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## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	18 April 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 192 final - ANNEX 4 - PART 1/3
Subject:	ANNEX to the Proposal for a Council Decision on the conclusion of the Economic Partnership Agreement between the European Union and Japan

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Delegations will find attached document COM(2018) 192 final - ANNEX 4 - PART 1/3.

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Encl.: COM(2018) 192 final - ANNEX 4 - PART 1/3



Brussels, 18.4.2018  
COM(2018) 192 final

ANNEX 4 – PART 1/3

**ANNEX**

*to the*

**Proposal for a Council Decision**

**on the conclusion of the Economic Partnership Agreement between the European Union  
and Japan**

## ANNEX 8-A

### REGULATORY COOPERATION ON FINANCIAL REGULATION

#### Regulatory cooperation

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

#### Scope of regulatory cooperation

3. Regulatory cooperation shall cover the entire area of financial services, which shall also include accounting and auditing frameworks, unless otherwise agreed by the Parties.

4. This Annex shall be without prejudice to the distribution and exercise of competences of regulatory and supervisory authorities of the Parties. The Parties recognise that their regulatory cooperation should be based on due consideration of differences in market structures and business models that may exist between the Parties in the area of financial services.

#### Principles of regulatory cooperation

5. Each Party shall make its best endeavours to ensure that internationally agreed standards for regulation and supervision in the area of financial services are implemented and applied in its territory. Those internationally agreed standards are, *inter alia*, the standards and principles issued by the Basel Committee on Banking Supervision, the International Association of Insurance Supervisors, the International Organization of Securities Commissions, and the Financial Stability Board.
6. The Parties shall make their best endeavours to achieve mutual compatibility of their respective regulatory and supervisory frameworks for financial services in a way that supports the objectives referred to in paragraphs 1 and 2.

7. Without prejudice to its own legislative processes, each Party shall make its best endeavours to offer the other Party an opportunity to be informed at an early stage and to provide comments on its planned regulatory initiatives in the area of financial services that may be of relevance to the other Party.
8. The Parties shall be able, wherever possible, to rely on each other's rules and supervision. The foregoing shall be without prejudice to each Party's right to assess, on the basis of its own rules, in particular criteria for reliance, the regulatory and supervisory framework of the other Party with a view to establishing reliance. For the purposes of any such assessment, a Party shall not require that rules and supervision of the other Party are identical to its own rules and supervision, but shall base its assessment on regulatory outcomes.
9. The Parties shall keep each other informed of how they provide for effective supervision and enforcement of rules for implementing internationally agreed standards or any other rules, in particular in the areas where one of the Parties relies on the regulatory and supervisory framework of the other Party.
10. Each Party shall, in the process of formulating its planned regulatory initiatives in the area of financial services, give due consideration to the impacts of that initiative on market operators and the jurisdiction of the other Party.

11. Each Party shall examine a measure which has been brought to its attention by a specific written request of the other Party and which may have an impact on the ability of market operators to provide financial services within the territories of the Parties, with a view to rendering, insofar as possible, the measure mutually compatible.
12. Each Party may rescind at any time its decision to rely on the regulatory and supervisory framework of the other Party and revert to the application and enforcement of its own rules, if rules and supervision of the other Party are no longer equivalent in outcome, if the other Party fails to enforce its rules effectively or if there is insufficient cooperation of the other Party in the supervision of financial institutions. The Parties shall consult with each other in an appropriate manner prior to reverting to the application and enforcement of their own rules.

#### Joint European Union-Japan financial regulatory forum

13. The Parties hereby establish the Joint European Union-Japan financial regulatory forum at the date of entry into force of this Agreement (hereinafter referred to in this Annex as "the forum").

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

18. The meetings of the forum shall be held alternately in Tokyo, Japan and in Brussels, Belgium, at least once a year, and whenever the members of the forum consider it necessary.

#### Framework for regulatory cooperation

19. The forum shall develop and apply a framework for regulatory cooperation in order to implement the principles set out in paragraphs 5 to 12.
20. The framework for regulatory cooperation shall include:
  - (a) a mechanism for information exchange and consultation with the other Party, in appropriate forms, on planned regulatory initiatives, without prejudice to the legislative and administrative processes of each Party;
  - (b) guidelines on reliance on each other's regulatory and supervisory framework, if possible adapted for each specific area of financial regulation;
  - (c) a procedure for examining a measure referred to in paragraph 11 which has been brought to a Party's attention by a specific request of the other Party;



- (d) guidelines on the governance of the forum;
- (e) a process for the technical mediation referred to in paragraphs 22 to 26; and
- (f) if so agreed, any other arrangements to enhance regulatory cooperation.

21. The framework for regulatory cooperation may also envisage specific arrangements to facilitate cooperation in cross-border supervision and enforcement.

#### Technical mediation

22. The provisions of this Annex shall not be subject to dispute settlement under Chapter 21.

23. Without prejudice to paragraph 22, each Party may request in writing the other Party to initiate a process of technical mediation with respect to the principles of regulatory cooperation set out in paragraphs 5 to 12. The process of technical mediation may be initiated only after the Parties agree on its use in a specific matter.

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

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ANNEX 8-B

SCHEDULES FOR CHAPTER 8

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## ANNEX I

### RESERVATIONS FOR EXISTING MEASURES

#### Schedule of the European Union

##### Headnotes

1. The Schedule of the European Union sets out, under Articles 8.12 and 8.18 the reservations taken by the European Union with respect to existing measures that do not conform with obligations imposed by:
  - (a) Article 8.7 or 8.15;

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- (b) Article 8.8 or 8.16;
  - (c) Article 8.9 or 8.17;
  - (d) Article 8.10; or
  - (e) Article 8.11.
2. The reservations of a Party are without prejudice to the rights and obligations of the Parties under GATS.
3. Each reservation sets out the following elements:
- (a) "sector" refers to the general sector in which the reservation is taken;
  - (b) "sub-sector" refers to the specific sector in which the reservation is taken;

- (c) "industry classification" refers, where applicable, to the activity covered by the reservation according to the CPC, ISIC Rev. 3.1, or as expressly otherwise described in that reservation;
- (d) "type of reservation" specifies the obligation referred to in paragraph 1 for which a reservation is taken;
- (e) "level of government" indicates the level of government maintaining the measure for which a reservation is taken;
- (f) "measures" identifies the laws or other measures as qualified, where indicated, by the "description" element for which the reservation is taken. A "measure" cited in the "measures" element:
  - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement;
  - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and

(iii) includes any laws or other measures which implement a directive at Member State level; and

(g) "description" sets out the non-conforming aspects of the existing measure for which the reservation is taken. It may also set out commitments for liberalisation.

4. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant obligations of the Sections against which the reservation is taken. To the extent that:

(a) the "measures" element is qualified by a liberalisation commitment from the "description" element the "measures" element as so qualified shall prevail over all other elements; and

(b) the "measures" element is not so qualified the "measures" element shall prevail over other elements unless a discrepancy between the "measures" element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the "measures" element prevails, in which case the other elements shall prevail to the extent of that discrepancy.

5. For the purposes of the Schedule of the European Union, "ISIC Rev. 3.1" means the International Standard Industrial Classification of All Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No.4, ISIC Rev. 3.1, 2002.
  
6. A reservation taken at the level of the European Union applies to a measure of the European Union, to a measure of a Member State of the European Union at the central level or to a measure of a government within a Member State of the European Union, unless the reservation excludes a Member State of the European Union. A reservation taken by a Member State of the European Union applies to a measure of a government at the central, regional or local level within that Member State. For the purposes of the reservations of Belgium, the central level of government covers the federal government and the governments of the regions and the communities as each of them holds equipollent legislative powers. For the purposes of the reservations of the European Union and its Member States, a regional level of government in Finland means the Åland Islands.



7. The schedule applies only to the territories of the European Union and the TFEU in accordance with subparagraph 1(a) of the Article 1.3 and is only relevant in the context of trade relations between the European Union and its Member States with Japan. It does not affect the rights and obligations of the Member States under European Union law.
  
8. The list of reservations below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures where they do not constitute a market access or a national treatment limitation within the meaning of Articles 8.7, 8.8, 8.15, and 8.16. Those measures (e.g. the need to obtain a licence, universal service obligations, the need to have recognised qualifications in regulated sectors, the need to pass specific examinations, including language examinations, and any non-discriminatory requirements that certain activities may not be carried out in protected zones or areas), even if not listed, apply in any case.

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9. For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to natural or juridical persons of Japan the treatment granted in a Member State, pursuant to the TFEU, or to any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:
- (i) natural persons; or residents of a Member State; or
  - (ii) juridical persons constituted; or organised under the law of another Member State; or of the European Union and having their registered office, central administration or principal place of business in a Member State.

Such national treatment is granted to juridical persons which are constituted or organised under the law of a Member State or the European Union and have their registered office, central administration or principal place of business in a Member State, including those which are owned or controlled by natural or juridical persons of Japan.

10. For greater certainty, non-discriminatory measures do not constitute a market access limitation within the meaning of Articles 8.7 and 8.15 for:
- (a) a measure requiring the separation of the ownership of infrastructure from the ownership of the goods or services provided through that infrastructure to ensure fair competition, for example in the fields of energy, transportation and telecommunications;
  - (b) a measure restricting the concentration of ownership to ensure fair competition;
  - (c) a measure seeking to ensure the conservation and protection of natural resources and the environment, including a limitation on the availability, number and scope of concessions granted, and the imposition of a moratorium or ban;
  - (d) a measure limiting the number of authorisations granted because of technical or physical constraints, for example telecommunications spectra and frequencies; or

(e) a measure requiring that a certain percentage of the shareholders, owners, partners, or directors of an enterprise be qualified or practice a certain profession such as lawyers or accountants.

11. Measures affecting cabotage in maritime transport services are not listed in this Schedule as they are excluded from the scope of Section B of Chapter 8, pursuant to subparagraph 2(a) of Article 8.6 and Section C of Chapter 8, pursuant to subparagraph 2(a) of Article 8.14.

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

EU European Union, including all its Member States

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK Denmark

EE Estonia

EL Greece

ES Spain

FI Finland  
FR France  
HR Croatia  
HU Hungary  
IE Ireland  
IT Italy  
LT Lithuania  
LU Luxembourg  
LV Latvia  
MT Malta  
NL Netherlands  
PL Poland  
PT Portugal  
RO Romania  
SE Sweden  
SI Slovenia  
SK Slovak Republic  
UK United Kingdom

List of reservations:

Reservation No. 1 – All sectors

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

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

Reservation No. 4 – Research and development services

Reservation No. 5 – Real estate services

Reservation No. 6 – Business services

Reservation No. 7 – Communication services

Reservation No. 8 – Distribution services

Reservation No. 9 – Education services

Reservation No. 10 – Environmental services

Reservation No. 11 – Financial services

Reservation No. 12 – Health services and social services

Reservation No. 13 – Tourism and travel related services

Reservation No. 14 – Recreational, cultural and sporting services

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

Reservation No. 16 – Energy related activities

Reservation No. 17 – Agriculture, fishing and manufacturing

**Reservation No. 1 – All sectors**

Sector: All sectors

Type of reservation: Market access  
National treatment  
Most-favoured-nation treatment  
Prohibition of performance requirements

Section: Investment liberalisation and Cross-border trade in services

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

Description:

**(a) Type of establishment**

With respect to Investment liberalisation – National treatment:

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

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



*Measures:*

**EU:** Treaty on the Functioning of the European Union.

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

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

For the purposes of this reservation:

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

*Measures:*

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

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

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

*Measures:*

**AT**: Aktiengesetz, BGBl. Nr. 98/1965, § 254 (2); GmbH-Gesetz, RGBL. Nr. 58/1906, § 107 (2); and Gewerbeordnung, BGBl. Nr. 194/1994, § 39 (2a).

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

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

*Measures:*

**BG:** Commercial Law, Article 17a; and  
Law for Encouragement of Investments, Article 24.

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

*Measures:*

**EE:** Äriseadustik (Commercial Code) § 385.

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

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

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

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

*Measures:*

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

Osuuskuntalaki (Co-Operatives Act) 1488/2001;

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

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

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

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

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

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

*Measures:*

**SE:** Lag om utländska filialer m.m (Foreign Branch Offices Act) (1992:160);  
Aktiebolagslagen (Companies Act) (2005:551);  
The Co-operative Economic Associations Act (1987:667); and  
Act on European Economic Interest Groupings (1994:1927).

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

*Measures:*

**SK:** Act 513/1991 on Commercial Code (Article 21); and  
Act no 404/2011 on Residence of Aliens (Articles 22 and 32).

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

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

*Measures:*

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



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

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

*Measures:*

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

**(b) Acquisition of real estate**

With respect to Investment liberalisation – National treatment:

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

*Measures:*

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

Kärntner Grundverkehrsgesetz, LGBL. Nr. 9/2004;

NÖ- Grundverkehrsgesetz, LGBL. 6800;

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

Salzburger Grundverkehrsgesetz, LGBL. Nr. 9/2002;

Steiermärkisches Grundverkehrsgesetz, LGBL. Nr. 134/1993;

Tiroler Grundverkehrsgesetz, LGBL. Nr. 61/1996;

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

Wiener Ausländergrundverkehrsgesetz, LGBL. Nr. 11/1998.

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

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

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

*Measures:*

**CZ**: Act No. 95/1999 Coll. (on Conditions relating to the transfer of agricultural land and forests from the state ownership to ownership of other entities); and Act No. 503/2012, Coll. on State Land Office.

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

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

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

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

*Measures:*

**DK:** Danish Act on Acquisition of Real Property (Consolidation Act No. 265 of 31 March 2014 on Acquisition of Real Property);  
Acquisition Executive Order (Executive Order No. 764 of 18 September 1995); and  
Agricultural Holdings Act (Consolidation Act No. 26 of 14 January 2015).

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

*Measures:*

**HR:** Law on Possession and other Material Rights (OG 91/96, 68/98, 137/99, 22/00, 73/00, 114/01, 79/06, 141/06, 146/08, 38/09 and 153/09);  
Agricultural Land Act (OG 152/08, 25/09, 153/09, 21/10, 31/11 and 63/11), Article 2;  
Ownership and other Proprietary Rights Act, Articles 354 to 358.b;  
Agricultural Land Act; and  
General Administrative Procedure Act.

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

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

*Measures:*

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

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

*Measures:*

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

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

*Measures:*

**HU**: Government Decree No. 251/2014 (X. 2.) on the Acquisition by Foreign Nationals of Real Estate other than Land Used for Agricultural or Forestry Purposes; and Act LXXVIII of 1993 (Paragraph 1/A).

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

*Measures:*

**MT**: Immovable Property (Acquisition by Non-Residents) Act (Cap. 246); and Protocol No 6 of the EU Accession Treaty on the acquisition of secondary residences in Malta.

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

*Measures:*

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



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

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

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

- (iv) if more than 50 per cent of their equity capital is possessed jointly by persons referred to in subparagraphs (i) to (iii); or
- (v) which are public joint stock companies, if their shares thereof are quoted in the stock exchange.

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

*Measures:*

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

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

*Measures:*

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

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

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

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

*Measures:*

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

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

*Measures:*

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

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

Sector – sub-sector:	Professional services – legal services; patent agent, industrial property agent, intellectual property attorney; accounting and bookkeeping services; auditing services, taxation advisory services architecture and urban planning services, engineering services and integrated engineering services
Industry classification:	CPC 861, 862, 863, 8671, 8672, 8673, 8674, part of 879
Type of reservation:	Market access National treatment Most-favoured-nation treatment Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State(unless otherwise specified)

Description:

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

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

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

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

*Measures:*

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

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

*Measures:*

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

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

*Measures:*

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



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

*Measures:*

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

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

*Measures:*

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

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

*Measures:*

**DE:** § 59e, § 59f, § 206 Bundesrechtsanwaltsordnung (BRAO; Federal Lawyers Act); Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland (EuRAG); and § 10 Rechtsdienstleistungsgesetz (RDG).

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

*Measures:*

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

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

*Measures:*

**EE:** Advokaturiseadus (Bar Association Act);

Notariaadiseadus (Notaries Act);

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

halduskohtumenetluse seadus (Code of Administrative Court Procedure);

kriminaalmenetluse seadustik (Code of Criminal Procedure); and

väiärteomenetluse seadustik (Code of Misdemeanour Procedure).

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

Non-discriminatory legal form requirements apply.

