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## PROPOSAL

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 193 final - ANNEX 4 - PART 2/3
Subject:	ANNEX to the Proposal for a Council Decision on the signing, on behalf of the European Union, of the Economic Partnership Agreement between the European Union and Japan

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Delegations will find attached document COM(2018) 193 final - ANNEX 4 - PART 2/3.

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Encl.: COM(2018) 193 final - ANNEX 4 - PART 2/3



Brussels, 18.4.2018  
COM(2018) 193 final

ANNEX 4 – PART 2/3

**ANNEX**

*to the*

**Proposal for a Council Decision**

**on the signing, on behalf of the European Union, of the Economic Partnership  
Agreement between the European Union and Japan**

## ANNEX II

### RESERVATIONS FOR FUTURE MEASURES

#### Schedule of the European Union

##### Headnotes

1. The Schedule of the European Union sets out, under Article 8.12 and Article 8.18, the reservations taken by the European Union with respect to future measures that do not conform with obligations imposed by:
  - (a) Article 8.7 or 8.15;
  - (b) Article 8.8 or 8.16;
  - (c) Article 8.9 or 8.17;

- (d) Article 8.10; or
  - (e) Article 8.11.
2. The reservations of a Party are without prejudice to the rights and obligations of the Parties under GATS.
  3. Each reservation sets out the following elements:
    - (a) "sector" refers to the general sector in which the reservation is taken;
    - (b) "sub-sector" refers to the specific sector in which the reservation is taken;
    - (c) "industry classification" refers, where applicable, to the activity covered by the reservation according to the CPC, ISIC Rev. 3.1, or as expressly otherwise described in a Party's reservation;
    - (d) "type of reservation" specifies the obligation referred to in paragraph 1 for which a reservation is taken;

- (e) "description" sets out the scope of the sector, sub-sector or activities covered by the reservation; and
  - (f) "existing measures" identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.
4. In the interpretation of a reservation, all elements of the reservation shall be considered. The "description" element shall prevail over all other elements.
  5. A reservation taken at the level of the European Union applies to a measure of the European Union and of a Member State of the European Union at the central level, as well as a measure of a government within a Member State of the European Union, unless the reservation excludes a Member State of the European Union. A reservation taken by a Member State of the European Union applies to a measure of a government at the central, regional or local level within that Member State. For the purposes of the reservations of Belgium, the central level of government covers the federal government and the governments of the Regions and the Communities as each of them holds equipollent legislative powers. For the purposes of the reservations of the European Union and its Member States, a regional level of government in Finland means the Åland Islands.

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

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

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

9. For the purposes of this Schedule, "ISIC Rev. 3.1" means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 4, ISIC Rev. 3.1, 2002.
  
10. For greater certainty, non-discriminatory measures do not constitute a market access limitation within the meaning of Articles 8.7 and 8.15 for:
  - (a) a measure requiring the separation of the ownership of infrastructure from the ownership of the goods or services provided through that infrastructure to ensure fair competition, for example in the fields of energy, transportation and telecommunications;
  - (b) a measure restricting the concentration of ownership to ensure fair competition;
  - (c) a measure seeking to ensure the conservation and protection of natural resources and the environment, including a limitation on the availability, number and scope of concessions granted, and the imposition of a moratorium or ban;
  - (d) a measure limiting the number of authorisations granted because of technical or physical constraints, for example telecommunications spectra and frequencies; or



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

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

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

EU European Union, including all its Member States

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK Denmark

EE Estonia

EL Greece

ES Spain

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

List of reservations:

Reservation No. 1 – All sectors

Reservation No. 2 – Professional services – legal services

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

Reservation No. 4 – Business services – research and development services

Reservation No. 5 – Business services – real estate services

Reservation No. 6 – Business services – rental or leasing services

Reservation No. 7 – Business services – collection agency services and credit reporting services

Reservation No. 8 – Business services – placement services

Reservation No. 9 – Business services – security and investigation services

Reservation No. 10 – Business services – other business services

Reservation No. 11 – Telecommunication

Reservation No. 12 – Construction

- Reservation No. 13 – Distribution services
- Reservation No. 14 – Education services
- Reservation No. 15 – Environmental services
- Reservation No. 16 – Financial services
- Reservation No. 17 – Health and social services
- Reservation No. 18 – Tourism and travel related services
- Reservation No. 19 – Recreational, cultural and sporting services
- Reservation No. 20 – Transport services and auxiliary transport services
- Reservation No. 21 – Agriculture, fishing and water
- Reservation No. 22 – Energy related activities
- Reservation No. 23 – Other services not included elsewhere

## **Reservation No. 1 – All sectors**

Sector: All sectors

Type of reservation: Market access

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

Prohibition of performance requirements

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

### **(a) Commercial presence**

With respect to Investment liberalisation – Market access:

The **EU**: Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.

Public utilities exist in sectors such as related scientific and technical consulting services, research and development (R&D) services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on such services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical. This reservation does not apply to telecommunications and to computer and related services.

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

In **FI**: Restrictions on the right for natural persons, who do not enjoy regional citizenship in Åland, and for legal persons, to acquire and hold real property on the Åland Islands without obtaining permission from the competent authorities of the Åland Islands. Restrictions on the right of establishment and right to carry out economic activities by natural persons, who do not enjoy regional citizenship in Åland, or by any enterprise, without obtaining permission from the competent authorities of the Åland Islands.

*Existing measures:*

**FI:** Ahvenanmaan maanhankintalaki (Act on land acquisition in Åland) (3/1975), s. 2; and Ahvenanmaan itsehallintolaki (Act on the Autonomy of Åland) (1144/1991), s. 11.

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

In **FR:** Types of establishment - pursuant to articles L151-1 and R153-1 of the financial and monetary code, foreign investments in France in sectors listed in article R153-2 of the financial and monetary code are subject to prior approval from the Minister for the Economy.

*Existing measures:*

**FR:** Financial and monetary code, articles L151-1, R153-1.

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

In **FR**: Types of establishment - limiting foreign participation in newly privatised companies to a variable amount, determined by the government of France on a case by case basis, of the equity offered to the public. For establishing in certain commercial, industrial or artisanal activities, a specific authorisation is needed if the managing director is not a holder of a permanent residence permit.

With respect to Investment liberalisation – Market access:

In **HU**: Commercial presence should take a form of limited liability company, joint-stock company or representative office. Initial entry as a branch is not permitted except for financial services.

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

In **BG**: Certain economic activities related to the exploitation or use of State or public property are subject to concessions granted under the provisions of the Concessions Act.



In commercial corporations in which the State or a municipality holds a share in the capital exceeding 50 per cent, any transactions for disposition of fixed assets of the corporation, to conclude any contracts for acquisition of participating interest, lease, joint activity, credit, securing of receivables, as well as incurring any obligations arising under bills of exchange, are subject to authorisation or permission by the Privatisation Agency or other state or regional bodies, whichever is the competent authority. This reservation does not apply to mining and quarrying, which are subject to a separate reservation in Schedule of the European Union in Annex I to Annex 8-B.

In **IT**: The Government may exercise certain special powers in enterprises operating in the areas of defence and national security, and in certain activities of strategic importance in the areas of energy, transport and communications. This relates to all juridical persons carrying out activities considered of strategic importance in the areas of defence and national security, not only to privatised companies.

If there is a threat of serious injury to the essential interests of defence and national security, the Government has following special powers to:

- (i) impose specific conditions in the purchase of shares;

- (ii) veto the adoption of resolutions relating to special operations such as transfers, mergers, splitting up and changes of activity; or
- (iii) reject the acquisition of shares, where the buyer seeks to hold a level of participation in the capital that is likely to prejudice the interests of defence and national security.

Any resolution, act or transaction (such as transfers, mergers, splitting up, change of activity or termination) relating to strategic assets in the areas of energy, transport and communications shall be notified by the concerned company to the Prime Minister's office. In particular, acquisitions by any natural or juridical person outside the European Union that give this person control over the company shall be notified.

The Prime Minister may exercise the following special powers to:

- (i) veto any resolution, act and transaction that constitutes an exceptional threat of serious injury to the public interest in the security and operation of networks and supplies;
- (ii) impose specific conditions in order to guarantee the public interest; or
- (iii) reject an acquisition in exceptional cases of risk to the essential interests of the State.

The criteria on which to evaluate the real or exceptional threat and conditions and procedures for the exercise of the special powers are laid down in the law.

*Existing measures:*

**IT:** Law 56/2012 on special powers in companies operating in the field of defence and national security, energy, transport and communications; and

Decree of the Prime Minister DPCM 253 of 30.11.2012 defining the activities of strategic importance in the field of defence and national security.

With respect to Investment liberalisation – Market access, National treatment, Most-favoured-nation treatment, Prohibition of performance requirements, Senior management and boards of directors:

In **LT:** Enterprises of strategic importance to national security which must belong to the State by the right of ownership (proportion of capital which may be held by private national or foreign persons conforming to national security interests, with respect to investment into enterprise, sectors and facilities of strategic importance to national security, and procedure and criteria for determination of conformity of potential national investors and potential enterprise participants etc.).

*Existing measures:*

**LT:** Law on Enterprises and Facilities of Strategic Importance for National Security and Other Enterprises of Importance to Ensuring National Security of the Republic of Lithuania of 10 October 2002 No. IX-1132 (As last amended on 30 June 2016 by Law No XII-1272).

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

In **SE:** Discriminatory requirements for founders, senior management and boards of directors when new forms of legal association are incorporated into Swedish law.

**(b) Acquisition of real estate**

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

In **HU:** The acquisition of state-owned properties.

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

In **HU**: The acquisition of arable land by foreign legal persons and non-resident natural persons, including with regard to the authorisation process for the acquisition of arable land.

*Existing measures:*

**HU**: Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter II (Paragraph 6-36) and Chapter IV (Paragraph 38-59)); and  
Act CCXII of 2013 on the transitional measures and certain provisions related to Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter IV (Paragraph 8-20)).

In **LV**: The acquisition of rural land by nationals of Japan or of a third country, including with regard to the authorisation process for the acquisition of rural land.

*Existing measures:*

**LV:** Law on land privatisation in rural areas, ss. 28, 29, 30.

In **SK:** Foreign companies or natural persons may not acquire agricultural and forest land outside the border of the built-up area of a municipality and some other land (e.g. natural resources, lakes, rivers, public roads etc.). For transparency purposes, the regulation of land use provided for in Act No 44/1988 on protection and exploitation of natural resources at the time of the signature of this Agreement is not a non-conforming measure.

*Existing measures:*

**SK:** Act No 229/1991 on regulation of the ownership of land and other agricultural property;

Act No 460/1992 Constitution of the Slovak Republic;

Act No 180/1995 on some measures for land ownership arrangements;

Act No 202/1995 on Foreign Exchange;

Act No 503/2003 on restitution of ownership to land;

Act No 326/2005 on Forests; and

Act No 140/2014 on the acquisition of ownership of agricultural land.

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

In **BG**: Foreign natural and foreign juridical persons (including through a branch) cannot acquire ownership of land in Bulgaria. Juridical persons of Bulgaria with foreign participation cannot acquire ownership of agricultural land. Foreign juridical persons and foreign citizens with permanent residence abroad can acquire ownership of buildings and real estate property rights (right to use, right to build, right to raise a superstructure and servitudes). Foreign citizens with permanent residence abroad, foreign juridical persons and companies in which foreign participation ensures a majority in adopting decisions or blocks the adoption of decisions, can acquire real estate property rights in specific geographic regions designated by the Council of Ministers subject to permission.

*Existing measures:*

**BG:** Constitution of the Republic of Bulgaria, article 22;  
Law on Ownership and Use of Agricultural Land, article 3; and  
Law on Forests, article 10.

In **EE:** Non-European Economic Area (EEA), non-Organisation for Economic Co-operation and Development natural or legal persons can acquire an immovable which contains agricultural and/or forest land only with the authorisation of the county governor and the authorisation of the municipal council, and they must be able to prove in a way prescribed by law that the immovable to be acquired will, according to its intended purpose, be used efficiently, sustainably and purposefully.

*Existing measures:*

**EE:** Kinnisasja omandamise kitsendamise seadus (Restrictions on Acquisition of Immovables Act) Chapters 2 and 3.



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

In **LT**: Any measure which is consistent with the commitments taken by the European Union and which are applicable in Lithuania in GATS with respect to land acquisition. The land plot acquisition procedure, terms and conditions, as well as restrictions shall be established by the Constitutional Law, the Law on Land and the Law on the Acquisition of Agricultural Land. However, local governments (municipalities) and other national entities of Members of the Organisation for Economic Co-operation and Development and North Atlantic Treaty Organization conducting economic activities in Lithuania, which are specified by the constitutional law in compliance with the criteria of European Union and other integration which Lithuania has embarked on, are permitted to acquire into their ownership non-agricultural land plots required for the construction and operation of buildings and facilities necessary for their direct activities.

*Existing measures:*

**LT:** Constitution of the Republic of Lithuania;

The Constitutional Law of the Republic of Lithuania on the Implementation of Paragraph 3 of Article 47 of the Constitution of the Republic of Lithuania of 20 June 1996, No. I-1392 as last amended 20 March 2003, No. IX-1381;

Law on land, of 27 January 2004, No. IX-1983; and

Law on acquisition of agricultural land of 24 April 2014, No. XII-854.

**(c) Recognition**

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

In **EU:** The European Union directives on mutual recognition of diplomas and other professional qualification only apply to the citizens of the European Union. The right to practise a regulated professional service in one Member State of the European Union does not grant the right to practise in another Member State.

