., with no form of establishment restrictions. Life insurers of Australia are permitted 50 percent foreign ownership in a joint venture with the partner of their choice.	(1) None (2) None (3) None, except for: - Insurance institutions of Australia shall not engage in the statutory insurance business, except that insurance institutions of Australia are permitted to undertake third party auto liability insurance.	

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
7. 金融服务			
A. 所有保险及相关服务 (a) 人寿、健康和养老金/年金保险 (b) 非寿险 (c) 再保险 (d) 保险辅助服务	(1) 除以下情况外均未绑定： (a) 再保险； (b) 国际海运、航空和运输保险；以及 (c) 大规模商业风险经纪商业风险，国际海运、航空和运输保险，和再保险。 (2) 未绑定经纪。其他，none. (3) A. <u>组织形式</u> 澳大利亚非寿险保险公司是允许以分支机构或全资子公司的形式设立；即，没有组织形式的限制。 澳大利亚人寿保险公司是允许50%外国在合资企业中的所有权与其选择的合作伙伴。	(1) None (2) None (3) 无，除了： - 澳大利亚保险机构不得从事法定保险业务，但澳大利亚保险机构被允许从事第三方汽车责任保险。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
	The joint venture partners can freely agree the terms of their engagement, provided they remain within the limits of the commitments contained in this Schedule. For brokerage for insurance of large scale commercial risks and brokerage for reinsurance and brokerage for international marine, aviation, and transport insurance and reinsurance: wholly foreign-owned subsidiaries are permitted. For other brokerage services: Unbound. Internal branching is permitted for insurance firms of Australia which have established joint venture insurance companies or wholly owned subsidiaries in China. Internal branching is permitted for brokerage for insurance of large scale commercial risks and brokerage for reinsurance and brokerage for international marine, aviation, and transport insurance and reinsurance which have established wholly foreign-owned subsidiaries in China.		

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
	合资伙伴可以自由商定其合作条款，只要他们仍处于本附件中承诺的限制范围内。 对于大型保险的扩大商业风险和再保险经纪和国际海运、航空和运输保险和再保险：外商独资子公司被允许。 对于其他经纪服务：未绑定。 允许澳大利亚公司进行内部分支拥有合资保险公司或全资澳大利亚保险公司的澳大利亚公司。中国拥有子公司。内部分支机构是允许的。保险经纪的大规模商业风险和再保险经纪和国际海上经纪，航空，以及运输保险和再保险，其已在中国设立外商独资子公司。		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
	B. <u>Business Scope</u> Non-life insurers of Australia are permitted to provide “Master policy” (see Attachment 3) insurance/insurance of large scale commercial risks, which has no geographic restrictions. In accordance with national treatment, insurance brokers of Australia are permitted to provide “Master policy” no later than Chinese brokers, under conditions no less favourable. Non-life insurers of Australia are permitted to provide the full range of non-life insurance services to both foreign and domestic clients. Insurers of Australia are permitted to provide health insurance, individual/group insurance and pension/annuities insurance to foreigners and Chinese. Insurers of Australia are permitted to provide reinsurance services for life and non-life insurance as a branch, joint venture, or wholly foreign-owned subsidiary, without geographic or quantitative restrictions on the number of licences issued. C. <u>Licences</u> Licences will be issued with no economic needs test or quantitative limits on licences. Qualifications for establishing an insurance institution of Australia are as follows:		

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
	B. <u>业务范围</u>—— 澳大利亚非寿险保险公司是被允许提供“主险”，（见附件3） 大型商业风险保险商业风险， which has no地域限制。在根据国民待遇，澳大利亚的保险经纪人被允许提供“主险主险”不迟于中国经纪人，在不少于有利的条件下。 澳大利亚非寿险保险公司被允许提供全部非寿险服务外国和国内客户。 澳大利亚保险公司被允许提供健康保险，个人/团体保险和养老金/年金保险给外国人和中国人。 澳大利亚保险公司被允许提供人寿保险和非寿险的再保险服务作为分支机构、合资企业或完全外国子公司 而无需地域的或数量的限制地域的或数量的对许可证数量的限制发放。 C. <u>许可证</u>—— 许可证将不会进行经济需求测试或许可证的定量限制。资格要求 许可证限制。资格要求。 设立保险公司 澳大利亚的如下：		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
	- the investor shall be an insurance company of Australia with more than 30 years of establishment experience in a WTO Member; - it shall have a representative office for two consecutive years in China; - it shall have total assets of more than US\$ 5 billion at the end of the year prior to application, except for insurance brokers. Insurance brokers shall have total assets of more than US\$ 200 million.		
	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
	- 投资者应为保险 澳大利亚公司拥有更多 超过30年的建立 在世贸组织成员国的经验； - 它应设代表处 在中国连续两年； - 它应拥有总资产 超过50亿美元 申请前一年，除 保险经纪人。 保险经纪人应拥有 资产超过200美元 百万。		
	(4) 未绑定，如横向承诺中所述 横向承诺。	(4) 未绑定，如横向承诺中所述 横向承诺。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
	B. <u>Clients</u> For foreign currency business, financial institutions of Australia are permitted to provide services in China without restriction as to clients. For local currency business, financial institutions of Australia are permitted to provide services to Chinese enterprises. Financial institutions of Australia are permitted to provide services to all Chinese clients. Financial institutions of Australia licensed for local currency business in one region of China may service clients in any other region. C. <u>Licensing</u> Criteria for authorisation to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licences). Financial institutions of Australia who meet the following condition are permitted to establish a subsidiary of a bank of Australia in China:		

