

Member States are requested to ensure that this text is not made publicly available and is as a restricted document

GATS 2000

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

TO

EGYPT

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 the GATS, in particular Article IV and XIX GATS, as well as the negotiating guidelines agreed by the Council for Trade in Services on 29 March 2001, the EC encourages Egypt to participate actively in the negotiations.

The EC consider that the progressive liberalisation of services is of benefit for all members, including developing and least developed countries. 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)
- Postal and courier services
- Telecommunications services
- Construction and related engineering services
- Distribution services
- Environmental services
- Financial services
- Tourism and travel related services
- News agency services
- Transport services
- Energy services

The EC proposes that Egypt'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 scheduled 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 Egypt 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) and corresponding CPC number. 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 postal and courier, environmental and energy services. While discussions on classification in these sectors are still ongoing, the EC would like to invite Egypt 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 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 positions on classification issues and to the EC's classification of their existing commitments.

HORIZONTAL COMMITMENTS

EC REQUEST TO EGYPT

MODE 3

NT: Acquisition of land and/or real estate is subject to authorisation. Criteria for authorisation indicated are evaluation of specific project, and national policy objectives. **EC request:** Indicate more precisely the criteria on the basis of which authorisation is given. Clarify if criteria foresee discriminatory treatment of foreign investors.

MODE 4

Quantitative Restriction:

10% limit on the number of foreign employees in a company's workforce. **EC request:** dis-apply this requirement in relation to intra-corporate transferees and where the service supplier has no commercial presence in Egypt. Elsewhere, increase the percentage of foreign employees permitted.

Definition of Intra-corporate transferee

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 Egypt.

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 EGYPT

Egypt has not committed this sector. The EC requests that this sector is committed as follows:

A. LEGAL SERVICES (CPC 861)

EC Request:

- Commit covering at least consultancy on public international law and on law of jurisdiction where the service supplier or its personnel are qualified lawyers.
- Modes 1, 2, 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Take commitments.

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

EC Request:

For accounting and bookkeeping services:

- Modes 1, 2, 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Take commitments.

For auditing services:

- Modes 2, 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Take commitments.

D. ARCHITECTURAL SERVICES (CPC 8671)

E. ENGINEERING SERVICES (CPC 8672)

F. INTEGRATED ENGINEERING SERVICES (CPC 8673)

EC Request for each of the above sub-sectors d) to g)] :

- Modes 1, 2, 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Take commitments.

The EC also invites Egypt to consider taking commitments in the sub-sector of taxation services.

BUSINESS SERVICES (OTHER THAN PROFESSIONAL SERVICES)

EC REQUESTS TO EGYPT

B. COMPUTER AND RELATED SERVICES:

Egypt has not committed this sub-sector. **EC request:** Commit at the two-digit level as follows:

Computer and Related Services (CPC 84):

- Modes 1, 2 and 3: Take full commitments, i.e. schedule "none" under MA and NT;
- Mode 4: Take commitments.

F. OTHER BUSINESS SERVICES:

NB: Requests (if any) on (h) - services incidental to mining, and (j) - services incidental to energy distribution, are covered in those sections of the request dealing with Energy Services and Construction Services.

Egypt has not committed this Sector. The EC requests that it be committed as follows:

a) Advertising (CPC 871)

b) Market research and Public Opinion Polling (CPC 864)

c) Management consulting services (CPC 865)

d) Services related to management consulting (CPC 866)

e) Technical testing and analysis services (CPC 8676)

k) Placement and supply services of personnel (CPC 872)

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

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

For each of the above sub-sectors:

- Modes 1, 2, 3: Take full commitments, i.e. schedule "none" under MA and NT.
- Mode 4: Take commitments.

l) Security Services (CPC 87302 – 87309)

Egypt has not committed this sub-Sector. The EC requests that it be committed as follows:

- Mode 3: MA - Commit with no form of establishment or equity limitation. Full NT commitment - i.e. schedule "none".
- Mode 4: Take commitments

o) Building cleaning services (CPC 874)

Egypt has not committed this sub-sector. **EC Request:**

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

Grounds maintenance (part of CPC 88110) and

Washing and Cleaning services (CPC 97011-97014)

Egypt has not committed these two sub-sectors. **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”

The EC also invites Egypt to consider taking commitments in Research and Development Services (CPC 85), Rental and Leasing Services without Operators (CPC 831), Placement and supply services of personnel (CPC 872), translation services (CPC 87905), and convention services (part of CPC 87909).