**(d) Most-Favoured-Nation Treatment**

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

The **EU**: According differential treatment pursuant to any international investment treaties or other trade agreement in force or signed prior to the date of entry into force of this Agreement.

The **EU**: According differential treatment to a country pursuant to any existing or future bilateral or multilateral agreement which:

- (i) creates an internal market in services and investment;
- (ii) grants the right of establishment; or
- (iii) requires the approximation of legislation in one or more economic sectors.

An internal market on services and establishment means an area without internal frontiers in which the free movement of services, capital and persons is ensured.

The right of establishment means an obligation to abolish in substance all barriers to establishment among the parties to the regional economic integration agreement by the entry into force of that agreement. The right of establishment shall include the right of nationals of the parties to the regional economic integration agreement to set up and operate enterprises under the same conditions provided for nationals under the law of the country where such establishment takes place.

The approximation of legislation means:

- (i) the alignment of the legislation of one or more of the parties to the regional economic integration agreement with the legislation of the other Party or parties to that agreement;  
or
- (ii) the incorporation of common legislation into the law of the parties to the regional economic integration agreement.

Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at such time that it has been enacted in the law of the Party or parties to the regional economic integration agreement.

*Existing measures:*

**EU:** European Economic Area;  
Stabilisation Agreements;  
EU-Swiss Confederation bilateral agreements; and  
Deep and Comprehensive Free Trade Agreements.

The **EU:** According differential treatment relating to the right of establishment to nationals or enterprises through existing or future bilateral agreements between the following Member States of the European Union: BE, DE, DK, EL, ES, FR, IE, IT, LU, NL, PT, UK, and any of the following countries or principalities: Andorra, Monaco, San Marino and the Vatican City State.

In **DK, FI, SE:** Measures taken by Denmark, Sweden and Finland aimed at promoting Nordic cooperation, such as:

- (i) financial support to research and development projects (the Nordic Industrial Fund);
- (ii) funding of feasibility studies for international projects (the Nordic Fund for Project Exports); and

(iii) financial assistance to companies<sup>1</sup> utilizing environmental technology (the Nordic Environment Finance Corporation).

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

In **PL**: Preferential conditions for establishment or the cross-border supply of services, which may include the elimination or amendment of certain restrictions embodied in the list of reservations applicable in Poland, may be extended through commerce and navigation treaties.

In **PT**: Waiving nationality requirements for the exercise of certain activities and professions by natural persons supplying services for countries in which Portuguese is the official language (Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique and São Tomé & Príncipe).

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<sup>1</sup> This applies to East European companies, which are cooperating with one or more Nordic companies.

(e) **Arms, ammunitions and war material**

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

In **EU**: Production or distribution of, or trade in, arms, munitions and war material. War material is limited to any product which is solely intended and made for military use in connection with the conduct of war or defence activities.

## **Reservation No. 2 – Professional services – legal services**

Sector:	Professional services - legal services: services of notaries and by bailiffs, accounting and bookkeeping services; auditing services, taxation advisory services architecture and urban planning services, engineering services, and integrated engineering services
Industry classification:	Part of CPC 861, part of 87902, 862, 863, 8671, 8672, 8673, 8674, part of 879
Type of reservation:	Market access National treatment Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services



Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

**(a) Legal services**

The EU, with the exception of SE: Reserves the right to adopt or maintain any measure with respect to the supply of legal advisory and legal authorisation, documentation, and certification services provided by legal professionals entrusted with public functions, such as notaries, "*huissiers de justice*" or other "*officiers publics et ministériels*", and with respect to services provided by bailiffs who are appointed by an official act of government (part of CPC 861, part of 87902).

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

In **BG**: Full national treatment on the establishment and operation of companies, as well as on the supply of services, may be extended only to companies established in, and citizens of, the countries with whom preferential arrangements have been or will be concluded (part of CPC 861).

In **LT**: Attorneys from foreign countries can participate as advocates in court only in accordance with bilateral agreements on legal assistance (part of CPC 861).

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

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

In **HU**: Cross-border activities for accounting and bookkeeping.

*Existing measures:*

**HU**: Act C of 2000; and  
Act LXXV of 2007.

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

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

In **BG**: An independent financial audit shall be implemented by registered auditors who are members of the Institute of the Certified Public Accountants. Subject to reciprocity, the Institute of the Certified Public Accountants shall register an audit entity of Japan or of a third country upon the latter furnishing proof that:

- (i) three-fourths of the members of the management bodies and the registered auditors carrying out audit on behalf of the entity meet requirements equivalent to those for Bulgarian auditors and have passed successfully the examinations for it;
- (ii) the audit entity carries out independent financial audit in accordance with the requirements for independence and objectivity; and
- (iii) the audit entity publishes on its website an annual transparency report or performs other equivalent requirements for disclosure in case it audits public-interest entities.

*Existing measures:*

**BG:** Independent Financial Audit Act.

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

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

*Existing measures:*

**CZ:** Law of 14 April 2009 no. 93/2009 Coll., on Auditors.

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

In **UK:** Cross-border supply of auditing services.

*Existing measures:*

**UK:** Companies Act 2006.

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

In **HU**: Cross-border supply of auditing services.

*Existing measures:*

**HU**: Act C of 2000; and  
Act LXXV of 2007.

In **PT**: Cross-border supply of auditing services.

**(d) Architecture and urban planning services (CPC 8674)**

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

In **HR**: The cross-border supply of urban planning.

**Reservation No. 3 - Professional services – health related and retail of pharmaceuticals**

Sector: Health related professional services and retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists

Industry classification: CPC 63211, 85201, 9312, 9319, 93121

Type of reservation: Market access  
National treatment  
Prohibition of performance requirements  
Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

- (a) **Medical and dental services; services provided by midwives, nurses, physiotherapists, psychologists and paramedical personnel (CPC 63211, 85201, 9312, 9319, CPC 932)**

In **FI**: The supply of all health-related professional services, whether publicly or privately funded, including medical and dental services, services provided by midwives, physiotherapists and paramedical personnel and services provided by psychologists, excluding services provided by nurses (CPC 9312, 93191).

*Existing measures:*

**FI**: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990).

In **BG**: The supply of all health-related professional services, including medical and dental services, services provided by nurses, midwives, physiotherapists and paramedical personnel and services provided by psychologists (CPC 9312, part of 9319).

*Existing measures:*

**BG**: Law for Medical Establishment, Professional Organisation of Medical Nurses, Midwives and Associated Medical Specialists Guild Act.



With respect to Investment liberalisation – Market access:

In **UK**: Establishment for doctors under the National Health Service is subject to medical manpower planning (CPC 93121, 93122).

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

In **CZ, MT**: The supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, psychologists, as well as other related services (CPC 9312, part of 9319).

*Existing measures:*

**CZ:** Act No 296/2008 Coll., on Safeguarding the Quality and Safety of Human Tissues and Cells Intended for Use in Man ("Act on Human Tissues and Cells");

Act No 378/2007 Coll., on Pharmaceuticals and on Amendments to Some Related Acts (Act on Pharmaceuticals);

Act. 123/2000 Coll., on Medical Devices; and

Act. 285/2002 Coll., on the Donating, Taking and Transplanting of Tissues and Organs and on Amendment to Certain Acts (Transplantation Act).

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

The **EU**, with the exception of **NL** and **SE**: The supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, requires residency. These services may only be provided by natural persons physically present in the territory of the European Union (CPC 9312, part of 93191).

In **BE, UK**: The cross-border supply of medical, dental and midwives services and services provided by nurses, physiotherapists, psychologists and paramedical personnel (part of CPC 85201, 9312, part of 93191, in addition part of 85201 in BE).

In **UK**: For service suppliers not physically present in the territory of the UK (part of CPC 85201, 9312, part of 93191).

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

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

In **BG**: A veterinary medical establishment may be established by a natural or a legal person.

The practice of veterinary medicine is subject to a condition of nationality of a Member State of the European Union or the EEA, otherwise a permanent residence permit is required for foreign nationals (physical presence is required).

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

In **BE, LV**: Cross-border supply of veterinary services.

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

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

The **EU**, with the exception of **EL, IE, LU, LT, NL**, and **UK**: For restricting the number of suppliers entitled to provide a particular service in a specific local zone or area on a non-discriminatory basis in order to prevent oversupply in areas of limited demand. An economic needs test may therefore be applied, taking into account such factors as the number of and impact on existing establishments, transport infrastructure, population density or geographic spread.

The **EU**, with the exception of **BE, BG, CZ, EE, and IE**: Mail order is only possible from Member States of the EEA, thus establishment in any of those countries is required for the retail of pharmaceuticals and specific medical goods to the general public in the European Union.

In **BE**: Mail order is only authorised for pharmacies open to the public, thus establishment in Belgium is required for the retail of pharmaceuticals and specific goods to the general public.

In **BG, EE and ES**: The mail order of pharmaceuticals is prohibited.

In **CZ**: Mail order is only possible from Member States of the European Union.

In **IE and LT**: The mail order of pharmaceuticals requiring a prescription is prohibited.

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

In **FI**: Retail sales of pharmaceutical products.

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

In **SE**: Retail sales of pharmaceutical goods and the supply of pharmaceutical goods to the general public.

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

In **UK**: The cross-border retail sales of pharmaceuticals and of medical and orthopaedic goods, and other services supplied by pharmacists.

*Existing measures:*

**AT:** Arzneimittelgesetz (Medication Act), BGBl. Nr. 185/1983 as amended, §§ 57, 59, 59a;  
and

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

**BE:** Arrêté royal du 21 janvier 2009 portant instructions pour les pharmaciens; and Arrêté royal du 10 novembre 1967 relatif à l'exercice des professions des soins de santé.

**FI:** Lääkelaki (Medicine Act) (395/1987).

**SE:** Law on trade with pharmaceuticals (2009:336);

Regulation on trade with pharmaceuticals (2009:659); and

The Swedish Medical Products Agency has adopted further regulations, the details can be found at (LVFS 2009:9).

#### **Reservation No. 4 – Business services – research and development services**

Sector: Business services - research and development services

Industry classification: CPC 851, 852, 853

Type of reservation: Market access

National treatment

Section: Cross-border trade in services



Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

In **RO**: With regard to the cross-border supply of research and development services.

*Existing measures:*

**RO**: Governmental Ordinance no. 6 / 2011;

Order of Minister of Education and Research no. 3548 / 2006; and

Governmental Decision no. 134 / 2011.

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**Reservation No. 5 – Business services – real estate services**

Sector: Business services – Real estate services

Industry classification: CPC 821, 822

Type of reservation: Market access

National treatment

Section: Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

In **CZ** and **HU**: Cross-border supply of real estate services.

**Reservation No. 6 – Business services – rental or leasing services**

Sector: Business services - rental or leasing services without operators

Industry classification: CPC 832

Type of reservation: Market access

National treatment

Section: Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

In **BE** and **FR**: Cross-border supply of leasing or rental services without operator concerning personal and household goods.

**Reservation No. 7 – Business services – collection agency services and credit reporting services**

Sector: Business services - collection agency services, credit reporting services

Industry classification: CPC 87901, 87902

Type of reservation: Market access

National treatment

Section: Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

The **EU**, with the exception of **ES**, **LV** and **SE**, with regard to the supply of collection agency services and credit reporting services.

## **Reservation No. 8 – Business services – placement services**

Sector: Business Services – placement services

Industry classification: CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209

Type of reservation: Market access

National treatment

Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

With the exception of **HU** and **SE**: The supply of placement services of domestic help personnel, other commercial or industrial workers, nursing and other personnel (CPC 87204, 87205, 87206, 87209).

With the exception of **BE**, **HU** and **SE**: To require establishment and to prohibit the cross-border supply of placement services of office support personnel and other workers.

In **AT**, **BG**, **CY**, **CZ**, **EE**, **FI**, **MT**, **PL**, **PT**, **RO**, **SI** and **SK**: The establishment of placement services of office support personnel and other workers.

In **LT** and **LV**: The supply of placement services of office support personnel.

In **DE** and **IT**: To restrict the number of suppliers of placement services.

In **FR**: These services can be subject to a state monopoly.

In **DE**: The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-European Union and non-EEA personnel for specified professions (CPC 87202).

In **AT**, **BG**, **CY**, **CZ**, **DE**, **EE**, **FI**, **MT**, **LT**, **LV**, **PL**, **PT**, **RO**, **SI** and **SK**: The supply of supply services of office support personnel.

In **FR, IE, IT** and **NL**: To require establishment and to prohibit the cross-border supply of supply services of office personnel.

In **IT**: To restrict the number of suppliers of supply services of office personnel (87203).

In **BG, CY, CZ, DE, EE, FI, MT, LT, LV, PL, PT, RO, SI** and **SK**: The supply of executive search services.

In **IE**: To require establishment and to prohibit the cross-border supply of the supply of executive search services (87201).

With respect to Investment liberalisation –Market access:

In **ES**: To restrict the number of suppliers of executive search services, and .to restrict the number of suppliers of placement services (CPC 87201, 87202).

*Existing measures:*

**AT:** §§97 and 135 of the Austrian Trade Act (Gewerbeordnung), Federal Law Gazette Nr. 194/1994 as amended; and

Temporary Employment Act (Arbeitskräfteüberlassungsgesetz/AÜG), Federal Law Gazette Nr. 196/1988 as amended.

**BG:** Law for Promotion of the Employability, articles 26, 27, 27a and 28.

**CY:** Private Employment Agency Law 150(I)/2013 issued on the 6/12/2013; and  
Private Employment Agency Law N. 126(I)/2012.