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
	B. <u>客户</u> 对于外币业务，澳大利亚金融机构被允许在中国提供服务，不受客户限制。 <u>客户</u>。 对于本地货币业务，澳大利亚金融机构是被允许提供服务中国企业。金融澳大利亚的机构是被允许向所有人提供服务中国客户。金融澳大利亚金融机构获准在中国一个地区的本币业务可以服务客户在任何其他地区。 C. <u>许可</u> 授权交易标准 中国的金融服务部门是完全审慎的（即，不包含经济需求测试或许可证的定量限制）。 澳大利亚金融机构满足以下条件者被允许设立 澳大利亚银行的子公司在中国：		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
	- total assets of more than US\$ 10 billion at the end of the year prior to filing the application. Financial institutions of Australia who meet the following condition are permitted to establish a branch of a bank of Australia in China: - total assets of more than US\$ 20 billion at the end of the year prior to filing the application. Financial institutions of Australia who meet the following condition are permitted to establish a Chinese-foreign joint bank in China: - total assets of more than US\$ 10 billion at the end of the year prior to filing the application. Qualifications for financial institutions of Australia to engage in local currency business are as follows: - one year business operation in China prior to the application, otherwise, none. (4) Unbound except as indicated in horizontal commitments.		China removes the requirement that an Australian bank has to set up a representative office in China in order to set up operational foreign-funded banks (such as branches or subsidiaries*). If one branch of an Australian bank established in China has obtained the permission to engage in RMB business, other branches established by the same Australian bank in China may apply to engage in RMB business provided that they have met relevant prudential requirements. China removes the minimum requirement on the amount of the non-callable operating capital allocated from an Australian subsidiary* to each of its branches in China. Subsidiaries* established in China by Australian banks will be allowed to engage in credit asset securitization business and enjoy national treatment on condition that they have met the requirements of <i>the Administrative Rules on the Pilot Program of Credit Asset Securitization by Financial Institutions</i> and obtained approval.

*. “Subsidiary” refers to a banking subsidiary established by an Australian bank pursuant to *the Regulations of the People’s Republic of China on Administration of Foreign-funded Banks*.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
	- 总资产超过100亿美元在提交申请的前一年末提出申请时。 澳大利亚金融机构满足以下条件 可以设立分支机构 在中国的一家澳大利亚银行： - 总资产超过20美元亿，在提交申请的前一年年底时。 澳大利亚金融机构满足以下条件 可以在中国设立中-外合资银行： - 总资产超过100亿美元在提交申请之前的年末资产。 金融 澳大利亚的机构从事本地货币业务是如下： - 在中国的一年业务运营在申请之前，否则，无。 (4) 未绑定 except as indicated in horizontal commitments.		中国 removes the requirement that an Australian bank has to set up a 在中国设立代表处以设立运营外资银行 (例如分支机构或子公司*). 如果一家澳大利亚银行的 在中国设立的分支机构已获得 从事人民币业务的许可， 其他分支机构由同一 澳大利亚银行在中国可以申请 从事人民币业务，前提是 它们已经满足了相关的审慎 要求。 中国取消了最低要求 在非可赎回 营运资本分配自一个 澳大利亚子公司* 至其 中国分支机构。 子公司* 由澳大利亚银行在中国设立的 将允许澳大利亚银行 从事信贷资产证券化 业务并享受国民待遇 的条件是它们已经满足了 信贷资产试点管理办法的要求 金融机构证券化 金融机构证券化 并获得了批准。