*Measures:*

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

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

*Measures:*

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

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

*Measures:*

**FI:** Laki asianajajista (Advocates Act) (496/1958), ss. 1 and 3; and Oikeudenkäymiskaari (4/1734) (Code of Judicial Procedure).

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

*Measures:*

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

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

*Measures:*

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

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

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

*Measures:*

**HU**: ACT XI of 1998 on Attorneys at Law.

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

*Measures:*

**IE**: Solicitors Acts 1954-2011.

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

*Measures:*

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

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

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

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

*Measures:*

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

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

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



*Measures:*

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

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

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

*Measures:*

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

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

Non-discriminatory legal form requirements apply.

*Measures:*

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

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

Non-discriminatory legal form requirements apply.

*Measures:*

**NL:** Advocatenwet (Act on Advocates).

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

*Measures:*

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

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

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

*Measures:*

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

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

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

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

Law 78/2001, Articles 31, 4;

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

Law 21/2007 on criminal mediation, Article 12;

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

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

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

*Measures:*

**RO**: Attorney Law;

Law for Mediation; and

Law for the Notaries and the Notarial Activity.

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

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

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

*Measures:*

**SE:** Rättegångsbalken (The Swedish Code of Judicial Procedure) (1942:740); and Swedish Bar Association Code of Conduct adopted 29 August 2008.

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

*Measures:*

**SI**: Zakon o odvetništvu (Neuradno prečiščeno besedilo-ZOdv-NPB2 Državnega Zbora RS z dne 21.5.2009 (Attorneys Act) unofficial consolidated text prepared by the Slovenian parliament from 21 5.2009).

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

Non-discriminatory legal form requirements apply.

*Measures:*

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

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

*Measures:*

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

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

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

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

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

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



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

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

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

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

*Measures:*

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

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

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

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

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

**FI:** Tavaramerkkilaki (Trademarks Act) (7/1964);  
Act on Authorized Industrial Property Attorneys (22/2014); and  
Laki kasvinjalostajanoikeudesta (Plant Breeder's Right Act) 1279/2009; and Mallioikeuslaki  
(Registered Designs Act) 221/1971.

**HU:** Act XXXII of 1995 on Patent Attorneys.

**IE:** Section 85 and 86 of the Trade Marks Act 1996, as amended;  
Rule 51 of the Trade Marks Rules 1996, as amended;  
Section 106 and 107 of the Patent Act 1992, as amended; and  
Register of Patent Agent Rules S.I. 580 of 2015.

**LT:** Law on Trade Marks of 10 October 2000 No. VIII-1981;  
Law on Designs of 7 November 2002 No. IX-1181;  
Patent Law of 18 January 1994 No. I-372;  
Law on the Legal Protection of Topographies of Semiconductor Products of 16 June 1998;  
and  
Patent Attorneys Regulation, approved by the Order of Government of the Republic of  
Lithuania on 20 May 1992 No.362 (as last amended on 8 November 2004 No. 1410).

**PT:** Decree-Law 15/95, as modified by Law 17/2010, by Portaria 1200/2010, Article 5, and  
by Portaria 239/2013; and  
Law 9/2009.

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

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

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

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

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

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

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

Market access:

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

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

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

*Measures:*

**AT**: Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999), § 12, § 65, § 67, § 68 (1) 4; and Bilanzbuchhaltungsgesetz (BibuG), BGBl. I Nr. 191/2013, §§ 7, 11, 28.

**CY**: Law 42(I)/2009.

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

**IT:** Legislative Decree 139/2005; and  
Law 248/2006.

**SI:** Auditing Act (ZRev-2), Official Gazette RS No 65/2008;  
Companies Act (ZGD-1), Official Gazette RS No 42/2006; and  
Act on services in the internal market, Official Gazette RS No 21/10.

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

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

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

With respect to Investment liberalisation – Market access:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

*Measures:*

**EU**: Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on statutory audits of annual accounts and consolidated accounts; and

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

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

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

**BG**: Independent Financial Audit Act.

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

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

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

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

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

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

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

**IT:** Legislative Decree 58/1998, Articles 155, 158 and 161;  
Decree of the President of the Republic 99/1998; and  
Legislative Decree 39/2010, Article 2.

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

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

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

Revisionslag (Auditing Act) (1999:1079);

Aktiebolagslagen (Companies Act) (2005:551);

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

and

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

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

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

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

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

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

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

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

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

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

In **IT**: Residency is required.

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

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

*Measures:*

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

**BG**: Accountancy Act;  
Independent Financial Audit Act;  
Income Taxes on Natural Persons Act; and  
Corporate Income Tax Act.

**CY**: Law 42(I)/2009.

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

**HU:** Act XCII of 2003 on the Rules of Taxation; and  
Decree of the Ministry of Finance no. 26/2008 on the licensing and registration of taxation advisory activities.

**IT:** Legislative Decree 139/2005; and  
Law 248/2006.

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

With respect to Investment liberalisation – Market access:

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



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

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

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

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

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

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

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

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

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

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

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

*Measures:*

**BE:** Law of February 20, 1939 on the protection of the title of the architect's profession; and Law of 26th June 1963, which creates the Order of Architects Regulations of December 16th, 1983 of ethics established by national Council in the Order of Architects (Approved by Article 1st of A.R. of April 18th, 1985, M.B., May 8th, 1985).

**BG:** Spatial Development Act;  
Chamber of Builders Act; and  
Chambers of Architects and Engineers in Project Development Design Act.

**CY:** Law 41/1962;  
Law 224/1990; and  
Law 29(i)2001.

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

**FR:** Loi 90-1258 relative à l'exercice sous forme de société des professions libérales;  
Décret 95-129 du 2 février 1995 relatif à l'exercice en commun de la profession d'architecte sous forme de société en participation;

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

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

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

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

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

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

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

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

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

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

Description:

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

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

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

*Measures:*

**IT**: Law 56/1989 on the psychologist profession.

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

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

*Measures:*

**CY:** Registration of Doctors Law (Chapter 250);  
Registration of Dentists Law (Chapter 249);  
Law 75(I)/2013 –Podologists;  
Law 33(I)/2008 -Medical Physics;  
Law 34(I)/2006 -Occupational Therapists;  
Law 9(I)/1996 -Dental Technicians;  
Law 68(I)/1995 –Psychologists;  
Law 16(I)/1992; Law 23(I)/2011 -Radiologists/Radiotherapists;  
Law 31(I)/1996 -Dieticians/Nutritionists;  
Law 140/1989 –Physiotherapists; and  
Law 214/1988 –Nurses.

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

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

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

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

*Measures:*

Bundesärzteordnung (Federal Medical Regulation);  
Gesetz über die Ausübung der Zahnheilkunde;



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

Gesetz über die berufsmäßige Ausübung der Heilkunde ohne Bestallung;

Gesetz über den Beruf der Hebamme und des Entbindungspflegers;

Gesetz über die Berufe in der Krankenpflege;

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

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

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

Heilberufekammergesetz des Landes Baden-Württemberg in der Fassung of 16. 03. 1995 (GBl. BW of 17.05.1995 S. 314);

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

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

§ 31 Heilberufsgesetz Brandenburg (HeilBerG) of 28.04.2003;

Bremisches Gesetz über die Berufsvertretung, die Berufsausübung, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Psychotherapeuten, Tierärzte und Apotheker (Heilberufsgesetz - HeilBerG) of 12.05.2005;  
§ 29 Heilberufsgesetz (HeilBG NRW) of 09.05.2000;  
§ 20 Heilberufsgesetz (HeilBG Rheinland-Pfalz) of 07.02.2003;  
Gesetz über Berufsausübung, Berufsvertretungen und Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder und Jugendlichenpsychotherapeuten im Freistaat (Sächsisches Heilberufekammergesetz – SächsHKaG) of 24.05.1994 (SächsGVBl. page 935);  
Gesetz über die öffentliche Berufsvertretung, die Berufspflichten, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte/ Ärztinnen, Zahnärzte/ Zahnärztinnen, psychologischen Psychotherapeuten/ Psychotherapeutinnen und Kinder- und Jugendlichenpsychotherapeuten/-psychotherapeutinnen, Tierärzte/Tierärztinnen und Apotheker/Apothekerinnen im Saarland (Saarländisches Heilberufekammergesetz - SHKG) of 19.11.2007; and  
Thüringer Heilberufegesetz of 29. Januar 2002 (GVBl 2002, 125).

**(b) Veterinary services (CPC 932)**

With respect to Investment liberalisation – National treatment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Measures:*

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

**CY**: Law 169/1990.

**CZ**: Act No. 166/1999 Coll. (Veterinary Act), §58-63, 39; and Act No. 381/1991 Coll. (on the Chamber of Veterinary Surgeons of the Czech Republic), paragraph 4.

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

Regional level:

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

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

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

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

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

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

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

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

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

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

Rheinland-Pfalz, Heilberufsgesetz (HeilBG) vom 20.10.1978;

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



Sachsen, Gesetz über Berufsausübung, Berufsvertretungen und Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder- und Jugendlichenpsychotherapeuten im Freistaat Sachsen (Sächsisches Heilberufekammergesetz – SächsHKaG) vom 24.05.1994;  
Sachsen-Anhalt, Gesetz über die Kammern für Heilberufe Sachsen-Anhalt (KGHB-LSA) vom 13.07.1994 (GVBl. LSA 1994, S. 832);  
Schleswig-Holstein, Gesetz über die Kammern und die Berufsgerichtsbarkeit für die Heilberufe (Heilberufekammergesetz - HBKG) vom 29. Februar 1996;  
Thüringen, Thüringer Heilberufegesetz (ThürHeilBG) in der Fassung der Bekanntmachung vom 29.01.2002 (GVBl 2002, S. 125); and  
Codes of Professional Conduct of the Veterinary Practitioners' Councils (Berufsordnungen der Kammern).

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

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

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

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

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

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

**IE:** Veterinary Practice Act 2005.

**IT:** Legislative Decree C.P.S. 233/1946, Articles 7-9; and  
Decree of the President of the Republic (DPR) 221/1950, paragraph 7.

**LV:** Veterinary Medicine Law.

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

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

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

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

**SK:** Act 442/2004 on Private Veterinary Doctors, Article 2.

**UK:** Veterinary Surgeons Act (1966).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With respect to Investment liberalisation – National treatment:

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

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

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

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

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



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

Market access:

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

With respect to Investment liberalisation - Market access

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

*Measures:*

**AT**: Apothekengesetz (Pharmacy Law), RGBl. Nr. 5/1907 as amended, §§ 3, 4, 12; Arzneimittelgesetz (Medication Act), BGBl. Nr. 185/1983 as amended, §§ 57, 59, 59a; and Medizinproduktegesetz (Medical Products Law), BGBl. Nr. 657/1996 as amended, § 99.

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

**CY**: Pharmaceutical and Poisons Law (Chapter 254).

**DE:** § 2 paragraph 2, § 11a Apothekengesetz (German Pharmacy Act); §§ 43 paragraph 1, 73 paragraph 1 Nr. 1a, Arzneimittelgesetz (German Drugs Act); and § 11 Abs. 2 und 3 Medizinproduktegesetz, Verordnung zur Regelung der Abgabe von Medizinprodukten.

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

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

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

**ES:** Ley 16/1997, de 25 de abril, de regulación de servicios de las oficinas de farmacia (Law 16/1997, of 25 April, regulating services in pharmacies), Articles 2, 3.1; and Real Decreto Legislativo 1/2015, de 24 de julio por el que se aprueba el Texto refundido de la Ley de garantías y uso racional de los medicamentos y productos sanitarios (Ley 29/2006).

**FR:** Code de la santé publique, articles L4221-1, L4221-13, L5125-10; and Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008 (Law 90-1258 on the exercise of liberal professions in the form of a company); and Lois 2011-331 du 28 mars 2011 et 2015-990 du 6 août 2015.

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

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

**IT:** Law 362/1991, Articles 1, 4, 7 and 9;  
Legislative Decree CPS 233/1946, Articles 7-9; and  
Decree of the President of the Republic (D.P.R. 221/1950, paragraphs 3 and 7).

**LU:** Loi du 4 juillet 1973 concernant le régime de la pharmacie (annex a043);  
Règlement grand-ducal du 27 mai 1997 relatif à l'octroi des concessions de pharmacie (annex a041); and  
Règlement grand-ducal du 11 février 2002 modifiant le règlement grand-ducal du 27 mai 1997 relatif à l'octroi des concessions de pharmacie (annex a017).

**LV:** Pharmaceutical Law, s. 38.

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

**PT:** Decree-Law 307/2007, Articles 9, 14 and 15; and  
Ordinance 1430/2007.

**SI:** Pharmacy Services Act (Official Gazette of the RS No. 85/2016); and  
Medicinal Products Act (Official Gazette of the RS, No. 17/2014).

**SK:** Act 362/2011 on drugs and medical devices, Article 35a; and  
Act 578/2004 on healthcare providers, medical employees, professional organisation.

#### **Reservation No. 4 - Research and development services**

Sector – sub-sector:	Research and development (R&D) services
Industry classification:	CPC 851, 853
Type of reservation:	Market access National treatment
Section:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State(unless otherwise specified)

#### Description:

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

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

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

*Measures:*

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

## **Reservation No. 5 - Real estate services**

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

### Description:

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

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

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

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

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

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

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

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



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

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

*Measures:*

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

**CZ**: Trade Licensing Act.

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

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

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

**SI**: Real Estate Agencies Act.

## **Reservation No. 6 - Business services**

Sector – sub-sector:	Business services - rental or leasing services without operators; services related to management consulting; technical testing and analyses; related scientific and technical consulting services; services incidental to agriculture; security services; placement services; translation and interpretation services and other business services
Industry classification:	ISIC Rev. 37, part of CPC 612, part of 621, part of 625, 831, part of 85990, 86602, 8675, 8676, 87201, 87202, 87203, 87204, 87205, 87206, 87209, 87901, 87902, 87909, 88, part of 893
Type of reservation:	Market access National treatment Most-favoured-nation treatment Senior management and boards of directors
Section:	Investment and Cross-border trade in services
Level of government:	EU/Member State(unless otherwise specified)

Description:

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

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

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

*Measures:*

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

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

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

*Measures:*

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

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

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

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

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

*Measures:*

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

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

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

*Measures:*

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

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

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

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

*Measures:*

**HU:** Act LV of 2002 on Mediation.

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

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

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

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

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

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



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

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

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

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

*Measures:*

**BG:** Technical Requirements towards Products Act;

Measurement Act;

National Accreditation of Compliance Conformity Authorities Act;

Clean Ambient Air Act; and

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

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

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

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

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

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

In **IT**: Residency or professional domicile in Italy is required for enrolment in the geologists' register, which is necessary for the practice of the professions of surveyor or geologist in order to provide services relating to the exploration and the operation of mines, etc.

Nationality of a Member State of the European Union is required; however, foreigners may enrol under condition of reciprocity.

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

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

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

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

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

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

*Measures:*

**BG**: Cadastre and Property Register Act; and  
Geodesy and Cartography Act.

**CY**: Law 224/1990.

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

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

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

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

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

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

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

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

*Measures:*

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

**PT**: Decree Law 119/92;  
Law 47/2011; and  
Decree Law 183/98.

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

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

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

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

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

A nationality requirement exists for specialised personnel.

