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GATS 2000

REQUEST FROM THE EC AND ITS MEMBER STATES (HEREAFTER THE EC)

TO

THE DOMINICAN REPUBLIC

GENERAL REMARKS

At the WTO Ministerial Conference in Doha in November 2001, ministers agreed that initial requests for specific commitments should be submitted by 30 June 2002.

In line with this decision, and committed to the objectives and principles stated in GATS, in particular Article IV and XIX GATS, as well as the negotiating guidelines agreed by the Council for Trade and Services on 29 March 2001, the EC encourages the Dominican Republic to participate actively in the negotiations.

The EC considers that the progressive liberalisation of services is of benefit for all members, including developing and least developed countries. In this context, the EC recognises the importance of liberalisation being underpinned by domestic regulatory frameworks designed to ensure the achievement of public policy objectives.

This request covers horizontal commitments, MFN exemptions and the following service sectors:

- Professional services
- Business services (other than professional services)
- Telecommunication services
- Construction and related engineering services
- Distribution services
- Environmental services
- Financial services
- Tourism and travel related services
- News Agency services
- Transport services

The EC proposes that the Dominican Republic's current GATS commitments are revised in accordance with this request. The EC is both seeking improved commitments and clarification of existing commitments as set out in this Request.

The EC is furthermore looking for a reduction in schedules limitations whether these are horizontal or sector specific in nature. In so doing, the EC is not seeking the dismantling of public services nor the privatisation of state owned companies.

In conformity with the objectives set out in the EC's overall approach to services negotiations (document S/CSS/W/15), the EC reiterates its commitments to promote regulatory disciplines in accordance with Article VI:4 of the GATS. The EC, however, reserves its right to address at any time to the Dominican Republic specific requests concerning regulatory issues.

The EC further requests that commitments are entered in accordance with the scheduling guidelines adopted by the Council of Trade in Services on 23 March 2001 (S/L/92). In particular, for each commitment or limitation entered the EC requests:

- that the sector and sub-sector are clearly identified in accordance with the classification list in document MTN.GNS/W /120 or other internationally recognised classification (e.g. Financial Services Annex). If this is not possible, the schedule should contain a sufficiently detailed definition to avoid any ambiguity as to the scope of the commitment. In that respect, the EC would like to recall the classification or list of activities proposed in its negotiating proposals with regard to energy services. While discussions on classification in these sectors are still ongoing, the EC would like to invite the Dominican Republic to present its offer in accordance with this approach.
- that any remaining limitation on market access (hereafter "MA ") or on national treatment (hereafter "NT") are clearly described and only be inscribed in the market access or national treatment columns if the measure is of a nature foreseen by Articles XVI-XVII GATS.

The EC remains available to provide any clarification and answer any question on this request. Questions can be addressed to the European Commission via the EC GATS contact point (mailbox address: TRADE-GATS-CONTACT-POINTS@cec.eu.int), via the Delegation of the European Commission in Geneva, or directly to the European Commission (Directorate-General Trade, Unit D2 (Trade in services, including e-commerce), Brussels, B-1049, Belgium, fax 32-2-299 24 35).

Note: The EC reserves the right to revise and/or supplement this request. For each service sector, W120 classification has been followed unless expressly indicated and CPCs refer to the provisional CPC classification. The precise scope for each sector is without prejudice to the EC's final position on classification issues and to the EC's classification of their existing commitments.

HORIZONTAL COMMITMENTS

EC REQUEST TO THE DOMINICAN REPUBLIC

MODE 3

- MA- Foreign investment subject to authorisation and registration. **EC Request:** Remove the requirement of an authorisation
- MA- Limit on remittance abroad of annual profits (25% of registered capital). **EC Request:** Remove
- MA- Foreign investment prohibited in public services, such as drinking water, sewage and postal services and any other area the Directorate declares closed to foreign investment. **EC Request:** Precise which services are subject to a public monopoly and identify in which sectors can the Directorate declare a service to be closed to foreign investment.
- MA- Foreign investment subject to percentages for the production of material and equipment directly related to the national defence and security and for certain sectors. **EC Request:** Remove the limitation concerning defence and security, as it does not need to be scheduled. Remove also limitations on advertising, internal land transport, maritime transport, including maritime and insurance. Remaining limitations should be moved from the horizontal section to the relevant sector.
- MA- Foreign companies required to recruit a minimum of 80 per cent of Dominican employees. **EC Request:** Reduce substantially this percentage

MODE 4

Definitions

- It is not clear what is covered by «senior and specialised staff». **EC Request:** Define in schedule

National Treatment

- Reference to applicable taxation regime for foreign nationals. **EC Request:** Eliminate. In accordance with the Scheduling guidelines adopted in March 2001, this measure does not need to be scheduled.