*。“子公司”是指一家澳大利亚银行根据中华人民共和国关于外商投资银行管理的法规设立的银行子公司。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
- Motor vehicle financing by non-bank financial institutions	(1) Unbound except for the following: - Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; - Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- Other financial services as listed below: (k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; (l) Advisory, intermediation and other auxiliary financial services on all activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	(1) None (2) None (3) None. Criteria for authorisation to deal in China's financial services sector are solely prudential (i.e., contain no economic needs test or quantitative limits on licences). Branches of institutions of Australia are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
- 汽车融资由非- 银行金融机构	(1) 未绑定，除以下情况外： - 金融提供和转让 金融信息，和财务数据 处理和相关软件由 其他金融服务供应商； - 咨询、中介和其他 辅助金融服务在所有 在(a)至(k)项中列出的各项活动中 通过，包括信贷 参考和分析，投资 以及投资组合研究和建议， 关于收购的建议和 公司重组和战略。 (2) None (3) None (4) 未绑定，除非在 横向承诺中说明。	(1) 未绑定 (2) None (3) None (4) 未绑定 except as indicated in horizontal commitments.	
- Other financial services as listed below: (k) 金融提供和转让 信息，以及财务数据 由其他金融服务供应商提供的数据处理和相关软件 其他金融服务供应商； (l) 咨询、中介和其他 辅助金融服务，涵盖所有 在（a）项中列出的各项活动 通过 (k)，包括信用 参考和分析，投资 以及投资组合研究和建议， 关于收购的建议和 公司重组和战略。	(1) None (2) None (3) 无。授权的标准 在中国金融服务领域进行交易 该部门完全基于审慎原则（即， 不包含经济需求测试或 许可证的定量限制）。 澳大利亚机构的分支机构 被允许。 (4) 未绑定 except as indicated in 横向承诺。	(1) None (2) None (3) None (4) 未绑定 except as indicated in 横向承诺。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
- Securities	(1) Unbound except for the following: (a) Securities institutions of Australia may engage directly (without Chinese intermediary) in B share business. (b) Service suppliers of Australia which meet the requirements of China's relevant laws and regulations are permitted to provide the following services to Chinese Qualified Domestic Institutional Investors (QDII): - Trading for account of QDII; - Providing securities trading advice ; - Providing portfolio management; - Providing custody for overseas assets of QDII. (2) None (3) None (a) Unbound except for the following: Representative offices in China of securities institutions of Australia may become Special Members of all Chinese stock exchanges. Service suppliers of Australia are permitted to establish joint ventures with foreign investment up to 49 percent to conduct domestic securities investment fund management business. Securities institutions of Australia are permitted to establish joint ventures, with foreign minority ownership not exceeding 49 percent, to engage (without Chinese intermediary) in underwriting A shares and in underwriting and trading of B and H shares as well as government and corporate debts, launching of funds.	(1) None (2) None (3) None	Subject to approval, the Australian financial services institutions in China are allowed to participate in the securitisation business (CSRC-approved securities related services only) after having obtained relevant business qualifications. With such approval, these financial services institutions will enjoy national treatment in accordance with China's laws and regulations.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
- 证券	(1) 除以下情况外均未绑定： (a) 澳大利亚证券机构可直接从事 (无需中国中介机构)在B 证券业务。 (b) 澳大利亚的服务供应商 哪些满足 中国的相关法律法规要求 可以提供 以下服务给中国 合格国内机构 投资者（QDII）： - 为QDII账户交易； - 提供证券交易 建议； - 提供投资组合管理； - 提供海外托管 QDII的资产。 (2) None (3) None (a) 除以下情况外均未绑定： 在中国设立的代表处 澳大利亚证券机构 可以成为所有中国证券交易所的特别成员。 中国证券交易所。 澳大利亚的服务供应商是 允许设立合资企业 外国投资最高可达49% 以进行国内 证券投资基金 管理业务。 澳大利亚证券机构 被允许设立合资企业 外资持股不超过49 百分比，从事承销业务 （不包括中国中介机构） 中介机构)在承销 股份和承销以及 B股和H股的交易以及 政府和企业债务， 基金发行。	(1) None (2) None (3) None	经批准，澳大利亚 中国的金融机构是 允许参与证券化 业务（证监会批准的证券 相关服务仅）在获得 相关业务资质后。 通过此类批准， 这些金融 服务机构将享受国家 根据中国的 法律法规进行处理。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
	The joint venture securities companies which have two years business operation in China and meet the regulatory requirements and conditions, upon approval, are permitted to engage in securities brokerage, proprietary trading and asset management. Service suppliers of Australia are permitted to establish joint venture futures companies, with foreign investment up to 49 percent. (b) Criteria for authorisation to deal in China’s financial industry are solely prudential (i.e., contain no economic needs test or quantitative limits on licences). (4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
	合资证券 拥有两年的公司 在中国业务运营和 满足监管要求 和条件，经批准，可以 从事证券 经纪, 自营交易和 资产管理。 澳大利亚的服务供应商是 允许设立合资企业 期货公司，外国投资最高可达49百分比。 投资最高可达49百分比。 (b) 授权交易标准 中国金融业是唯一 审慎的（即，不包含 经济需求测试或许可 证的定量限制）。 (4) 未绑定，除非在 横向承诺。	(4) 未绑定 except as indicated in 横向承诺。	

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or sub-sector	Limitations on market access		Limitation on national treatment	Additional commitments
8. HEALTH RELATED AND SOCIAL SERVICES A. Hospital services (CPC 9311) (excluding Traditional Chinese Medicine hospitals)	(1) Unbound (2) Unbound (3) Qualified service suppliers of Australia are permitted to establish wholly foreign-owned hospitals by constitution or acquisition in Beijing, Tianjin, Shanghai, Jiangsu, Fujian, Guangdong and Hainan province. The establishment procedures, practice registration, diagnosis and treatment activities of such hospitals are subject to Chinese laws, regulations and rules, and the relevant rules of the abovementioned areas on foreign investment in hospitals shall be applied as well.		(1) Unbound (2) Unbound (3) Unbound	
B. Social Services - Services for the aged (part of CPC 93311 and 93323)	(4) Unbound except as indicated in horizontal commitments.		(4) Unbound except as indicated in horizontal commitments.	
	(1) Unbound (2) Unbound (3) Service suppliers of Australia are permitted to establish wholly foreign-owned profit-making institutions for the aged in China.		(1) Unbound (2) Unbound (3) Unbound	
	(4) Unbound except as indicated in horizontal commitments.		(4) Unbound except as indicated in horizontal commitments.	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
8. 与健康相关及社会服务 A. 医院服务 (CPC 9311) (不包括中医医院)	(1) 未绑定 (2) 未绑定 (3) 合格服务供应商 澳大利亚被允许建立外商独资医院由宪法或收购设立在北京、天津、上海、江苏、福建、广东和海南省。设立程序、执业登记、程序, 执业登记 诊断和治疗活动 此类医院应遵守中国法律、法规和规则, 并应遵守上述地区的外国医院投资的相关规则应遵守 同样适用。 (4) 未绑定, 除非在横向承诺	(1) 未绑定 (2) 未绑定 (3) 未绑定 (4) 未绑定 except as indicated in horizontal commitments.	
B. 社会服务 - 老年人服务 (属于CPC 93311和93323)	(1) 未绑定 (2) 未绑定 (3) 澳大利亚的服务供应商是允许设立完全外国-所有营利性机构为中国老年人。 (4) 未绑定, 除非在横向承诺中说明。	(1) 未绑定 (2) 未绑定 (3) 未绑定 (4) unbound except as indicated in horizontal commitments.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels (including apartment buildings) and Restaurants (CPC 641-643)	(1) None (2) None (3) Services suppliers of Australia may construct, renovate and operate hotel and restaurant establishments in China. Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
B. Travel Agency and Tour Operator (CPC 7471)	(1) None (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None except that joint ventures or wholly foreign-owned travel agencies and tour operators are not permitted to engage in the activities of Chinese travelling abroad and to Hong Kong China, Macao China and Chinese Taipei. (4) Unbound except as indicated in horizontal commitments.	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
9. 旅游和旅行 相关服务			
A. 酒店（包括公寓楼）和餐馆 (CPC 641-643)	(1) None (2) None (3) 澳大利亚服务供应商可以建设、翻新和经营酒店和餐厅机构在中国。外商独资子公司是允许的。 (4) 未绑定，除非在横向承诺。	(1) None (2) None (3) None (4) 未绑定except as indicated in 横向承诺。	
B. 旅行社和旅游运营商 (CPC 7471)	(1) None (2) None (3) 外商独资子公司被允许。 (4) 未绑定，除非在横向承诺	(1) None (2) None (3) 除合资企业或外商独资旅行社和旅游运营商外，均不被允许。被允许从事活动中国出境旅游以及香港中国，澳门中国以及中华台北。 (4) 未绑定，除非在横向承诺中另有说明。	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES: (other than audiovisual services)			
D. Sporting and other recreational services (Only limited to CPC 96411, 96412, 96413, 96419 excluding golf)	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
10. 休闲和体育服务：，文化（不包括视听服务）			
D. 体育和其他休闲服务（仅限于CPC 96411, 96412, 96413, 96419 excluding golf）	(1) None (2) None (3) None (4) 未绑定 except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) unbound except as indicated in horizontal commitments.	

