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**GATS 2000**

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

**TO**

**MOROCCO**

**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 Morocco 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)
- Postal and courier services
- Telecommunication 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 Morocco'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 further more 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)-

- 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 Morocco 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](mailto: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 MOROCCO**

#### **HORIZONTAL COMMITMENTS:**

##### **Exchange regulations:**

###### **Mode 1**

Morocco requires for certain operations in financial services authorisation under the exchange regulation. **EC request:** move this entry to the section on financial services. Specify the operations for which such authorisation is required and specify the conditions and criteria under which such authorisation is given.

###### **MODE 4**

Natural persons of foreign nationality being residents may transfer up to 50% of their savings from income as wages, salaries and other remuneration, fees, profits from professional activities, and pensions. **EC request:** Clarify this entry. What restrictions apply in transfer of remaining 50% of savings from income of a foreign resident? Is this restriction related to obligations from Morocco has from acceding to Article VIII of the IMF Articles of Agreement?

##### **Definitions**

- It is not clear what is covered by the terms “managers”, “senior executives”, or “specialists”. **EC request:** Please define in the 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 Morocco. The EC considers that Morocco’s current commitments cover intra-corporate transferees who are “managers”, “senior executives” or “specialists”. **EC request:**

- Specify minimum prior employment requirement.
- Specify maximum length of stay.
- Extent scope of coverage of commitments to transfers between all affiliated companies, including representative offices, branches and joint ventures, for example.
- Make a commitment 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 Morocco 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. Morocco’s current commitments cover “sales agents”, which the EC interprets as covering activities (a) and (b) above.

- No specific commitment has been made for Business Visitors who are not entering to themselves supply a service, but rather to establish a commercial presence (activity (c)). **EC request:** Make a specific commitment to this effect. Economic needs tests should not be applied. 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 Morocco, who has obtained a service contract in Morocco requiring the presence of its employees in Morocco in order to fulfil that contract. Morocco has made no commitments in relation to contractual services 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, F and G

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 MOROCCO

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

#### **A. LEGAL SERVICES (CPC 861)**

This sub-sector is not committed. **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: commit as referred to in the section in “Horizontal commitments”

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

- Mode 1: MA and NT– this mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT, for accountancy and bookkeeping services
- Mode 2: MA and NT - This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT, for the entire CPC 862
- Mode 3: MA – Limit on foreign capital participation. **EC Request:** Remove
- Mode 4: MA - Nationality requirement. **EC Request:** Remove
- Mode 4: NT - this mode remains unbound. **EC Request:** Commit as referred to in the section “Horizontal commitments”

#### **F. INTEGRATED ENGINEERING SERVICES (CPC 8673)**

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

- Modes 1,2,3: Take commitments under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

#### **E. ENGINEERING SERVICES (CPC 8672)**

- This sub-sector is committed under Construction and related engineering services. **EC Request:** Bring these commitments under Professional services
- Modes 1 and 2: MA and NT – These modes remain unbound. **EC Request:** Take commitments under MA and NT

- Mode 4: NT – This mode remains unbound. **EC Request:** Commit as referred to in the section “Horizontal Commitments”

The EC also invites Morocco to consider taking commitments in the sub-sectors of taxation services and architectural services.



## **BUSINESS SERVICES (OTHER THAN PROFESSIONAL)**

### **EC REQUEST TO MOROCCO**

#### **B. COMPUTER AND RELATED SERVICES**

Morocco has committed this sector only partially. **EC request:** Extend coverage and commit 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**

*NB. Requests [if any] on h) – services incidental to mining and \*\*\* services incidental to energy distribution, are covered in the section “Energy Services” of this request.*

Country has not committed the following sub-sectors. The EC requests that they be committed as follows:

##### **a) Advertising (CPC 871)**

##### **b) Market research (CPC 86401)**

##### **d) Services related to management consulting (CPC 866)**

##### **e) Technical testing and analysis services (CPC 8676)**

##### **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: Commit as referred to in the section “Horizontal Commitments”