POSTAL AND COURIER SERVICES

EC REQUEST TO EGYPT

Egypt has not taken commitments in postal and courier services. This request is based on the EC proposal for the classification of postal and courier services. While discussions on classification in this sector are still ongoing, the EC would like to invite Egypt to present its offer in accordance with this proposal, without prejudice to the outcome of the discussion on the classification of postal and courier services:

SERVICES RELATING TO THE HANDLING¹ OF POSTAL ITEMS², WHETHER FOR DOMESTIC OR FOREIGN DESTINATIONS:

A. Handling of addressed written communications on any kind of physical medium³, including:

- Hybrid mail services

- Direct mail

B. Handling of addressed parcels and packages⁴

C. Handling of addressed press products⁵

D. Handling of items referred to in A. to C. above as registered or insured mail.

E. Express delivery services⁶ for items referred to in A. to C. above.

F. Handling of non-addressed items.

G. Document exchange.

H. Other services not elsewhere specified.

¹ The term 'handling' should be taken to include clearance, sorting, transport and delivery.

² "postal item" refers to items handled by any type of commercial operator, whether public or private

³ e.g. letter, postcards.

⁴ Books, catalogues are included hereunder

⁵ Journals, newspapers, periodicals

⁶ Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and addressee in transit, confirmation of receipt.

For sub-sectors B., C., E., F. and G.:

- Modes 1, 2 and 3: Undertake full commitments for market access and national treatment.
- Mode 4: Take commitments.

For sub-sectors A. and D.:

- Modes 1, 2 and 3: Undertake commitments for market access and national treatment.
- Mode 4: Take commitments.

TELECOMMUNICATION SERVICES

EC REQUEST TO EGYPT

Egypt has not committed this Sector. The EC requests that this Sector is committed as follows:

MODE 1

A license is systematically required and can only be granted to companies registered in Egypt, thereby preventing any supply under mode 1. **EC Request:** remove the obligation to be registered in Egypt.

MODE 3

Licenses are granted according to an Economic Needs Test, thereby limiting competition. **EC Request:** eliminate this test and allow full competition in all services.

The schedule indicates that the Resale of services is allowed based on agreements with Telecom Egypt. Once competition is introduced this has little meaning as other networks are available. **EC Request:** remove this provision from the schedule.

Companies working in the telecommunications sector must train local human resources. **EC Request:** explain what are the training requirements.

CONSTRUCTION AND RELATED ENGINEERING SERVICES

EC REQUEST TO EGYPT

GENERAL

Egypt has committed this Sector only partially. The EC requests that this Sector be committed as follows:

All sub-sectors (CPC 511 to CPC 518)

- Mode 3: MA – Commercial presence is only allowed for JV companies. Also, foreign capital equity shall not exceed 49% of the total capital required for the project. **EC Request:** Remove these restrictions.

A. GENERAL CONSTRUCTION WORK FOR BUILDINGS (CPC 512)

The above-mentioned sub-sectors are not committed. **EC Request:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Take commitments.

B. GENERAL CONSTRUCTION WORK FOR CIVIL ENGINEERING (CPC 513)

This sub-sector is not committed for CPC 5131, 5135, 5137, 5139. **EC Request** for these CPCs:

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Take commitments.

C. INSTALLATION AND ASSEMBLY WORK (CPC 514+516)

This sub-sector is not committed for CPC 514, 5161, 5162, 51641, 51643, 51644, 5165, 5166. **EC Request** for these CPCs:

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Take commitments.

D. BUILDING COMPLETION AND FINISHING WORK (CPC 517)

E. OTHER (CPC 511+515+518)

This sub-sector is not committed for CPC 511, 5151, 5152, 5153, 5154, 5156. **EC Request** for these CPCs:

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Take commitments.

DISTIRBUTION SERVICES

EC REQUEST TO EGYPT

Egypt has not committed this Sector. The EC requests that this Sector is committed as follows:

A. COMMISSION AGENTS' SERVICES (CPC 621, 6111+6113+6121)

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

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

D. FRANCHISING (CPC 8929)

For each of the above sub-sectors:

- Modes 1, 2, 3: Take full commitments, i.e. schedule "none".
- Mode 4: Take 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 EGYPT

Egypt has not undertaken commitments in environmental services. 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 Egypt 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.