Professional services

- Provision of such services through mode 4 is subject to national law. **EC Request:** Clarify relevant provision of national law. What additional restrictions does national law impose on mode 4 service suppliers in this area other than those already listed in this schedule?

Intra-corporate transferees

An intra-corporate transferee (ICT) is an employee of a foreign firm, who is temporarily transferred to an affiliate of that firm (branch subsidiary, office, joint venture etc.) in the Dominican Republic. For this category:

- Minimum prior employment requirement not specified. **EC Request:** Indicate in schedule
- Maximum length of stay not specified. **EC Request:** Indicate in schedule
- Work permit required. **EC Request:** Clarify what criteria are used in making decisions on work permit applications and schedule any limitations that depart from the principles in GATS Article XVI.
- Degree of affiliation between companies which is required in order for a transfer to be covered by provisions on intra-corporate transferees is not clear. **EC Request:** Clarify
- The EC also requests that a commitment be made to allow as intra-corporate transferees without requiring an economic needs test « persons with a university degree or equivalent technical qualification who are transferring for career development purposes or to obtain training in business techniques or methods ». The maximum prior employment requirement should be one year.

Business Visitors

A Business Visitor is a representative of a foreign services supplier who is seeking temporary entry into the territory of the Dominican Republic for one of the following purposes: (a) to hold meetings and/ or to negotiate the sale of services; (b) to conclude contracts to sell services; or (c) to set up a Mode 3 presence. A Business Visitor does not himself directly provide services or sell to the public. Business Visitors are usually granted entry for 90 days periods at a time. The EC considers that the Dominican Republic's commitments cover (c) Business Visitors. **EC Request:**

- Please confirm this understanding and clarify whether there are any limitations to the length of stay
- Take commitments in relation to type (a) and (b) Business Visitors. The maximum length of stay should be at least 90 days in any 12 month period

Contractual Service Suppliers

A contractual service supplier is a juridical person with no commercial presence in the Dominican Republic, who has obtained a service contract in the Dominican Republic requiring the presence of its employees in the Dominican Republic in order to fulfil that contract.

The Dominican Republic has made no specific commitments in relation to Contractual Service Suppliers. **EC Request:**

- Take commitments for natural persons employed in the service sectors listed below and seeking temporary entry as contractual service suppliers. Such natural persons can be required to have a university degree or equivalent technical qualification – plus the appropriate professional qualifications where this is required by domestic law. The length of stay may be limited in time.

List of sectors:

1. Business Services

Legal Services

Accounting and bookkeeping services

Engineering services

Integrated engineering services

Computer and Related services

Management consulting services

Services related to management consulting

Related scientific and technical consulting services

6. Environmental Services

Sub-sectors A-D, G and F

7. Financial Services

Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services

Advisory and other auxiliary financial services on all the activities listed in the subparagraphs (v) to (xv) of the classification of the Annex on Financial Services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy

Note: Mode 4 is covered horizontally in this part for all service sectors. The sectoral requests in the following pages only refer to mode 4 when specifically related to one particular service sector.

PROFESSIONAL SERVICES

EC REQUEST TO THE DOMINICAN REPUBLIC

Dominican Republic has not committed this sector. The EC requests that it be committed as follows:

A. LEGAL SERVICES (CPC 861)

- Modes 1 and 2: NT- These modes remain unbound. **EC Request:** Take full commitments, i.e. schedule “none” under NT as regards consultancy on international public law and on law of jurisdiction where the service supplier or its personnel are qualified lawyers.
- Mode 4: MA and NT- This mode remains unbound. **EC Request:** Commit as referred to in the section “Horizontal commitments” as regards consultancy on international public law and on law of jurisdiction where the service supplier or its personnel are qualified lawyers.