##### **c) Management consulting service (CPC 865)**

- Modes 1 and 2: MA and NT – These modes remain unbound. **EC request:** Take full commitments, i.e. schedule “none”.
- Mode 4: NT – this mode remains unbound. **EC request:** Commit as referred to in the section “Horizontal Commitments”

The EC also invites Morocco to consider taking commitments in Real Estate Services (CPC 82), Rental and Leasing Services without Operators (CPC 831), and translation services (CPC 87905), as well as improving existing commitments in convention services (part of CPC 87909).

# POSTAL AND COURIER SERVICES

## EC REQUEST TO MOROCCO

Morocco has not committed this sector. 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 Morocco 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 HANDLING<sup>1</sup> OF POSTAL ITEMS<sup>2</sup> WHETHER FOR DOMESTIC OR FOREIGN DESTINATIONS

**A. Handling of addressed written communications on any kind of physical medium<sup>3</sup>, including:**

- Hybrid mail services
- Direct mail

**B. Handling of addressed parcels and packages<sup>4</sup>**

**C. Handling of addressed press products<sup>5</sup>**

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

**E. Express delivery services<sup>6</sup> 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 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: Consider undertaking full commitments for market access and national treatment.
- Mode 4: Commit as referred to in the section “Horizontal commitments”.

For sub-sectors A. and D.:

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

# TELECOMMUNICATION SERVICES

## EC REQUEST TO MOROCCO

Morocco has committed this sector only partially. The EC request that it be committed as follows:

### All Modes

There are no commitments for Circuit-switched data transmission services (CPC 7523\*\*), Telegraph services (CPC 7522), Facsimile services (CPC 7521\*\*+7529), and Code and protocol conversion and other.

**EC request:** Make full commitments for all these sub sectors, i.e., schedule “none” for MA and NT.

### Mode 1

For all basic telecommunications services, establishment is required. **EC request:** introduce a less burdensome requirement.

### Mode 2

For private leased circuit services, available capacities of existing public telecommunication networks must be used first. **EC request:** explain how this is applicable in practice.

### Mode 3

For all basic to telecommunications services, National Treatment is unbound. **EC request:** Make full commitments for all these sub-sectors, i.e. schedule “None” for NT.

For mobile services, the schedule for MA reads that they are “Reserved for operators selected by public tendering procedure, in accordance with ANRT specifications. **EC request:** remove this statement which is not a restriction on market access.

For Packet-switched data transmission services and mobile services, the schedule mentions that if the operator install this own transmission infrastructure, he must be established and get an operating licence, and that he must only make a declaration if transmission capacity is leased from other operators. **EC request:** remove these provisions from the schedule as they; should not affect market access.

The schedule indicates that foreign participation in the capital of IAM is unbound. **EC request:** remove this restriction.

For all “value-added services”, the schedule indicates that Provision of service should be made through the network operated by the public operator. **EC Request:** as the public operator no longer has a monopoly over transmission services, remove this provision.

# CONSTRUCTION AND RELATED ENGINEERING SERVICES

## EC REQUEST TO MOROCCO

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

- A. **GENERAL CONSTRUCTION WORK FOR BUILDINGS (CPC 512)**
- B. **GENERAL CONSTRUCTION WORK FOR CIVIL ENGINEERING (CPC 513)**
- C. **INSTALLATION AND ASSEMBLY WORK (CPC 514+516)**
- D. **BUILDING COMPLETION AND FINISHING WORK (CPC 517)**
- E. **OTHER (CPC 511+515+518)**

For each of the above sectors:

- Mode 3: MA – A foreign enterprise established in Morocco must associate Moroccan enterprises through any form of association (joint venture, subcontracting, etc) in the provision of construction and related engineering services. **EC Request:** Remove this requirement.