**CZ:** Act on Employment (435/2004).

**DE:** Sec. 38 Employment Regulation (Beschäftigungsverordnung); and  
Sec. 292 Social Code No. III Employment Promotion (Drittes Buch Sozialgesetzbuch, SGB III).

**DK:** §§ 8a – 8f in law decree no. 73 of 17th of January 2014 and specified in decree no. 228 of 7th of March 2013 (employment of seafarers); and  
Employment Permits Act 2006. S1(2) and (3).



**EL:** Law 4052/2012 (Official Government Gazette 41 A) as amended to some of its provision by the law N.4093/2012 (Official Government Gazette 222 A).

**ES:** Real Decreto-ley 8/2014, de 4 de julio, de aprobación de medidas urgentes para el crecimiento, la competitividad y la eficiencia, artículo 117 (tramitado como Ley 18/2014, de 15 de octubre).

**FI:** Laki julkisesta työvoima-ja yrityspalvelusta (Act on Public Employment and Enterprise Service) (916/2012).

**HR:** Act on Employment Mediation and Unemployment Rights (OG 80/08, 121/10, 118/12 and 153/13);

Ordinance on performance of activities related to employment (OG 8/14);

Labour Act (OG 93/14) articles 44 to 47; and

Aliens Act (OG 130/11 and 74/12) for employment of aliens in Croatia.

**IE:** Employment Permits Act 2006. S1(2) and (3).

**IT:** Legislative Decree 276/2003 articles 4, 5.

**LT:** Lithuanian Labour Code, Law of the Republic of Lithuania on Temporal Employment Agencies of 19 of May 2011 No. XI-1379 Last amendment 11 of April 2013 No XII-230

**LU:** Loi du 18 janvier 2012 portant création de l'Agence pour le développement de l'emploi (Law of 18 January 2012 concerning the creation of an agency for employment development – ADEM).

**MT:** Employment and Training Services Act, (Cap 343) (Articles 23 to 25); and Employment Agencies Regulations (S.L. 343.24).

**PL:** Article 18 of the Act of 20 April 2004 on the promotion of employment and labour market institutions (Dz. U. of 2015, Item. 149, as amended).

**PT:** Decree-Law No 260/2009 of 25 September, as amended by Law No. 5/2014 of 12 February (access and provision of services by placement agencies).

**RO:** Law no. 156/2000 on the protection of Romanian citizens working abroad, republished, and Government Decision no. 384/2001 for approving the methodological norms for applying the Law no. 156/2000, with subsequent amendments;  
Ordinance of the Government no. 277/2002, as modified by Government Ordinance No. 790/2004 and Government Ordinance No. 1122/2010; and  
Law no.53/2003 - Labour Code, republished, with subsequent amendments and supplement and the Government Decision no 1256/2011 on the operating conditions and authorization procedure for temporary work agency.

**SI:** Labour market regulation act (Official Gazette of RS, No. 80/2010, 21/2013, 63/2013); and Employment, Self-employment and Work of Aliens Act – ZZSDT (Official Gazette of RS, No. 47/2015).

**SK:** Act No 5/2004 on Employment Services; and  
Act No 455/1991 on Trade Licensing.

**Reservation No. 9 – Business services – security and investigation services**

Sector: Business services – security and investigation services

Industry classification: CPC 87301, 87302, 87303, 87304, 87305, 87309

Type of reservation: Market access

National treatment

Prohibition of performance requirements

Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

**(a) Security services (CPC 87302, 87303, 87304, 87305, 87309)**

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

In **BG, CY, CZ, EE, LT, LV, MT, PL, RO, SI** and **SK**: The supply of security services.

In **DK, HR** and **HU**: The supply of the following subsectors: guard services (87305) in HR and HU, security consultation services (87302) in HR, airport guard services (part of 87305) in DK and armoured car services (87304) in HU.

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

In **BE**: The European Union nationality is required for boards of directors of companies providing guard and security services (87305) as well as consultancy and training relating to security services (87302). The senior management of companies providing guard and security consultancy services are also required to be resident nationals of a Member State of the European Union.

In **FI**: Licences to provide security services may be granted only to natural persons resident in the EEA or juridical persons established in the EEA.

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

In **BE, ES, FI, FR** and **PT**: The supply of security services by a foreign provider on a cross-border basis is not allowed. Nationality requirements exist for specialised personnel in PT, for private security personnel in ES and for managing directors and directors in FR.

*Existing measures:*

**BG:** Private Security Business Act.

**CZ:** Trade Licensing Act.

**DK:** Regulation on aviation security.

**FI:** Laki yksityisistä turvallisuuspalveluista 282/2002 (Private Security Services Act).

**LT:** Law on security of Persons and Assets 8 July 2004 No. IX-2327.

**LV:** Security Guard Activities Law (Sections 6, 7, 14).

**PL:** Act of 22 August 1997 on the protection of persons and property (Journal of Laws of 2016, item 1432 as amended).

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

**SI:** Zakon o zasebnem varovanju (Law on private security).

**(b) Investigation services (CPC 87301)**

The **EU**, with the exception of **AT** and **SE**: The supply of investigation services.

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

In **LT** and **PT**: Investigation services are a monopoly reserved to the State.



**Reservation No. 10 – Business services – other business services**

Sector:	Business services – other business services (translation and interpretation services, duplicating services, services incidental to energy distribution and services incidental to manufacturing)
Industry classification:	CPC 87905, 87904, 884, 887
Type of reservation:	Market access National treatment Most-favoured-nation treatment
Section:	Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

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

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

In **HR**: Cross-border supply of translation and interpretation of official documents.

**(b) Duplicating services (CPC 87904)**

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

In **HU**: Requiring establishment for the supply of duplicating services.

**(c) Services incidental to energy distribution and services incidental to manufacturing (part of CPC 884, 887 other than advisory and consulting services)**

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

In **HU**: Services incidental to energy distribution, and to the cross-border supply of services incidental to manufacturing, with the exception of advisory and consulting services relating to these sectors.

**(d) Maintenance and repair of vessels, rail transport equipment and aircraft and parts thereof (part of CPC 86764, CPC 86769, CPC 8868)**

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

In **EU**, with the exception of **DE**, **EE** and **HU**: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of transport equipment from outside its territory.

In **EU**, with the exception of **CZ, EE, HU, LU** and **SK**: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of internal waterways transport vessels from outside its territory.

In **EU**, with the exception of **EE, HU** and **LV**: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of maritime vessels from outside its territory.

In **EU**, with the exception of **AT, EE, HU, LV**, and **PL**: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of aircraft and parts thereof from outside its territory (part of CPC 86764, CPC 86769, CPC 8868).

In **EU**: Only recognised organisations authorised in the European Union may carry out statutory surveys and certification of ships on behalf of Member States of the European Union. Establishment may be required.

*Existing measures:*

**EU**: Regulation (EC) 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations.

(e) **Other business services related to aviation**

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

The **EU**: According differential treatment to a third country pursuant to existing or future bilateral agreements relating to the following services:

- (i) the selling and marketing of air transport services;
- (ii) computer reservation system (CRS) services;
- (iii) maintenance and repair of aircrafts and parts; or
- (iv) rental or leasing of aircraft without crew.

## **Reservation No. 11 – Telecommunication**

Sector: Telecommunication services

Type of reservation: Market access

National treatment

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to broadcast transmission services. Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

## **Reservation No. 12 – Construction**

Sector: Construction services

Industry classification: CPC 51

Type of reservation: Market access

National treatment

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

In **LT**: The right to prepare design documentation for construction works of exceptional significance is only given to a design enterprise registered in Lithuania or a foreign design enterprise which has been approved by an institution authorised by the Government for those activities. The right to perform technical activities in the main areas of construction may be granted to a non-Lithuanian person who has been approved by an institution authorised by the Government of Lithuania.

**Reservation No. 13 – Distribution services**

Sector: Distribution services

Industry classification: CPC 62117, 62251, 8929, part of 62112, 62226, 63107

Type of reservation: Market access

National treatment

Senior management and boards of directors

Prohibition of performance requirements

Section: Investment liberalisation and Cross-border trade in services



Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

**(a) Distribution of pharmaceuticals**

In **BG**: Cross-border wholesale distribution of pharmaceuticals (CPC 62251).

In **FI**: Distribution of pharmaceutical products (CPC 62117, 62251, 8929).

*Existing measures:*

**BG**: Law on Medicinal Products in Human Medicine.

**FI**: Lääkelaki (Medicine Act) (395/1987).

**(b) Distribution of alcoholic beverages**

In **FI**: Distribution of alcoholic beverages (part of CPC 62112, 62226, 63107, 8929).

*Existing measures:*

**FI**: Alkoholilaki (Alcohol Act) (1143/1994).

**(c) Other distribution (part of CPC 621, CPC 62228, CPC 62251, CPC 62271, part of CPC 62272, CPC 62276, CPC 63108, part of CPC 6329)**

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

In **BG**: Wholesale distribution of chemical products, precious metals and stones, medical substances and products and objects for medical use; tobacco and tobacco products and alcoholic beverages.

Bulgaria reserves the right to adopt or maintain any measure with respect to the services provided by commodity brokers.

*Existing measures:*

In **BG**: Law on Medicinal Products in Human Medicine;

Law of Veterinary Activity;

Law for Prohibition of Chemical Weapons and for Control over Toxic Chemical Substances and Their Precursors;

Law for Tobacco and Tobacco Products;

Law on excise duties and tax warehouses; and

Law on wine and spirits.

## **Reservation No. 14 – Education services**

Sector: Education services

Industry classification: CPC 92

Type of reservation: Market access

National treatment

Senior management and boards of directors

Prohibition of performance requirements

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

The **EU**: All educational services which receive public funding or State support in any form, and are therefore not considered to be privately funded. Where the supply of privately funded education services by a foreign provider is permitted, participation of private operators in the education system may be subject to concession allocated on a non-discriminatory basis.

The **EU**, with the exception of **CZ**, **NL**, **SE** and **SK**: With respect to the supply of privately funded other education services, which means other than those classified as being primary, secondary, higher and adult education services (CPC 92).

In **BG**, **IT** and **SI**: To restrict the cross-border supply of privately funded primary education services (CPC 921).

In **BG** and **IT**: To restrict the cross-border supply of privately funded secondary education services (CPC 922).

In **AT**: To restrict the cross-border supply of privately funded adult education services by means of radio or television broadcasting (CPC 924).

In **CY**, **FI**, **MT** and **RO**: The supply of privately funded primary, secondary, and adult education services (CPC 921, 922, 924).

In **AT**, **BG**, **CY**, **FI**, **MT** and **RO**: The supply of privately funded higher education services (CPC 923).

In **CZ** and **SK**: The majority of the members of the board of directors of an establishment providing privately funded education services must be nationals of that country (CPC 921, 922, 923 for SK other than 92310, 924).

In **SI**: The majority of the members of the board of directors of an establishment providing privately funded secondary or higher education services must be Slovenian nationals (CPC 922, 923).

In **SE**: Educational services suppliers that are approved by public authorities to provide education. This reservation applies to privately funded educational services suppliers with some form of State support, *inter alia* educational service suppliers recognised by the State, educational services suppliers under State supervision or education which entitles to study support (CPC 92).

In **SK**: EEA residency is required for providers of all privately funded education services other than post-secondary technical and vocational education services. An economic needs test may apply and the number of schools being established may be limited by local authorities (CPC 921, 922, 923 other than 92310, 924).

*Existing measures:*

**BG:** Public Education Act, article 12;

Law for the Higher Education, paragraph 4 of the additional provisions; and

Vocational Education and Training Act, article 22.

**FI:** Perusopetuslaki (Basic Education Act) (628/1998);

Lukiolaki (General Upper Secondary Schools Act) (629/1998);

Laki ammatillisesta koulutuksesta (Vocational Training and Education Act) (630/1998);

Laki ammatillisesta aikuiskoulutuksesta (Vocational Adult Education Act) (631/1998);

Ammattikorkeakoululaki (Polytechnics Act) (351/2003); and

Yliopistolaki (Universities Act) (558/2009).

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

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

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

and

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

**SK:** Act 245/2008 on education;

Act 131/2002 on Universities, articles 2, 47, 49a; and

Act 596/2003 on State Administration in Education, article 16.

## **Reservation No. 15 – Environmental services**

Sector: Environmental services: waste and soil management

Industry classification: CPC 9401, 9402, 9403, 94060

Type of reservation: Market access

Section: Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

In **DE**: The supply of waste management services other than advisory services, and with respect to services relating to the protection of soil and the management of contaminated soils, other than advisory services.



## **Reservation No. 16 – Financial services**

Sector: Financial services

Industry classification: Market access

National treatment

Senior management and boards of directors

Type of reservation:

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

### **(a) All financial services**

#### With respect to Investment liberalisation – Market access:

The **EU**: To require a financial institution, other than a branch, when establishing in a Member State of the European Union to adopt a specific legal form, on a non-discriminatory basis.

**(b) Insurance and insurance-related services**

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

The EU, with the exception of **CY, LV, LT, MT** and **PL**: For the supply of insurance and insurance-related services except for:

- (i) direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:
  - maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
  - goods in international transit;
- (ii) Reinsurance and retrocession; and
- (iii) Services auxiliary to insurance.

In **BG**: Transport insurance, covering goods, insurance of vehicles as such and liability insurance regarding risks located in the Bulgaria may not be underwritten by foreign insurance companies directly.

In **CY**: For the supply of insurance and insurance-related services except for:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to:
  - maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
  - goods in international transit;
- (ii) Insurance intermediation;
- (iii) Reinsurance and retrocession; and
- (iv) Services auxiliary to insurance.