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

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

*Measures:*

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

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

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

**PT**: Law 34/2013; and  
Ordinance 273/2013.



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

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

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

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

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

With respect to Investment liberalisation – Market access:

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

*Measures:*

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

Walloon Region: Décret du 3 avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement (Decree of 3 April 2009 on registration of placement agencies), Article 7; and Arrêté du Gouvernement wallon du 10 décembre 2009 portant exécution du décret du 3 avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement (Decision of the Walloon Government of 10 December 2009 implementing the Decree of 3 April 2009 on registration of placement agencies), Article 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Measures:*

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

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

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

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

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

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

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

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

With respect to Investment liberalisation – Market access:

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

*Measures:*

**SE**: Pawn shop act (1995:1000).

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

*Measures:*

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

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

*Measures:*

**NL**: Waarborgwet 1986.

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

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

*Measures:*

**PT**: Law 49/2004.



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

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

*Measures:*

**CZ**: Act no.455/1991 Coll.;  
Trade Licence Act; and  
Act no. 26/2000 Coll., on public auctions.

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

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

*Measures:*

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

## **Reservation No. 7 - Communication services**

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

Description:

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

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

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

*Measures:*

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

## **Reservation No. 8 - Distribution services**

Sector – sub-sector: Distribution services – general, of tobacco, of alcoholic beverages

Industry classification: CPC 3546, part of 621, 6222, 631, part of 632

Type of reservation: Market access  
National treatment

Section: Investment liberalisation and Cross-border trade in services

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

Description:

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

With respect to Investment liberalisation – Market access:

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

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

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

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

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

*Measures:*

**CY**: Law 74(i) 202.

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

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

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

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

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

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

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

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

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

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

*Measures:*

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

**ES:** Law 14/2013 of 27 September 2014.

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

**IT:** Legislative Decree 184/2003;

Law 165/1962;

Law 3/2003;

Law 1293/1957;

Law 907/1942; and

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



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

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

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

*Measures:*

**SE**: The Alcohol Act (2010:1622).

## **Reservation No. 9 - Education services**

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

Description:

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

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

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

With respect to Investment liberalisation – Market access:

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

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

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

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

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

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

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

Market access:

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

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

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

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

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

*Measures:*

**AT:** University of Applied Sciences Studies Act, BGBl. I Nr. 340/1993 as amended, § 2; Private University Act, BGBl. I Nr. 74/2011 as amended, § 2; and Act on Quality Assurance in Higher Education, BGBl. Nr. 74/2011 as amended, § 25 (3).

**BG:** Public Education Act, Article 12; and Law for the Higher Education, paragraph 4 of the additional provisions.

**CZ:** Act No. 111/1998, Coll. (Higher Education Act), § 39; and Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act).

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

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



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

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

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

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

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

**MT:** Legal Notice 296 of 2012.

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

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

## **Reservation No. 10 - Environmental services**

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

Industry classification: Part of CPC 9402, 9404

Type of reservation: Market access

Section: Investment liberalisation and Cross-border trade in services

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

Description:

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

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

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

*Measures:*

**SE**: The Vehicles Act (2002:574).

**SK**: Act 79/2015 on Waste.

## **Reservation No. 11 - Financial services**

Sector – sub-sector:	Financial services – insurance and banking
Type of reservation:	Market access National treatment Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

**(a) Insurance**

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

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

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

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

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

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

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

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

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

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

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

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

With respect to Investment liberalisation – Market access:

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

With respect to National treatment only:

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

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

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



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

*Measures:*

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

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

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

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

**EL**: Legislative Degree 400/1970.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With respect to Market access only:

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

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

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

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

*Measures:*

**BG:** Law of Credit Institutions, Articles 2 and 17;  
Code of Social Insurance, Article 121e; and  
Currency Law, Article 3.

**HU:** Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises;  
Act CCXXXVII of 2013 on Credit Institutions and Financial Enterprises; and  
Act CXX of 2001 on the Capital Market.

**IT:** Legislative Decree 58/1998, Articles 1, 19, 28, 30-33, 38, 69 and 80;  
Joint Regulation of Bank of Italy and Consob 22.2.1998, Articles 3 and 41;  
Regulation of Bank of Italy 25.1.2005; and  
Title V, Chapter VII, Section II, Consob Regulation 16190 of 29.10.2007, Articles 17-21, 78-81, 91-111.

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

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

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

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

## **Reservation No. 12 - Health services and social services**

Sector – sub-sector:	Health and social services
Industry classification:	CPC 931, 933
Type of reservation:	Market access National treatment
Section:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State(unless otherwise specified)

### Description:

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



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

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

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

With respect to Investment liberalisation – Market access:

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

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

*Measures:*

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

Federal Act Regulating High Level Allied Health Professions, BGBl. Nr. 460/1992; and  
Federal Act regulating Medical Masseurs lower and upper level, BGBl. Nr. 169/2002.

**DE**: Bundesärzteordnung (Federal Medical Regulation):

Gesetz über die Ausübung der Zahnheilkunde;

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

Gesetz über die berufsmäßige Ausübung der Heilkunde ohne Bestallung;

Gesetz über den Beruf der Hebamme und des Entbindungspfleger;

Gesetz über den Beruf der Rettungsassistentin und des Rettungsassistenten;

Gesetz über die Berufe in der Krankenpflege;

Gesetz über die Berufe in der Physiotherapie;

Gesetz über den Beruf des Logopäden;

Gesetz über den Beruf des Orthoptisten und der Orthoptistin;

Gesetz über den Beruf der Podologin und des Podologen;

Gesetz über den Beruf der Diätassistentin und des Diätassistenten;

Gesetz über den Beruf der Ergotherapeutin und des Ergotherapeuten;

Bundesapothekerordnung:

Gesetz über den Beruf des pharmazeutisch-technischen Assistenten;

Gesetz über technische Assistenten in der Medizin, Personenbeförderungsgesetz (Act on Public Transport);

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

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

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

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

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

Hamburgisches Rettungsdienstgesetz (HmbRDG) vom 09.06.1992;  
Gesetz über den Rettungsdienst für das Land Mecklenburg-Vorpommern (RDGM-V) vom 01.07.1993;  
Niedersächsisches Rettungsdienstgesetz (NRettDG) vom 02.10.2007 (GVBl, page 473);  
Gesetz über den Rettungsdienst sowie die Notfallrettung und den Krankentransport durch Unternehmer (RettG NRW) vom 09.11.1992;  
Landesgesetz über den Rettungsdienst sowie den Notfall- und Krankentransport (RettDG) vom 22.04.1991;  
Saarländisches Rettungsdienstgesetz (SRettG) vom 09.02.1994;  
Gesetz zur Neuordnung des Brandschutzes, Rettungsdienstes und Katastrophenschutzes im Freistaat Sachsen vom 24.06.2004;  
Rettungsdienstgesetz des Landes Sachsen-Anhalt (RettDG LSA) vom 07.11.1993;  
Gesetz über die Notfallrettung und den Krankentransport im Land Schleswig-Holstein (RDG) vom 29.11.1991;  
Thüringer Rettungsdienstgesetz (ThüRettG) vom 22.12.1992;  
§ 8 Krankenhausfinanzierungsgesetz (Hospital Financing Act);  
§§ 14, 30 Gewerbeordnung (German Trade, Commerce and Industry Regulation Act);  
§ 108 Sozialgesetzbuch V (Book on Social Security No. V);

Statutory Health Insurance:

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

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

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

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

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

Landespflegegesetze:

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

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

Gesetz zur Planung und Finanzierung von Pflegeeinrichtungen

(Landespflegeeinrichtungsgesetz - LPflegEG) vom 19. Juli 2002;

Gesetz zur Umsetzung des Elften Buches Sozialgesetzbuch;

(Landespflegegesetz - LPflegeG) vom 29. Juni 2004;

Gesetz zur Ausführung des Pflege-Versicherungsgesetzes im Lande Bremen und zur Änderung des Bremischen Ausführungsgesetzes zum Bundessozialhilfegesetz

(BremAGPflegeVG) vom 26. März 1996;

Hamburgisches Landespflegegesetz (HmbLPG) vom 18. September 2007;

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

Landespflegegesetz (LPflegeG M-V) vom 16. Dezember 2003;  
Gesetz zur Planung und Förderung von Pflegeeinrichtungen nach dem Elften Buch Sozialgesetzbuch (Niedersächsisches Pflegegesetz - NPflegeG) vom 26. Mai 2004;  
Gesetz zur Umsetzung des Pflege-Versicherungsgesetzes (Landespflegegesetz Nordrhein-Westfalen - PfG NW) vom 19. März 1996;  
Landesgesetz zur Sicherstellung und Weiterentwicklung der pflegerischen Angebotsstruktur (LPflegeASG) vom 25. Juli 2005 (GVBl 2005, S. 299) – (Rheinland-Pfalz);  
Saarländisches Gesetz Nr. 1355 zur Planung und Förderung von Pflegeeinrichtungen vom 21. Juni 1995;  
Sächsisches Pflegegesetz (SächsPflegeG) vom 25. März 1996 ist zum 31.12.2002 außer Kraft getreten);  
Ausführungsgesetz zum Pflege-Versicherungsgesetz (PflegeV-AG) vom 7. August 1996;  
Ausführungsgesetz zum Pflege-Versicherungsgesetz (Landes-pflegegesetz - LPflegeG) vom 10. Februar 1996;  
Thüringer Gesetz zur Ausführung des Pflege-Versicherungsgesetzes (ThürAGPflegeVG) vom 20. Juli 2005;  
Personenbeförderungsgesetz (Act on Public Transport);  
Landeskrankenhausgesetz Baden-Württemberg vom 29.11.2007;

Bavarian Act on Hospitals (Bayerisches Krankenhausgesetzes - BayKrG) vom 28.03.2007;  
§§ 12, 13, 14 Krankenhausentwicklungsgesetz Brandenburg (BbgKHEG) vom 08.07.2009  
(GVBl. I/09, page 310);  
Berliner Gesetz zur Neuregelung des Krankenhausrechts vom 18.09.2011 (GVBl. page 483);  
Bremisches Krankenhausgesetz (BrmKrHG) vom 12.04.2011 (Gesetzblatt Bremen vom  
29.04.2011);  
Hamburgisches Krankenhausgesetz (HmbKHG) vom 17.04.1991 (HmbGVBl. Page127;  
§§ 17-19 Hessisches Krankenhausgesetz 2011 (HKHG 2011) vom 21.12.2010 (GVBl. I 2010,  
Seite 587);  
Krankenhausgesetz für das Land Mecklenburg-Vorpommern (LKHG M-V) vom 20.05.2011  
(GVOBl. M-V 2011, page 327);  
Niedersächsisches Krankenhausgesetz (NKHG) vom 19.01.2012 (Nds. GVBl. Nr. 1 vom  
26.01.2012, page 2);  
Krankenhausgestaltungsgesetz des Landes Nordrhein-Westfalen (KHGG NRW) vom  
11.12.2007 (GV. NRW page 702);  
§ 6 Landeskrankenhausgesetz Rheinland-Pfalz (LKG Rh-Pf) in der Fassung vom 01.12.2010  
(GVBl. page 433);  
Saarländisches Krankenhausgesetz (SKHG) vom 13.07.2005;  
Gesetz zur Ausführung des Krankenhausfinanzierungsgesetzes (AG-KHG) in Schleswig-

Holstein vom 12.12.1986 (GVOBl. Schl.-H. page 302);  
§ 3 Krankenhausgesetz Sachsen-Anhalt (KHG LSA) vom 14.04.2005 (GVBl. LSA 2005, page 202);  
Gesetz zur Neuordnung des Krankenhauswesens (Sächsisches Krankenhausgesetz - SächsKHG) vom 19.08.1993 (Sächs GVBl. page 675);  
§ 4 Thüringischer Krankenhausgesetz (Thür KHG) in der Fassung der Neubekanntmachung 30.04.2003 (GVBl. page 262); and  
Gesetz zur Neuordnung des Krankenhauswesens (Sächsisches Krankenhausgesetz – SächsKHG) vom 19. August 1993 (SächsGVBl. page 675).

**FR:** Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008 et la loi 66-879 du 29 novembre 1966 (SCP); and  
Code de la santé publique, articles L6122-1, L6122-2 (Ordonnance 2010-177 du 23 février 2010).

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

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



### **Reservation No. 13 - Tourism and travel related services**

Sector – sub-sector:	Tourism and travel related services - hotels, restaurants and catering; travel agencies and tour operators services (including tour managers); tourist guides services
Industry classification:	CPC 641, 642, 643, 7471, 7472
Type of reservation:	Market access National treatment Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State(unless otherwise specified)

## Description:

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

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

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

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

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

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

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

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

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

*Measures:*

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

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

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

**ES:** Andalucía: Decreto 8/2015, de 20 de enero, Regulador de guías de turismo de Andalucía;  
Aragón: Decreto 21/2015, de 24 de febrero, Reglamento de Guías de turismo de Aragón;  
Cantabria: Decreto 51/2001, de 24 de julio, artículo 4, por el que se modifica el Decreto 32/1997, de 25 de abril, por el que se aprueba el reglamento para el ejercicio de actividades turístico-informativas privadas;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Reservation No. 14 - Recreational, cultural and sporting services**

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



Description:

**Other sporting services (CPC 96419)**

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

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

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

*Measures:*

**AT:** Kärntner Schischulgesetz, LGBL. Nr. 53/97;  
Kärntner Berg- und Schiführergesetz, LGBL. Nr. 25/98;  
NÖ- Sportgesetz, LGBL. Nr. 5710;  
OÖ- Sportgesetz, LGBL. Nr. 93/1997;  
Salzburger Schischul- und Snowboardschulgesetz, LGBL. Nr. 83/89;  
Salzburger Bergführergesetz, LGBL. Nr. 76/81;  
Steiermärkisches Schischulgesetz, LGBL. Nr.58/97;  
Steiermärkisches Berg- und Schiführergesetz, LGBL. Nr. 53/76;  
Tiroler Schischulgesetz. LGBL. Nr. 15/95;  
Tiroler Bergsportführergesetz, LGBL. Nr. 7/98;  
Vorarlberger Schischulgesetz, LGBL. Nr. 55/02 §4 (2)a;  
Vorarlberger Bergführergesetz, LGBL. Nr. 54/02; and  
Wien: Gesetz über die Unterweisung in Wintersportarten, LGBL. Nr. 37/02.

**CY:** Law 65(i)/1997; and  
Law 17(i) /1995.

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

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

Description:

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

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

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

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

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

*Measures:*

**BG:** Merchant Shipping Code; Law For the Sea Water, Inland Waterways and Ports of the Republic of Bulgaria; Ordinance for the condition and order for selection of Bulgarian carriers for carriage of passengers and cargoes under international treaties; and Ordinance 3 for servicing of unmanned vessels.

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

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

*Measures:*

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

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

*Measures:*

**DK**: Danish Pilotage Act, §18.

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

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

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

Transactions between residents and non-residents concerning:

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

within the economic area may be restricted (Water transport, Supporting services for water transport, Rental of ships, Leasing services of ships without operators (CPC 721, 745, 83103, 86751, 86754, 8730)).



*Measures:*

**DE:** §§ 1, 2 Flaggenrechtsgesetz (Flag Protection Act);  
§ 2 Verordnung über die Küstenschifffahrt vom 05.07. 2002;  
§§ 1, 2 Binnenschifffahrtsgesetz (BinSchAufgG);  
Vorschriften aus der (Schifffahrts-) Patentverordnung in der Fassung vom 08.04.2008;  
§ 9 Abs.2 Nr. 1 Seelotsgesetz vom 08.12. 2010 (BGBl. I S. 1864);  
§ 1 Nr. 9, 10, 11 und 13 Seeaufgabengesetz (SeeAufgG); and  
See-Eigensicherungsverordnung vom 19.09.2005 (BGBl. I S. 2787), geändert durch Artikel  
516 Verordnung vom 31.10.2006 (BGBl. I S. 2407).

In **FI:** supporting services for maritime transport when provided in Finnish maritime waters are reserved to fleets operating under the national, European Union or Norwegian flag (CPC 745).

*Measures:*

**FI:** Merilaki (Maritime Act) (674/1994); and  
Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919),  
s. 4.

With respect to Investment liberalisation - Market access:

In **EL**: Public monopoly imposed in port areas for cargo handling services (CPC 741).

*Measures:*

**EL**: Code of Public Maritime Law (Legislative Decree 187/1973).

In **IT**: An economic needs test is applied for maritime cargo-handling services. Main criteria: number of and impact on existing establishments, population density, geographic spread and creation of new employment (CPC 741).

*Measures:*

**IT**: Shipping Code;

Law 84/1994; and

Ministerial decree 585/1995.

**(b) Rail transport and auxiliary services to rail transport (CPC 711, 743)**

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

In **BG**: Only nationals of a Member State of the European Union may provide rail transport or supporting services for rail transport in Bulgaria. A licence to carry out passenger or freight transportation by rail is issued by the Minister of Transport to railway operators registered as traders (CPC 711, 743).

*Measures:*

**BG**: Law for Railway Transport, Articles. 37, 48.

With respect to Investment liberalisation - Market access:

In **LT**: The exclusive rights for the provision of transit services are granted to railway undertakings which are owned, or whose stock is 100 per cent owned, by the state (CPC 711).

*Measures:*

**LT:** Railway transport Code of the Republic of Lithuania of 22 April 2004 No. IX-2152 as amended by 8 June 2006 No. X-653.

**(c) Road transport and services auxiliary to road transport (CPC 712, 7121, 7122, 71222, 7123)**

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

In **AT:** For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of the Member States of the European Union and to juridical persons of the European Union having their headquarters in the European Union (CPC 712).