B. ACCOUNTING, AUDITING AND BOOKKEEPING SERVICES (CPC 862)

- This sub-sector is not committed for bookkeeping services (CPC 8622). **EC Request:** Extend sectoral coverage of commitments to this CPC
- Modes 1 and 3: NT- These modes remain unbound. **EC Request:** Take full commitments, i.e. schedule “none” under NT for accounting and bookkeeping services
- Mode 4: MA and NT- This mode remains unbound. **EC Request:** Commit as referred to in the section “Horizontal commitments” for the entire CPC 862

E. ENGINEERING SERVICES CPC 8672

- Mode 2: MA and NT: This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT
- Mode 3: MA and NT: This mode remains unbound. **EC Request:** Take commitments under MA and NT
- Mode 4: MA- Prior permit and compliance with local regulations. **EC Request:** Remove. In accordance with the Scheduling Guidelines adopted by the Council of Trade in Services (S/L/92 of March 2001), such entry does not need to be scheduled.

F. INTEGRATED ENGINEERING SERVICES (CPC 8673)

- Mode 2: MA and NT- This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT
- Mode 3: NT- This mode remains unbound. **EC Request:** Take commitments under NT
- Mode 4: MA- Prior permit and compliance with local regulations. **EC Request:** Remove. In accordance with the Scheduling Guidelines adopted by the Council of Trade in Services (S/L/92 of March 2001), such entry does not need to be scheduled

The EC also invites the Dominican Republic to consider improving commitments in the sub-sectors of taxation services and architectural services.

MFN EXEMPTIONS

- The sub-sectors of legal services, accounting and auditing services, architectural services, engineering services and medical and dental services are subject to a MFN exemption based on reciprocity. **EC Request:** Remove. MFN exemptions based on reciprocal recognition of professional qualifications do not need to be scheduled, as any mutual recognition agreement would be covered by GATS Article VII and subject to notification on the basis of this provision.

BUSINESS SERVICES (OTHER THAN PROFESSIONAL)

EC REQUEST TO THE DOMINICAN REPUBLIC

B. COMPUTER AND RELATED SERVICES

The Dominican Republic has committed this sector only partially. The EC requests that it be committed at the two-digit level as follows:

Computer and Related Services (CPC 84)

- Modes 1, 2, 3: Take full commitments, i.e. schedule "none" under MA and NT;
- Mode 4: Commit as referred to in the section "Horizontal Commitments".

F. OTHER BUSINESS SERVICES

The Dominican Republic has committed this sector only partially. The EC requests that it be committed as follows:

a) Advertising (CPC 871)

- Mode 3: NT- This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule "none".
- Mode 4: MA and NT- This mode remains unbound. **EC Request:** Commit as referred in the section "Horizontal commitments"

d) Services related to management consulting (CPC 866)

The Dominican Republic has not committed this sub-sector. The EC requests that it be committed as follows:

- Modes 1,2 and 3: Take full commitments, i.e. schedule "None" under MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

e) Technical testing and analysis services (CPC 8676)

- Modes 2 and 4: MA and NT- These modes remain unbound. **EC Request:** Take full commitments for mode 2, i.e. schedule "none". For mode 4, commit as referred to in the section "Horizontal commitments".
- Mode 3: NT- This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule "none".

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

- Modes 2 and 4: MA and NT- These modes remain unbound. **EC Request:** Take full commitments for mode 2, i.e. schedule “none”. For mode 4, commit as referred to in the section “Horizontal commitments”
- Mode 3: NT- This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “None”

n) Maintenance and Repair of Equipment (not including transport equipment) (CPC 633+8861-8866)

- This sub-sector has not been committed for “repair services for personal and household goods” (CPC 633). **EC Request:** Take full commitments on Modes 1,2 and 3, i.e. schedule “none”. Commit as referred to in the horizontal section for mode 4.
- Modes 2 and 4: MA and NT- These modes remain unbound. **EC Request:** Take full commitments for mode 2, i.e. schedule “none”. For mode 4, commit as referred to in the section “Horizontal commitments”

The EC also invites the Dominican Republic to consider taking commitments in Real Estate Services (CPC 82), Rental and Leasing Services without Operators (CPC 831) and Convention Services (part of CPC 87909).