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	(4) Presence of natural persons
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments	
11. TRANSPORT SERVICES				

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
11. 运输服务			

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
A. Maritime Transport Services - International transport (freight and passengers) (CPC 7211 and 7212 less cabotage transport services)	(1) (a) Liner shipping (including passenger transportation): None (b) Bulk, tramp and other international shipping (including passenger transportation): None (2) None (3) (a) Establishment of registered companies for the purpose of operating a fleet under the national flag of the People’s Republic of China: - Service suppliers of Australia are permitted to establish joint venture shipping companies. - Foreign investment shall not exceed 49 percent of the total registered capital of the joint venture. - The chairman of board of directors and the general manager of the joint venture shall be appointed by the Chinese side. (b) Other forms of commercial presence for the supply of international maritime transport services: Unbound (4) (a) Ship’s crew: Unbound except as indicated in horizontal commitments. (b) Key personnel employed by Commercial Presence as defined under mode (3) (b) above: Unbound except as indicated in horizontal commitments.	(1) (a) None (b) None (2) None (3) (a) None (b) Unbound (4) (a) Unbound except as indicated in horizontal commitments. (b) Unbound except as indicated in horizontal commitments.	A: The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: 1. Pilotage 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain’s services 6. Navigation aids 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services. B: 1. Qualified maritime service suppliers of Australia are allowed to establish wholly foreign-owned ship management enterprises in the China (Shanghai) Pilot Free Trade Zone (“Shanghai FTZ”); 2. Qualified maritime service suppliers of Australia are allowed to establish joint venture shipping companies in the Shanghai FTZ, with foreign majority ownership permitted. 3. The chairman of board of directors and the general manager of the joint venture international shipping companies established in the Shanghai FTZ may be appointed by the Chinese and Australian sides through consultation. 4. For the ships owned or bareboat-chartered by the joint venture international shipping companies established in the Shanghai FTZ, the registration of such ships may be carried out in accordance with the international ship registration system in the Shanghai FTZ.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
A. 海上运输服务 - 国际运输（货运和旅客） (CPC 7211和7212不包括沿海运输服务)	(1) (a) 班轮运输（包括客运): 无 (b) 散货、杂货和其他国际运输（包括客运): 无 (2) None (3) (a) 注册公司设立的目的 运营船队 中华人民共和国国旗 中国： - 澳大利亚的服务供应商被允许设立合资企业航运公司。 - 外国投资不得超过合资企业注册资本总额的49百分比。 - 董事会主席 合资企业的总经理应由合资企业任命。 中方。 (b) 其他商业形式 供应的商业存在 国际海上运输服务：未绑定 (4) (a) 船员：未绑定，除在横向中指明的承诺。 (b) 由商业存在雇佣的关键人员 如上定义的商业存在 在上述第(3)点(b)模式下的未绑定 除非在横向中指明的承诺。	(1) (a) 无 (b) 无 (2) None (3) (a) 无 (b) 未绑定 (4) (a) 除特别说明外均未绑定 横向承诺。 (b) 未绑定 except as indicated in 横向承诺。	A: 港口提供的以下服务是提供给国际海事运输供应商的合理和非歧视性条款和条件： 1. 引航 2. 拖航和拖船协助 3. 补给、加油和水供应 4. 垃圾收集和压舱水处理 5. 港口船长服务 6. 导航辅助设备 7. 岸基运营服务 对船舶运营至关重要，包括通信、水和电力供应 8. 应急维修设施 9. 锚泊、泊位和系泊服务。 B: 1. 合格的海事服务供应商 澳大利亚的允许设立外商独资船舶管理 中国（上海）自由贸易试验区内的企业（“上海自贸区”）； 2. 澳大利亚的合格的海事服务供应商被允许在上海自贸区设立合资航运公司，且外方为多数股东 所有权允许。 3. 董事会主席和合资国际航运公司的总经理 在上海自贸区设立的可以被中国和澳大利亚任命。 通过协商达成一致。 4. 对于合资国际航运公司 合资企业特许 国际航运公司， 该等船舶的注册 此类船舶的注册可能被执行 根据国际船舶登记制度在上海 进行船舶注册 FTZ.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
H. Auxiliary Services (a) Maritime cargo-handling services (CPC 741)	(1) Unbound* (2) None (3) Only in the form of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(c) Customs clearance services	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(d) Container station and depot services	(1) Unbound* (2) None (3) Only in forms of joint ventures, with foreign majority ownership permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
(e) Maritime agency services	(1) None (2) None (3) Only in forms of joint ventures, with foreign equity share no more than 49 percent. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
H. 辅助服务 (a) 海上货物装卸服务 (CPC 741)	(1) 未绑定* (2) None (3) 仅以合资企业形式存在, 且外资多数所有权允许。 (4) 未绑定, 除非在横向承诺中说明。	(1) 未绑定* (2) None (3) None (4) 未绑定, 除非在横向承诺中说明。	
(c) 海关清关服务	(1) 未绑定 (2) None (3) None (4) 未绑定, 除非在横向承诺	(1) 未绑定 (2) None (3) None (4) 未绑定, 除非在横向承诺。	
(d) 集装箱站和仓库服务	(1) 未绑定* (2) None (3) 仅在合资企业形式下, 与外资多数所有权被允许。 (4) 未绑定except as indicated in horizontal commitments.	(1) 未绑定* (2) None (3) None (4) 未绑定except as indicated in horizontal commitments.	
(e) 海事代理服务	(1) None (2) None (3) 仅在合资企业形式下, 与外国股权份额不超过49百分比。 (4) 未绑定, 除非在横向承诺	(1) None (2) None (3) None (4) 未绑定, 除非在横向承诺。	