- Mode 3: Take full commitments, i.e. schedule "none" under MA and NT
- Mode 4: take commitments

Waste water services (CPC 9401)

- Mode 3: Take full commitments, i.e. schedule "none" under MA and NT
- Mode 4: take commitments

B. SOLID/HAZARDOUS WASTE MANAGEMENT

Refuse disposal services (CPC 94020)

Sanitation and similar services (CPC 94030)

C. PROTECTION OF AMBIENT AIR AND CLIMATE

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

D. REMEDIATION AND CLEANUP OF SOIL & WATER

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

E. NOISE & VIBRATION ABATEMENT

Noise abatement services (CPC 94050)

F. PROTECTION OF BIODIVERSITY AND LANDSCAPE

Nature and landscape protection services (part of CPC 94060)

G. OTHER ENVIRONMENTAL & ANCILLARY SERVICES

Other environmental protection services not classified elsewhere (CPC 94090)

For each of the above sub-sectors (B-G):

- Modes 1 (where technically feasible), 2 and 3 : Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Take commitments.

FINANCIAL SERVICES

EC REQUEST TO EGYPT

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

GENERAL

- **EC Request:** Undertake commitments in accordance with the Understanding on Commitments in Financial Services.
- **EC Request:** Follow the classification of the Annex on Financial Services.

INSURANCE

- Mode 3: MA- In life insurance, non-life insurance and reinsurance, economic needs test on all “inland” services (i.e. other than business conducted in free zones in convertible currencies). **EC Request:** Eliminate these tests.
- Mode 3: MA- In life insurance, non-life insurance and reinsurance, branches and agencies are not allowed. **EC Request:** Allow direct branching.
- Mode 3: MA- In life insurance and non-life insurance, limits on foreign shareholding. **EC Request:** Eliminate these caps
- Mode 4: NT- In life insurance and non-life insurance, non-Egyptian director must have at least two Egyptian understudies. **EC Request:** Remove this restriction.
- Mode 1: Ma and NT- Unbound in non-life insurance. **EC Request:** Commit MAT insurance in accordance with the Understanding
- Mode 3: MA- Existence of mandatory reinsurance cessions to Egyptian Reinsurance Co. and to African Reinsurance Co., **EC Request:** Eliminate mandatory cession requirements
- Modes 1 and 2: MA and NT – In services auxiliary to insurance, actuarial services and loss assessment services are unbound. **EC Request:** Take full commitments
- Modes 1 and 2: MA- Insurance intermediation is bound only for life insurance and reinsurance services. **EC Request:** Commit intermediation of MAT insurance in accordance with the Understanding
- Modes 3 and 4: MA and NT- Unbound in insurance intermediation. **EC request:** Take full commitments in mode 3 and take commitments in mode 4.

BANKING AND OTHER FINANCIAL SERVICES

- Provision and transfer of financial information, and advisory and other auxiliary financial services are not committed. **EC Request:** Take full commitments in modes 1,2 and 3, and take commitments in mode 4.
- Mode 2: MA and NT- Unbound in various subsectors. **EC Request:** Take full commitments, i.e. schedule “none”
- Mode 3: MA-The share of non-Egyptians in the capital joint venture banks and private banks may exceed 49% of the issued capital of any bank, without ceiling. **EC Request:** Clarify why this entry has been scheduled.
- Mode 3: MA- Prior approval needed to own more of 10% of a bank. **EC Request:** Clarify why this limitation has been scheduled.
- Mode 3: MA - Economic needs test for licensing foreign branches. **EC Request:** Eliminate this test.
- Mode 3: NT- Foreign banks may not deal in local currency. **EC Request:** Allow such a possibility.
- Mode 3: MA- Foreign financial institutions are not allowed to acquire more than 49% of existing domestic securities firms. **EC Request:** Clarify why this limitation has not been scheduled.
- Mode 4: MA- The General Manager should have banking experience in Egypt of no less than ten years for banks established in Egypt other than branches of foreign banks. **EC Request:** Remove this restriction.