In **FR**: Insurance of risks relating to ground transport may be underwritten only by insurance firms established in the European Union.

*Existing measures:*

**FR**: Article L 310-10 du code des assurances.

In **IT**: Transport insurance of goods, insurance of vehicles as such and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the European Union, except for international transport involving imports into Italy.

*Existing measures:*

**IT**: Article 29 of the code of private insurance (Legislative decree no. 209 of 7 September 2005).

In **IT**: Requiring establishment and prohibiting the cross-border supply of actuarial services.

*Existing measures:*

**IT**: Law 194/1942 on the actuarial profession.

In **MT**, **LT**, and **LV**: For the supply of insurance and insurance-related services except for:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to:
  - maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
  - goods in international transit;
- (ii) reinsurance and retrocession; and
- (iii) services auxiliary to insurance.

In **PL**: For the supply of insurance and insurance-related services except for:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to goods in international trade; and
- (ii) reinsurance and retrocession of risks relating to goods in international trade.

In **PT**: Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by firms established in the European Union.

Only persons or companies established in the European Union may act as intermediaries for such insurance business in Portugal.

*Existing measures:*

**PT**: Article 7 of Decree-Law 94-B/98; and  
article 7 of Decree-Law 144/2006.

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

In **DE**: If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany.

*Existing measures:*

**DE**: § 43 Abs. 2 Luftverkehrsgesetz (LuftVG); and  
§ 105 Abs. 1 Luftverkehrszulassungsordnung (LuftVZO).

In **ES**: Residence is required, or alternatively to have two years of experience, for the actuarial profession.

In **HU**: The supply of direct insurance in the territory of Hungary by insurance companies not established in the European Union is allowed only through a branch office registered in Hungary.

*Existing measures:*

**HU**: Act LX of 2003.

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

In **FI**: The supply of insurance broker services is subject to a permanent place of business in the European Union.

Only insurers having their head office in the European Union or having their branch in Finland may offer direct insurance services, including co-insurance.

At least one half of the members of the board of directors and the supervisory board, the managing director of an insurance company providing statutory pension insurance shall have their place of residence in the EEA, unless the competent authorities have granted an exemption. Foreign insurers cannot obtain a licence in Finland as a branch to carry on statutory pension insurance. At least one auditor shall have his permanent residence in the EEA.



For other insurance companies, residency in the EEA is required for at least one member of the board of directors, the supervisory board and the managing director. At least one auditor shall have his permanent residence in the EEA.

The general agent of an insurance company of Japan must have his place of residence in Finland, unless the company has its head office in the European Union.

*Existing measures:*

**FI:** Laki ulkomaisista vakuutusyhtiöistä (Act on Foreign Insurance Companies) (398/1995);  
Vakuutusyhtiölaki (Insurance Companies Act) (521/2008);  
Laki vakuutusedustuksesta (Act on Insurance Mediation) (570/2005); and  
Laki työeläkevakuutusyhtiöistä (Act on Companies providing statutory pension insurance) (354/1997).

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

Market access:

In **SK**: Foreign nationals may establish an insurance company in the form of a joint stock company or may conduct insurance business through their branches having a registered office in the Slovak Republic. The authorisation in both cases is subject to the evaluation of the supervisory authority.

*Existing measures:*

**SK**: Act 39/2015 on Insurance.

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

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

In the **EU**: Only firms having their registered office in the European Union can act as depositories of the assets of investment funds. The establishment of a specialised management company, having its head office and registered office in the same Member State of the European Union, is required to perform the activities of management of common funds, including unit trusts, and where allowed under national law, investment companies.

*Existing measures:*

**EU**: Directive [2009/65/EC](#) of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS), as amended by: [2010/78/EU](#), [2011/61/EU](#), [2013/14/EU](#), and [2014/91/EU](#); and

Directive [2011/61/EU](#) of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers (AIFM), as amended by [2013/14/EU](#).

**SK:** Investment services in the Slovak Republic can be provided by management companies which have the legal form of joint-stock company with equity capital according to the law (no branches).

*Existing measures:*

**SK:** Act 566/2001 on Securities; and  
Act 483/2001 on Banks.

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

In **EE:** For acceptance of deposits, requirement of authorisation by the Estonian Financial Supervision Authority and registration under Estonian law as a joint-stock company, a subsidiary or a branch.

*Existing measures:*

**EE:** Krediidiasutuste seadus (Credit Institutions Act) § 206 and §21.

In **FI:** At least one of the founders, the members of the board of directors, the supervisory board, the managing director of banking services providers and the person entitled to sign the name of the credit institution shall have their permanent residence in the EEA. At least one auditor shall have his permanent residence in the EEA. For payment services, residency or domicile in Finland may be required.

*Existing measures:*

**FI:** Laki liikepankeista ja muista osakeyhtiömuotoisista luottolaitoksista (Act on Commercial Banks and Other Credit Institutions in the Form of a Limited Company) (1501/2001);

Säästöpankkilaki (1502/2001) (Savings Bank Act);

Laki osuuspankeista ja muista osuuskuntamuotoisista luottolaitoksista (1504/2001) (Act on Cooperative Banks and Other Credit Institutions in the Form of a Cooperative Bank);

Laki hypoteekkiyhdistyksistä (936/1978) (Act on Mortgage Societies);

Maksulaitoslaki (297/2010) (Act on Payment Institutions);

Laki ulkomaisen maksulaitoksen toiminnasta Suomessa (298/2010) (Act on the Operation of Foreign Payment Institution in Finland); and

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

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

In **IT**: Services of "consulenti finanziari" (financial consultant).

*Existing measures:*

**IT**: Articles 91-111 of Consob Regulation on Intermediaries (no. 16190 of 29 October 2007).

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

In **LT**: Only banks having their registered office or branch in Lithuania and authorised to provide investment services in the EEA may act as the depositories of the assets of pension funds. At least one head of a bank's administration must speak the Lithuanian language and permanently reside in Lithuania.

*Existing measures:*

**LT:** Law on Banks of the Republic of Lithuania of 30 March 2004 No IX-2085;

Law on Collective Investment Undertakings of the Republic of Lithuania of 4 July 2003 No IX-1709; and

Law on Supplementary Voluntary Pension Accumulation of the Republic of Lithuania of 3 June 1999 No VIII-1212.

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

The **EU**, with the exception of **BE, CY, EE, LT, LV, MT, RO** and **SI**: For the supply of banking and other financial services, except for:

- (i) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (ii) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that sub-paragraph.

In **BE**: For the supply of banking and other financial services except for the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;

In **CY**: For the supply of banking and other financial services except for:

- (i) the trading for own account or for the account of customers, whether on an exchange or an over-the-counter market or otherwise of transferrable securities;
- (ii) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (iii) advisory and other auxiliary financial services, relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that subparagraph.

In **EE** and **LT**: for the supply of banking and other financial services except for:

- (i) acceptance of deposits;



- (ii) lending of all types;
- (iii) financial leasing;
- (iv) all payment and money transmission services; guarantees and commitments;
- (v) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market;
- (vi) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;
- (vii) money broking;
- (viii) asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services;
- (ix) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

- (x) provision and transfer of financial information, and financial data processing and related software; and
- (xi) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E but not intermediation as described in that subparagraph.

In **LV**: For the supply of banking and other financial services, except for:

- (i) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;
- (ii) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (iii) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that subparagraph.

In **MT**: For the supply of banking and other financial services, except for:

- (i) the acceptance of deposits;
- (ii) lending of all types;
- (iii) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (iv) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that subparagraph.

In **RO**: For the supply of banking and other financial services, except for:

- (i) acceptance of deposits;
- (ii) lending of all types;

- (iii) guarantees and commitments;
- (iv) money broking;
- (v) provision and transfer of financial information, and financial data processing and related software; and
- (vi) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that subparagraph.

In **SI**: For the supply of banking and other financial services, except for:

- (i) lending of all types;
- (ii) the acceptance of guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors;
- (iii) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (iv) advisory and other auxiliary financial services relating to banking and other financial services as described in subparagraph (a)(ii) of the definition of banking and other financial services (excluding insurance) in Article 8.59 of the Sub-Section 5 of Section E, but not intermediation as described in that subparagraph.

## **Reservation No. 17 – Health and social services**

Sector: Health and social services

Industry classification: CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193, 93199

Type of reservation: Market access

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

Prohibition of performance requirements

Section: Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) **Health services – hospital, ambulance, residential health services (CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193, 93199)**

With respect to Investment liberalisation - Market access, National treatment, Prohibition of performance requirements, Senior management and boards of directors:

The EU: For the supply of all health services which receive public funding or State support in any form, and are therefore not considered to be privately funded.

The EU: For all privately funded health services, other than privately funded hospital, ambulance, and residential health facilities services other than hospital services. The participation of private operators in the privately funded health network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

This reservation does not relate to the supply of all health-related professional services, including the services supplied by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations (CPC 931 other than 9312, part of 93191).

In **AT, PL** and **SI**: The supply of privately funded ambulance services (CPC 93192).

In **BE** and **UK**: the establishment of privately funded ambulance and residential health facilities services other than hospital services (CPC 93192, 93193).

In **BG, CY, CZ, FI, MT** and **SK**: The supply of privately-funded hospital, ambulance, and residential health services other than hospital services (CPC 9311, 93192, 93193).

In **FI**: Supply of other human health services (CPC 93199).

*Existing measures:*

**CZ**: Act No. 372/2011 Sb. on Health Care Services and Conditions of Their Provision.

**FI**: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990).



With respect to Investment liberalisation – Market access, National treatment, Most-favoured-nation treatment, Senior management and boards of directors, Prohibition of performance requirements:

In **DE**: The supply of the Social Security System of Germany, where services may be provided by different companies or entities involving competitive elements which are thus not "Services carried out exclusively in the exercise of governmental authority". To accord better treatment in the context of a bilateral trade agreement with regard to the supply of health and social services (CPC 93).

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

In **DE**: The ownership of privately funded hospitals run by the German Forces.

To nationalise other key privately funded hospitals (CPC 93110).

In **FR**: To the supply of privately funded laboratory analysis and testing services.

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

In **FR**: The supply of privately funded laboratory analysis and testing services (part of CPC 9311).

*Existing measures:*

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

**(b) Health and social services, including pension insurance**

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

The **EU**, with the exception of **HU**: Requiring establishment or physical presence in its territory of suppliers and restricting the cross-border supply of health services from outside their territory, the cross-border supply of social services from outside their territory, as well as activities or services forming part of a public retirement plan or statutory system of social security. This reservation does not relate to the supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations (CPC 931 other than 9312, part of 93191).

In **HU**: The cross-border supply from outside its territory of all hospital, ambulance, and residential health services other than hospital services, which receive public funding (CPC 9311, 93192, 93193).

(c) **Social services, including pension insurance**

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

The **EU**: The supply of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded, and activities or services forming part of a public retirement plan or statutory system of social security. The participation of private operators in the privately funded social network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

In **BE, CY, DE, DK, EL, ES, FR, IE, IT, PT**, and **UK**: The supply of privately funded social services other than services relating to convalescent and rest houses and old people's homes.

In **CZ, FI, HU, MT, PL, RO, SK**, and **SI**: The supply of privately funded social services.

In **DE**: The Social Security System of Germany, where services are provided by different companies or entities involving competitive elements and might therefore not fall under the definition of the "Services carried out exclusively in the exercise of governmental authority".

*Existing measures:*

**FI**: Laki yksityisistä sosiaalipalveluista (Private Social Services Act) (922/2011).

**IE**: Health Act 2004 (S. 39); and  
Health Act 1970 (as amended –S.61A).

**IT**: Law 833/1978 Institution of the public health system;  
Legislative Decree 502/1992 Organisation and discipline of the health field; and  
Law 328/2000 Reform of social services.

## **Reservation No. 18 – Tourism and travel related services**

Sector: Tourist guides services, health and social services

Industry classification: CPC 7472

Type of reservation: National treatment

Most-favoured-nation treatment

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

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

National treatment:

In **FR**: To require nationality of a Member State of the European Union for the supply of tourist guide services in its territory.

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

In **LT**: In so far as Japan allows nationals of Lithuania to provide tourist guide services, Lithuania will allow nationals of Japan to provide tourist guide services under the same conditions.

**Reservation No. 19 – Recreational, cultural and sporting services**

Sector: Recreational, cultural and sporting services

Industry classification: CPC 962, 963, 9619, 964

Type of reservation: Market access

National treatment

Senior management and boards of directors

Prohibition of performance requirements

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

**(a) Libraries, archives, museums and other cultural services (CPC963)**

The **EU**, with the exception of **AT** and, for investment, in **LT**: The supply of library, archive, museum and other cultural services.

In **AT** and **LT**: A licence or concession may be required for establishment.

**(b) Entertainment services, theatre, live bands and circus services (CPC 9619, 964 other than 96492)**

The **EU**, with the exception of **AT** and **SE**: The cross-border supply of entertainment services, including theatre, live bands, circus and discotheque services.

In **CY, CZ, FI, MT, PL, RO, SI** and **SK**: With respect to the supply of entertainment services, including theatre, live bands, circus and discotheque services.



In **BG**: The supply of the following entertainment services: circus, amusement park and similar attraction services, ballroom, discotheque and dance instructor services, and other entertainment services.

In **EE**: The supply of other entertainment services except for cinema theatre services.

In **LT** and **LV**: The supply of all entertainment services other than cinema theatre operation services.

In **CY, CZ, LV, PL, RO** and **SK**: The cross-border supply of sporting and other recreational services.

