

GATS 2000

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

TO

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU (HEREAFTER “TAIWAN”)

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 Taiwan 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 and the following service sectors:

- Professional services
- Business services (other than professional services)
- Postal and courier services
- Telecommunications services
- Distribution services
- Environmental services
- Financial services
- Tourism and travel related services
- Transport services
- Energy services

The EC proposes that Taiwan'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.

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 proposal 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 Taiwan 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 positions on classification issues and to the EC's classification of their existing commitments.

HORIZONTAL COMMITMENTS

EC REQUEST TO TAIWAN

GENERAL

- Mode 3: Unbound for purchase and leasing of land in agriculture, forestry, fishing, pasture, hunting, salt production, mines and sources of water. **EC Request** : Remove this restriction.

MODE 4

Intra-corporate transferees

- The EC 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.

Contractual Service Suppliers

- - A contractual service supplier is a juridical person with no commercial presence in Chinese Taipei, who has obtained a service contract in Chinese Taipei which requires the presence of its employees in Chinese Taipei in order to fulfil that contract. **EC request** Extend the list of activities covered by section (d) to include also the following sectors:

1. Business Services

Legal Services

Accounting and bookkeeping services

Taxation services

Advertising

Technical testing and analysis services

Non-engineering related scientific and technical consulting services

Interpreters

3. Construction and related engineering services

Site investigation work (CPC 5111)

4. Distribution Services

Wholesale trade services (CPC 622)

6. Environmental Services

All sub-sectors

7. Financial Services

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

Advisory, intermediation 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 TAIWAN

Taiwan has committed this sector only partially. The EC requests that this sector is committed as follows:

A. LEGAL SERVICES (CPC 861)

- This sub-sector is not committed for consultancy through lawyers qualified in Taiwan or through AFLAs. **EC Request:** Extend sectoral coverage of commitments to consultancy on law of jurisdiction where the service supplier or its personnel are qualified lawyers
- Mode 3: MA – Access restricted to natural persons. **EC Request:** Remove in order to allow the supply of legal services by juridical persons employing Chinese lawyers, AFLAs or foreign legal assistants
- Additional commitments: MA – Prior practice requirement for recognition as AFLA **EC Request:** Remove

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

- Mode 3: MA – Access restricted to natural persons for certified public accountants. **EC Request:** Remove in order to allow supply by juridical persons employing certified public accountants

In addition, the non-recognition of international standards and restrictions on the payment of fees, royalties and profits abroad have been reported. The EC wishes to discuss the scope of these regulatory barriers and the solution to be given to these issues.

C. TAXATION SERVICES (CPC 863)

- Mode 3: MA – Access restricted to natural persons for income tax certification services. **EC Request:** Remove in order to allow supply by juridical persons employing tax attorneys of Chinese Taipei

D. ARCHITECTURAL SERVICES (CPC 8671)

E. ENGINEERING SERVICES (CPC 8672)

F. INTEGRATED ENGINEERING SERVICES (CPC 8673)

G. URBAN PLANNING AND LANDSCAPE ARCHITECTURAL SERVICES (CPC 8674)

For each of these sub-sectors [d) to g)]:

- Modes 1 and 2: MA – Architect certification practice reserved to licensed architects of Chinese Taipei and professional engineer certification practice reserved to licensed professional engineers of Chinese Taipei. **EC Request:** Remove
- Mode 3: MA – Access restricted to natural persons. **EC Request:** Remove

BUSINESS SERVICES (OTHER THAN PROFESSIONAL SERVICES)

EC REQUEST TO TAIWAN

B. COMPUTER AND RELATED SERVICES

EC request: Schedule commitments at the two-digit level – i.e. CPC 84.

D. REAL ESTATE SERVICES

a) Involving own or leased property (CPC 821)

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

- 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".

b) On a fee or contract basis (CPC 822)

This sub-sector has only partially been committed. **EC request:** Extend sectoral coverage to all of CPC 822.

E. RENTAL AND LEASING SERVICES WITHOUT OPERATORS

a) Relating to ships (CPC 83103)

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

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

c) Relating to other transport equipment (CPC 83101 + 83102 + 83105)

This sub-sector has only partially been committed. **EC request:** Extend sectoral coverage to all of CPC 83101, 83102 and 83105.