* 未绑定, 因缺乏技术可行性。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
B. Internal Waterways Transport (b) Freight transport (CPC 7222)	(1) Only international shipping in ports open to foreign vessels are permitted. (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	(1) Limitations as indicated under market access column. (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments	
C. Air Transport Services (d) Aircraft repair and maintenance services (CPC 8868)	(1) Unbound* (2) None (3) Service suppliers of Australia are permitted to establish joint venture aircraft repair and maintenance enterprises in China. The Chinese side shall hold at least 51 per cent shares in the joint ventures. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
- Selling and marketing of air transport services	(1) None (2) None (3) Foreign enterprises, which are designated to operate as per the bilateral air services agreements, can establish offices in China. (4) Unbound except as indicated in horizontal commitments.	1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
B. 内河运输 (b) 货运 (CPC 7222)	(1) 仅港口国际航运开放给外国船舶的是允许的。 (2) None (3) 未绑定 (4) 未绑定 except as indicated in horizontal commitments.	(1) Limitations as indicated under market access column. (2) None (3) 未绑定 (4) 未绑定 except as indicated in 横向承诺	
C. 航空运输服务 (d) 飞机维修和保养服务 (CPC 8868)	(1) 未绑定* (2) None (3) 澳大利亚的服务供应商是被允许在中国设立合资企业飞机维修和保养企业。中方应持有至少51百分比的股份。 (4) 未绑定, 除非在 横向承诺	(1) 未绑定* (2) None (3) None (4) 未绑定, 除非在 横向承诺	
Sel - 销售和营销航空运输服务	(1) None (2) None (3) 外国企业, 这些企业根据双边航空服务协定被指定双边航空服务协定, 可以在中国设立办公室。 (4) 未绑定 except as indicated in 横向承诺。	1) None (2) None (3) None (4) 未绑定 except as indicated in 横向承诺。	

* 未绑定 due to lack of 技术可行性。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
- Computer Reservation System (CRS) services	(1) (a) Foreign computer reservation systems may provide services to Chinese aviation enterprises and aviation agents by connecting through a Chinese computer reservation system. (b) Direct access to and use of foreign computer reservation systems by aviation agents are subject to the approval of the General Administration of Civil Aviation of China (CAAC). (2) None (3) (a) Foreign CRS providers are permitted to establish joint ventures with Chinese CRS providers in China to provide CRS services. (b) The Chinese side shall hold at least 51 per cent shares in the joint ventures. (c) Licenses for the establishment of joint ventures are subject to economic needs test. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	
Airport Operation Services	(1) Unbound* (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	

* Unbound due to lack of technical feasibility.

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
- 计算机预订系统 (CRS)服务	(1)(a)外国计算机预订系统可以为中国航空企业和服务代理人提供服务 通过连接中国航空企业和服务代理人通过中国计算机订票系统。 (b) 直接访问和使用外国计算机预订系统由航空代理人使用须经批准。 中国民用航空局 (CAAC). (2) None (3) (a) 外国CRS提供者被允许与中国CRS提供者在 中国设立合资企业 以提供CRS服务。 (b) 中方应于至少持有合资企业51百分比股份。 股份。 (c) 合资企业设立许可证受经济需求测试约束。经济需求测试。 (4) 未绑定 except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) 未绑定 except as indicated in horizontal commitments.	
机场运营服务	(1) 未绑定* (2) 无 (3) 未绑定 (4) unbound except as indicated in horizontal commitments.	(1) Unbound* (2) 无 (3) 未绑定 (4) 未绑定 except as indicated in horizontal commitments.	

* 未绑定 due to lack of 技术可行性.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
Ground Handling Services ¹⁵	(1) Unbound* (2) None (3) Service suppliers of Australia are permitted to establish joint venture enterprises to supply ground handling services. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in horizontal commitments	
Specialty Air Services ¹⁶	(1) None (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) Unbound (4) Unbound except as indicated in horizontal commitments.	
E. Rail Transport Services F. Road Transport Services - Freight transportation by rail (CPC 7112) - Freight transportation by road in trucks or cars (CPC 7123)	(1) None (2) None (3) For rail transport, wholly foreign-owned subsidiaries are permitted. For road transport, wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) None (2) None (3) None (4) Unbound except as indicated in horizontal commitments.	

¹⁵ “Ground Handling Services” includes services of ULD (Unit Load Devise) Control, Passengers and Baggage and Cargo and Mail, Ramp, Aircraft Servicing (part of Annex A of Standard Ground Handling Agreement (SGHA) (IATA 1998 version)).

* Unbound due to lack of technical feasibility.

¹⁶ Specialty Air Services do not include projects related to national security.