TELECOMMUNICATION SERVICES

EC REQUEST TO THE DOMINICAN REPUBLIC

The Dominican Republic has only partially committed this sector. The EC requests that it be committed as follows:

ALL MODES

- There are no commitments in Electronic mail, Voice mail, Online information and data base retrieval, electronic data interchange (EDI), enhanced/value-added facsimile services, incl. Store and forward, store and retrieve, code and protocol conversion. **EC Request:** Make full commitments, i.e. schedule “none”.
- The Directorate-General of Telecommunications directly administers part of the rural telephone network. **EC Request:** Remove this prerogative which is not compatible with the independence of the DCI as a regulator.
- Several private operators indirectly administer basic telecommunication services on behalf of the State under a concession system. **EC Request:** Remove this restriction on the number of operators.
- The schedule states that “Any terminal or other type of equipment produced abroad that interfaces with the public-switched telephone network must be approved in accordance with the standards established for World Numbering Zones 1” and that “The regulatory body may require evidence of such type approval”. **EC Request:** Remove this sentence.
- The schedule states that “Any reference in the offer to the conditions to be ensured in regard to interconnection with the major supplier will be regarded as valid for all suppliers with operating concessions”. **EC Request:** Clarify why this sentence is needed in addition to the reference paper included as additional commitments.

MODES 1 AND 2

These modes are unbound for all sub-sectors. **EC Request:** Make full commitments, i.e. schedule “none”

MODE 3

The following requirements must be fulfilled to operate: (a) Established legal domicile in Dominican territory; (b) be set up as a legal person in the Dominican Republic; and (c) obtain a concession from the Executive Branch through the telecommunications regulatory body, which at the time this offer is the Directorate-General of Telecommunications. **EC Request:** suppress these requirements in the schedule as they should not restrict market access.

CONSTRUCTION AND RELATED ENGINEERING SERVICES

EC REQUEST TO THE DOMINICAN REPUBLIC

The Dominican Republic has committed this sector only partially. The EC requests that it be committed as follows:

ALL SUB-SECTORS (CPC 511 TO CPC 518)

- Mode 4: MA- Prior permit and compliance with local regulations. **EC Request:** Remove. In accordance with the Scheduling Guidelines adopted by the Council of Trade in Services (S/L/92 of March 2001) such an entry does not need to be scheduled.

DISTRIBUTION SERVICES

EC REQUEST TO THE DOMINICAN REPUBLIC

The Dominican Republic has not committed this Sector. The EC invites it to commit this Sector as follows:

B. WHOLESALE TRADE SERVICES (CPC 622,6111+6113+6121)

C. RETAILING SERVICES (CPC 631+632 6111+6113+6121+613)

EC Request for each of the above sub-sectors:

- Modes 1, 2, 3: To consider undertaking commitments for market access and national treatment.
- Mode 4: Commit as referred in the section “Horizontal commitments”.

Note: The EC is prepared to discuss exceptions for a very limited number of extremely sensitive goods, such as arms, ammunitions and explosives.

Note: In accordance with the W120 classification the EC Request on “Repair services of personal and household goods”(CPC 633) is included under “1. Business services / F. Other business / n. Maintenance and repair”.

ENVIRONMENTAL SERVICES

EC REQUEST TO THE DOMINICAN REPUBLIC

The Dominican Republic has not committed this sector. This request is based on the EC proposal for the classification of environmental services. While discussions on classification in this sector are still ongoing, the EC would like to invite the Dominican Republic to present its offer in accordance with this proposal, without prejudice to the outcome of the discussion on the classification of environmental services:

A. WATER FOR HUMAN USE & WASTEWATER MANAGEMENT

Water collection, purification and distribution services through mains, except steam and hot water.

This sub-sector only concerns the distribution of water through mains' (i.e. urban sewage systems). This excludes any cross-border transportation either by pipeline or by any other means of transport, nor does it imply access to water resources.