**(c) News and press agencies (CPC 962)**

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

In **FR**: Foreign participation in existing companies publishing publications in the French language may not exceed 20 per cent of the capital or of voting rights in the company. The establishment of press agencies of Japan is subject to conditions set out in domestic regulation. The establishment of press agencies by foreign investors is subject to reciprocity.

*Existing measures:*

**FR:** Ordonnance n° 45-2646 du 2 novembre 1945 portant réglementation provisoire des agences de presse; and

Loi n° 86-897 du 1 août 1986 portant réforme du régime juridique de la presse.

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

In **HU:** For supply of news and press agencies services.

**(d) Gambling and betting services (CPC 96492)**

The **EU**, with the exception of **MT**: The supply of gambling activities, which involve wagering a stake with pecuniary value in games of chance, including in particular lotteries, scratch cards, gambling services offered in casinos, gambling arcades or licensed premises, betting services, bingo services and gambling services operated by and for the benefit of charities or non-profit-making organisations.

This reservation does not apply to games of skill, gambling machines that do not give prizes or that give prizes only in the form of free games, and promotional games, whose exclusive purpose is to encourage the sale of goods or services which are not covered by this exclusion.

## **Reservation No. 20 – Transport services and auxiliary transport services**

Sector: Transport services

Type of reservation: Market access

National treatment

Most-favoured-nation treatment

Prohibition of performance requirements

Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

**(a) Maritime transport – any other commercial activity undertaken from a ship**

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

The EU: The nationality of the crew on a seagoing or non-seagoing vessel.

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

The EU, except LV and MT: For the purpose of registering a vessel and operating a fleet under the national flag of the state of establishment (all commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing; international passenger and freight transportation (CPC 721); and services auxiliary to maritime transport).

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

The **EU**: With respect to Japan when action undertaken or officially decided by Japan restricts or prohibits European Union shipping operators from entering Japanese ports, or from loading and unloading cargoes in Japan.

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

In **MT**: Exclusive rights exist for the maritime link to mainland Europe through Italy with Malta (CPC 7213, 7214, part of 742, 745, part of 749).

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

In **SK**: Foreign investors must have their principal office in the Slovak Republic in order to apply for a licence enabling them to provide a service (CPC 722).

**(b) Auxiliary services to maritime transport**

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

The **EU**: The supply of pilotage and berthing services. For greater certainty, regardless of the criteria which may apply to the registration of ships in a Member State of the European Union, the European Union reserves the right to require that only ships registered on the national registers of Member States of the European Union may provide pilotage and berthing services (CPC 7452).

The **EU**, with the exception of **LT** and **LV**: Only vessels carrying the flag of a Member State of the European Union may provide pushing and towing services (CPC 7214).

In **LT**: Only juridical persons of Lithuania or juridical persons of a Member State of the European Union with branches in Lithuania that have a Certificate issued by the Lithuanian Maritime Safety Administration may provide pilotage and berthing, pushing and towing services (CPC 7214).

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

Market access:

In **BE**: Cargo handling services can only be operated by accredited workers, eligible to work in port areas designated by royal decree (CPC 741).

*Existing measures:*

**BE**: Loi du 8 juin 1972 organisant le travail portuaire;

Arrêté royal du 12 janvier 1973 instituant une Commission paritaire des ports et fixant sa dénomination et sa compétence;

Arrêté royal du 4 septembre 1985 portant agrément d'une organisation d'employeur (Anvers);

Arrêté royal du 29 janvier 1986 portant agrément d'une organisation d'employeur (Gand);

Arrêté royal du 10 juillet 1986 portant agrément d'une organisation d'employeur (Zeebrugge);

Arrêté royal du 1er mars 1989 portant agrément d'une organisation d'employeur (Ostende);

and

Arrêté royal du 5 juillet 2004 relatif à la reconnaissance des ouvriers portuaires dans les zones portuaires tombant dans le champ d'application de la loi du 8 juin 1972 organisant le travail portuaire, tel que modifié.

**(c) Inland waterways transport and auxiliary services to inland waterways transport**

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

The EU: Inland waterways passenger and freight transportation (CPC 722); and services auxiliary to inland waterways transportation.

For greater certainty this reservation also covers the supply of cabotage transport on inland waterways (CPC 722).

**(d) Rail transport and auxiliary services to rail transport**

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

In EU: Railway passenger and freight transportation (CPC 711).



In **FI**: For cross-border supply of rail transport. With regard to establishment of rail passenger transport services, currently, there are exclusive rights (granted to VR-Group Ltd that is 100 per cent owned by the State) until 2017 in Helsinki Metropolitan Area and elsewhere until 2019 in this field, which may be renewed (CPC 7111, 7112).

In **LT**: Maintenance and repair services of rail transport equipment are subject to a state monopoly (CPC 86764, 86769, part of 8868).

In **SE** (with respect only to Market access): Maintenance and repair services of rail transport equipment are subject to an economic needs test when an investor intends to establish its own terminal infrastructure facilities. Main criteria: space and capacity constraints (CPC 86764, 86769, part of 8868).

*Existing measures:*

**FI**: Rautatielaki (Railway Act) (304/2011).

**SE**: Planning and Building Act (2010:900).

**(e) Road transport (passenger transportation, freight transportation, international truck transport services) and services auxiliary to road transport**

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

The EU:

- (i) to require establishment and to limit the cross-border supply of road transport services (CPC 712).
- (ii) to limit the supply of cabotage within a Member State of the European Union by foreign investors established in another Member State of the European Union (CPC 712).
- (iii) an economic needs test may apply to taxi services in the European Union setting a limit on the number of service suppliers. Main criteria: Local demand as provided in applicable laws (CPC 71221).

With respect to Investment liberalisation – Market access:

In **BE**: A maximum number of licences can be fixed by law (CPC 71221).

*Existing measures:*

**EU**: Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC; Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market; and Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006.

In **IT**: An economic needs test is applied to limousine services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

An economic needs test is applied to intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

An economic needs test is applied to the supply of freight transportation services. Main criteria: local demand (CPC 712).

*Existing measures:*

**IT:** Legislative decree 285/1992 (Road Code and subsequent amendments) article 85;  
Legislative Decree 395/2000 article 8 (road transport of passengers);  
Law 21/1992 (Framework law on non-scheduled public road transport of passengers);  
Law 218/2003 article 1 (transport of passenger through rented buses with driver); and  
Law 151/1981 (framework law on public local transport).

In **PT:** For passenger transportation, an economic needs test is applied to the supply of limousine services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment (CPC 712).

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

In **LV**: For passenger and freight transportation services, an authorisation is required, which is not extended to foreign registered vehicles. Established entities are required to use nationally registered vehicles (CPC 712).

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

In **BG**: For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of a Member State of the European Union and to juridical persons of the European Union having their headquarters in the European Union. Incorporation is required. Condition of nationality of a Member State of the European Union for natural persons (CPC 712).

In **MT**: For public bus service: The entire network is subject to a concession which includes a Public Service Obligation agreement to cater for certain social sectors (such as students and the elderly) (CPC 712).

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

In **FI**: Authorisation is required to provide road transport services, which is not extended to foreign registered vehicles (CPC 712).

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

In **FR**: Non-European Union investors are not allowed to provide intercity bussing services (CPC 712).

With respect to Investment liberalisation – Market access:

In **ES**: For passenger transportation, an economic needs test applies to services provided under CPC 7122. Main criteria: local demand. An economic needs test applies for intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

In **SE**: Maintenance and repair services of road transport equipment are subject to an economic needs test when an investor intends to establish its own terminal infrastructure facilities. Main criteria: space and capacity constraints (CPC 6112, 6122, 86764, 86769, part of 8867).

In **SK**: For freight transportation, an economic needs test is applied. Main criteria: local demand (CPC 712).

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

In **BG**: To require establishment for supporting services to road transport (CPC 744).

*Existing measures:*

**EU:** Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC; Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market; and Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006.

**FI:** Laki kaupallisista tavarankuljetuksista tiellä (Act on Commercial Road Transport) 693/2006; and Ajoneuvolaki (Vehicles Act) 1090/2002.

**SE:** Planning and Building Act (2010:900).



**(f) Space transport and rental of space craft**

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

The EU: The transportation services via space and the rental of space craft (CPC 733, part of 734).

**(g) Most-favoured-nation exemptions**

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

**(i) Transport (cabotage) other than maritime transport**

In FI: According differential treatment to a country pursuant to existing or future bilateral agreements exempting foreign registered vehicles from the general prohibition from providing cabotage transport (including combined transport, road and rail) in Finland on the basis of reciprocity (part of CPC 711, part of 712, part of 722).

(ii) Supporting services for maritime transport

In **BG**: In so far as Japan allows service suppliers from Bulgaria to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods in containers, Bulgaria will allow service suppliers from Japan to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods in containers under the same conditions (part of CPC 741, part of 742).

(iii) Rental or leasing of vessels

In **DE**: Chartering-in of foreign ships by consumers resident in Germany may be subject to a condition of reciprocity (CPC 7213, 7223, 83103).

(iv) Road and rail transport

The **EU**: To accord differential treatment to a country pursuant to existing or future bilateral agreements relating to international road haulage (including combined transport – road or rail) and passenger transport, concluded between the European Union or the Member States of the European Union and a third country (CPC 7111, 7112, 7121, 7122, 7123). That treatment may:

- reserve or limit the supply of the relevant transport services between the contracting Parties or across the territory of the contracting Parties to vehicles registered in each contracting Party<sup>1</sup>; or
- provide for tax exemptions for such vehicles.

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<sup>1</sup> With regard to Austria the part of the most-favoured-nation treatment exemption regarding traffic rights covers all countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be considered in future.

(v) Road transport

In **BG**: Measures taken under existing or future agreements, which reserve or restrict the supply of these kinds of transportation services and specify the terms and conditions of this supply, including transit permits or preferential road taxes, in the territory of Bulgaria or across the borders of Bulgaria (CPC 7121, 7122, 7123).

In **CZ**: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of the Czech Republic to the contracting parties concerned (CPC 7121, 7122, 7123).

In **ES**: Authorisation for the establishment of a commercial presence in Spain may be refused to service suppliers whose country of origin does not accord effective market access to service suppliers of Spain (CPC 7123).

*Existing measures:*

Ley 16/1987, de 30 de julio, de Ordenación de los Transportes Terrestres.

In **HR**: Measures applied under existing or future agreements on international road transport and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of transport services into, in, across and out of Croatia to the parties concerned (CPC 7121, 7122, 7123).

In **LT**: Measures that are taken under bilateral agreements and which set the provisions for transport services and specify operating conditions, including bilateral transit and other transport permits for transport services into, through and out of the territory of Lithuania to the contracting parties concerned, and road taxes and levies (CPC 7121, 7122, 7123).

In **SK**: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of the Slovak Republic to the contracting parties concerned (CPC 7121, 7122, 7123).

(vi) Rail transport

In **BG**, **CZ** and **SK**: For existing or future agreements, and which regulate traffic rights and operating conditions, and the supply of transport services in the territory of Bulgaria, the Czech Republic and Slovakia and between the countries concerned. (CPC 7111, 7112).

(vii) Air transport - Services auxiliary to air transport

The **EU**: According differential treatment to a third country pursuant to existing or future bilateral agreements relating to ground-handling services.

(viii) Road and rail transport

In **EE**: when according differential treatment to a country pursuant to existing or future bilateral agreements on international road transport (including combined transport-road or rail), reserving or limiting the supply of a transport services into, in, across and out of Estonia to the contracting Parties to vehicles registered in each contracting Party, and providing for tax exemption for such vehicles (part of CPC 711, part of 712, part of 721).

(ix) All passenger and freight transport services other than maritime and air transport

In **PL**: In so far as Japan allows the supply of transport services into and across the territory of Japan by passenger and freight transport suppliers of Poland, Poland will allow the supply of transport services by passenger and freight transport suppliers of Japan into and across the territory of Poland under the same conditions.

## **Reservation No. 21 – Agriculture, fishing and water**

Sector:	Agriculture, hunting, forestry; fishing, aquaculture, services incidental to fishing; collection, purification and distribution of water
Industry classification:	ISIC Rev. 3.1 011, ISIC Rev. 3.1 012, ISIC Rev. 3.1 013, ISIC Rev. 3.1 014, ISIC Rev. 3.1 015, CPC 8811, 8812, 8813 other than advisory and consultancy services; ISIC Rev. 3.1 0501, 0502, CPC 882
Type of reservation:	Market access  National treatment  Most-favoured-nation treatment  Prohibition of performance requirements  Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services



Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

**(a) Agriculture, hunting and forestry**

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

In **HR**: Agricultural and hunting activities.

In **HU**: Agricultural activities (ISIC Rev. 3.1 011, 3.1 012, 3.1 013, 3.1 014, 3.1 015, CPC 8811, 8812, 8813 other than advisory and consultancy services).

*Existing measures:*

**HR**: Law on Agricultural Land (Official Gazette no. 152/08, 25/09, 153/09, 21/10 39/11 and 63/11), article 2.

**(b) Fishing, aquaculture and services incidental to fishing (ISIC Rev. 3.1 0501, 0502, CPC 882)**

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

The EU: In particular within the framework of the Common Fisheries Policy, and of fishing agreements with a third country, access to and use of the biological resources and fishing grounds situated in maritime waters coming under the sovereignty or within the jurisdiction of Member States of the European Union, including:

- (i) regulating the landing of catches performed in the sub-quotas allocated to vessels of Japan or of a third country in European Union ports;
- (ii) determining a minimum size for a company in order to preserve both artisanal and coastal fishing vessels; or
- (iii) according differential treatment to Japan or a third country pursuant to existing or future bilateral agreements relating to fisheries.