供应模式： (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
地面处理服务 ¹⁵	(1) 未绑定* (2) 无 (3) 澳大利亚的服务供应商是被允许设立合资企业来提供地面服务处理服务。 (4) 未绑定，如横向承诺中所述横向承诺。	(1) 未绑定* (2) None (3) None (4) 未绑定，如横向承诺中所述横向承诺	
特种航空服务 ¹⁶	(1) 无 (2) 无 (3) 未绑定 (4) 未绑定 except as indicated in horizontal commitments.	(1) 无 (2) 无 (3) 未绑定 (4) unbound except as indicated in horizontal commitments.	
E. 铁路运输服务 F. 道路运输服务 - 铁路货运 (CPC 7112) - 公路货运在卡车或汽车 (CPC 7123)	(1) None (2) 无 (3) 对于铁路运输，完全外国-拥有的子公司被允许。对于公路运输，完全外国-拥有的子公司被允许。 (4) 除特别说明外均未绑定横向承诺。	(1) None (2) None (3) None (4) 未绑定，如横向承诺中所述。横向承诺。	

¹⁵ “地面处理服务”包括集装箱（单元装载装置）控制、旅客和行李以及货物和邮件、登机桥、飞机服务（标准地面处理协议（SGHA）（IATA 1998版）附件A的一部分）。

* 由于技术可行性不足而未绑定。

¹⁶ 特种航空服务不包括与国家安全相关的项目。

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or sub-sector	Limitations on market access	Limitation on national treatment	Additional commitments
F. Road Transport Services - Passenger transportation (CPC 71213)	(1) Unbound (2) Unbound (3) Only in the form of joint ventures, with foreign investment not to exceed 49 per cent. Economic needs tests are required. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) Unbound (3) None (4) Unbound except as indicated in horizontal commitments.	
H. Services Auxiliary to all Modes of Transport - Storage and warehousing services (CPC 742)	(1) Unbound (2) None (3) Wholly foreign-owned subsidiaries are permitted. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound (2) None (3) None (4) Unbound except as indicated in horizontal commitments	

供应模式: (1) 跨境供应 (2) 境外消费 (3) 商业存在 (4) 自然人存在			
行业或子行业	市场准入限制	国民待遇限制	额外承诺
F. 道路运输服务 - 客运 (CPC 71213)	(1) 未绑定 (2) 未绑定 (3) 仅以合资企业形式存在, 与外国投资不超过49%。需要进行经济需求测试。 49%。经济需求测试是必要的。需要进行测试。 (4) 未绑定, 除非在横向承诺中另有说明。 横向承诺	(1) 未绑定 (2) 未绑定 (3) None (4) 未绑定 except as indicated in horizontal commitments.	
H. Services Auxiliary to all Modes of Transport - 仓储服务 (CPC 742)	(1) 未绑定 (2) 无 (3) 外商独资子公司被允许。 (4) 除特别说明外均未绑定 横向承诺。	(1) 未绑定 (2) None (3) None (4) 未绑定, 除非在横向承诺中另有说明 横向承诺	

ATTACHMENT 1

Reference Paper

附件1

参考文件

Scope

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

Definitions

Users mean service consumers and service suppliers.

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

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

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

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

1. Competitive safeguards

1.1 Prevention of anti-competitive practices in telecommunications

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

1.2 Safeguards

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

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

2. Interconnection

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

范围

以下是对基本电信服务监管框架的定义和原则。

定义——

用户指服务消费者和服务供应商。

基本设施指公共电信传输网络或服务的设施。

that:

- (a) 专由单一或有限数量的供应商提供；以及 (b) 无法在提供服务方面进行经济或技术上替代。

主要供应商是指能够实质性影响基本电信服务相关市场参与条款（考虑到价格和供应）的供应商，其能力源于：

- (a) 对基本设施的控制；或 (b) 利用其市场地位。

1. 竞争性保障措施

1.1 防止电信领域的反竞争行为

应维持适当措施，以防止单独或共同构成主要供应商的供应商从事或继续从事反竞争行为。

1.2 保障措施

上述反竞争行为特别包括：

- (a) 从事反竞争交叉补贴；(b) 使用从竞争对手处获得且具有反竞争结果的信息；以及 (c) 未及时向其他服务供应商提供有关基本设施和商业相关信息的技术信息，这些信息对于他们提供服务是必要的。

2. 互联互通——

2.1 本节适用于与提供公共电信传输网络或服务的供应商进行连接，以便允许一个供应商的用户与另一个供应商的用户进行通信，并访问另一个供应商提供的服务，其中已做出具体承诺。

2.2 Interconnection to be ensured

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

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

2.3 Public availability of the procedures for interconnection negotiations

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

2.4 Transparency of interconnection arrangements

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

2.5 Interconnection: dispute settlement

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

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

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

3. Universal service

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

4. Public availability of licensing criteria

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

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

2.2 确保互联互通

与主要供应商的互联互通将在网络中的任何技术可行点得到保障。此类互联互通已提供。

- (a) 在非歧视性条款、条件（包括技术标准和规范）和费率下，并提供不低于其自身同类服务或非关联服务供应商同类服务或其子公司或其他关联方的同类服务的质量；(b) 及时地，在透明、合理、考虑经济可行性且充分解束的条款、条件（包括技术标准和规范）和成本导向费率下，以便供应商无需为其不要求用于提供服务而支付网络组件或设施的费用；以及(c) 应要求，在网络终端点之外向大多数用户提供点，费用反映必要附加设施的建设成本。

2.3 互联互通谈判程序的公开可用性

适用于与主要供应商互联互通的程序将向公众公开。

2.4 互联互通安排的透明度

确保主要供应商将公开提供其互联互通协议或参考互联互通报价。

2.5 互联互通：争议解决

A 服务供应商请求与主要供应商互联互通时将拥有救济途径，或：

- (a) 任何时候；或 (b) 在一个合理期限后，该期限已公开通知

向独立国内机构，该机构可能是第5段所述的监管机构，以在合理期限内解决关于互联互通适当条款、条件和费率的争议，只要这些尚未事先建立。

3. 普遍服务

中国有权定义其希望维持的普遍服务义务类型。只要这些义务以透明、非歧视和竞争中性方式管理，并且其负担不比中国定义的普遍服务类型所必需的程度更重，它们就不会被视为反竞争。