EC Request:

- Mode 3: Take commitments for MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

Wastewater services (CPC 9401)

EC Request:

- Mode 3: Take commitments for MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

B. SOLID/HAZARDOUS WASTE MANAGEMENT

Refuse disposal services (CPC 94020)

EC Request:

- Mode 3: Take commitments for MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

Sanitation and similar services (CPC 94030)

EC Request:

- Mode 3: Take commitments for MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

C. PROTECTION OF AMBIENT AIR AND CLIMATE

Services to reduce exhaust gases and other emissions and improve air quality (CPC 94040)

EC Request:

- Mode 3: Take commitments for MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

D. REMEDIATION AND CLEANUP OF SOIL & WATER

Treatment, remediation of contaminated/polluted soil and water (part of CPC 94060)

EC Request:

- Mode 3: Take commitments for MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

F. PROTECTION OF BIODIVERSITY AND LANDSCAPE

Nature and landscape protection services (part of CPC 94060)

EC Request:

- Modes 1 and 3: Take commitment for MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

G. OTHER ENVIRONMENTAL & ANCILLARY SERVICES

Other environmental protection services not classified elsewhere (CPC 94090)

EC Request:

- Mode 3: Take commitments for MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

FINANCIAL SERVICES

EC REQUEST TO THE DOMINICAN REPUBLIC

The Dominican Republic has committed this sector only partially. The EC requests that it be committed as follows:

GENERAL

- **EC Request:** Follow the classification of the Annex on Financial Services.

INSURANCE

- Insurance intermediation is not committed. **EC Request:** Take commitments in reinsurance intermediation and in MAT insurance intermediation in accordance with the Understanding on Commitments in Financial Services in modes 1 and 2, and take full commitments in mode 3.
- Modes 1 and 2: MA and NT- MAT insurance is not committed. **EC Request:** Take full commitments in MAT insurance in accordance with the Understanding on Commitments in Financial Services.
- Mode 3: MA- In insurance and reinsurance, foreign shareholding is limited to 49%. **EC Request:** Remove this cap.
- Mode 3: NT- Unbound in insurance and reinsurance. **EC Request:** Schedule “none”
- Modes 1 and 2: MA and NT- Unbound for services auxiliary to insurance. **EC Request:** Take full commitments.

BANKING AND OTHER FINANCIAL SERVICES

- Various subsectors, including part of the lending of all types, trading of negotiable instruments, part of asset management, settlement and clearing services, provision and transfer of financial information, and advisory and other auxiliary financial services are not covered. **EC Request:** Take full commitments in modes 1,2 and 3 in provision and transfer of financial information, and advisory and other auxiliary financial services, and in modes 2 and 3 in all other subsectors.
- Mode 3: MA- Economic needs test for financial institutions. **EC Request:** Eliminate the test.
- Mode 3: MA- Foreign shareholding in banks and pension funds is limited to 49%. **EC Request:** Remove this cap
- Mode 3: MA- Minimum capital requirements are scheduled. **EC Request:** Clarify whether these requirements are non-discriminatory.
- Mode 3: NT- Unbound in all subsectors. **EC Request:** Schedule “none”.

TOURISM AND TRAVEL RELATED SERVICES

EC REQUEST TO THE DOMINICAN REPUBLIC

The Dominican Republic has only partially committed this sector. The EC requests that it be committed as follows:

B. TRAVEL AGENCIES AND TOUR OPERATORS SERVICES CPC 7471

C. TOURIST GUIDES SERVICES (CPC 7472)

For both sub-sectors:

- Mode 3: NT- This mode remains unbound. **EC Request:** Provide NT for travel agencies and tour operators under this mode.
- Mode 4: NT- This mode remains unbound. **EC Request:** Commit as referred to in the section “Horizontal commitments”

NEWS AGENCY SERVICES

EC REQUEST TO THE DOMINICAN REPUBLIC

Dominican Republic has not committed this sector (CPC 962). The EC invites Dominican Republic to consider committing this sector as follows:

EC Request (CPC 962):

- Modes 1-3: Consider taking full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Consider committing as referred to in the section “Horizontal commitments”

TRANSPORT SERVICES

EC REQUEST TO DOMINICAN REPUBLIC

A. MARITIME TRANSPORT

The Dominican Republic has only partially committed this sector. The EC requests that it be committed as follows:

EC Request: Take commitments in accordance with the attached model schedule (Annex 1). In particular for the following areas:

- 1) International transport (freight and passengers) CPC 7211 and 7212
- 2) Additional commitments for access to and use of ports facilities
- 3) Maritime auxiliary services (maritime cargo handling, storage and warehouse services, customs clearance services, container station and depot services, maritime agency services)
- 4) Multimodal activities: for inland forwarding of cargoes - commit the ability to rent or lease - or to have access to and use of multimodal facilities (as specified in the note to the schedule).
- 5) Definitions – commit definitions as specified in the model schedule.