*Measures:*

**AT:** Güterbeförderungsgesetz (Goods Transportation Act), BGBl. Nr. 593/1995; § 5; Gelegenheitsverkehrsgesetz (Occasional Traffic Act), BGBl. Nr. 112/1996; § 6; and Kraftfahrliniengesetz (Law on Scheduled Transport), BGBl. I Nr. 203/1999 as amended, §§ 7 and 8.

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

In **EL**: For operators of road freight transport services. In order to engage in the occupation of road freight transport operator a Hellenic licence is needed. Licences are granted on non-discriminatory terms, under condition of reciprocity road freight transport operations established in Greece may only use vehicles that are registered in Greece (CPC 7123).

*Measures:*

**EL**: Licensing of road freight transport operators: Greek law 3887/2010 (Government Gazette A' 174), as amended by Article 5 of law 4038/2012 (Government Gazette A' 14)-EC Regulations 1071/09 and 1072/09.

With respect to Investment liberalisation - Market access:

In **IE**: Economic needs test for intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment (CPC 7121, CPC 7122).

*Measures:*

**IE:** Public Transport Regulation Act 2009.

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

Market access:

In **MT:** Taxis - numerical restrictions on the number of licences apply.

Karozzini (horse drawn carriages): Numerical Restrictions on the number of licences apply (CPC 712).

*Measures:*

**MT:** Taxi Services Regulations (SL499.59).

In **PT:** Economic needs test for limousine services. Main criteria: number of and impact on existing establishments, population density, geographic spread, impact on traffic conditions and creation of new employment (CPC 71222).

*Measures:*

**PT:** Decree-Law 41/80, August 21.

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

In **CZ**: Incorporation in the Czech Republic is required (no branches) for the provision of road transport services.

*Measures:*

**CZ**: Act no. 111/1994 Coll., on Road Transport.

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

In **RO**: Road haulage and road passenger transport operators may only use vehicles that are registered in Romania, owned and used according to the Government Ordinance provisions (CPC 7121, CPC 7122, CPC 7123).

*Measures:*

**RO**: Romanian law on road transportation (Government Ordinance no. 27/2011).

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

In **SE**: In order to engage in the occupation of road transport operator, a Swedish licence is needed. Criteria for receiving a taxi licence include that the company has appointed a natural person to act as the transport manager (a *de facto* residency requirement – see the Swedish reservation on types of establishment).

Criteria for receiving a licence for other road transport operators require that the company be established in the European Union, have an establishment situated in Sweden and have appointed a natural person to act as the transport manager, who must be resident in the European Union.

Licences are granted on non-discriminatory terms, except that operators of road haulage and road passenger transport services may as a general rule only use vehicles that are registered in the national road traffic registry. If a vehicle is registered abroad, owned by a natural or legal person whose principal residence is abroad and is brought to Sweden for temporary use, the vehicle may be temporarily used in Sweden. Temporary use is usually defined by the Swedish Transport Agency as meaning not more than one year.



Operators of cross-border road haulage and road passenger transport services abroad need to be licensed for those operations by the competent authority in the country where they are established. Additional requirements for cross-border trade may be regulated in bilateral road transport agreements. For vehicles where no such bilateral agreement is applicable, a licence is also needed from the Swedish Transport Agency (CPC 712).

*Measures:*

**SE:** Yrkestrafiklag (2012:210) (Act on professional traffic);

Lag om vägtrafikregister (2001:558) (Act on road traffic registry); Yrkestrafikförordning (2012:237) (Government regulation on professional traffic);

Taxitrafiklag (2012:211) (Act on Taxis); and

Taxitrafikförordning (2012:238) (Government regulation on taxis).

**(d) Services auxiliary to air transport services**

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

In **PL**: For storage services of frozen or refrigerated goods and bulk storage services of liquids or gases at airports, the possibility to supply certain categories of services will depend on the size of the airport. The number of suppliers in each airport may be limited due to available space constraints, and to not less than two suppliers for other reasons.

*Measures:*

**PL**: Polish Aviation Law of 3 July 2002, Articles 174.2 and 174.3 3.

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

In **EU**: For groundhandling services, establishment within the European Union territory may be required. The level of openness of groundhandling services depends on the size of airport. The number of suppliers in each airport may be limited. For "big airports", this limit may not be less than two suppliers.

*Measures:*

**EU:** Directive 1996/67/EC of 15 October 1996 on access to the groundhandling market at Community airports.

In **BE** (applies also to the regional level of government): For groundhandling services, reciprocity is required.

*Measures:*

**BE:** Arrêté Royal du 6 novembre 2010 réglementant l'accès au marché de l'assistance en escale à l'aéroport de Bruxelles-National (Article 18);

Besluit van de Vlaamse Regering betreffende de toegang tot de grondafhandelingsmarkt op de Vlaamse regionale luchthavens (Article 14); and

Arrêté du Gouvernement wallon réglementant l'accès au marché de l'assistance en escale aux aéroports relevant de la Région wallonne (Article 14).

(e) **Supporting services for all modes of transport (part of CPC 748)**

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

The **EU** (applies also to the regional level of government): Customs clearance services may only be provided by European Union residents.

*Measures:*

**EU:** Regulation (EU) No 952/2013 of 9 October 2013 of the European Parliament and of the Council establishing the Union Customs Code.

(f) **Provision of combined transport services (CPC 711, 712, 7212, 741, 742, 743, 744, 745, 748, 749)**

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

Market access:

The EU (applies also to the regional level of government): With the exception of Finland: only hauliers established in a Member State of the European Union who meet the conditions of access to the occupation and access to the market for transport of goods between Member States of the European Union may, in the context of a combined transport operation between Member States of the European Union, carry out initial or final road haulage legs which form an integral part of the combined transport operation and which may or may not include the crossing of a frontier. Limitations affecting any given modes of transport apply.

Necessary measures can be taken to ensure that the motor vehicle taxes applicable to road vehicles routed in combined transport are reduced or reimbursed (CPC 711, 712, 7212, 741, 742, 743, 744, 745, 748, 749).

*Measures:*

**EU:** Directive 1992/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States.

## **Reservation No. 16 - Energy related activities**

Sector – sub-sector:	Energy related activities - mining and quarrying; production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; and services incidental to energy distribution
Industry classification:	ISIC Rev. 3.1 10, 11, 12, 13, 14, 40, CPC 5115, 63297, 713, part of 742, 8675, 883, 887
Type of reservation:	Market access National treatment Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State (unless otherwise specified)

Description:

**(a) Mining and quarrying (ISIC Rev. 3.1 10, 11, 12, 13, 14, CPC 5115, 7131, 8675, 883)**

With respect to Investment liberalisation – Market access:

In **NL**: The exploration for and exploitation of hydrocarbons in the Netherlands is always performed jointly by a private company and the public (limited) company designated by the Minister of Economic Affairs. Articles 81 and 82 of the Mining Act stipulate that all shares in this designated company must be directly or indirectly held by the Dutch State (ISIC Rev. 3.1 10, 3.1 11, 3.1 12, 3.1 13, 3.1 14).

*Measures:*

**NL**: Mijnbouwwet (Mining Act).

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

In **BE**: The exploration for and exploitation of mineral resources and other non-living resources in territorial waters and the continental shelf are subject to concession. The concessionaire must have an address for service in Belgium (ISIC Rev. 3.1:14).

*Measures:*

**BE**: Arrêté Royal du 1er septembre 2004 relatif aux conditions, à la délimitation géographique et à la procédure d'octroi des concessions d'exploration et d'exploitation des ressources minérales et autres ressources non vivantes de la mer territoriale et du plateau continental.

In **BG**: Certain economic activities related to the exploitation or use of State or public property are subject to concessions granted under the provisions of the Concessions Act or other special concessions laws. The activities of prospecting or exploration of underground natural resources on the territory of the Republic of Bulgaria, in the continental shelf and in the exclusive economic zone in the Black Sea are subject to permission, while the activities of extraction and exploitation are subject to concession granted under the Underground Natural Resources Act.

It is forbidden for companies registered in preferential tax treatment jurisdictions (that is, off-shore zones) or related, directly or indirectly, to such companies to participate in open procedures for granting permits or concessions for prospecting, exploration or extraction of natural resources, including uranium and thorium ores, as well as to operate an existing permit or concession which has been granted, as such operations are precluded, including the possibility to register the geological or commercial discovery of a deposit as a result of exploration.



Commercial corporations in which the Member State or a municipality holds a share in the capital exceeding 50 per cent, cannot effect any transactions for disposition of fixed assets of the corporation, to conclude any contracts for acquisition of participating interest, lease, joint activity, credit, securing of receivables, as well as incurring any obligations arising under bills of exchange, unless permitted by the Privatisation Agency or the municipal council, whichever is the competent authority. Without prejudice to Article 8.4, paragraphs 1 and 2, according to Decision of the National Assembly of the Republic of Bulgaria of 18 Jan 2012, any usage of hydraulic fracturing technology that is, fracking, for activities of prospecting, exploration or extraction of oil and gas, is forbidden by Decision of the Parliament. Exploration and extraction of shale gas is forbidden (ISIC Rev. 3.1 10, 3.1 11, 3.112, 3.1 13, 3.1 14).

The mining of uranium ore is forbidden by Decree of the Council of Ministers No. 163 of 20.08.1992.

With regard to mining of thorium ore, the general regime of concessions for mining applies. In order to participate in concessions for mining of thorium ore, a Japanese company must be established according to the Bulgarian Commercial Act and to be registered in the Commercial Registry. Decisions to allow the mining of thorium ore are taken on a non-discriminatory individual case-by-case basis. The prohibition against companies registered in preferential tax treatment jurisdictions (that is, off-shore zones) or related, directly or indirectly, to such companies, from participating in open procedures for concessions for mining of natural resources includes uranium and thorium ores (ISIC Rev. 3.1 12).

*Measures:*

**BG:** Underground Natural Resources Act;

Concessions Act;

Law on Privatisation and Post-Privatisation Control;

Safe Use of Nuclear Energy Act;

Act on Economic and Financial Relations with Companies Registered in Preferential Tax Treatment Jurisdictions, Such Companies' Related Parties and Their Beneficial Owners; and Subsurface Resources Act.

In **CY:** The Council of Ministers may, for reasons of energy security, refuse to allow access to and exercise of the activities of prospecting, exploration and exploitation of hydrocarbons to any entity which is effectively controlled by Japan or by nationals of Japan. No entity may, after the granting of an authorisation for the prospecting, exploration and production of hydrocarbons, come under the direct or indirect control of Japan or a national of Japan without the prior approval of the Council of Ministers. The Council of Ministers may refuse to grant an authorisation for the prospecting, exploration and production of hydrocarbons to an entity which is effectively controlled by Japan or a third country or by a national of Japan or a third country, where Japan or the third country does not grant entities of the Republic of Cyprus or entities of Member States of the European Union, in relation to the access to and exercise of the activities of prospecting, exploring for and exploiting hydrocarbons, treatment comparable to that which the Republic of Cyprus or the Member State of the European Union grants entities of Japan or that third country (ISIC Rev 3.1 1110).

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

Market access:

*Measures:*

**CY:** The Hydrocarbons (Prospecting, Exploration and Exploitation Law) of 2007, (Law 4(I)/2007) as amended by laws number 126(I) of 2013 and 29(I) of 2014.

In **IT** (applies also to the regional level of government for exploration): Mines belonging to the State have specific exploration and mining rules. Prior to any exploitation activity, a permit for exploration is needed ("permesso di ricerca", Article 4 Royal Decree 1447/1927). This permit has a duration, defines exactly the borders of the ground under exploration and more than one exploration permit may be granted for the same area to different persons or companies (this type of licence is not necessarily exclusive). In order to cultivate and exploit minerals, an authorisation ("concessione", Article 14) from the regional authority is required (ISIC Rev. 3.1 10, 3.1 11, 3.1 12, 3.1 13, 3.1 14, CPC 8675, 883).

*Measures*

**IT:** Exploration services: Royal Decree 1447/1927; and  
Legislative Decree 112/1998, Article 34.

In **SK**: For mining, activities related to mining and geological activity, incorporation in a Member State of the European Union or a Member State of the EEA is required (no branching). Mining and prospecting activities covered by Act of the Slovak Republic 44/1988 on protection and exploitation of natural resources are regulated on a non-discriminatory basis, including through public policy measures seeking to ensure the conservation and protection of natural resources and the environment such as the authorization or prohibition of certain mining technologies. For greater certainty, such measures include the prohibition of the use of cyanide leaching in the treatment or refining of minerals, the requirement of a specific authorization in the case of fracking for activities of prospecting, exploration or extraction of oil and gas, as well as prior approval by local referendum in the case of nuclear/radioactive mineral resources. This does not increase the non-conforming aspects of the existing measure for which the reservation is taken. (ISIC Rev. 3.1 10, 3.1 11, 3.1 12, 3.1 13, 3.1 14, CPC 7131).

#### *Measures*

**SK**: Act 51/1988 on Mining, Explosives and State Mining Administration; and Act 569/2007 on Geological Activity.

In **UK**: A licence is necessary to undertake exploration and production activities on the UK Continental Shelf (UKCS), and to provide services which require direct access to or exploitation of natural resources.

This reservation applies to production licences issued with respect to the UK Continental Shelf. To be a Licensee, a company must have a place of business within the UK. That means either:

- (i) a staffed presence in the UK;
- (ii) registration of a UK company at Companies House; or
- (iii) registration of a UK branch of a foreign company at Companies House.

This requirement exists for any company applying for a new licence and for any company seeking to join an existing licence by assignment. It applies to all licences and to all enterprises, whether operator or not. To be a party to a Licence that covers a producing field, a company must: (a) be registered at Companies House as a UK company; or (b) carry on its business through a fixed place of business in the UK as defined in section 148 of the Finance Act 2003 (which normally requires a staffed presence) (ISIC Rev. 3.1 11, CPC 883, 8675).

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

*Measures*

**UK:** Petroleum Act 1988.

In **FI:** The exploration for and exploitation of mineral resources are subject to a licensing requirement, which is granted by the Government in relation to the mining of nuclear material. A permit of redemption for a mining area is required from the Government. Permission may be granted to a natural person resident in the EEA or a juridical person established in the EEA. An economic needs test may apply (ISIC Rev. 3.1 120, CPC 5115, 883, 8675).

*Measures*

**FI:** Kaivoslaki (Mining Act) (621/2011); and  
Ydinenergi laki (Nuclear Energy Act) (990/1987).

In **IE:** Exploration and mining companies operating in Ireland are required to have a presence there. In the case of minerals exploration, there is a requirement that companies (Irish and foreign) employ either the services of an agent or a resident exploration manager in Ireland while work is being undertaken. In the case of mining, it is a requirement that a State Mining Lease or License be held by a company incorporated in Ireland. There are no restrictions as to ownership of such a company (ISIC Rev. 3.1 10, 3.1 13, 3.1 14, CPC 883).

*Measures*

**IE:** Minerals Development Acts 1940 – 2017; and  
Planning Acts and Environmental Regulations.

In **SI**: The exploration for and exploitation of mineral resources, including regulated mining services, are subject to establishment in or citizenship of the EEA, the Swiss Confederation or an OECD Member, or of a third country on condition of material reciprocity. Compliance with the condition of reciprocity is verified by the Ministry responsible for mining (ISIC Rev. 3.1 10, ISIC Rev. 3.1 11, ISIC Rev. 3.1 12, ISIC Rev. 3.1 13, ISIC Rev. 3.1 14, CPC 883, CPC 8675).

*Measures*

**SI**: Mining Act 2014.

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- (b) **Production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; services incidental to energy distribution (ISIC Rev. 3.1 40, 3.1 401, CPC 63297, 713, 7131, part of 742, 74220, 887)**

With respect to Investment liberalisation – Market access:

In **DK**: The owner or user intending to establish a pipeline for the transport of crude or refined petroleum and petroleum products and of natural gas must obtain a permit from the local authority before commencing work. The number of such permits which are issued may be limited (CPC 7131).

*Measures:*

**DK**: Bekendtgørelse nr. 724 af 1. juli 2008 om indretning, etablering og drift af olietanke, rørsystemer og pipelines (Order on the arrangement, establishment and operation of oil tanks, piping systems and pipelines), no. 724 of 1 July 2008.