4. 许可标准的公开可用性

如果需要许可证，以下内容将公开提供：

- (a) 所有许可标准以及通常需要达到关于许可证申请的决定的期限；和 (b) 个人许可证的条款和条件。

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

5. Independent regulators

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

6. Allocation and use of scarce resources

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

许可证被拒绝的原因将在申请人要求时告知。

5. 独立监管机构

监管机构独立于任何基础电信服务供应商，不对其负责。监管机构的决策及其使用程序应对所有市场参与者保持公正。

6. 稀缺资源的分配和使用_____

任何关于稀缺资源分配和使用的程序，包括频率、号码和通道权，将客观、及时、透明和非歧视性地进行。当前分配的频段状态将向公众公开，但为特定政府用途分配的频率的详细识别不是必需的。

Group on Basic Telecommunications

Note by the Chairman

Revision

It has been suggested by a number of delegations that it might be helpful to produce a brief and simple note on assumptions applicable to the scheduling of commitments in basic telecoms. The purpose of the attached note is to assist delegations in ensuring the transparency of their commitments and to promote a better understanding of the meaning of commitments. This note is not intended to have or acquire any binding legal status.

NOTES FOR SCHEDULING BASIC TELECOM SERVICES COMMITMENTS

1. Unless otherwise noted in the sector column, any basic telecom service listed in the sector column:
- (a) encompasses local, long distance and international services for public and non-public use;
 - (b) may be provided on a facilities-basis or by resale; and
 - (c) may be provided through any means of technology (e.g., cable^{10, 46}, wireless, satellites).
2. Subsector (g) --private leased circuit services -- involves the ability of service suppliers to sell or lease any type of network capacity for the supply of services listed in any other basic telecom service subsector unless otherwise noted in the sector column. This would include capacity via cable, satellite and wireless network.
3. In view of points 1 and 2 above, it should not be necessary to list cellular or mobile services as a separate subsector. However, a number of Members have done so, and a number of offers have commitments only in these subsectors. Therefore, in order to avoid extensive changes in schedules, it would seem appropriate for Members to maintain separate entries for these subsectors.

¹⁰ Including all types of cable.

基本电信小组

主席的笔记

修订

一些代表团建议，在基本电信承诺的安排方面，可能有助于制定一份简明扼要的假设说明。附件中的说明旨在帮助代表团确保其承诺的透明度，并促进对承诺含义的更好理解。本说明无意具有或获得任何具有约束力的法律地位。

基本电信服务承诺安排说明

- 1.除非部门列中另有说明，否则部门列中列出的任何基本电信服务：
- (a)包括为公共和非公共用途提供的本地、长途和国际服务；(b)可以设施基础或转售方式提供；以及(c)可以通过任何技术手段（例如，电缆^{10, 46}、无线、卫星）提供。
2. 子部门 (g) --专用租用电路服务 -- 涉及服务供应商在部门列中未作其他说明的情况下，能够为列出的任何其他基本电信服务子部门的服务供应销售或租赁任何类型的网络容量。这包括通过电缆、卫星和无线网络提供的容量。
3. 鉴于上述第1点和第2点，无需将蜂窝或移动服务列为一个独立的子部门。然而，一些成员已经这样做，并且一些服务提供方的承诺仅限于这些子部门。因此，为了避免时间表发生重大变化，似乎对成员来说，为这些子部门保留单独的条目是适当的。

¹⁰ 包括所有类型的电缆。

CHAIRMAN'S NOTE

Market Access Limitations on Spectrum Availability

Many Members have entries in the market access column of their schedules indicating that commitments are "subject to availability of spectrum/frequency" or similar wording. In light of the physical nature of spectrum and the constraints inherent in its use, it is understandable that Members may have sought to rely on these words to adequately protect legitimate spectrum management policies. There is, however, doubt that words such as "subject to availability of spectrum/frequency" as listed in the market access column of many Members' schedules achieve that objective.

Spectrum/frequency management is not, *per se*, a measure which needs to be listed under Article XVI. Furthermore under the GATS each Member has the right to exercise spectrum/frequency management, which may affect the number of service suppliers, provided that this is done in accordance with Article VI and other relevant provisions of the GATS. This includes the ability to allocate frequency bands taking into account existing and future needs. Also, Members which have made additional commitment in line with the Reference Paper on regulatory principles are bound by its paragraph 6.

Therefore, words such as "subject to availability of spectrum/frequency" are unnecessary and should be deleted from Members' schedules.

主席注

频谱可用性市场准入限制

许多成员在其时间表的‘市场准入’列中拥有条目，表明承诺是‘频谱/频率的可用性’或类似措辞。鉴于频谱的物理性质及其使用中的固有限制，成员寻求依赖这些措辞来充分保护合法的频谱管理政策是可以理解的。然而，对于列在许多成员时间表‘市场准入’列中的‘频谱/频率的可用性’等措辞是否达到该目标存在疑问。

频谱/频率管理本身并非需要根据第十六条列出的措施。此外，根据GATS，每个成员都有权行使频谱/频率管理，这可能影响服务供应商的数量，前提是这是根据第六条和其他相关GATS条款进行的。这包括根据现有和未来需求分配频段的能力。此外，已根据监管原则参考文件做出额外承诺的成员受其第六段约束。

因此，诸如“频谱/频率的可用性”之类的词语是不必要的，并且应该从成员的时间表中删除。

ATTACHMENT 2

Distribution Services

Distribution trade services are comprised of four main sub-sectors:

- commission agents services;
- wholesaling;
- retailing; and
- franchising.