The EC also request the following additional maritime commitments from Dominican Republic:

- 6) Equipment. To facilitate planning of their businesses operators should be allowed to reposition their own equipment, such as empty containers, between ports of Dominican Republic, when it is not carried against payment. This is requested to be committed in a new footnote:

“9. Movement of own equipment. International maritime transport suppliers can move/reposition their own equipment (i.e. empty containers, flatbeds etc.) on their own vessels between ports of Dominican Republic.”

- 7) International cargo. With the development of containerisation and high frequency networking services and with the ever-larger vessels having to limit direct port calls for physical or economic reasons, the feeding of cargoes between main ports and way ports is becoming more important as an integral part of efficient international maritime transport. An international maritime transport supplier should be allowed to operate feeder services for its own international cargo between ports of Dominican Republic. This is requested to be committed in a new footnote:

“10. International maritime transport suppliers can operate vessels of any flag for the purposes of pre- and onward carriage of the international cargo between ports of Dominican Republic.”

In this context the Dominican Republic may wish to take the one or more of the following principles into concern:

- Size of the port.
- Binding existing ad hoc practices. To the extent exceptions are already granted for use of foreign flagged vessels such practices could be bound to explicitly cover pre- and onward carriage of international cargo.
- Geographical limitations: Transport of international cargo between ports within the same state [or other relevant sub-federal/regional entity] remains excluded.

C. AIR TRANSPORT

The Dominican Republic has not committed this sector. The EC requests that it be committed as follows:

1) Maintenance and repair of aircraft and parts thereof.

EC Request:

- Modes 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

2) Selling and marketing.

EC Request:

- Mode 1,2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

3) Computer Reservation Systems.

EC Request:

- Modes 1,2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

4) Groundhandling services, as specified in the attached definitions (Annex 2)

EC Request:

- Modes 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

5) Airport management services, as specified in the attached definitions (Annex 2)

EC Request:

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

F. ROAD TRANSPORT

The Dominican Republic has only partially committed this sector. The EC requests that it be committed as follows:

d) Maintenance and Repair of Road Transport Equipment (CPC 6112)

EC Request:

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

ANNEX 1: SCHEDULE ON MARITIME TRANSPORT SERVICES

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>TRANSPORT SERVICES MARITIME TRANSPORT SERVICES International Transport (freight and passenger) CPC 7211 and 7212 <u>less</u> cabotage transport (as defined below – 1)</p>	<p>1) (a) <u>Liner Shipping</u>: none (b) <u>Bulk, tramp, and other international shipping, including passenger transportation</u>: none</p> <p>2) None</p> <p>3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below – 2): none</p> <p>4) (a) Ships’ crews: unbound (b) Key personnel employed in relation to a commercial presence as defined under mode 3b above: Unbound except as in horizontal section</p>	<p>1) (a) None (b) None</p> <p>2) None</p> <p>3) (a) Unbound</p> <p>(b) None</p> <p>4) (a) Unbound (b) Unbound except as in horizontal section</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and no discriminatory terms and conditions</p> <ol style="list-style-type: none"> 1. Pilotage 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain’s services 6. Navigation aids 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
MARITIME AUXILIARY SERVICES Maritime Cargo Handling Services (as defined below – 4)	1) Unbound* except for – no limitation on transshipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* except for no limitation on transshipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment 2) None 3) None 4) Unbound except as in the horizontal section	
Storage and warehousing Services CPC 742	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in the horizontal section	
Customs Clearance Services (as defined below – 5)	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in the horizontal section	
Container Station and Depot Services (as defined below – 6)	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in the horizontal section	
Maritime Agency Services (as defined below – 7)	1) None 2) None 3) None 4) Unbound except as in horizontal section	1) None 2) None 3) None 4) Unbound except as in the horizontal section	
(Maritime) Freight Forwarding Services (as defined below – 8)	1) None 2) None 3) None 4) Unbound except as in horizontal section	1) None 2) None 3) None 4) Unbound except as in the horizontal section	

* A commitment on this mode of delivery is not feasible.