TOURISM AND TRAVEL RELATED SERVICES

EC REQUEST TO EGYPT

Egypt has only partially committed this sector. The EC request that this sector is committed as follows:

The EC also suggests to Egypt to make reference to tourism and travel related services as classified in W/120 and refer to the relevant CPC codes.

A. HOTELS AND RESTAURANTS (INCL. CATERING) (CPC 641-643)

EC Request:

Mode 3

MA:

- Remove economic needs test requirement for obtaining a licence.
- Remove requirement that casino services can only be provided through 5-star-hotels.
- Remove also limitations on total number of services operations on the basis of economic needs test.
- Remove limitations to foreign equity participation in projects to be established in Sinai.

NT:

The EC seeks clarification with regard to the entry regarding training of Egyptian employees. Does this entry require foreign service supplier to train Egyptian employees? Is this requirement to be set out in the employment contract? Are there requirements for the kind of training to be provided?

B. TRAVEL AGENCIES AND TOUR OPERATORS SERVICES (CPC 7471)

EC Request:

Mode 1:

MA and NT: Bind this mode, and undertake full commitments.

Mode 3:

MA: Remove limitations on total number of services operations on the basis of economic needs test.

NT:

The EC seeks clarification with regard to the entry regarding training of Egyptian employees. Does this entry require foreign service supplier to train Egyptian employees? Is this requirement to be set out in the employment contract? Are there requirements for the kind of training to be provided?

C. TOURIST GUIDES SERVICES (CPC 7472)

Egypt has not committed this sub-sector. Extend sectoral coverage to include tourist guide services, and undertake full commitments

D. OTHER TOURISM SERVICES

Tourism property management and rental/lease of tourism property

EC Request:

Mode 3:

MA: Bind this mode also for commercial presence other than through representative offices. Remove limitations on total number of services operations on the basis of economic needs test.

NT: The EC seeks clarification with regard to the entry regarding training of Egyptian employees. Does this entry require foreign service supplier to train Egyptian employees? Is this requirement to be set out in the employment contract? Are there requirements for the kind of training to be provided?

NEWS AGENCY SERVICES

EC REQUEST TO EGYPT

Egypt has not committed this sector (CPC 962). The EC requests that this Sector be committed as follows:

EC Request (CPC 962):

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

TRANSPORT SERVICES

EC REQUEST TO EGYPT

A. MARITIME TRANSPORT

Egypt has specific commitments with certain restrictions for international maritime transport where Mode 1 and 2 are unbound, Mode 3 has ownership limitations and Mode 4 for sets local staff requirements.

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 Egypt:

- 6) **Equipment.** To facilitate planning of their businesses operators should be allowed to reposition their own equipment, such as empty containers, between ports of Egypt, 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 Egypt.”

- 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 international cargo between ports of Egypt. 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 Egypt.”

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

- Size of the port. Only valid for international cargo relayed between national ports handling more than [25.000 TEU] on an annual basis.
- 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 governorate [or other relevant regional entity] remains excluded.

A final request related to maritime transport is:

8) Rental and leasing of vessels with crew (CPC 7213, 7223).

EC request:

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Take commitments.

For information it is noted that Egypt has commitments on port dredging, which the EC is requesting under construction services.

C. AIR TRANSPORT

Egypt has no commitments for air transport.

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: Take commitments.

2) Selling and marketing.

EC request:

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Take 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: Take 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: Take 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: Take commitments.

F. ROAD TRANSPORT

Egypt has no commitments for these subgroups

b) Freight Transportation (CPC 7123).

EC request:

- Mode 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Take commitments.

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: Take commitments.

MFN EXEMPTION: ROAD TRANSPORT

Egypt has an exemption that allows for limitations on the supply of road transport services by foreign suppliers into and across the territory of Egypt to vehicles registered in the countries with which Egypt is a party in bilateral or multilateral agreements.

EC request: Clarify under which circumstances these benefits would also apply to an European company authorised and established in Egypt (see road transport where the EC request opening of Mode 3 for freight transportation).

H. SERVICES AUXILLARY TO ALL MODES OF TRANSPORT

Egypt has no commitments for these subgroups.

b) Storage and Warehouse Services (CPC 742)

EC request:

- Modes 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Take commitments.

c) Freight Transport Agency/Freight Forwarding Services (CPC 748) and Pre-Shipment Inspection (part of CPC 749)

EC request:

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Take commitments.