## **DISTRIBUTION SERVICES**

### **EC REQUEST TO MOROCCO**

Morocco has not committed this Sector the EC requests that this Sector is committed as follows:

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

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

**For each of the above sub-sectors:**

- Modes 1,2,3: Take full commitments, i.e. schedule “none”.
- 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 of “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 MOROCCO**

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 Morocco to present its offer in accordance with this proposal, without prejudice to the outcome of the discussion on the classification of environmental services:

#### **WATER FOR HUMAN USE & WASTEWATER MANAGEMENT**

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

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

## FINANCIAL SERVICES

### EC REQUEST TO MOROCCO

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

#### GENERAL

- Mode 3: Concessions are granted on a reciprocal basis. **EC Request:** Eliminate this condition.
- Mode 3: Limitation on the participation of foreign capital in the capital of the large existing banks. **EC Request:** Remove this restriction.

#### INSURANCE

- Modes 1 and 2: MA – Unbound in direct insurance. **EC Request:** Commit MAT insurance in accordance with the Understanding on Commitments in Financial Services.
- Mode 3: MA – In direct insurance, obligation to have a registered place of business in Morocco. **EC Request:** Allow direct branching.
- Mode 3: MA and NT – Existence of restrictions on the provision of insurance of goods by foreign established companies. **EC Request:** No such limitation has been scheduled, but EU industry raises this issue. Please explain.
- Modes 1 and 2: MA - Establishment of a reinsurance plan. **EC Request:** Clarify to what extent this plan is a market access limitation.
- Modes 1 and 2: MA – Compulsory cessions in reinsurance. **EC Request:** Remove this restriction.
- Insurance intermediation of MAT insurance and of reinsurance in accordance with the Understanding on Commitments in Financial Services, in mode 3 for all insurance intermediation and in modes 1,2 and 3 for services auxiliary to insurance.

#### BANKING AND OTHER FINANCIAL SERVICES

- Trading of money market instruments, foreign exchange, derivative products, and of exchange rate and interest rate instruments, asset management, settlement and clearing services, and advisory and other auxiliary financial services are not covered. **EC Request:** Take commitments in modes 1, 2 and 3 for advisory and other auxiliary financial services and in modes 2 and 3 for the other subsectors.

# **TOURISM AND TRAVEL RELATED SERVICES**

## **EC REQUEST TO MOROCCO**

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

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

Extend coverage of commitments to include beverage serving services (CPC 642), and undertake full commitments for mode 2 and 3.

- Mode 4: Commit as referred to in the section “Horizontal commitments”

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

- Mode 1: Market access: Remove requirement that travel agencies must work through Moroccan or Moroccan-established foreign agency.
- Mode 3: Market access: Remove entry about need to obtain an operating licence. If there are restrictions on the number of licences given, schedule accordingly.
- Mode 4: Commit as referred to in the section “Horizontal commitments”.

### **D. OTHER**

Morocco has committed the tourism sector services with reference to CPC 641. This sector is already committed under hotel and restaurant services. Clarify coverage of commitments.

## **NEWS AGENCY SERVICES**

### **EC REQUEST TO MOROCCO**

Morocco has not committed this sector (CPC 962). The EC invites Morocco 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 MOROCCO

### A. MARITIME TRANSPORT

Morocco has no specific commitments for maritime transport.

**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 Morocco:

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

- 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 Morocco. 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 Morocco”.*

In this context Morocco 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 province/wilaya [or other relevant regional entity] remains excluded.

### **C. AIR TRANSPORT**

Morocco has commitments for maintenance and repair of aircraft and parts thereof, selling and marketing, and computer reservation systems. The EC – asks Morocco to also consider the following areas:

#### **4) Groundhandling services, as specified in the attached definitions (Annex2).**

**EC request:**

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

Mode 4: Commit as referred 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 in the section “Horizontal commitments”

### **F. ROAD TRANSPORT**

#### **b) Freight Transportation (CPC 7123).**

**EC request:**

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

Mode 4: Commit as referred in the section “Horizontal commitments”

Morocco has commitments for this sub-group with an obligation to establish a company under Moroccan law.