In **MT**: EneMalta plc has a monopoly for the provision of electricity (ISIC Rev. 3.1 401; CPC 887).

*Measures:*

**MT**: EneMalta Act Cap. 272 and EneMalta (Transfer of Assets, Rights, Liabilities & Obligations) Act Cap. 536.

In **NL**: the ownership of the electricity network and the gas pipeline network are exclusively granted to the Dutch government (transmission systems) and other public authorities (distribution systems) (ISIC Rev. 3.1 040, CPC 71310).

*Measures:*

**NL**: Elektriciteitswet 1998; Gaswet.

...[Annex 8-B]/en 208

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

In **AT**: With regard to the transportation of gas authorisation is only granted to nationals of a Member State of the EEA domiciled in the EEA. Enterprises and partnerships must have their seat in the EEA. The operator of the network must appoint a Managing Director and a Technical Director who is responsible for the technical control of the operation of the network, both of whom must be nationals of a Member State of the EEA.

The competent authority may waive the nationality and domiciliation requirements where the operation of the network is considered to be in the public interest.

For the transportation of goods other than gas and water, the following applies:

- (i) with regard to natural persons, authorisation is only granted to EEA-nationals who must have a seat in Austria; and

- (ii) enterprises and partnerships must have their seat in Austria. An Economic Needs Test or interest test is applied. Cross border pipelines must not jeopardise Austria's security interests and its status as a neutral country. Enterprises and partnerships have to appoint a managing director who must be a national of a Member State of the EEA. The competent authority may waive the nationality and seat requirements if the operation of the pipeline is considered to be in the national economic interest (CPC 713).

*Measures:*

**AT:** Rohrleitungsgesetz (Law on Pipeline Transport), BGBl. Nr. 411/1975, § 5(1) and (2), §§ 5 (1) and (3), 15, 16; and  
Gaswirtschaftsgesetz 2011(Gas Act), BGBl. I Nr. 107/2011, Articles 43 and 44, Articles 90 and 93.

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

In **AT:** With regard to transmission and distribution of electricity authorisation is only granted to nationals of a Member State of the EEA domiciled in the EEA. If the operator appoints a managing director or a leaseholder, the domicile requirement is waived.

Juridical persons (enterprises) and partnerships must have their seat in the EEA. They must appoint a managing director or a leaseholder, both of whom must be nationals of a Member State of the EEA domiciled in the EEA.

The competent authority may waive the domicile and nationality requirements where the operation of the network is considered to be in the public interest (ISIC Rev. 3.1 40, CPC 887).

*Measures:*

**AT:** Burgenländisches Elektrizitätswesengesetz 2006, LGBl. Nr. 59/2006 as amended; Niederösterreichisches Elektrizitätswesengesetz, LGBl. Nr. 7800/2005 as amended; Landesgesetz, mit dem das Oberösterreichische Elektrizitätswirtschafts- und -organisationsgesetz 2006 erlassen wird (Oö. EIWOG 2006), LGBl. Nr. 1/2006 as amended; Salzburger Landeselektrizitätsgesetz 1999 (LEG), LGBl. Nr. 75/1999 as amended; Gesetz vom 16. November 2011 über die Regelung des Elektrizitätswesens in Tirol (Tiroler Elektrizitätsgesetz 2012 – TEG 2012), LGBl. Nr. 134/2011; Gesetz über die Erzeugung, Übertragung und Verteilung von elektrischer Energie (Vorarlberger Elektrizitätswirtschaftsgesetz), LGBl. Nr. 59/2003 as amended; Gesetz über die Neuregelung der Elektrizitätswirtschaft (Wiener Elektrizitätswirtschaftsgesetz 2005 – WEIWG 2005), LGBl. Nr. 46/2005; Steiermärkisches Elektrizitätswirtschafts- und Organisationsgesetz(ELWOG), LGBl. Nr. 70/2005; and Kärntner Elektrizitätswirtschafts-und Organisationsgesetz(ELWOG), LGBl. Nr. 24/2006.

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

In **CZ:** For electricity generation, transmission, distribution, trading, and other electricity market operator activities, as well as gas generation, transmission, distribution, storage and trading, as well as heat generation and distribution, authorisation is required. Such authorisation may only be granted to a natural person with a residence permit or a juridical person established in the European Union. Exclusive rights exist with regard to electricity and gas transmission and market operator licences (ISIC Rev. 3.1 40, CPC 7131, 62271, 742, 887).

*Measures:*

**CZ:** Act No. 458/2000 Coll on Business conditions and public administration in the energy

sectors (The Energy Act).

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In **PL**: the following activities are subject to licensing under the Energy Law Act:

- (i) generation of fuels or energy, except for: generation of solid or gaseous fuels; generation of electricity using electricity sources of the total capacity of not more than 50 MW other than renewable energy sources; cogeneration of electricity and heat using sources of the total capacity of not more than 5 MW other than renewable energy sources; generation of heat using the sources of the total capacity of not more than 5 MW;
- (ii) storage of gaseous fuels in storage installations, liquefaction of natural gas and regasification of liquefied natural gas at LNG installations, as well as the storage of liquid fuels, except for: the local storage of liquid gas at installations of the capacity of less than 1 MJ/s capacity and the storage of liquid fuels in retail trade;
- (iii) transmission or distribution of fuels or energy, except for: the distribution of gaseous fuels in grids of less than 1 MJ/s capacity and the transmission or distribution of heat if the total capacity ordered by customers does not exceed 5 MW;

- (iv) trade in fuels or energy, except for: the trade in solid fuels; the trade in electricity using installations of voltage lower than 1 kV owned by the customer; the trade in gaseous fuels if their annual turnover value does not exceed the equivalent of EUR 100 000€; the trade in liquid gas, if the annual turnover value does not exceed EUR 10 000€; and the trade in gaseous fuels and electricity performed on commodity exchanges by brokerage houses which conduct the brokerage activity on the exchange commodities on the basis of the Act of 26 October 2000 on commodity exchanges, as well as the trade in heat if the capacity ordered by the customers does not exceed 5 MW. The limits on turnover do not apply to wholesale trade services in gaseous fuels or liquid gas or to retail services of bottled gas.

A licence may only be granted by the competent authority to an applicant that has registered their principal place of business or residence in the territory of a Member State of the EU, Member State of the EEA or the Swiss Confederation (ISIC Rev. 3.1 040, CPC 63297, 74220, CPC 887).

*Measures:*

**PL:** Energy Law Act of 10 April 1997, Articles 32 and 33.



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

In **LT**: The licences for transmission, distribution, public supply and organizing of trade of electricity may only be issued to legal persons of Lithuania or branches of foreign legal person or other organisations established in Lithuania. This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of electricity (ISIC Rev. 3.1 401, CPC 887).

In the case of fuels, establishment is required. Licences for transmission and distribution of fuels may only be issued to legal persons of Lithuania or branches of foreign legal persons or other organisations (subsidiaries) established in Lithuania.

This reservation does not apply to consultancy services related to the transmission and distribution on a fee or contract basis of fuels (CPC 713, CPC 887).

*Measures:*

**LT**: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973; and Law on electricity of the Republic of Lithuania of 20 July 2000 No VIII-1881.

In **SI**: The production, trading, supply to final customers, transmission and distribution of electricity and natural gas is subject to establishment in the European Union (ISIC Rev. 3.1 4010, 4020, CPC 7131, CPC 887).

*Measures:*

**SI**: Energetski zakon (Energy Act) 2014), Official Gazette RS, nr. 17/2014.

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## **Reservation No. 17 - Agriculture, fishing and manufacturing**

Sector – sub-sector:	Agriculture, hunting, forestry; animal and reindeer husbandry, fishing and aquaculture; publishing, printing and reproduction of recorded media
Industry classification:	ISIC Rev. 3.1 011, 012, 013, 014, 015, 1531, 050, 0501, 0502, 221, 222, 323, 324, CPC 882, 88442
Type of reservation:	Market access National treatment Most-favoured-nation treatment <u>Prohibition of performance requirements</u> Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services
Level of government:	EU/Member State(unless otherwise specified)

Description:

**(a) Agriculture, hunting and forestry (ISIC Rev. 3.1 011, 012, 013, 014, 015, 1531)**

With respect to Investment liberalisation – Prohibition of performance requirements:

The **EU**: The intervention agencies designated by the Member States of the European Union shall buy cereals which have been harvested in the European Union. No export refund shall be granted on rice imported from and re-exported to any third country. Only European Union rice producers may claim compensatory payments.

*Measures:*

**EU**: Regulation 2007/1234/EC of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation).

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

In **IE**: Establishment by foreign residents in flour milling activities is subject to authorisation (ISIC Rev. 3.1 1531).

*Measures:*

**IE**: Agriculture Produce (Cereals) Act, 1933.

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

In **FI**: Only nationals of a Member State of the EEA resident in the reindeer herding area may own reindeer and practice reindeer husbandry. Exclusive rights may be granted.

*Measures:*

**FI**: Poronhoitolaki (Reindeer Husbandry Act) (848/1990), Chapter 1, s. 4, Protocol 3 to the Accession Treaty of Finland.

In **FR**: Prior authorisation is required in order to become a member or act as a director of an agricultural cooperative (ISIC Rev. 3.1 011, 012, 013, 014, 015).

*Measures:*

**FR**: Code rural et de la pêche maritime: Article R331-1 on installation and Article L. 529-2 on agricultural cooperatives.

In **SE**: Only Sami people may own and practice reindeer husbandry.

*Measures:*

**SE**: Reindeer Husbandry Act (1971:437), paragraph 1.

**(b) Fishing and aquaculture (ISIC Rev. 3.1 050, 0501, 0502, CPC 882)**

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

In **FR**: A French vessel flying the French flag may be issued a fishing authorisation or may be allowed to fish on the basis of national quotas only when a real economic link on the territory of the France is established and the vessel is directed and controlled from a permanent establishment located on the territory of France (ISIC Rev. 3.1 050, CPC 882).

*Measures:*

**FR**: Code rural et de la pêche maritime: Article L921-3.

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

In **SE**: Professional fishing is fishing with a professional fishing licence or fishing by foreign fishermen holding a specific permit to fish professionally in Swedish territorial waters or in the Swedish economic zone. A professional fishing licence may be given to a fisherman for whom fishing is essential to his living and where the fishing has a connection to the Swedish fishing industry. A connection to Swedish fishing industry could for example be demonstrated if the fishermen lands half his catch during a calendar year (in value) in Sweden, if half the fishing trips depart from a Swedish harbour or half of the fishermen in the fleet are domiciled in Sweden.

For vessels over five meters, a vessel permit is needed together with the professional fishing licence. A permit is granted if, among other things, the vessel is registered in the national registry, the vessel has a real economic connection to Sweden, the permit holder is a fisherman with a professional fishing licence and if the commander of the vessel is a fisherman with a professional fishing licence.



The commander of a fishing vessel over 20 gross tonnages shall be a national of a Member State of the EEA. Exemptions may be granted by the Swedish Transport Agency.

A ship shall be deemed Swedish and can carry the Swedish flag if more than half is owned by Swedish citizens or juridical persons. The Government may permit foreign vessels to fly the Swedish flag where their operations are under Swedish control or the owner can demonstrate that he has his permanent residency in Sweden. Vessels which are 50 per cent owned by nationals of a Member State of the EEA or companies having their registered office, central administration or principal place of business in the EEA and whose operation is controlled from Sweden, may also be registered in the Swedish register (ISIC Rev. 3.1 0501, 3.1 0502, CPC 882).

*Measures:*

**SE:** Maritime Law (1994:1009);

Fisheries Act (1993:787);

Ordinance for fishing, aquaculture and the fishing industry (1994:1716);

The Fishing Regulations of the National Board of Fisheries (2004:25); and

The Ship Security Regulation (2003:438).

(c) **Manufacturing - Publishing, printing and reproduction of recorded media (ISIC Rev. 3.1 221, 222, 323, 324, CPC 88442)**

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

In **LV**: Only legal persons incorporated in Latvia, and natural persons of Latvia have the right to found and publish mass media. Branches are not allowed (CPC 88442).

*Measures:*

**LV**: Law on the Press and Other Mass Media, s. 8.

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

In **DE** (applies also to the regional level of government): Each publicly distributed or printed newspaper, journal, or periodical must clearly indicate a "responsible editor" (the full name and address of a natural person). The responsible editor may be required to be a permanent resident of Germany, the European Union or an EEA country. Exceptions may be allowed by the Federal Minister of the Interior (ISIC Rev. 3.1 223, 224).

*Measures:*

**DE**: § 10 Abs. 1 Nr. 4 Landesmediengesetz (LMG) Rheinland-Pfalz v. 4. Februar 2005, GVBl. S. 23;

§ 9 Abs. 1 Nr. 1 Gesetz über die Presse Baden-Württemberg (LPG BW) v. 14 Jan. 1964, GBl. S.11;

§ 9 Abs. 1 Nr. 1 Pressegesetz für das Land Nordrhein-Westfalen (Landespressegesetz NRW) v. 24. Mai 1966 (GV. NRW. S. 340);

§ 8 Abs. 1 Gesetz über die Presse Schleswig-Holstein (PressG SH) vom 25.1.2012, GVOBL. SH S. 266;

§ 7 Abs. 2 Landespressegesetz für das Land Mecklenburg-Vorpommern (LPrG M-V) v. 6 Juni 1993, GVOBl. M-V 1993, S. 541;

§ 8 Abs. 1 Nr. 1 Pressegesetz für das Land Sachsen-Anhalt in der Neufassung vom 2.5.2013 (GVBl. LSA S. 198);

§ 7 Abs. 2 Berliner Pressegesetz (BlnPrG) v. 15 Juni 1965, GVBl. S. 744;

§ 10 Abs. 1 Nr. 1 Brandenburgisches Landspressegesetz (BbgPG) v. 13. Mai 1993, GVBl. I/93, S. 162;

§ 9 Abs. 1 Nr.1 Gesetz über die Presse Bremen (BrPrG), Brem. GBl. 1965, S. 63;

§ 7 Abs. 3 Nr. 1 Hessisches Pressegesetz (HPresseG) v. 12. Dezember 2004, GVBl. 2004 I S.2;

§ 7 Abs. 2 i.V.m § 9 Abs.1 Ziffer 1 Thüringer Pressegesetz (TPG) v. 31. Juli 1991, GVBl. 1991 S. 271;

§ 9 Abs. 1 Nr. 1 Hamburgisches Pressegesetz v. 29. Januar 1965, HmbGVBl., S. 15;

§ 6 Abs. 2 Sächsisches Gesetz über die Presse (SächsPresseG) v. 3. April 1992, SächsGVBl. S. 125;

§ 8 Abs. 2 Niedersächsisches Pressegesetz v. 22. März 1965, GVbl. S.9;

§ 9 Abs. 1 Nr. 1 Saarländisches Mediengesetz (SMG) vom 27. Februar 2002 (Amtsbl. S. 498); and

Article 5 Abs. 2 Bayerisches Pressegesetz in der Fassung der Bekanntmachung v. 19. April 2000 (GVBl, S. 340).

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

In **IT**: In so far as Japan allows Italian nationals and enterprises to conduct these activities, Italy will allow nationals and enterprises of Japan to conduct these activities under the same conditions. In so far as Japan allow Italian investors to own more than 49 per cent of the capital and voting rights in a publishing company of Japan, then Italy will allow investors of Japan to own more than 49 per cent of the capital and voting rights in an Italian publishing company under the same conditions (ISIC Rev. 3.1 221, 222).

*Measures:*

**IT**: Law 416/1981, Article 1 (and subsequent amendments).

With respect to Investment liberalisation – Senior management and boards of directors:

In **PL**: Nationality is required for the editor-in-chief of newspapers and journals (ISIC Rev. 3.1 221, 222).

*Measures:*

**PL**: Act of 26 January 1984 on Press law, Journal of Laws, No. 5, item 24, with subsequent amendments.

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

In **SE**: Natural persons who are owners of periodicals that are printed and published in Sweden must reside in Sweden or be nationals of a Member State of the EEA. Owners of such periodicals who are juridical persons must be established in the EEA. Periodicals that are printed and published in Sweden and technical recordings must have a responsible editor, who must be domiciled in Sweden (ISIC Rev. 3.1 22, CPC 88442).

*Measures:*

**SE**: Freedom of the press act (1949:105);

Fundamental law on Freedom of Expression (1991:1469); and

Act on ordinances for the Freedom of the Press Act and the Fundamental law on Freedom of Expression (1991:1559).