ANNEX 1: SCHEDULE ON MARITIME TRANSPORT SERVICES

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
TRANSPORT SERVICES MARITIME TRANSPORT SERVICES International Transport (freight and passengers) CPC 7211 and 7212 <u>less</u> cabotage transport	1) (a) <u>Liner Shipping</u> : none (b) <u>Bulk, tramp, and other international shipping, including passenger transportation</u> : none	1) (a) None (b) None	The following services at the port are made available to international maritime transport suppliers on reasonable and no discriminatory terms and conditions <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
	2) None 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 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	2) None 3) (a) Unbound (b) None 4) (a) Unbound (b) Unbound except as in horizontal section	

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 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 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 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 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 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 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 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 or, for EEC, « a Member State ») and another port located in ... (name of the country or, for EEC, « the same Member State ») and traffic originating and terminating in ... the same port located in (name of country, or for the EEC, « a Member State ») provided that this traffic remains within ... (name of country or « this Member State »)'s territorial waters.

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 construed 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 of 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 operator 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 groundhandling 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).
Aircraft Services – cleaning the aircraft, heating and cooling, removal of snow and ice (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.

ENERGY SERVICES

EC REQUEST TO EGYPT

This request includes services that are listed under the negotiating proposal of the EU (S/CSS/W/60). The work on the classification of these services is still underway. For this reason, some activities therefore lacks reference to CPC.

The EC wishes to underline the significant contribution of an appropriate use of energy for the promotion of sustainable development.

The EC requests that this area is committed as follows:

A. SERVICES RELATED TO EXPLORATION AND PRODUCTION

CPC 883: Services incidental to mining

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

CPC 8675: Related scientific and technical consulting services

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

CPC 511: Construction and related engineering services - Other

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

CPC 513: Construction for civil engineering

EC Request:

- Mode 3 : Elimination of restrictions in capital participation for foreign companies.

B. SERVICES RELATED TO THE CONSTRUCTION OF ENERGY FACILITIES

B.1 Construction of energy facilities

CPC 513: Construction work for civil engineering

CPC 51340: For long distance pipelines, communication and power lines (cables)

CPC 51350: For local pipelines and cables; ancillary works

CPC 51360: For constructions for mining and manufacturing

EC Request:

- Mode 3 : Elimination of restrictions in capital participation for foreign companies.

B.2 Installation and assembly work

CPC 516: Installation and assembly work

This sub-sector is not totally committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

C. SERVICES RELATED TO NETWORKS

C.1 Operation of transportation/transmission and distribution facilities

Services incidental to energy distribution (including operation of transmission/distribution

This sub-sector is not committed. **EC Request:**

- Modes 3 : Take commitments
- Mode 4 : Take commitments

CPC 71310: Transportation of petroleum and natural gas

This sub-sector is not committed. **EC Request:**

- Modes 3 : Take commitments
- Mode 4 : Take commitments

D. STORAGE SERVICES

CPC 74220: Bulk storage services of liquids or gases

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Take commitments

E. SERVICES FOR THE SUPPLY OF ENERGY

E.1 Wholesale of energy products

CPC 62271: Wholesale trade services of solid, liquid and gaseous fuels and related products

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments for solid and liquid fuels and related products.
- Mode 4 : Take commitments

E.2 Retail sale of energy products

CPC 63297: Retail sale of fuel oil, bottled gas, coal and wood

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. None.
- Mode 4 : Take commitments

E.3 Trading of energy products

EC Request:

- Modes 1, 2, 3 : Take commitments.
- Mode 4 : Take commitments

E.4 Brokering of energy products

EC Request:

- Modes 1, 2, 3 : Take commitments.
- Mode 4 : Take commitments

F. SERVICES FOR THE FINAL USE

F.1 Energy audit

CPC 86505: Production management consulting services

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. None.
- Mode 4 : Take commitments

F.2 Energy management

CPC 86505: Production management consulting services

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. None.
- Mode 4: Take commitments

G. SERVICES RELATED TO DECOMMISSIONING

EC Request:

- Modes 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Take commitments

MFN EXEMPTIONS

EC REQUEST TO EGYPT

MFN exemption Road transport: See EC request on road transport