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.

a) Advertising (CPC 871)

Scope of commitment is unclear. **EC request:** Please clarify whether all services covered under CPC 871 are included in the schedule. The EC reserves the right to make a request in this sub-sector in the light of Chinese Taipei's response.

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

Mode 1: Ma and NT – This mode remains unbound. **EC request:** Full commitment, i.e. schedule “none” for MA and NT.

l) Security Services (CPC 87302 – 87309)

Chinese Taipei 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: Commit as referred to in the section "Horizontal commitments".

r) Printing and Publishing Services (CPC 88442)

Chinese Taipei has not committed this sub-sector for printing services. **EC request:** Extend sectoral coverage to all of CPC 88442.

Grounds maintenance (part of CPC 88110) and

Washing and Cleaning Services (CPC 97011)

Chinese Taipei has not committed these two 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 section “Horizontal commitments”

POSTAL AND COURIER SERVICES

EC REQUEST TO TAIWAN

Taiwan has only partially committed this sector (commitments in 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 Taiwan 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: Commit as referred to in the section « Horizontal commitments ».

For sub-sectors A. and D.:

- Modes 1, 2 and 3: Undertake commitments for market access and national treatment.
- Mode 4: Commit as referred to in the section « Horizontal commitments ».

TELECOMMUNICATION SERVICES

EC REQUEST TO TAIWAN

Taiwan has only partially committed this Sector. The EC requests that this Sector is committed as follows:

MODE 1

There is an obligation to conclude commercial arrangements with Chinese Taipei licensed operators. **EC request:** remove this obligation.

MODE 3

There are ceilings on direct (20%) and indirect(60%) foreign ownership. **EC request:** remove these ceilings.

The aggregate percentage of shares held by non-Chinese Taipei persons in Chunghwa Telecom, including direct and indirect investment, cannot exceed 20 %. . **EC request:** remove this ceiling.

For all facilities based service providers, The chairman and a majority of the board of directors must be Chinese Taipei nationals. **EC request:** remove this obligation.

DISTRIBUTION SERVICES

EC REQUEST TO TAIWAN

Taiwan has only partially 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)

For A. and B., the distribution of the following goods is not committed:

- motor vehicles (CPC 6111+6113+6121)
- military equipment.

EC Request for these goods (some military equipment linked to national security such as arms, ammunitions and explosives may be excluded) :

- Modes 1, 2, 3 : Take full commitments on the above goods, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

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

The distribution of the following goods is not committed :

- motor fuel (CPC 613)
- military equipment.

EC Request for these goods (some military equipment linked to national security such as arms, ammunitions and explosives may be excluded) :

- Modes 1, 2, 3 : Take full commitments on the above goods, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

ENVIRONMENTAL SERVICES

EC REQUEST TO TAIWAN

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 Taiwan 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.

Extend sectoral coverage to include the above services.

- Mode 3: Take commitments under 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)

See below.

F. PROTECTION OF BIODIVERSITY AND LANDSCAPE

Nature and landscape protection services (part of CPC 94060)

For sub-sectors D and F: Scope restricted to consulting services incidental to Nature and Landscape protection. **EC request:** Extend sectoral coverage to include all of CPC 9406 (scope as described in the proposed EC classification).

FINANCIAL SERVICES

EC REQUEST TO TAIWAN

Taiwan 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.
- Mode 3: Restriction on advertising of financial institutions. **EC Request:** Eliminate these restrictions.

INSURANCE

- Mode 2: MA and NT – MAT insurance is not committed. **EC Request:** Commit MAT insurance in accordance with the Understanding.
- Mode 3: Prior approval of new products and of rates is required. **EC Request:** Remove this requirement.
- Modes 1 and 2: MA and NT – Unbound in insurance intermediation, except for brokerage of MAT insurance for mode 1 in market access column. **EC Request:** Commit fully intermediation of reinsurance and of MAT insurance in accordance with the Understanding.
- Mode 3: Requirement to have locally qualified actuary on staff in order to introduce new products. **EC Request:** Eliminate the requirement
- Mode 3: Capital requirement of branches of foreign insurance companies does not take into account the capital of the head office, nor any letters of credit. **EC Request:** Allow such a possibility.