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## Schedule of Japan

### Headnotes

1. This Schedule sets out, in accordance with Articles 8.12, 8.18 and 8.24, the reservations taken by Japan with respect to existing measures that do not conform with the obligations imposed by:
  - (a) Article 8.7 or 8.15;
  - (b) Article 8.8 or 8.16;
  - (c) Article 8.9 or 8.17;
  - (d) Article 8.10; or
  - (e) Article 8.11.

2. Each reservation sets out the following elements:
- (a) "Sector" refers to the general sector in which the reservation is taken;
  - (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
  - (c) "Industry Classification" refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
  - (d) "Obligations Concerned" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
  - (e) "Level of Government" indicates the level of government maintaining the measure for which the reservation is taken;



- (f) "Measures" identifies the existing laws, regulations or other measures for which the reservation is taken. A measure cited in the "Measures" element:
    - (i) means the measure as amended, continued, or renewed as of the date of entry into force of this Agreement; and
    - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
  - (g) "Description" sets out, with regard to the obligations referred to in paragraph 1, the non-conforming aspects of the existing measures for which the reservation is taken.
3. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant provisions of the Sections against which the reservation is taken, and the "Measures" element shall prevail over all the other elements.

4. With respect to financial services:

- (a) for prudential reasons within the context of Article 8.65, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with a regulatory framework aimed at achieving those prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant laws of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws; and
- (b) services supplied in the territory of the European Union to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (d)(ii) of Article 8.2.

5. With respect to maritime transport services, measures affecting cabotage in maritime transport services are not listed in this Schedule, as these are excluded from the scope of Section B of Chapter 8, pursuant to subparagraph 2(a) of Article 8.6 and Section C of Chapter 8, pursuant to subparagraph 2(a) of Article 8.14.
6. Laws and regulations of Japan with regard to spectrum availability affecting obligations under Articles 8.7 and 8.15 are not included in this Schedule of Japan, taking into account the Attachment 6 of Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March, 2001).
7. For the purposes of the Schedule of Japan in this Annex, "JSIC" means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised on 30 October 2013.

1 Sector: Agriculture, Forestry and Fisheries, and Related Services (except fisheries within the territorial sea, internal waters, exclusive economic zone and continental shelf provided for in the reservation No. 11 in the Schedule of Japan in Annex II to Annex 8-B)

Sub-Sector:

Industry JSIC 01 Agriculture

Classification: JSIC 02 Forestry

JSIC 03 Fisheries, except aquaculture

JSIC 04 Aquaculture

JSIC 6324 Agricultural cooperatives

JSIC 6325 Fishery and fishery processing cooperatives

JSIC 871 Agriculture, forestry and fisheries cooperative associations, n.e.c.

Obligations National treatment (Article 8.8)

Concerned:

Level of Central Government

Government:

Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27<sup>1</sup>

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in agriculture, forestry and fisheries, and related services (except fisheries within the territorial sea, internal waters, exclusive economic zone and continental shelf provided for in the reservation No. 11 in the Schedule of Japan in Annex II to Annex 8-B) in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy.<sup>1</sup>
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.

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<sup>1</sup> For greater certainty, absence of reference in this description to "national security", which is referred to in No. 11, 13, 15, 37, 43, 44, 52 and 54 in the Schedule of Japan in this Annex, does not mean that Article 1.5 does not apply to the screening or that Japan waives its right to invoke Article 1.5 to justify the screening.

2	Sector:	Automobile Maintenance Business
	Sub-Sector:	Motor Vehicle Disassembling Repair Business
	Industry	JSIC 89          Automobile maintenance services
	Classification:	
	Obligations	Market access (Article 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Road Vehicle Law (Law No. 185 of 1951), Chapter 6
	Description:	<u>Cross-border trade in services</u>  A person who intends to conduct motor vehicle disassembling repair businesses is required to establish a workplace in Japan and to obtain an approval of the Director-General of the District Transport Bureau having jurisdiction over the district where the workplace is located.

3	Sector:	Business Services	
	Sub-Sector:		
	Industry	JSIC 9111	Employment services
	Classification:	JSIC 9121	Worker dispatching services
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)	
	Level of Government:	Central Government	
	Measures:	<p>Employment Security Law (Law No. 141 of 1947), Chapters 3 and 3-3</p> <p>Law Concerning Securing the Proper Operation of Worker Dispatching Undertakings and Protecting Dispatched Workers (Law No. 88 of 1985), Chapter 2</p> <p>Port Labour Law (Law No. 40 of 1988), Chapter 4</p> <p>Mariner's Employment Security Law (Law No. 130 of 1948), Chapter 3</p> <p>Law Concerning the Improvement of Employment of Construction Workers (Law No. 33 of 1976), Chapters 5 and 6</p>	

Description: Investment liberalisation and Cross-border trade in services

1. A person who intends to supply the following services for enterprises in Japan is required to have an place of business in Japan and to obtain permission from, or to submit notification to, the competent authority, as applicable:
  - (a) private job placement services including fee-charging job placement services for construction workers and job placement services for seafarers; or
  - (b) worker dispatching services including stevedore dispatching services, mariner dispatching services and work opportunities securing services for construction workers.
2. Labour supply services may be supplied only by a labour union which has obtained permission from the competent authority pursuant to the Employment Security law or Mariner's Employment Security Law.



4	Sector:	Collection Agency Services	
	Sub-Sector:		
	Industry	JSIC 6619	Miscellaneous financial auxiliaries
	Classification:	JSIC 7299	Professional services, n.e.c.
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)	
	Level of Government:	Central Government	
	Measures:	Special Measures Law Concerning Credit Management and Collection Business (Law No. 126 of 1998), Articles 3 and 4  Attorney Law (Law No. 205 of 1949), Articles 72 and 73	

Description: Investment liberalisation and Cross-border trade in services

1. A person who intends to supply collection agency services which constitute the practice of law in respect of legal cases is required to be qualified as an attorney-at-law under the laws and regulations of Japan ("Bengoshi"), a legal professional corporation under the laws and regulations of Japan ("Bengoshi-hojin") or a legal person established under the Special Measures Law Concerning Credit Management and Collection Business and to establish an office in Japan.
2. No person may take over and recover other person's credits as business except a legal person established under the Special Measures Law Concerning Credit Management and Collection Business that handles credits pursuant to provisions of that law.

5	Sector:	Construction	
	Sub-Sector:		
	Industry Classification:	JSIC 06	Construction work, general, including public and private construction work
		JSIC 07	Construction work by specialist contractor, except equipment installation work
		JSIC 08	Equipment installation work
	Obligations Concerned:	Market access (Article 8.15)	
	Level of Government:	Central Government	
	Measures:	Construction Business Law (Law No. 100 of 1949), Chapter 2	
		Law Concerning Recycling of Construction Materials (Law No. 104 of 2000), Chapter 5	

Description: Cross-border trade in services

1. A person who intends to conduct construction business is required to establish a place of business in Japan and to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism or from the prefectural governor having jurisdiction over the district where the place of business is located.
2. A person who intends to conduct demolition work business is required to establish a place of business in Japan and to be registered with the prefectural governor having jurisdiction over the district where the place of business is located.

6	Sector:	Distribution Services
	Sub-Sector:	Wholesale Trade Services, Retailing Services, and Commission Agents' Services, Related to Alcoholic Beverages
	Industry	JSIC 5222            Liquors
	Classification:	JSIC 5851            Liquor stores
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)
	Level of Government:	Central Government
	Measures:	Liquor Tax Law (Law No. 6 of 1953), Articles 9 to 11
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>  The number of licences conferred to service suppliers in those Sub-Sectors may be limited, where it is necessary to maintain a supply-demand balance of liquors in order to secure liquor tax revenue (paragraph 11 of Article 10 of the Liquor Tax Law).

7	Sector:	Distribution Services
	Sub-Sector:	Wholesale Trade Services Supplied at Public Wholesale Market
	Industry Classification:	JSIC 521                      Agricultural, animal and poultry farm and aquatic products
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)
	Level of Government:	Central Government
	Measures:	Wholesale Market Law (Law No. 35 of 1971), Articles 9, 10, 15, 17 and 33
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>  The number of licences conferred to wholesale trade service suppliers at public wholesale markets may be limited, in cases where the public wholesale markets set the maximum number of the suppliers in order to secure a proper and sound operation of the public wholesale markets.

8	Sector:	Education Learning Support
	Sub-Sector:	Higher Educational Services
	Industry	JSIC 816                      Institution of higher education
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Fundamental Law of Education (Law No.120 of 2006), Article 6
		School Education Law (Law No. 26 of 1947), Article 2
		Private School Law (Law No. 270 of 1949), Article 3

Description: Investment liberalisation and Cross-border trade in services

1. Higher educational services supplied as formal education in Japan are required to be supplied by formal education institutions. Formal education institutions must be established by school juridical persons.
2. "Formal education institutions" means elementary schools, lower secondary schools, secondary schools, compulsory education schools, upper secondary schools, universities, junior colleges, colleges of technology, schools for special needs education, kindergartens and integrated centres for early childhood education and care.
3. "School juridical person" means a non-profit legal person established for the purposes of supplying educational services under the laws and regulations of Japan.



9	Sector:	Financial Services
	Sub-Sector:	Banking and Other Financial Services (excluding Insurance and Insurance-Related Services)
	Industry	JSIC 622                      Banks, except central bank
	Classification:	JSIC 631                      Financial institutions for small-businesses
	Obligations Concerned:	National treatment (Article 8.8)
	Level of Government:	Central Government
	Measures:	Deposit Insurance Law (Law No. 34 of 1971), Article 2
	Description:	<u>Investment liberalisation</u>  The deposit insurance system does not cover deposits taken by branches of foreign banks.

10	Sector:	Financial Services	
	Sub-Sector:	Insurance and Insurance-Related Services	
	Industry	JSIC 672	Non-life insurance institutions
	Classification:	JSIC 6742	Non-life insurance agents and brokers
	Obligations Concerned:	Market access (Article 8.15)	
	Level of Government:	Central Government	
	Measures:	Insurance Business Law (Law No.105 of 1995), Articles 185, 186, 275, 276, 277, 286 and 287	
		Cabinet Order for Enforcement of Insurance Business Law (Cabinet Order No. 425 of 1995), Articles 19 and 39-2	
		Ministerial Ordinance for Enforcement of Insurance Business Law (Ministerial Ordinance of the Ministry of Finance No. 5 of 1996), Articles 116 and 212-6	

Description: Cross-border trade in services

Commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:

- (a) goods being transported within Japan; and
- (b) ships of Japanese registration which are not used for international maritime transport.

11	Sector:	Heat Supply	
	Sub-Sector:		
	Industry	JSIC 3511	Heat supply
	Classification:		
	Obligations	National treatment (Article 8.8)	
	Concerned:		
	Level of	Central Government	
	Government:		
	Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <sup>1</sup>	
		Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3	

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in the heat supply industry in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.

12	Sector:	Information and Communications	
	Sub-Sector:	Telecommunications	
	Industry Classification:	JSIC 3700	Head offices primarily engaged in managerial operations
		JSIC 3711	Regional telecommunications, except wired broadcast telephones
		JSIC 3731	Services incidental to telecommunications
	Obligations Concerned:	Market access (Article 8.7)	
		National treatment (Article 8.8)	
		Senior management and boards of directors (Article 8.10)	
	Level of Government:	Central Government	
	Measures:	Law Concerning Nippon Telegraph and Telephone Corporation, Etc. (Law No. 85 of 1984), Articles 6 and 10	

Description: Investment liberalisation

1. Nippon Telegraph and Telephone Corporation may not enter the name and address in its register of shareholders if the aggregate of the ratio of the voting rights directly or indirectly held by the persons set forth in subparagraphs (a) to (c) reaches or exceeds one-third:
  - (a) a natural person who does not have Japanese nationality;
  - (b) a foreign government or its representative; and
  - (c) a foreign legal person or a foreign entity.
2. Any natural person who does not have Japanese nationality may not assume the office of director or auditor of Nippon Telegraph and Telephone Corporation, Nippon Telegraph and Telephone East Corporation and Nippon Telegraph and Telephone West Corporation.

13	Sector:	Information and Communications	
	Sub-Sector:	Telecommunications and Internet Based Services	
	Industry Classification <sup>1</sup> :	JSIC 3711*	Regional telecommunications, except wired broadcast telephones
		JSIC 3712*	Long-distance telecommunications
		JSIC 3719*	Miscellaneous fixed telecommunications
		JSIC 3721*	Mobile telecommunications
		JSIC 401*	Services incidental to Internet
	Obligations Concerned:	National treatment (Article 8.8)	
	Level of Government:	Central Government	
	Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <sup>2</sup>  Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3	

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<sup>1</sup> An asterisk (\*) on the JSIC numbers indicates that the activities covered by this reservation under such numbers are limited to the activities which are subject to the registration obligation under Article 9 of the Telecommunications Business Law (Law No. 86 of 1984).

<sup>2</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.



Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in telecommunications business and internet based services in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.

14	Sector:	Manufacturing
	Sub-Sector:	Shipbuilding and Repairing, and Marine Engines
	Industry Classification:	JSIC 3131 Shipbuilding and repairing
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)
	Level of Government:	Central Government
	Measures:	Shipbuilding Law (Law No. 129 of 1950), Articles 2 to 3-2
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>  A person who intends to establish or extend docks, which can be used to manufacture or repair vessels of 500 gross tonnage or more or 50 metres in length or more, is required to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism. The issuance of a licence is subject to the requirements of an economic needs test.

15	Sector:	Manufacturing
	Sub-Sector:	Drugs and Medicines Manufacturing
	Industry	JSIC 1653            Biological preparations
	Classification:	
	Obligations	National treatment (Article 8.8)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <sup>1</sup>  Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in biological preparations manufacturing industry in Japan. For greater certainty, "biological preparations manufacturing industry" deals with economic activities in premises which produce vaccine, serum, toxoid, antitoxin and some preparations similar to the aforementioned products or blood products.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.

16	Sector:	Manufacturing	
	Sub-Sector:	Leather and Leather Products Manufacturing	
	Industry	JSIC 1189*1	Textile apparel and accessories, n.e.c.
	Classification <sup>1</sup> :	JSIC 1694*2	Gelatine and adhesives
		JSIC 192	Rubber and plastic footwear and its findings
		JSIC 2011	Leather tanning and finishing
		JSIC 2021	Mechanical leather products, except gloves and mittens
		JSIC 2031	Cut stock and findings for boots and shoes
		JSIC 2041	Leather footwear
		JSIC 2051	Leather gloves and mittens
		JSIC 2061	Baggage
		JSIC 207	Handbags and small leather cases
		JSIC 2081	Fur skins
		JSIC 2099	Miscellaneous leather products
		JSIC 3253*1	Sporting and athletic goods

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<sup>1</sup> An asterisk (\*1) on the JSIC numbers indicates that the activities covered by this reservation under such numbers are limited to the activities related to leather and leather products manufacturing. An asterisk (\*2) on the JSIC number indicates that the activities covered by this reservation under such number are limited to the activities related to animal glue (nikawa) and gelatine manufacturing.

Obligations Concerned:	National treatment (Article 8.8)
Level of Government:	Central Government
Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <sup>1</sup>  Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in leather and leather products manufacturing industry in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy.<sup>1</sup>
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.

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<sup>1</sup> For greater certainty, absence of reference in this description to "national security", which is referred to in No. 11, 13, 15, 37, 43, 44, 52 and 54 in the Schedule of Japan in this Annex, does not mean that Article 1.5 does not apply to the screening or that Japan waives its right to invoke Article 1.5 to justify the screening.

17	Sector:	Matters Related to the Nationality of a Ship
	Sub-Sector:	
	Industry	
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	National treatment (Articles 8.8 and 8.16)
		Senior management and boards of directors (Article 8.10)
	Level of	Central Government
	Government:	
	Measures:	Ship Law (Law No.46 of 1899), Article 1



Description: Investment liberalisation and Cross-border trade in services

1. Nationality requirement applies to the supply of international maritime transport services (including services of passenger transportation and freight transportation) through establishment of a registered company operating a fleet flying the flag of Japan.
2. "Nationality requirement" means that the ship is required to be owned by a Japanese national, or a company established under the laws and regulations of Japan, of which all the representatives and not less than two-thirds of the executives administering the affairs are Japanese nationals.