A commercial fishing licence granting the right to fish in the territorial waters of a Member State of the European Union may only be granted to vessels flying the flag of a Member State of the European Union.

The nationality of the crew of a fishing vessel flying the flag of a Member State of the European Union.

The establishment of marine or inland aquaculture facilities.

In **FR**: Nationals of non-European Union countries cannot participate in French maritime State property for fish, shellfish or algae farming.

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

In **BG**: The taking of marine and river-living resources, performed by vessels in the internal marine waters, and the territorial sea of Bulgaria, shall be performed by vessels flying the flag of Bulgaria. A foreign ship may not engage in commercial fishing in the exclusive economic zone save on the basis of an agreement between Bulgaria and the flag state. While passing through the exclusive economic zone, foreign fishing ships may not maintain their fishing gear in operational mode.

**(c) Collection, purification and distribution of water**

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

The **EU**: For activities, including services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the supply of drinking water, and water management.

## **Reservation No. 22 – Energy related activities**

Sector:	Production of energy and related services
Industry classification:	ISIC Rev. 3.1 10, 1110, 12, 120, 1200, 13, 14, 232, 233, 2330, 40, 401, 4010, 402, 4020, part of 4030, CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88, 887.
Type of reservation:	Market access National treatment Prohibition of performance requirements Senior management and boards of directors
Section:	Investment liberalisation and Cross-border trade in services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) **Energy services – general (ISIC Rev. 3.1 10, 1110, 13, 14, 232, 40, 401, 402, part of 403, 41; CPC 613, 62271, 63297, 7131, 742, 7422, 887 (other than advisory and consulting services))**

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

The EU: Where a Member State of the European Union permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, with respect to enterprises of Japan controlled by natural persons or enterprises of a third country which accounts for more than 5 per cent of the European Union's oil, natural gas or electricity imports, in order to guarantee the security of the energy supply of the European Union as a whole, or of an individual Member State of the European Union. This reservation does not apply to advisory and consultancy services provided as services incidental to energy distribution.

This reservation does not apply to **HR, HU** and **LT** (for **LT**, only CPC 7131) with regard to the pipeline transport of fuels, nor to **LV** with regard to services incidental to energy distribution, nor to **SI** with regard to services incidental to the distribution of gas (ISIC Rev. 3.1 401, 402, CPC 7131, 887 other than advisory and consultancy services).

In **CY**: For the manufacture of refined petroleum products in so far as the investor is controlled by a natural or juridical person of a non-European Union country which accounts for more than 5 per cent of the European Union's oil or natural gas imports, as well as to the manufacture of gas, distribution of gaseous fuels through mains on own account, the production, transmission and distribution of electricity, the pipeline transportation of fuels, services incidental to electricity and natural gas distribution other than advisory and consulting services, wholesale services of electricity, retailing services of motor fuel, electricity and non-bottled gas (ISIC Rev. 3.1 232, 4010, 4020, CPC 613, 62271, 63297, 7131, and 887 other than advisory and consulting services).

In **FI**: The transmission and distribution networks and systems of energy and of steam and hot water.

In **FI**: The quantitative restrictions in the form of monopolies or exclusive rights for the importation of natural gas, and for the production and distribution of steam and hot water. Currently, natural monopolies and exclusive rights exist (ISIC Rev. 3.1 40, CPC 7131, 887 other than advisory and consultancy services).

In **FR**: The electricity and gas transmission systems and oil and gas pipeline transport (CPC 7131).

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

In **BE**: The energy distribution services, and services incidental to energy distribution (CPC 887 other than consultancy services).



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

In **BE**: For energy transmission services, regarding the types of legal entities and to the treatment of public or private operators to whom BE has conferred exclusive rights. Establishment is required within the European Union (ISIC Rev. 3.1 4010, CPC 71310).

In **BG**: For services incidental to energy distribution (part of CPC 88).

In **PT**: For the production, transmission and distribution of electricity, the manufacturing of gas, the pipeline transportation of fuels, wholesale services of electricity, retailing services of electricity and non-bottled gas, and services incidental to electricity and natural gas distribution. Concessions for electricity and gas sectors are assigned only to limited companies with their headquarters and effective management in PT (ISIC Rev. 3.1 232, 4010, 4020, CPC 7131, 7422, 887 other than advisory and consulting services).

In **SK**: An authorisation is required for the production, transmission and distribution of electricity, manufacture of gas and distribution of gaseous fuels, production and distribution of steam and hot water, pipeline transportation of fuels, wholesale and retail of electricity, steam and hot water, and services incidental to energy distribution, including services in the area of energy efficiency, energy savings and energy audit. An economic needs test is applied and the application may be denied only if the market is saturated. For all those activities, an authorisation may only be granted to a natural person with permanent residency in a Member State of the European Union or the EEA or a juridical person established in the European Union or the EEA (ISIC Rev. 3.1 4010, 4020, 4030, CPC 7131).

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

In **BE**: With the exception of the mining of metal ores and other mining and quarrying, foreign enterprises controlled by natural persons or enterprises of a third country which accounts for more than 5 per cent of the European Union's oil or natural gas or electricity imports may be prohibited from obtaining control of the activity. Incorporation is required (no branching) (ISIC Rev. 3.1 10, 1110, 13, 14, 232, part of 4010, part of 4020, part of 4030).

*Existing measures:*

**EU:** Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC; and

Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC.

**BG:** Energy Act.

**CY:** The Regulation of the Electricity Market Laws of 2003 Law 122(I)/2003 as amended by Laws 239(I)/2004, 143(I)/2005, 173(I)/2006, 92(I)/2008, 211(I)/2012, 206(I)/2015 and 18(I)/2017;

The Regulation of the Gas Market Laws of 2004 to 2007;

The Petroleum (Pipelines) Law, Chapter 273 of the Constitution of the Republic of Cyprus;

The Petroleum Law L.64(I)/1975; and

The Petroleum and Fuel Specifications Laws of 2003 to 2009.

**FI:** Maakaasumarkkinalaki (Natural Gas Market Act) (508/2000); and  
Sähkömarkkinalaki (Electricity Market Act) (386/1995).

**FR:** Energy Code (L111-5, L111-53).

**PT:** Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas;  
Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October – Electricity; and  
Decree-Law 31/2006, 15 February – Crude oil/Petroleum products.

**SK:** Act 51/1988 on Mining, Explosives and State Mining Administration;  
Act 569/2007 on Geological Activity, Article 5;  
Act 251/2012 on Energy, Articles 6 and 7; and  
Act 657/2004 on Thermal Energy, Article 5.

**(b) Electricity (ISIC Rev. 3.1 40, 401; CPC 62271, 887 (other than advisory and consulting services))**

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

In **FI**: The importation of electricity. With respect to cross-border trade, the wholesale and retail of electricity.

In **FR**: Only companies where 100 per cent of the capital is held by the French State, by another public sector organisation or by Electricité de France (EDF), may own and operate electricity transmission or distribution systems.

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

In **BG**: For the production of electricity and the production of heat.

In **PT**: The activities of electricity transmission and distribution are carried out through exclusive concessions of public service.

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

In **BE**: An individual authorisation for the production of electricity of a capacity of 25 MW requires establishment in the European Union, or in another State which has a similar regime to that enforced by Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity in place, and where the company has an effective and continuous link with the economy.

The offshore production of electricity within the offshore territory of BE is subject to concession and a joint venture obligation with a company from a Member State of the European Union, or a foreign company from a country having a similar regime to that of Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC, particularly with regard to conditions relating to the authorisation and selection. Additionally, the company should have its central administration or its head office in a Member State of the European Union or a country meeting the above criteria, where it has an effective and continuous link with the economy.

The construction of electrical power lines which link offshore production to the transmission network of Elia requires authorisation and the company must meet the previously specified conditions, except for the joint venture requirement.

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

In **BE**: An authorisation is necessary for the supply of electricity by an intermediary having customers established in BE who are connected to the national grid system or to a direct line whose nominal voltage is higher than 70,000 volts. That authorisation may only be granted to a natural or juridical person established in the EEA.

With respect to Investment liberalisation – Market access:

In **FR**: For the production of electricity.

*Existing measures:*

**BE**: Arrêté Royal du 11 octobre 2000 fixant les critères et la procédure d'octroi des autorisations individuelles préalables à la construction de lignes directes;

Arrêté Royal du 20 décembre 2000 relatif aux conditions et à la procédure d'octroi des concessions domaniales pour la construction et l'exploitation d'installations de production d'électricité à partir de l'eau, des courants ou des vents, dans les espaces marins sur lesquels la Belgique peut exercer sa juridiction conformément au droit international de la mer; and

Arrêté Royal du 12 mars 2002 relatif aux modalités de pose de câbles d'énergie électrique qui pénètrent dans la mer territoriale ou dans le territoire national ou qui sont installés ou utilisés dans le cadre de l'exploration du plateau continental, de l'exploitation des ressources minérales et autres ressources non vivantes ou de l'exploitation d'îles artificielles, d'installations ou d'ouvrages relevant de la juridiction belge.



**FI:** Maakaasumarkkinalaki (Natural Gas Market Act) (508/2000); and  
Sähkömarkkinalaki (Electricity Market Act) 588/2013FR: Energy Code (L111-5, L111-53).

**PT:** Decree-Law 215-A/2012; and  
Decree-Law 215-B/2012, 8 October – Electricity.

- (c) **Fuels, gas, crude oil or petroleum products (ISIC Rev. 3.1 232, 40, 402; CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88, 887 (other than advisory and consulting services))**

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

In **FI:** To prevent control or ownership of a liquefied natural gas (LNG) terminal (including those parts of the LNG terminal used for storage or re-gasification of LNG) by foreign persons or enterprises for energy security reasons.

In **FR**: Only companies where 100 per cent of the capital is held by the French State, by another public sector organisation or by ENGIE, may own and operate gas transmission or distribution systems for reasons of national energy security.

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

In **BE**: For bulk storage services of gas, regarding the types of legal entities and the treatment of public or private operators to whom Belgium has conferred exclusive rights. Establishment is required within the European Union for bulk storage services of gas (part of CPC 742).

In **BG**: For pipeline transportation, storage and warehousing of petroleum and natural gas, including transit transmission (CPC 71310, part of CPC 742).

In **PT**: For the cross-border supply of storage and warehousing services of fuels transported through pipelines (natural gas). Also, concessions relating to the transmission, distribution and underground storage of natural gas and the reception, storage and regasification terminal of LNG are awarded through contracts concession, following public calls for tenders (CPC 7131, CPC 7422).

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

In **BE**: The pipeline transport of natural gas and other fuels is subject to an authorisation requirement. An authorisation may only be granted to a natural or juridical person established in a Member State of the European Union (in accordance with Article 3 of the AR of 14 May 2002).

Where the authorisation is requested by a company:

- (i) the company must be established in accordance with Belgian law, or the law of another Member State of the European Union, or the law of a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas; and

- (ii) the company must hold its administrative seat, its principal establishment or its head office within a Member State of the European Union, or a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas, provided that the activity of this establishment or head office represents an effective and continuous link with the economy of the country concerned (CPC 7131).

In **BE**: In general the supply of natural gas to customers (customers being both distribution companies and consumers whose overall combined consumption of gas arising from all points of supply attains a minimum level of one million cubic metres per year) established in Belgium is subject to an individual authorisation provided by the minister, except where the supplier is a distribution company using its own distribution network. Such an authorisation may only be granted to a natural or juridical person established in a Member State of the European Union.

In **CY**: For the cross-border supply of storage and warehousing services of fuels transported through pipelines, and the retail sales of fuel oil and bottled gas other than by mail order (CPC 613, CPC 62271, CPC 63297, CPC 7131, CPC 742).

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

Market access:

In **HU**: The supply of pipeline transport services requires establishment. Services may be provided through a Contract of Concession granted by the state or the local authority. The supply of this service is regulated by the Hungarian Concession Law (CPC 7131).

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

In **LT**: For pipeline transportation of fuels and services auxiliary to pipeline transport of goods other than fuel.

*Existing measures:*

**BE**: Arrêté Royal du 14 mai 2002 relatif à l'autorisation de transport de produits gazeux et autres par canalisations; and

Loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations (article 8.2).

**BG**: Energy Act.

**CY:** The Regulation of the Electricity Market Law of 2003 Law 122(I)/2003 as amended by Laws 239(I)/2004, 143(I)/2005, 173(I)/2006, 92(I)/2008, 211(I)/2012, 206(I)/2015 and 18(I)/2017;

The Regulating of the Gas Market Laws of 2004 to 2007;

The Petroleum (Pipelines) Law, Chapter 273 of the Constitution of the Republic of Cyprus;

The Petroleum Law L.64(I)/1975; and

The Petroleum and Fuel Specifications Laws of 2003 to 2009.

**FI:** Maakaasumarkkinalaki (Natural Gas Market Act) (508/2000).

**FR:** Energy Code (L111-5, L111-53).

**HU:** Act XVI of 1991 about Concessions.

**LT:** Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973.

**PT:** Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas;

Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October – Electricity; and

Decree-Law 31/2006, 15 February – Crude oil/Petroleum products.

(d) **Nuclear (ISIC Rev. 3.1 12, 3.1 23, 120, 1200, 233, 2330, 40, part of 4010, CPC 887))**

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

In **DE**: For the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

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

In **AT** and **FI**: for the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

In **BE**: For the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

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

In **HU** and **SE**: For the processing of nuclear fuel and nuclear-based electricity generation.