The principal services rendered in each subsector can be characterised as reselling merchandise, accompanied by a variety of related subordinated services, including inventory management; assembly, sorting and grading of bulk lots; breaking bulk lots and redistributing into smaller lots; delivery services; refrigeration, storage, warehousing and garage services; sales promotion, marketing and advertising, installation and after sales services including maintenance and repair and training services. Distribution services are generally covered by CPC 61, 62, 63 and 8929.

Commission Agents’ Services consist of sales on a fee or contract basis by an agent, broker or auctioneer or other wholesalers of goods/merchandise and related subordinated services.

Wholesaling consist of the sale of goods/merchandise to retailers to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Retailing services consist of the sale of goods/merchandise for personal or household consumption either from a fixed location (e.g., store, kiosk, etc.) or away from a fixed location and related subordinated services.

Franchising services consist of the sale of the use of a product, trade name or particular business format system in exchange for fees or royalties. Product and trade name franchising involves the use of a trade name in exchange for fees or royalties and may include an obligation for exclusive sale of trade name products. Business format franchising involves the use of an entire business concept in exchange for fees and royalties, and may include the use of a trade name, business plan, and training materials and related subordinated services.

附件2

分销服务

分销贸易服务由四个主要子行业组成：

- 佣金代理服务；- 批发；
- 零售；以及- 特许经营。

每个子部门提供的主要服务可以characterised为转售商品，并伴有各种相关的附属服务，包括库存管理；大宗货物的组装、分类和分级；拆分大宗货物并重新分配为小批量；配送服务；冷藏、仓储、仓库和车库服务；销售促销、营销和广告、安装和售后服务，包括维护和维修以及培训服务。分销服务通常由CPC 61、62、63和8929涵盖。

佣金代理服务包括代理人、经纪人或拍卖师或其他批发商以费用或合同为基础销售商品/商品及相关附属服务。

批发包括向零售商销售商品/商品给工业、商业、机构或其他专业商业用户，或向其他批发商和相关附属服务。

零售服务包括从固定地点（例如商店、亭子等）或远离固定地点销售商品/商品供个人或家庭消费，以及相关附属服务。

特许经营服务包括以费用或特许权使用费为代价销售产品、商号或特定商业格式系统的使用。产品和商号特许经营涉及以费用或特许权使用费换取商号的使用，并可能包括对商号产品的独家销售的义务。商业格式特许经营涉及以费用和特许权使用费换取整个商业概念的使用，并可能包括商号、商业计划、培训材料及相关附属服务的使用。

ATTACHMENT 3

Insurance: Definition of “Master Policy”

Master policy is the policy that provides blanket coverage for the same legal person’s property and liabilities located in different places. Master policy may only be issued by the business department of an insurer’s head office or that of its authorised province-level branch offices. Other branches are not allowed to issue Master policy.

Master policy business with the state key construction projects as its subject-matter insured. If investors on state key construction projects (i.e., projects that are so listed and annually announced by the National Development and Reform Commission) meet either of the following requirements, they may purchase Master policy from insurers that are located in the same place as the investors’ legal persons do.

The investment on the subject-matter insured is all from China (including the reinvestment from the foreign-invested enterprises in China), and the sum of investment of the investor accounts for over 15 percent of the total investment.

The investment is partially from abroad, and partially from China (including the reinvestment from the Foreign-invested enterprises in China), and the sum of investment of the Chinese investor accounts for over 15 percent for the total domestic investment.

For those projects that draw investment all from abroad, every insurer may provide coverage in the form of Master policies.

Master policy covering different subject-matter insured of the same legal person. For those subject-matter insured located in different places and owned by the same legal person (excluding financial, railway, and post and telecommunications industries and enterprises), Master policy may be issued on the basis of either of the following conditions.

For the sake of payment of premium tax, insurance companies incorporated where the legal person or accounting unit of the insurance applicant is located are allowed to issue Master policy.

If over 50 per cent of insurance amount of the subject-matter insured is from a larger or medium sized city, then insurers in that city are allowed to issue Master policy, no matter whether the insurance applicant’s legal person or accounting unit is located in the city.

Motor insurance, credit insurance, employer liabilities insurance, statutory insurance, and other insurance business excluded by the China Insurance Regulatory Committee cannot be underwritten or co-insured by insurers located other than where the subject-insured are located, or covered under a Master policy.

附件3

保险：主险的定义

主险是针对同一法律实体的位于不同地方的财产和责任提供全面保障的保单。主险只能由保险公司的总部或其授权省级分支机构业务部门发行。其他分支机构不允许发行主险。

主险业务以国家重点建设项目为被保险人。如果国家重点建设项目（即由国家发展和改革委员会每年公布列出的项目）的投资者满足以下任一要求，他们可以从与投资者法人所在地相同的保险公司购买主险。

被保险人的投资全部来自中国（包括中国外商投资企业的再投资），并且投资者的投资总额超过总投资的15%。

投资部分来自国外，部分来自中国（包括中国外商投资企业的再投资），并且中国投资者的投资总额超过国内总投资的15%。

对于完全从国外筹集投资的项目，每家保险公司都可以以主险的形式提供保障。

主险覆盖同一法人的不同被保险人。对于位于不同地点但属于同一法人的被保险人（不包括金融、铁路和邮政电信行业及企业），主险可以根据以下任一条件签发。

为了保费税的支付，保险申请人法人或会计单位所在地注册的保险公司被允许签发主险。

如果被保险人的保险金额超过50%，且来自一个较大或中等规模的城市，则该城市的保险公司被允许签发主险，无论保险申请人的法人或会计单位是否位于该城市。

中国保险监督管理委员会排除的机动车辆保险、信用保险、雇主责任保险、法定保险和其他保险业务，不能由位于被保险人所在地以外的保险公司的保险公司承保或共同承保，也不能在主险下承保。