**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 in the section “Horizontal commitments”

**MFN EXEPTIONS**

Road transport:

Morocco has an MFN exemption for measures contained in existing and future bilateral or multilateral agreements on the international road transportation of passengers and goods.

EC request: Limit exemptions to relevant measures (for example taxation issues and country of registrations for vehicles)

**H. SERVICES AUXILIARY TO ALL MODES OF TRANSPORT**

**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: Commit as referred in the section “Horizontal 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: Commit as referred in the section “Horizontal commitments”

## ANNEX 1: SCHEDULE ON MARITIME TRANSPORT SERVICES

SECTOR OR SUB-SECTOR	LIMITATION 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"> <li>1. Pilotage</li> <li>2. Towing and tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth and berthing services</li> </ol>



Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>MARITIME AUXILIARY SERVICES Maritime Cargo Handling Services (as defined below – 4)</p> <p>Storage and warehousing Services CPC 742</p> <p>Customs Clearance Services (as defined below – 5)</p> <p>Container Station and Depot Services (as defined below – 6)</p> <p>Maritime Agency Services (as defined below – 7)</p> <p>(Maritime) Freight Forwarding Services (as defined below – 8)</p>	<p>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</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None**</p> <p>4) Unbound except as in horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in horizontal section</p>	<p>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</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p>	

\* 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 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 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 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 – administration, storage, preparation and delivery of bar and food supplies (CPC 6423).

### **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 MOROCCO**

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 requests that this area is committed as follows :

### **A. SERVICES RELATED TO EXPLORATION AND PRODUCTION**

#### **Services incidental to mining CPC 883:**

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".

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

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".

#### **Construction and related engineering services (CPC 513)**

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".

### **B. SERVICES RELATED TO THE CONSTRUCTION OF ENERGY FACILITIES**

#### **B.1 Construction of energy facilities**

##### **Construction work for civil engineering (CPC 513)**

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

**For local pipelines and cables; ancillary works (CPC 51350)**

**For constructions for mining and manufacturing (CPC 51360)**

These sub-sectors are not committed. **EC Request:**

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

## **B.2 Installation and assembly work**

### **Installation and assembly work (CPC 516)**

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".

## **C. SERVICES RELATED TO NETWORKS**

### **C.1 Operation of transportation/transmission and distribution facilities**

#### **Services incidental to energy distribution (including operation of transmission/distribution of electricity)**

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

- Mode 3 : Take commitments.
- Mode 4 : Commit as referred in the section "Horizontal commitments".

### **Transportation of petroleum and natural gas (CPC 71310)**

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

- Modes 3 : Take commitments.
- Mode 4 : Commit as referred in the section "Horizontal commitments".

## **D. STORAGE SERVICES**

### **Bulk storage services of liquids or gases (CPC 74220)**

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".

## **E. SERVICES FOR THE SUPPLY OF ENERGY**

### **E.1 Wholesale of energy products**

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

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

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

Wholesale trade services of electricity

**EC Request:**

- Mode 3 : Take commitments.
- Mode 4 : Commit as referred in the section "Horizontal commitments".

**E.2 Retail sale of energy products**

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

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".

**E.3 Trading of energy products**

**EC Request:**

- Mode 3 : Take commitments
- Mode 4 : Commit as referred in the section "Horizontal commitments".

**E.4 Brokering of energy products**

**EC Request:**

- Mode 3 : Take commitments
- Mode 4 : Commit as referred in the section "Horizontal commitments".

**G. SERVICES RELATED TO DECOMMISSIONING**

**EC Request:**

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

**MFN EXEMPTIONS**  
**EC REQUEST TO MOROCCO**

MFN exemption road transport: see EC request on road transport