** Public utility concession or licensing procedures may apply in case of occupation of the public domain.

NOTE TO THE SCHEDULE

Where road, rail, inland waterways (and) (related) (auxiliary) services are not otherwise fully covered in (this) (a Member's) schedule, a multimodal transport operator (as defined below - 3) shall have the ability to rent or lease trucks, railway carriages or barges and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations. (« Reasonable and non-discriminatory terms and conditions» means, for the purpose of (multimodal transport operations), (this additional commitment), the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date).

DEFINITIONS

1. Without prejudice to the scope of activities which may be considered as «cabotage» under the relevant national legislation, this schedule does not include «maritime cabotage services », which are assumed to cover transportation of passengers or goods between a port located in ... [name of country] ... and another port located in ... [name of the country], traffic originating and terminating in the same port located in [name of country] provided that this traffic remains within ... [name of country]'s territorial waters and transportation of passengers and goods between a port located in ... [name of the country] ... and installations or structures situated on the continental shelf of [name of the country].

2. « Other forms of commercial presence for the supply of international maritime transport services » means the ability for international maritime transport service suppliers of other Members to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be constituted as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

(a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;

(b) the acquisition, on their own account or on behalf or their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;

(c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;

(d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. « Multimodal transport operators » means the person on whose behalf the bill of lading /multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

4. « Maritime cargo handling services » means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operation companies. The activities covered include the organisation and supervision of:

- the loading/ discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/ delivery and safekeeping of cargoes before shipment or after discharge

5. « Customs clearance services » (alternatively « customs house brokers' services ») means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

6. « Container station and depot services » means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/ stripping, repairing and making them available for shipments.

7. « Maritime agency services » means activities consisting in representing within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

8. « Freight forwarding services » means (the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information)..

ANNEX 2: FACILITATING AIR TRANSPORT SERVICES

Ground-handling Services

Efficient ground handling is essential to the proper functioning of air transport and competition between operators in this area ensures that proper use is made of air transport infrastructure. It helps reduce the operating costs of airlines and improves the quality of service for airport users.

For specialised ground handling suppliers the following activities are requested:

Ground Administration - supervision and administration at the airport (CPC 7461);
Passenger Handling - assisting arriving, departing and transfer passengers (CPC 7461);
Baggage Handling - handling baggage in the sorting area (CPC 7461);
Freight and Mail Handling - physical handling of freight and mail, dealing with security and customs procedures (CPC 74110 (container handling services) and 74190 (other cargo handling services);
Ramp Handling - marshalling and moving the aircraft, loading and unloading of aircraft, transport of passengers, freight, supplies (CPC 7469);
Fuel and Oil Handling - organisation and provision of fuel and oil;
Aircraft Maintenance - covered specifically by the Annex as above;
Flight Operations and Crew Administration - preparation of the flight, inflight and post-flight assistance, crew administration;
Surface Transport – organisation and execution of transport within airport - except to and from aircraft;
Catering Services (CPC 6423) - addressed under the EC request on tourism and travel related services

Airport management services

Airport management services constitute the core activities of airport services providers and cover: Airport operation services (excl. cargo handling), including passenger air terminal services and ground services on air fields, including runway operating services, on a fee or contract CPC 74610. Activities are also related to "other management consulting services" (CPC 86509) and activities separately specified under "other management services not elsewhere classified"(CPC 86609). A commitment will allow services suppliers to take an equity stake in - and engage in the overall operation and management of - airports when these are open for investments from private operators. Thereby it will bind existing common practices in the sector.

MFN EXEMPTIONS

EC REQUEST TO DOMINICAN REPUBLIC

MFN exemptions in the sub-sectors of legal services, auditing and accounting services, dental physiotherapy, medical, paramedical and nursing services and architectural and engineering services. **EC Request:** Refer to the request in the sector of “Professional services” in this respect.