18	Sector:	Measuring Services	
	Sub-Sector:		
	Industry	JSIC 7441	Commodity inspection service
	Classification:	JSIC 745	Surveyor certification
	Obligations Concerned:	Market access (Article 8.15)	
	Level of Government:	Central Government	
	Measures:	<p>Measurement Law (Law No. 51 of 1992), Chapters 3, 5, 6 and 8</p> <p>Regulations on Measurement Law (Ministerial Ordinance of the Ministry of International Trade and Industry No. 69 of 1993)</p> <p>Ministerial Ordinance for Designated Inspection Body, Designated Verification Body, Designated Measurement Certification Inspection Body and Specified Measurement Certification Accreditation Body (Ministerial Ordinance of the Ministry of International Trade and Industry No. 72 of 1993)</p>	

Description<sup>1</sup>: Cross-border trade in services

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<sup>1</sup> For the purposes of this reservation:

- (a) "measuring instruments" means appliances, machines or equipment used for measurement;
- (b) "specified measuring instruments" means measuring instruments used in transactions or certifications, or measuring instruments principally for use in the life of general consumers, and those specified by a Cabinet Order as necessary to establish standards relating to their structure and instrumental error in order to ensure proper execution of measurements;
- (c) "measurement certification businesses" under the requirement described in paragraph 3 are listed in the following and the registration shall be in accordance with the business classification specified by the Ordinance of the Ministry of Economy, Trade and Industry:
  - (i) the business of measurement certifications of length, weight, area, volume or heat concerning goods to be loaded/unloaded or entered/dispatched for transportation, deposit or sale or purchase (excluding the measurement certifications of mass or volume of goods to be loaded on or unloaded from ship); and
  - (ii) the business of measurement certifications of concentration, sound pressure level or the quantity of other physical phenomena specified by a Cabinet Order (excluding what is listed in (i));  
however, this requirement does not apply to the case where a person engaged in the measurement certification business is a national government, a local government, or an incorporated administrative agency prescribed by paragraph 1 of Article 2 of the Law on General Rules for Incorporated Administrative Agency (Law No. 103 of 1999) who is designated by a Cabinet Order as competent to appropriately perform the measurement certification business, or where the measurement certification business is performed by a person who has been registered or designated or received any other disposition to conduct that business pursuant to the provision of the law specified by that Cabinet Order; and
- (d) "specified measurement certification business" means the business specified by a Cabinet Order as these requiring high levels of technology to certify measurement of considerably tiny quantities of physical phenomena prescribed in subparagraph (c)(ii).

...[Annex 8-B]/en 265

1. A person who intends to supply services of conducting the periodic inspection of specified measuring instruments is required to establish a legal person in Japan and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct that inspection, or by the mayor of a designated city or the chief of a designated ward or village in case the place where the person intends to conduct that inspection is located within the district of that designated city, ward or village.
2. A person who intends to supply services of conducting the verification of specified measuring instruments is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.
3. A person who intends to conduct measurement certification business, including specified measurement certification business, is required to have a place of business in Japan and to be registered with the prefectural governor having jurisdiction over the district where the place of business is located.

4. A person who intends to supply services of conducting the inspection of specified measuring instruments used for the measurement certification is required to establish a legal person in Japan and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct that inspection.
5. A person who intends to supply services of conducting the accreditation for a person engaged in specified measurement certification business is required to establish a legal person in Japan, and to be designated by the Minister of Economy, Trade and Industry.
6. A person who intends to supply services of conducting the calibration of measuring instruments is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.

19	Sector:	Medical, Health Care and Welfare
	Sub-Sector:	
	Industry Classification:	JSIC 8599                      Miscellaneous social insurance, social welfare and care services
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)
	Level of Government:	Central Government
	Measures:	Law Concerning Collection of Labour Insurance Premium (Law No. 84 of 1969), Chapter 4  Enforcement Regulations for the Law Concerning Collection of Labour Insurance Premium (Ministerial Ordinance of the Ministry of Labour No. 8 of 1972)

Description: Investment liberalisation and Cross-border trade in services

Only an association of business proprietors or a federation of those associations approved by the Minister of Health, Labour and Welfare under the laws and regulations of Japan may conduct labour insurance businesses entrusted by business proprietors. An association which intends to conduct those labour insurance businesses under the laws and regulations of Japan is required to establish an office in Japan, and to obtain the approval of the Minister of Health, Labour and Welfare.

...[Annex 8-B]/en 269

20	Sector:	Mining and Services incidental to Mining
	Sub-Sector:	
	Industry	JSIC 05 Mining and quarrying of stone and gravel
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	National treatment (Articles 8.8 and 8.16)
	Level of	Central Government
	Government:	
	Measures:	Mining Law (Law No. 289 of 1950), Chapters 2 and 3
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> Only a Japanese national or an enterprise of Japan may have mining rights or mining lease rights. <sup>1</sup>

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<sup>1</sup> Services requiring mining rights or mining lease rights are required to be supplied by a Japanese national or an enterprise established under the laws and regulations of Japan, in accordance with the Chapters 2 and 3 of the Mining Law.



21	Sector:	Oil Industry	
	Sub-Sector:		
	Industry	JSIC 053	Crude petroleum and natural gas production
	Classification <sup>1</sup> :	JSIC 1711	Petroleum refining
		JSIC 1721	Lubricating oils and greases (not made in petroleum refineries)
		JSIC 1741*1	Paving materials
		JSIC 1799*1	Miscellaneous petroleum and coal products
		JSIC 4711*1	Ordinary warehousing, except refrigerated warehousing
		JSIC 4721*1	Refrigerated warehousing
		JSIC 5331	Petroleum
		JSIC 6051	Petrol stations (gasoline service stations)
		JSIC 6052*1	Fuel stores, except gasoline service stations
		JSIC 9299*2	Miscellaneous business services, n.e.c.

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<sup>1</sup> An asterisk (\*1) on the JSIC numbers indicates that the activities covered by this reservation under such numbers are limited to those related to the oil industry. An asterisk (\*2) on the JSIC number indicates that the activities covered by this reservation under such number are limited to those related to the liquefied petroleum gas industry.

Obligations Concerned:	National treatment (Article 8.8)
Level of Government:	Central Government
Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <sup>1</sup>  Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in the oil industry in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy.<sup>1</sup>
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
4. All organic chemicals such as ethylene, ethylene glycol and polycarbonates are outside the scope of the oil industry. Therefore, prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law do not apply to the investments in the manufacture of these products.

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<sup>1</sup> For greater certainty, absence of reference in this description to "national security", which is referred to in No.11, 13, 15, 37, 43, 44, 52 and 54 in the Schedule of Japan in this Annex, does not mean that Article 1.5 does not apply to the screening or that Japan waives its right to invoke Article 1.5 to justify the screening.

22	Sector:	Professional Services
	Sub-Sector:	
	Industry	JSIC 7211              Lawyers' offices
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Attorney Law (Law No. 205 of 1949), Chapters 3, 4, 4-2, 5 and 9
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> <ol style="list-style-type: none"> <li>1. A natural person who intends to supply legal services is required to be qualified as an attorney-at-law under the laws and regulations of Japan ("Bengoshi") and to establish an office within the district of the local bar association to which the natural person belongs.</li> <li>2. An enterprise which intends to supply legal services is required to establish a legal professional corporation under the laws and regulations of Japan ("Bengoshi-Hojin").</li> </ol>

23 Sector: Professional Services  
Sub-Sector:  
Industry JSIC 7211 Lawyers' offices  
Classification:  
Obligations Market access (Articles 8.7 and 8.15)  
Concerned:  
Level of Central Government  
Government:  
Measures: Law on Special Measures Concerning the Handling of Legal Services by  
Foreign Lawyers (Law No. 66 of 1986), Chapters 2, 4 and 5

Description: Investment liberalisation and Cross-border trade in services

1. A natural person who intends to supply legal advisory services concerning foreign laws is required to be qualified as a registered foreign lawyer under the laws and regulations of Japan ("Gaikokuho-Jimu-Bengoshi") and to establish an office within the district of the local bar association to which the natural person belongs.
2. Gaikokuho-Jimu-Bengoshi under the laws and regulations of Japan is required to stay in Japan for not less than 180 days per year.
3. An enterprise which intends to supply legal advisory services concerning foreign laws is required to establish a registered foreign lawyer corporation under the laws and regulations of Japan ("Gaikokuho-Jimu-Bengoshi-Hojin").

24	Sector:	Professional Services
	Sub-Sector:	
	Industry	JSIC 7212          Patent attorneys' offices
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Patent Attorney Law (Law No. 49 of 2000), Chapters 3, 6 and 8
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>
		<ol style="list-style-type: none"> <li>1. A natural person who intends to supply patent attorney services is required to be qualified as a patent attorney under the laws and regulations of Japan ("Benrishi").</li> <li>2. An enterprise which intends to supply patent attorney services is required to establish a patent business corporation under the laws and regulations of Japan ("Tokkyo-Gyomu-Hojin").</li> </ol>

25	Sector:	Professional Services
	Sub-Sector:	
	Industry	JSIC 7221            Notaries public's and judicial scriveners' offices
	Classification:	
	Obligations	Market access (Article 8.15)
	Concerned:	National treatment (Article 8.16)
	Level of	Central Government
	Government:	
	Measures:	Notary Law (Law No. 53 of 1908), Chapters 2 and 3
	Description:	<u>Cross-border trade in services</u>
		<ol style="list-style-type: none"> <li>1. Only a Japanese national may be appointed as a notary in Japan.</li> <li>2. The notary is required to establish an office in the place designated by the Minister of Justice.</li> </ol>



26	Sector:	Professional Services
	Sub-Sector:	
	Industry	JSIC 7221                      Notaries public's and judicial scriveners' offices
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Judicial Scrivener Law (Law No. 197 of 1950), Chapters 3, 4, 5, 7 and 10
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>
		<ol style="list-style-type: none"> <li>1. A natural person who intends to supply judicial scrivener services is required to be qualified as a judicial scrivener under the laws and regulations of Japan ("Shiho-Shoshi") and to establish an office within the district of the judicial scrivener association to which the natural person belongs.</li> <li>2. An enterprise which intends to supply judicial scrivener services is required to establish a judicial scrivener corporation under the laws and regulations of Japan ("Shiho-Shoshi-Hojin").</li> </ol>

27	Sector:	Professional Services
	Sub-Sector:	
	Industry	JSIC 7241 Certified public accountants' offices
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Certified Public Accountant Law (Law No. 103 of 1948), Chapters 3, 5-2 and 7
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>
		<ol style="list-style-type: none"> <li>1. A natural person who intends to supply certified public accountants services is required to be qualified as a certified public accountant under the laws and regulations of Japan ("Koninkaikeishi").</li> <li>2. An enterprise which intends to supply certified public accountants services is required to establish an audit corporation under the laws and regulations of Japan ("Kansa-Hojin").</li> </ol>

28	Sector:	Professional Services
	Sub-Sector:	
	Industry	JSIC 7242 Certified tax accountants' offices
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Certified Public Tax Accountant Law (Law No. 237 of 1951), Chapters 3, 4, 5-2, 6 and 7 Enforcement Regulation on Certified Public Tax Accountant Law (Ministerial Ordinance of the Ministry of Finance No. 55 of 1951)
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> <ol style="list-style-type: none"> <li>1. A natural person who intends to supply certified public tax accountant services is required to be qualified as a certified public tax accountant under the laws and regulations of Japan ("Zeirishi") and to establish an office within the district of the certified public tax accountant association to which the natural person belongs.</li> <li>2. An enterprise which intends to supply certified public tax accountant services is required to establish a certified public tax accountant corporation under the laws and regulations of Japan ("Zeirishi-Hojin").</li> </ol>

29	Sector:	Professional Services	
	Sub-Sector:		
	Industry	JSIC 7231	Administrative scriveners' offices
	Classification:	JSIC 7294	Certified real estate appraisers
		JSIC 7299	Professional services, n.e.c.
		JSIC 7421	Architectural design services
	Obligations	Market access (Article 8.15)	
	Concerned:		
	Level of	Central Government	
	Government:		
	Measures:	Architect and/or Building Engineer Law (Law No. 202 of 1950), Chapters 1, 2 and 6	
	Description:	<u>Cross-border trade in services</u>	
		<p>An architect or building engineer, qualified as an architect or building engineer under the laws and regulations of Japan ("Kenchikushi"), or a person employing such an architect or building engineer, who intends to conduct business of design, superintendence of construction work, administrative work related to construction work contracts, supervision of building construction work, survey and evaluation of buildings, and representation in procedures under the laws and regulations of Japan concerning construction, upon request from others for remuneration, is required to establish an office in Japan.</p>	

30	Sector:	Professional Services
	Sub-Sector:	
	Industry Classification:	JSIC 7251 Certified social insurance and labour consultants' offices
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)
	Level of Government:	Central Government
	Measures:	Certified Social Insurance and Labour Consultant Law (Law No. 89 of 1968), Chapters 2-2, 4-2, 4-3 and 5
	Description:	<p><u>Investment liberalisation and Cross-border trade in services</u></p> <ol style="list-style-type: none"> <li>1. A natural person who intends to supply social insurance and labour consultant services is required to be qualified as a certified social insurance and labour consultant under the laws and regulations of Japan ("Shakai-Hoken-Romushi") and to establish an office in Japan.</li> <li>2. An enterprise which intends to supply social insurance and labour consultant services is required to establish a certified social insurance and labour consultant corporation under the laws and regulations of Japan ("Shakai-Hoken-Romushi-Hojin").</li> </ol>

31	Sector:	Professional Services
	Sub-Sector:	
	Industry	JSIC 7231 Administrative scriveners' offices
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Administrative Scrivener Law (Law No. 4 of 1951), Chapters 3 to 5 and 8
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>
		<ol style="list-style-type: none"> <li>1. A natural person who intends to supply administrative scrivener services is required to be qualified as an administrative scrivener under the laws and regulations of Japan ("Gyosei-Shoshi") and to establish an office within the district of the administrative scrivener association to which the natural person belongs.</li> <li>2. An enterprise which intends to supply administrative scrivener services is required to establish an administrative scrivener corporation under the laws and regulations of Japan ("Gyosei-Shoshi-Hojin").</li> </ol>

32	Sector:	Professional Services
	Sub-Sector:	
	Industry	JSIC 7299 Professional services, n.e.c.
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Maritime Procedure Agents Law (Law No. 32 of 1951), Article 17
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> Maritime procedure agent services are required to be supplied by a natural person who is qualified as a maritime procedure agent under the laws and regulations of Japan ("Kaijidairishi").

33	Sector:	Professional Services
	Sub-Sector:	
	Industry	JSIC 7222 Land and house surveyors' offices
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Land and House Surveyor Law (Law No. 228 of 1950), Chapters 3, 4, 5, 7 and 10
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>
		<ol style="list-style-type: none"> <li>1. A natural person who intends to supply land and house surveyor services is required to be qualified as a land and house surveyor under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi") and to establish an office within the district of the land and house surveyor association to which the natural person belongs.</li> <li>2. An enterprise which intends to supply land and house surveyor services is required to establish a land and house surveyor corporation under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi-Hojin").</li> </ol>



34	Sector:	Real Estate	
	Sub-Sector:		
	Industry	JSIC 6811	Sales agents of buildings and houses
	Classification:	JSIC 6812	Land subdividers and developers
		JSIC 6821	Real estate agents and brokers
		JSIC 6941	Real estate managers
	Obligations	Market access (Article 8.15)	
	Concerned:		
	Level of	Central Government	
	Government:		
	Measures:	Building Lots and Buildings Transaction Business Law (Law No. 176 of 1952), Chapter 2	
		Real Estate Syndication Law (Law No. 77 of 1994), Chapters 2 and 4-2	
		Law Concerning Improving Management of Condominiums (Law No. 149 of 2000), Chapter 3	

Description: Cross-border trade in services

1. A person who intends to conduct building lots and buildings transaction business is required to establish an office in Japan and to obtain a licence from the Minister of Land, Infrastructure, Transport and Tourism or from the prefectural governor having jurisdiction over the district where the office is located.
2. A person who intends to conduct real estate syndication business is required to establish an office in Japan and to obtain permission from the competent Minister or from the prefectural governor having jurisdiction over the district where the office is located or to submit notification to the competent Minister.
3. A person who intends to conduct condominiums management business is required to establish an office in Japan and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism.