BANKING AND OTHER FINANCIAL SERVICES

- Mode 3: MA – For commercial banks, limitations on individual and aggregate share holdings. **EC Request:** Remove these limitations
- Mode 1: MA and NT – Unbound Banking and other financial services, provision and transfer of financial information and financial data processing is not committed. **EC Request:** Take full commitments.
- Mode 1: MA and NT – Unbound for all services provided by securities consulting enterprises. **EC Request:** Take full commitments.
- Mode 3: MA – Prior business test for first branch. **EC Request:** Eliminate this test.
- Mode 3: MA – Foreign banks are subject to credit extension limits per clients. **EC Request:** Eliminate these limits.
- Mode 3: Fund management and trading cannot be delegated to a third party. **EC Request:** Allow such a possibility.
- Mode 3: With limited exceptions, each locally domiciled fund must have a separate individual portfolio manager. **EC Request:** Remove this requirement.

- Mode 3: Retail offshore funds authorised outside Taiwan must be two years old before being permitted to apply for authorisation for sale in Taiwan. **EC Request:** Remove this requirement.
- Mode 3: Funds of Securities Investment Trust Enterprises (SITE) have to be approved on a fund-by-fund basis. **EC Request:** Allow an overall approval for a SITE.
- Mode 3: Securities Investment Consulting Enterprises (SICE) cannot participate in account management for government funds. **EC Request:** Allow such a possibility.

TOURISM AND TRAVEL RELATED SERVICES

EC REQUEST TO TAIWAN

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

C. TOURIST GUIDES SERVICES (CPC 7472)

Mode 3

Market access: this mode is not bound; tour guide services can only be provided by a travel agency or tour operator. **EC request:** Bind this mode and remove limitation to travel agencies and tour operators.

Mode 4

National treatment: Foreigners applying for the travel guide examination need to obtain the alien resident certificate and have resided in Chines Taipei for more than six months. **EC request:** Specify requirements for obtaining the alien resident certificate. Remove prior residency requirement.

TRANSPORT SERVICES

EC REQUEST TO TAIWAN

A. MARITIME TRANSPORT

Taiwan 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 Taiwan:

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

- 7) **International cargo.** With the development of containerisation and high frequency networking services and with ever-larger vessels having to limit direct port calls for physical or economic reasons, the feeding of cargoes between 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 the Taiwan. This is requested to be committed in a new footnote:

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

In this context Taiwan 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 county/municipality [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: Commit as in horizontal commitments.

B. INTERNAL WATERWAYS:

c) 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: Commit as referred in the section “Horizontal commitments”

C. AIR TRANSPORT

Taiwan has made commitments for maintenance and repair of aircraft and parts thereof, selling and marketing, and computer reservation systems. The EC shall ask Taiwan to also consider the following areas:

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

Taiwan has made a commitments for cargo handling a with restriction for ramping services provided in airports.

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).

Taiwan has made commitments with a restriction limiting to international freight (import /export).

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”

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”

H. SERVICES AUXILIARY TO ALL MODES OF TRANSPORT

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	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 (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
<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). [Catering is listed for only for information purposes as this activity is classified and committed by Taiwan as part of tourism 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 TAIWAN

This request includes services that are listed under the negotiating proposal of the EC (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:

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:**

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

CPC 71310: Transportation of petroleum and natural gas

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

- Modes 3 : Take commitments.
- 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 electricity

EC Request:

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

E.2 Retail Sale of energy products

Retail sale trade services of electricity

EC Request:

- Modes 3: Take commitments for the supply of industrial customers
- Mode 4: Commit as referred in the section "Horizontal commitments"

E.3 Trading of energy products

EC Request:

- Modes 3 : Take full commitments for non-network energy products and commitments for network-energy products.
- Mode 4 : Commit as referred in the section "Horizontal commitments".

E.4 Brokering of energy products

EC Request:

- Modes 1, 2, 3 : Take full commitments for non-network energy products and commitments for network-energy product
- Mode 4 : Commit as referred in the section "Horizontal commitments".

G. SERVICES RELATED TO DECOMMISSIONING

EC Request:

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