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

In **BG**: For the processing of fissionable and fusionable materials or the materials from which they are derived, as well as to the trade therewith, to the maintenance and repair of equipment and systems in nuclear energy production facilities, to the transportation of those materials and the refuse and waste matter of their processing, to the use of ionising radiation, and on all other services relating to the use of nuclear energy for peaceful purposes (including engineering and consulting services and services relating to software etc.).

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

In **FR**: These activities must respect the obligations of the Euratom-Japan Agreement.



*Existing measures:*

**AT:** Bundesverfassungsgesetz für ein atomfreies Österreich (Constitutional Act for a Nonnuclear Austria) BGBl. I Nr. 149/1999.

**BG:** Safe Use of Nuclear Energy Act.

**FI:** Ydinenergialaki (Nuclear Energy Act) (990/1987).

**HU:** Act CXVI of 1996 on Nuclear Energy; and  
Government Decree Nr. 72/2000 on Nuclear Energy.

**SE:** The Swedish Environmental Code (1998:808); and  
Law on Nuclear Technology Activities (1984:3).

**Reservation No. 23 – Other services not included elsewhere**

Sector: Other services not included elsewhere

Industry classification: CPC 9703, part of CPC 612, part of CPC 621, part of CPC 625, part of 85990

Type of reservation: Market access

National treatment

Most-favoured-nation treatment

Prohibition of performance requirements

Senior management and boards of directors

Section: Investment liberalisation and Cross-border trade in services

Description:

The **EU** reserves the right to adopt or maintain any measure with respect to the following:

**(a) Funeral, cremation services and undertaking services (CPC 9703)**

With respect to Investment liberalisation – Market access:

In **FI**: Cremation services and operation/maintenance of cemeteries and graveyards can only be performed by the state, municipalities, parishes, religious communities or non-profit foundations or societies.

In **PT**: Commercial presence is required to provide funeral and undertaking services. EEA nationality is required in order to become a technical manager for entities providing funeral and undertaking services.

In **SE**: Church of Sweden or local authority monopoly on cremation and funeral services.

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

In **DE**: Only juridical persons established under public law may operate a cemetery. The creation and operation of cemeteries and services related to funerals are carried out as governmental services.

In **SI**: Funeral, cremation and undertaking services.

*Existing measures:*

**FI**: Hautaustoimilaki (Act on Burial Service) (457/2003).

**PT**: Decree-Law 10/2015, of 16 January.

**SE**: Begravningslag (1990:1144).

**(b) Other business-related services**

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

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

*Existing measures:*

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

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

In **LT**: State enterprise "Infostruktura" has exclusive rights to provide the following services: data transmission through secure state data transmission networks, granting of internet addresses ending "gov.lt", certification of electronic cash-registers.

*Existing measures:*

**LT:** Government Resolution of 28 May 2002 No.756 on the approval of the standard procedure for setting prices and tariffs of goods and services of a monopolistic nature provided by state owned enterprises and public institutions established by ministries, governmental institutions and county governors and assigned to them.

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

In **FI:** Require establishment in Finland or elsewhere in the EEA in order to provide electronic identification services.

*Existing measures:*

**FI:** Laki vahvasta sähköisestä tunnistamisesta ja sähköisistä luottamuspalveluista 617/2009 (Act on Strong Electronic Identification and Electronic Trust Services 617/2009).

(c) **New services**

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

The EU: For the provision of new services other than those classified in the United Nations Provisional Central Product Classification (CPC), 1991.

## Schedule of Japan

### Headnotes

1. This Schedule sets out, in accordance with Articles 8.12, 8.18 and 8.24, the reservations taken by Japan with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
  - (a) Article 8.7 or 8.15;
  - (b) Article 8.8 or 8.16;
  - (c) Article 8.9 or 8.17;
  - (d) Article 8.10; or
  - (e) Article 8.11.



2. Each reservation sets out the following elements:
  - (a) "Sector" refers to the general sector in which the reservation is taken;
  - (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
  - (c) "Industry Classification" refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
  - (d) "Obligations Concerned" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
  - (e) "Description" sets out the scope of the sectors, sub-sectors or activities covered by the reservation; and
  - (f) "Existing Measures" identifies, for transparency purposes, existing measures that apply to the sectors, sub-sectors or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The "Description" element shall prevail over all the other elements.
4. With respect to financial services:
  - (a) for prudential reasons within the context of Article 8.65, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence; for the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with a regulatory framework aimed at achieving those prudential objectives; in this context, securities firms are allowed to deal in securities defined in the relevant laws of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws; and
  - (b) services supplied in the territory of the European Union to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (d)(ii) of Article 8.2.

5. With respect to maritime transport services, measures affecting cabotage in maritime transport services are not listed in this Schedule, as these are excluded from the scope of Section B of Chapter 8, pursuant to subparagraph 2(a) of Article 8.6 and Section C of Chapter 8, pursuant to subparagraph 2(a) of Article 8.14.
6. Laws and regulations of Japan with regard to spectrum availability affecting obligations under Articles 8.7 and 8.15 are not included in this Schedule of Japan, taking into account the Attachment 6 of Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001).
7. For the purposes of the Schedule of Japan in this Annex, "JSIC" means Japan Standard Industrial Classification set out by the Ministry of Internal Affairs and Communications, and revised on 30 October 2013.

1 Sector: All Sectors

Sub-Sector:

Industry  
Classification:

Obligations Concerned: Market access (Article 8.7)  
National treatment (Article 8.8)  
Senior management and boards of directors (Article 8.10)

Description: Investment liberalisation

1. When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Japan reserves the right to:
  - (a) prohibit or impose limitations on the ownership of those interests or assets by entrepreneurs of the European Union or their investment;

- (b) impose limitations on the ability of entrepreneurs of the European Union or their investment as owners of those interests or assets to control any resulting enterprise; or
- (c) adopt or maintain any measure relating to the nationality of executives, managers or members of the board of directors of any resulting enterprise.

2. Notwithstanding paragraph 1, the central level of the Government of Japan shall not adopt any prohibition, limitation or measure referred to in paragraph 1 by new laws or regulations following the initial transfer from the central level of Government of Japan to an entrepreneur of the European Union or to its investment of the interests or assets referred to in paragraph 1.<sup>1</sup>

Existing  
Measures:

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<sup>1</sup> For greater certainty, the central level of the Government of Japan can maintain such prohibition, limitation or measure that is adopted or maintained at the initial transfer.

2 Sector: All Sectors

Sub-Sector:

Industry  
Classification:

Obligations Concerned: Market access (Articles 8.7 and 8.15)  
National treatment (Articles 8.8 and 8.16)  
Senior management and boards of directors (Article 8.10)

Description: Investment liberalisation and Cross-border trade in services  
Japan reserves the right to adopt or maintain any measure relating to investments in or the supply of telegraph services, betting and gambling services, manufacture of tobacco products, manufacture of Bank of Japan notes, minting and sale of coinage and postal services in Japan.<sup>1</sup>

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<sup>1</sup> For the purposes of this reservation, "postal services" means delivery of other persons' correspondence (tanin-no-shinsho-no-sotatsu) specified in paragraph 2 of Article 4 of Postal Law (Law No. 165 of 1947) and correspondence delivery service (shinshobin-no-ekimu) within the meaning of the Law Concerning Correspondence Delivery Provided by Private Operators (Law No. 99 of 2002), but does not include special correspondence delivery services (tokutei-shinshobin-ekimu) within the meaning of the latter Law. Services not included in this definition include delivery of parcels, packages, goods, direct mail and periodicals.

Existing  
Measures:

Telecommunications Business Law (Law No. 86 of 1984)  
Supplementary Provisions, Article 5  
Postal Law (Law No. 165 of 1947), Article 2  
Law Concerning Correspondence Delivery Provided by Private  
Operators (Law No. 99 of 2002)  
Horse Racing Law (Law No. 158 of 1948), Article 1  
Law relating to Motorboat Racing (Law No. 242 of 1951), Article 2  
Bicycle Racing Law (Law No. 209 of 1948), Article 1  
Auto Racing Law (Law No. 208 of 1950), Article 3  
Lottery Law (Law No. 144 of 1948), Article 4  
Bank of Japan Act (Act No. 89 of 1997), Articles 46 and 49  
The Law relating to Unit of Currency and Issue of Coin (Law No. 42  
of 1987), Articles 4 and 10  
Sports Promotion Lottery Law (Law No. 63 of 1998), Article 3

3 Sector: All Sectors (Unrecognised or Technically Unfeasible Services)

Sub-Sector:

Industry  
Classification:

Obligations  
Concerned: Market access (Articles 8.7 and 8.15)  
National treatment (Articles 8.8 and 8.16)  
Most-favoured-nation treatment (Articles 8.9 and 8.17)

Description: Investment liberalisation and Cross-border trade in services

1. Japan reserves the right to adopt or maintain any measure relating to services other than those recognised or other than those that should have been recognised by the Government of Japan owing to the circumstances at the time of entry into force of this Agreement.
2. Any services classified positively and explicitly in JSIC or CPC, at the time of entry into force of this Agreement should have been recognised by the Government of Japan at that time.
3. Japan reserves the right to adopt or maintain any measure relating to the supply of services in any mode of supply in which those services were not technically feasible at the time of entry into force of this Agreement.

Existing  
Measures:



4	Sector:	Aerospace Industry
	Sub-Sector:	Space Industry
	Industry Classification:	
	Obligations Concerned:	Market access (Articles 8.7 and 8.15) National treatment (Articles 8.8 and 8.16) Senior management and boards of directors (Article 8.10) Prohibition of performance requirements (Article 8.11)
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> 1. Japan reserves the right to adopt or maintain any measure relating to investments in space industry.

2. Japan reserves the right to adopt or maintain any measure relating to the supply of services in space industry, including:
  - (a) services based on technological inducement contracts for importing technology for development, production or use;
  - (b) production services on fee or contract basis;
  - (c) repair and maintenance services; and
  - (d) space transportation services.

Existing  
Measures:

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949),  
Articles 27 and 30

5	Sector:	Arms and Explosives Industry
	Sub-Sector:	Arms Industry Explosives Manufacturing Industry
	Industry Classification:	
	Obligations Concerned:	Market access (Articles 8.7 and 8.15) National treatment (Articles 8.8 and 8.16) Senior management and boards of directors (Article 8.10) Prohibition of performance requirements (Article 8.11)
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> 1. Japan reserves the right to adopt or maintain any measure relating to investments in arms industry and explosives manufacturing industry.

2. Japan reserves the right to adopt or maintain any measure relating to the supply of services in arms industry and explosives manufacturing industry, including:
  - (a) services based on technological inducement contracts for importing technology for development, production or use;
  - (b) production services on fee or contract basis; and
  - (c) repair and maintenance services.

Existing  
Measures:

Ordinance Manufacturing Law (Law No. 145 of 1953), Article 5

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949),  
Articles 27 and 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of  
1980), Articles 3 and 5

6	Sector:	Information and Communications
	Sub-Sector:	Broadcasting Industry
	Industry Classification:	JSIC 380 Establishments engaged in administrative or ancillary economic activities JSIC 381 Public broadcasting, except cablecasting JSIC 382 Private-sector broadcasting, except cablecasting JSIC 383 Cablecasting
	Obligations Concerned:	Market access (Articles 8.7 and 8.15) National treatment (Articles 8.8 and 8.16) Senior management and boards of directors (Article 8.10) Prohibition of performance requirements (Article 8.11)

Description: Investment liberalisation and Cross-border trade in services

1. Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in broadcasting industry.
2. For the purposes of this reservation, "broadcasting" means the transmission of telecommunications with the aim of direct reception by the public (paragraph 1 of Article 2 of the Broadcast Law) and does not include on-demand services including those services provided over the internet.

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27  
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3  
Radio Law (Law No. 131 of 1950), Chapter 2  
Broadcast Law (Law No. 132 of 1950), Chapters 2 and 5 to 8

7	Sector:	Education and Learning Support	
	Sub-Sector:	Primary and Secondary Educational Services	
	Industry Classification:	JSIC 811	Kindergartens
		JSIC 812	Elementary schools
		JSIC 813	Lower secondary schools
		JSIC 814	Upper secondary schools, secondary schools
		JSIC 815	School for special needs education
		JSIC 819	Integrated centres for early childhood education and care
	Obligations Concerned:	Market access (Articles 8.7 and 8.15)	
		National treatment (Articles 8.8 and 8.16)	

Description:	<p><u>Investment liberalisation and Cross-border trade in services</u></p> <p>Japan reserves the right to adopt or maintain any measure relating to investments or the supply of primary and secondary educational services.</p>
Existing Measures:	<p>Fundamental Law of Education (Law No. 120 of 2006), Article 6</p> <p>School Education Law (Law No. 26 of 1947), Article 2</p> <p>Private School Law (Law No. 270 of 1949), Article 3</p> <p>Law Concerning Advancement of Comprehensive Service Related to Education, Child Care, etc. of Preschool Children (Law No.77 of 2006)</p>



8	Sector:	Energy	
	Sub-Sector:	Electricity Utility Industry Gas Utility Industry Nuclear Energy Industry	
	Industry Classification <sup>1</sup> :	JSIC 0519*1	Miscellaneous metal mining
		JSIC 2391	Nuclear fuel
		JSIC 281*2	Electronic devices
		JSIC 282*2	Electronic parts
		JSIC 289*2	Miscellaneous electronic parts, devices and electronic circuits
		JSIC 291*2	Electrical generating, transmission and distribution apparatus
		JSIC 292*2	Industrial electrical apparatus

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<sup>1</sup> An asterisk (\*1) on the JSIC number indicates that the activities covered by the reservation under such number are limited to nuclear materials. An asterisk (\*2) on the JSIC numbers indicates that the activities covered by the reservation under such numbers are limited to the activities related to nuclear energy industry.