35 Sector: Real Estate Appraisal Services  
Sub-Sector:  
Industry JSIC 7294 Certified real estate appraisers  
Classification:  
Obligations Market access (Article 8.15)  
Concerned:  
Level of Central Government  
Government:  
Measures: Law Concerning the Appraisal of Real Estate (Law No. 152 of 1963),  
Chapter 3  
Description: Cross-border trade in services

A person who intends to supply real estate appraisal services is required to establish an office in Japan and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism or the prefecture having jurisdiction over the district where the office is located.

36	Sector:	Seafarers
	Sub-Sector:	
	Industry	JSIC 031 Marine fisheries
	Classification:	JSIC 451 Oceangoing transport
		JSIC 452 Coastwise transport
	Obligations	Market access (Article 8.15)
	Concerned:	National treatment (Article 8.16)
	Level of	Central Government
	Government:	
	Measures:	<p>Mariners Law (Law No. 100 of 1947), Chapter 4</p> <p>Official Notification of the Director General of Seafarers Department, Maritime Technology and Safety Bureau of the Ministry of Transport, No. 115, 1990</p> <p>Official Notification of the Director General of Seafarers Department, Maritime Technology and Safety Bureau of the Ministry of Transport, No. 327, 1990</p> <p>Official Notification of the Director General of Maritime Bureau of the Ministry of Land, Infrastructure and Transport, No. 153, 2004</p>
	Description:	<p><u>Cross-border trade in services</u></p> <p>Foreign nationals employed by Japanese enterprises except for the seafarers referred to in the relevant official notifications may not work on vessels flying the Japanese flag.</p>

37	Sector:	Security Guard Services
	Sub-Sector:	
	Industry	JSIC 923                  Guard services
	Classification:	
	Obligations	National treatment (Article 8.8)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <sup>1</sup>  Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in security guard services in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.

38	Sector:	Services Related to Occupational Safety and Health	
	Sub-Sector:		
	Industry	JSIC 7299	Professional services, n.e.c.
	Classification:	JSIC 7441	Commodity inspection services
		JSIC 7452	Environmental surveying certification
		JSIC 8222	Vocational guidance centers
	Obligations Concerned:	Market access (Article 8.15)	
	Level of Government:	Central Government	
	Measures:	<p>Industrial Safety and Health Law (Law No. 57 of 1972), Chapters 5 and 8</p> <p>Ministerial Ordinance for Registration and Designation related to Industrial Safety and Health Law, and Orders based on the Law (Ministerial Ordinance of the Ministry of Labour No. 44 of 1972)</p> <p>Working Environment Measurement Law (Law No. 28 of 1975), Chapters 2 and 3</p> <p>Enforcement Regulation of the Working Environment Measurement Law (Ministerial Ordinance of the Ministry of Labour No. 20 of 1975)</p>	

Description: Cross-border trade in services

A person who intends to supply inspection or verification services for working machines, skill training courses, and other related services in connection with occupational safety and health, or working environment measurement services is required to be resident or to establish an office in Japan, and to be registered with the Minister of Health, Labour and Welfare or Director-General of the Prefectural Labour Bureau.



39	Sector:	Surveying Services
	Sub-Sector:	
	Industry	JSIC 7422            Surveying services
	Classification:	
	Obligations	Market access (Article 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Survey Law (Law No. 188 of 1949), Chapter 6
	Description:	<u>Cross-border trade in services</u>  A person who intends to supply surveying services is required to establish a place of business in Japan and to be registered with the Minister of Land, Infrastructure, Transport and Tourism.

40	Sector:	Business Services
	Sub-Sector:	Registration of Aircraft in the National Register
	Industry	
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	National treatment (Articles 8.8 and 8.16)
		Senior management and boards of directors (Article 8.10)
	Level of	Central Government
	Government:	
	Measures:	Civil Aeronautics Law (Law No. 231 of 1952), Chapter 2

Description: Investment liberalisation and Cross-border trade in services

1. An aircraft owned by any of the following natural persons or entities may not be registered in the national register:
  - (a) a natural person who does not have Japanese nationality;
  - (b) a foreign country, or a foreign public entity or its equivalent;
  - (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and
  - (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which one-third or more of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which one-third or more of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).
2. A foreign aircraft may not be registered in the national register.

41	Sector:	Transport
	Sub-Sector:	Customs Brokerage
	Industry	JSIC 4899 Services incidental to transport, n.e.c.
	Classification:	
	Obligations	Market access (Article 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Customs Brokerage Law (Law No. 122 of 1967), Chapter 2
	Description:	<u>Cross-border trade in services</u>  A person who intends to conduct customs brokerage business is required to have a place of business in Japan and to obtain permission of the Director-General of Customs having jurisdiction over the district where the person intends to conduct customs brokerage business.

42	Sector:	Transport
	Sub-Sector:	Freight Forwarding Business (excluding freight forwarding business using air transportation)
	Industry	JSIC 4441 Collect-and-deliver freight transport
	Classification:	JSIC 4821 Deliver freight transport, except collect-and-deliver freight transport
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	National treatment (Articles 8.8 and 8.16) Most-favoured-nation treatment (Articles 8.9 and 8.17) Senior management and boards of directors (Article 8.10)
	Level of Government:	Central Government
	Measures:	Freight Forwarding Business Law (Law No. 82 of 1989), Chapters 2 to 4 Enforcement Regulation of Freight Forwarding Business Law (Ministerial Ordinance of the Ministry of Transport No. 20 of 1990), Chapters 3 to 5

Description: Investment liberalisation and Cross-border trade in services

1. The following natural persons or entities are required to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism for conducting freight forwarding business using international shipping. That registration shall be made, or that permission or approval shall be granted, on the basis of reciprocity:
  - (a) a natural person who does not have Japanese nationality;
  - (b) a foreign country, or a foreign public entity or its equivalent;
  - (c) a legal person or other entity constituted under the laws and regulations of any foreign country; and
  - (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which one-third or more of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which one-third or more of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).
2. A person who intends to conduct freight forwarding business is required to establish an office in Japan, and to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism.

43	Sector:	Transport
	Sub-Sector:	Railway Transport
	Industry	JSIC 421            Railway transport
	Classification:	JSIC 4851           Railway facilities services
	Obligations	National treatment (Article 8.8)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <sup>1</sup>
		Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in railway transport industry in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
4. The manufacture of vehicles or parts and components for the railway transport industry is not included in railway transport industry. Therefore, the prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law do not apply to the investments in the manufacture of these products.



44	Sector:	Transport
	Sub-Sector:	Road Passenger Transport
	Industry	JSIC 4311            Common omnibus operators
	Classification:	
	Obligations	National treatment (Article 8.8)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <sup>1</sup>  Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in the omnibus industry in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
4. The manufacture of vehicles or parts and components for the omnibus industry is not included in the omnibus industry. Therefore, the prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law do not apply to the investments in the manufacture of these products.

45	Sector:	Transport
	Sub-Sector:	Road Transport
	Industry	JSIC 431 Common omnibus operators
	Classification:	JSIC 432 Common taxicab operators
		JSIC 433 Contracted omnibus operators
		JSIC 4391 Motor passenger transport (particularly-contracted)
		JSIC 441 Common motor trucking
		JSIC 442 Motor trucking(particularly-contracted)
		JSIC 443 Mini-sized vehicle freight transport
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)
	Level of Government:	Central Government
	Measures:	Road Transport Law (Law No. 183 of 1951), Chapter 2  Special Measures Law concerning the proper management and revitalisation of the taxi business in specified and sub-specified regions (Law No.64 of 2009), Chapters 2 and 7 (hereinafter referred to in this reservation as "the Law")  Trucking Business Law (Law No. 83 of 1989), Chapter 2

Description: Investment liberalisation and Cross-border trade in services

1. A person who intends to conduct road passenger transport business or road freight transport business is required to establish a place of business in Japan, and to obtain permission of, or to submit notification to, the Minister of Land, Infrastructure, Transport and Tourism.
2. In respect of common taxicab operators business, the Minister of Land, Infrastructure, Transport and Tourism may not grant permission to a person who intends to conduct the businesses, or may not approve a modification of the business plan of those businesses in the "specified regions" and in the "semi-specified regions" designated by the Minister of Land, Infrastructure, Transport and Tourism. That permission may be granted, or that modification of the business plan may be approved with respect to "semi-specified regions" when the standards set out in the Law are met, including those that the capacity of common taxicab operators businesses in that region does not exceed the volumes of the traffic demand. That designation would be made when the capacity of common taxicab transportation businesses in that region exceeds or is likely to exceed the volumes of traffic demand to the extent that it would become difficult to secure the safety of transportation and the benefits of passengers.

3. In respect of common motor trucking business or motor trucking business (particularly-contracted), the Minister of Land, Infrastructure, Transport and Tourism may not grant permission to a person who intends to conduct the businesses, or may not approve a modification of the business plan of those businesses, in "the emergency supply/demand adjustment area" designated by the Minister of Land, Infrastructure, Transport and Tourism. That designation would be made when the capacity of common motor trucking businesses or motor trucking businesses (particularly-contracted) in that area has significantly exceeded the volumes of transportation demand to the extent that the operation of those businesses would become difficult.

46	Sector:	Transport
	Sub-Sector:	Services Incidental to Transport
	Industry	JSIC 4852      Fixed facilities for road transport
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Road Transport Law (Law No. 183 of 1951), Chapter 4
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>  A person who intends to conduct motorway businesses is required to obtain a licence from the Minister of Land, Infrastructure, Transport and Tourism. The issuance of a licence is subject to an economic needs test, such as whether the proposed motorway is appropriate in scale compared with the volume and nature of traffic demand in the proposed area.

47	Sector:	Transport
	Sub-Sector:	Services Incidental to Transport
	Industry	
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	National treatment (Article 8.16)
	Level of	Central Government
	Government:	
	Measures:	Pilotage Law (Law No. 121 of 1949), Chapters 2 to 4
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>
		<ol style="list-style-type: none"> <li>1. Only a Japanese national may become a pilot in Japan.</li> <li>2. Pilots directing ships in the same pilotage district are required to establish a pilot association for the pilotage district.</li> </ol>

48	Sector:	Transport
	Sub-Sector:	Water Transport
	Industry	JSIC 451                      Oceangoing transport
	Classification:	
	Obligations	Market access (Article 8.15)
	Concerned:	National treatment (Article 8.16)
		Most-favoured-nation treatment (Article 8.17)
	Level of	Central Government
	Government:	
	Measures:	Law Concerning Special Measures against Unfavourable Treatment to Japanese Oceangoing Ship Operators by Foreign Government (Law No. 60 of 1977)
	Description:	<u>Cross-border trade in services</u>
		Oceangoing ship operators of a Member State of the European Union may be restricted or prohibited from entering Japanese ports or from loading and unloading cargoes in Japan in cases where Japanese oceangoing ship operators are prejudiced by the Member State of the EU.



49	Sector:	Transport
	Sub-Sector:	Water Transport
	Industry	JSIC 4542            Coastwise ship leasing
	Classification:	
	Obligations	National treatment (Article 8.8)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <sup>1</sup>  Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in water transport industry in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which significant adverse effect is brought to the smooth operation of the Japanese economy.<sup>1</sup>
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
4. For the purposes of this reservation, "water transport industry" refers to coastwise ship leasing industry.

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<sup>1</sup> For greater certainty, absence of reference in this description to "national security", which is referred to in No. 11, 13, 15, 37, 43, 44, 52 and 54 in the Schedule of Japan in this Annex, does not mean that Article 1.5 does not apply to the screening or that Japan waives its right to invoke Article 1.5 to justify the screening.

50	Sector:	Transport
	Sub-Sector:	Water Transport
	Industry	
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	National treatment (Articles 8.8 and 8.16)
		Most-favoured-nation treatment (Articles 8.9 and 8.17)
	Level of	Central Government
	Government:	
	Measures:	Ship Law (Law No. 46 of 1899), Article 3
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> Unless otherwise specified in the laws and regulations of Japan, or international agreements to which Japan is a party, ships not flying the Japanese flag are prohibited from entering the ports in Japan which are not open to foreign commerce.

51	Sector:	Vocational Skills Test
	Sub-Sector:	
	Industry	
	Classification:	
	Obligations	Market access (Articles 8.7 and 8.15)
	Concerned:	
	Level of	Central Government
	Government:	
	Measures:	Human Resources Development Promotion Law (Law No. 64 of 1969), Chapter 5
	Description:	<u>Investment liberalisation and Cross-border trade in services</u>  Some of specific type of non-profit organisation (the employers' organisations, their federations, general incorporated associations, general incorporated foundations, incorporated labour unions or miscellaneous incorporated non-profit organisations) can supply the service. Those organisations which intend to carry out the vocational skills test for workers are required to establish an office in Japan and to be designated by the Minister of Health, Labour and Welfare.

52	Sector:	Water Supply and Waterworks	
	Sub-Sector:		
	Industry	JSIC 3611	Water for end users, except industrial users
	Classification:		
	Obligations	National treatment (Article 8.8)	
	Concerned:		
	Level of Government:	Central Government	
	Measures:	Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27 <sup>1</sup>	
		Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3	

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in water supply and waterworks industry in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
3. The investor may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.

53	Sector:	Wholesale and Retail Trade	
	Sub-Sector:	Livestock	
	Industry Classification:	JSIC 5219	Miscellaneous agricultural, livestock and aquatic products
	Obligations Concerned:	Market access (Article 8.15)	
	Level of Government:	Central Government	
	Measures:	Livestock Dealer Law (Law No. 208 of 1949), Article 3	
	Description:	<u>Cross-border trade in services</u> <p>A person who intends to conduct livestock trading business is required to be resident in Japan, and to obtain a licence from the prefectural governor having jurisdiction over the place of residence. For greater certainty, "livestock trading" means the trading or exchange of livestock, or the good offices for that trading or exchange.</p>	

54	Sector:	Aerospace Industry	
	Sub-Sector:	Aircraft Manufacturing and Repairing Industry	
	Industry	JSIC 16*	Manufacture of chemical and allied products
	Classification <sup>1</sup> :	JSIC 18*	Manufacture of plastics products, except otherwise classified
		JSIC 19*	Manufacture of rubber products
		JSIC 21*	Manufacture of ceramic, stone and clay products
		JSIC 23*	Manufacture of non-ferrous metals and products
		JSIC 24*	Manufacture of fabricated metal products
		JSIC 25*	Manufacture of general purpose machinery
		JSIC 27*	Manufacture of business oriented machinery
		JSIC 28*	Electronic parts, devices and electronic circuits
		JSIC 29*	Manufacture of electrical machinery, equipment and supplies
		JSIC 30*	Manufacture of information and communication electronics equipment

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<sup>1</sup> An asterisk (\*) on the JSIC numbers indicates that the activities covered by this reservation under such numbers are limited to those related to the aerospace industry.



	JSIC 31*	Manufacture of transportation equipment
	JSIC 39*	Information services
	JSIC 90*	Machine, etc. repair services, except otherwise classified
Obligations Concerned:		Market access (Articles 8.7 and 8.15)
		National treatment (Articles 8.8 and 8.16)
		Prohibition of performance requirements (Article 8.11)
Level of Government:		Central Government
Measures:		Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30 <sup>1</sup>
		Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5
		Aircraft Manufacturing Industry Law (Law No.237 of 1952), Articles 2 to 5

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<sup>1</sup> For greater certainty, for the purposes of this reservation, the definition of "inward direct investment" provided in Article 26 of the Foreign Exchange and Foreign Trade Law applies with respect to the interpretation of this reservation.

Description: Investment liberalisation and Cross-border trade in services

1. The prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law apply to foreign investors who intend to make investments in aircraft industry in Japan.
2. The screening is conducted from the viewpoint of whether the investment is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
3. The investors may be required to alter the content of the investment or discontinue the investment process, depending on the screening result.
4. A technology introduction contract between a resident and a non-resident related to the aircraft industry is subject to the prior notification requirement and screening procedures under the Foreign Exchange and Foreign Trade Law.

5. The screening is conducted from the viewpoint of whether the conclusion of the technology introduction contract is likely to cause a situation in which national security is impaired, the maintenance of public order is disturbed, or the protection of public safety is hindered.
6. The resident may be required to alter the provisions of the technology introduction contract or discontinued the conclusion of that contract, depending on the screening result.
7. The number of licences conferred to manufacturers and service suppliers in those sectors may be limited.
8. An enterprise which intends to produce aircraft and supply repair services is required to establish a factory related to manufacture or repair aircraft under the laws and regulations of Japan.