JSIC 2952*2	Primary batteries (dry and wet)
JSIC 296*2	Electronic equipment
JSIC 297*2	Electric measuring instruments
JSIC 299*2	Miscellaneous electrical machinery equipment and supplies
JSIC 30*2	Manufacture of information and communication electronics equipment
JSIC 313*2	Shipbuilding and repairing, and marine engines
JSIC 3159*2	Miscellaneous industrial trucks and parts and accessories
JSIC 3199*2	Transportation equipment, n.e.c.
JSIC 33	Production, transmission and distribution of electricity
JSIC 34	Production and distribution of gas
JSIC 8899*2	Waste disposal business, n.e.c.
JSIC 9011*2	General machine repair shops, except construction and mining machinery
JSIC 902*2	Electrical machinery, apparatus, appliances and supplies repair shop

Obligations Concerned:	<p>Market access (Articles 8.7 and 8.15)</p> <p>National treatment (Articles 8.8 and 8.16)</p> <p>Senior management and boards of directors (Article 8.10)</p> <p>Prohibition of performance requirements (Article 8.11)<sup>1</sup></p> <p>Most-favoured-nation treatment (Article 8.17)</p>
Description:	<p><u>Investment liberalisation and Cross-border trade in services</u></p> <p>Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in the energy industry listed in "the sub-sector" element.</p>
Existing Measures:	<p>Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30</p> <p>Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5</p> <p>Electricity Business Law (Law No.170 of 1964), Article 5</p> <p>Gas Business Law (Law No.51 of 1954), Article 5</p> <p>Specified Radioactive Waste Final Disposal Law (Law No. 117 of 2000), Chapter 5</p>

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<sup>1</sup> With respect to the obligation under Article 8.11, this reservation applies only to measures which are not inconsistent with the obligations under the Agreement on Trade-Related Investment Measures.

9	Sector:	Financial Services
	Sub-Sector:	Banking and Other Financial Services (excluding insurance)
	Industry Classification:	
	Obligations Concerned:	Market access (Article 8.15) National treatment (Article 8.16)
	Description:	<p><u>Cross-border trade in services</u></p> <p>Japan reserves the right to adopt or maintain any measure with respect to cross-border trade in financial services for banking and other financial services, other than the following services set out in subparagraphs (a) to (d) through the mode of supply defined in subparagraph (d)(i) of Article 8.2 and the following service set out in subparagraph (e) through the mode of supply defined in subparagraph (d)(ii) of Article 8.2:<sup>1</sup></p> <p>(a) securities-related transactions with financial institutions and other entities in Japan as prescribed by the relevant laws and regulations of Japan;</p>

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<sup>1</sup> With respect to subparagraphs (a) to (d) of this reservation, Japan may require the registration or authorisation of cross-border financial service suppliers of the European Union and of financial instruments.

- (b) sales of a beneficiary certificate of an investment trust and an investment security, through securities firms in Japan;<sup>1</sup>
- (c) the following services to a collective investment scheme:
  - (i) investment advice; and
  - (ii) portfolio management services, excluding:
    - (A) trustee services; and
    - (B) custodial services and execution services that are not related to managing a collective investment scheme<sup>2</sup>.
- (d) provision and transfer of financial information and financial data processing as referred to in subparagraph (a)(ii)(K) of Article 8.59 and advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services as referred to in subparagraph (a)(ii)(L) of Article 8.59; and
- (e) the services as referred to in subparagraph (a)(ii) of Article 8.59.

Existing  
Measures:

Financial Instruments and Exchange Law (Law No. 25 of 1948),  
Articles 29, 29-2 and 61

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<sup>1</sup> Solicitation is required to be conducted by securities firms in Japan.

<sup>2</sup> The term "collective investment scheme" in this reservation is construed as a financial instruments business operator engaged in investment management business under the Financial Instruments and Exchange Law (Law No. 25 of 1948).

10 Sector: Financial Services  
Sub-Sector: Insurance and Insurance-related Services

Industry  
Classification:

Obligations Concerned: Market access (Article 8.15)  
National treatment (Article 8.16)

Description: Cross-border trade in services

Japan reserves the right to adopt or maintain any measure with respect to cross-border trade in financial services for insurance and insurance-related services, other than the following services, whether supplied by a financial service supplier of the European Union established in the territory of European Union as a principal, through an intermediary or as an intermediary through the modes of supply defined in subparagraphs (d)(i) and (d)(ii) of Article 8.2:<sup>1</sup>

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<sup>1</sup> Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in Japan.

- (a) insurance of risks relating to:
  - (i) maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising therefrom; and
  - (ii) goods in international transit; and
- (b) reinsurance, retrocession and the services auxiliary to insurance as referred to in subparagraph (a)(i)(D) of Article 8.59.

Existing  
Measures:

Insurance Business Law (Law No. 105 of 1995), Articles 185, 186, 275, 276, 277, 286 and 287

Cabinet Order for Enforcement of Insurance Business Law (Cabinet Order No. 425 of 1995), Articles 19 and 39-2

Ministerial Ordinance for Enforcement of Insurance Business Law (Ministerial Ordinance of the Ministry of Finance No. 5 of 1996), Articles 116 and 212-6

11	Sector:	Fisheries and Services Incidental to Fisheries
	Sub-Sector:	Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf
	Industry Classification:	JSIC 031 Marine fisheries JSIC 032 Inland water fisheries JSIC 041 Marine aquaculture JSIC 042 Inland water aquaculture JSIC 8093 Recreational fishing guide business
	Obligations Concerned:	Market access (Articles 8.7 and 8.15) National treatment (Articles 8.8 and 8.16) Most-favoured-nation treatment (Articles 8.9 and 8.17) Senior management and boards of directors (Article 8.10) Prohibition of performance requirements (Article 8.11)
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> 1. Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan.



2. For the purposes of this reservation, the term "fisheries" means the work of taking and cultivation of aquatic resources, including the following fisheries related services:
  - (a) investigation of aquatic resources without taking those resources;
  - (b) luring of aquatic resources;
  - (c) preservation and processing of fish catches;
  - (d) transportation of fish catches and fish products; and
  - (e) provision of supplies to other vessels used for fisheries.

Existing  
Measures:

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949),  
Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of  
1980), Article 3

Law for Regulation of Fishing Operation by Foreign Nationals (Law  
No. 60 of 1967), Articles 3, 4 and 6

Law Concerning the Exercise of Sovereign Rights concerning Fisheries  
in the Exclusive Economic Zones (Law No. 76 of 1996), Articles 4, 5,  
7, 8, 9, 10, 11, 12 and 14

12 Sector: Land Transaction

Sub-Sector:

Industry  
Classification:

Obligations  
Concerned: Market access (Article 8.7)  
National treatment (Articles 8.8 and 8.16)  
Most-favoured-nation treatment (Articles 8.9 and 8.17)

Description: Investment liberalisation and Cross-border trade in services

1. With respect to the acquisition or lease of land properties in Japan, prohibitions or restrictions may be imposed by Cabinet Order on foreign nationals or legal persons, where Japanese nationals or legal persons are placed under identical or similar prohibitions or restrictions in the foreign country.
2. Japan reserves the right to adopt or maintain any measure relating to the acquisition of agricultural land properties in Japan.<sup>1</sup>

Existing  
Measures: Alien Land Law (Law No. 42 of 1925), Article 1  
Agricultural Land Act (Law No. 229 of 1952), Articles 2, 3, 6 and 7

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<sup>1</sup> The obligation under Article 8.7 is stipulated in this reservation for the sole purpose of reserving the right to adopt or maintain any measure relating to the acquisition of agricultural land properties in Japan. With regard to the acquisition of agricultural land properties in Japan, only measures that do not conform with the obligation under Article 8.7 may be imposed.

13 Sector: Public Law Enforcement and Correctional Services and Social Services

Sub-Sector:

Industry

Classification:

Obligations Concerned: Market access (Articles 8.7 and 8.15)  
National treatment (Articles 8.8 and 8.16)  
Most-favoured-nation treatment (Articles 8.9 and 8.17)  
Senior management and boards of directors (Article 8.10)  
Prohibition of performance requirements (Article 8.11)

Description: Investment liberalisation and Cross-border trade in services  
Japan reserves the right to adopt or maintain any measure relating to investments or the supply of services in public law enforcement and correctional services, and in social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public training, health, child care and public housing.

Existing Measures:

14	Sector:	Security Guard Services
	Sub-Sector:	
	Industry Classification:	JSIC 923    Guard Services
	Obligations Concerned:	Market access (Articles 8.7 and 8.15) National treatment (Article 8.16)
	Description:	<u>Investment liberalisation and Cross-border trade in services</u> Japan reserves the right to adopt or maintain any measure relating to the supply of security guard services.
	Existing Measures:	Security Business Law (Law No. 117 of 1972), Articles 4 and 5

15 Sector: All Sectors

Sub-Sector:

Industry  
Classification:

Obligations  
Concerned: Most-favoured-nation treatment (Articles 8.9 and 8.17)

...[Annex 8-B]/en 195

Description: Investment liberalisation and Cross-border trade in services

1. Japan reserves the right to adopt or maintain any measure that accords less favourable treatment to services, service suppliers, covered enterprises or entrepreneurs of the European Union to any extent than any treatment that Japan accords to services, service suppliers, enterprises or entrepreneurs of a third country, provided that Japan is obliged to accord any treatment to services, service suppliers, enterprises or entrepreneurs of the third country under any bilateral or multilateral agreement in force on, or signed prior to, the date of entry into force of this Agreement except for the TPP Agreement<sup>1</sup>(hereinafter, such bilateral or multilateral agreement is referred to in this reservation as "the pre-existing agreement").

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<sup>1</sup> For the purposes of this reservation, "the TPP Agreement" means the Trans-Pacific Partnership Agreement signed in Auckland on February 4, 2016 or any other international agreement related to services and investments which:

- (a) provides services, service suppliers, enterprises or entrepreneurs with the substantially equivalent liberalisation and protection to those of the Trans-Pacific Partnership Agreement signed in Auckland on February 4, 2016; and
- (b) is signed by all of the following states: Japan, Australia, New Zealand, Peru, Singapore, Malaysia, Viet Nam, Canada, Mexico, Brunei Darussalam and Chile.

2. To the extent that Japan's right provided for in paragraph 1 is not prejudiced, provided that the TPP Agreement is in force on, or prior to, the date of entry into force of this Agreement, with respect of the treatment that is accorded to services, service suppliers, enterprises or entrepreneurs of a TPP member<sup>1</sup> by the TPP Agreement irrespective of whether Japan has become, remains or ceases to be a party to any of the pre-existing agreement, no less favourable treatment than that is accorded by Japan to services, service suppliers, covered enterprises or entrepreneurs of the European Union in like circumstances.<sup>2</sup>

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<sup>1</sup> For the purposes of this reservation, "the TPP member" means any state or separate customs territory for which the TPP Agreement enters into force.

<sup>2</sup> For greater certainty, this reservation does not include subsequent reviews, amendments or liberalisation under the framework of those agreements, to the extent that any treatment to services, service suppliers, enterprises or entrepreneurs of third country under the pre-existing agreement referred to in paragraph 1 is newly accorded as a result of those subsequent reviews, amendments or liberalisation.

3. Japan reserves the right to adopt or maintain any measure that accords differential treatment to countries under any bilateral or multilateral agreement, other than the pre-existing agreement and the TPP Agreement, involving:
  - (a) fisheries; or
  - (b) maritime matters, including salvage.

Existing  
Measures:



16	Sector:	Agriculture
	Sub-Sector:	Dairy Cattle Farming Beef Cattle Farming
	Industry Classification:	JSIC 0121 Dairy Cattle Farming JSIC 0122 Beef Cattle Farming
	Obligations Concerned:	Market access (Article 8.7)
	Description:	<u>Investment liberalisation</u> Japan reserves the right to adopt or maintain any measure relating to investments in dairy cattle farming and beef cattle farming.
	Existing Measures:	Act Concerning Dairy and Beef Cattle Production Promotion (Act No. 182 of 1954), Article 10

17	Sector:	Transport/Business Services
	Sub-Sector:	Air Transport
	Industry Classification:	
	Obligations Concerned:	Most-favoured-nation treatment (Articles 8.9 and 8.17)
	Description:	<p><u>Investment liberalisation and Cross-border trade in services</u></p> <p>Japan reserves the right to adopt or maintain any measure under any bilateral or multilateral agreement involving aviation relating to the services referred to in subparagraphs 2(b)(i) to (iv) of Article 8.6 and subparagraphs (i) to (iv) of 2(b) of Article 8.14.</p>
	Existing Measures:	

18 Sector: Transport

Sub-Sector:

Industry  
Classification:

Obligations  
Concerned: Market access (Articles 8.7 and 8.15)  
National treatment (Articles 8.8 and 8.16)  
Most-favoured-nation treatment (Articles 8.9 and 8.17)  
Senior management and boards of directors (Article 8.10)  
Prohibition of performance requirements (Article 8.11)

Description: Investment liberalisation and Cross-border trade in services  
Japan reserves the right to adopt or maintain any measure on water transport services including cabotage, on ship leasing or rental services for water transport services and on auxiliary services for water transport services.  
For the purposes of this reservation, oceangoing transport (JSIC 451) and coastwise transport (JSIC 452) are excluded from water transport services.

Existing  
Measures: