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## **GATS 2000**

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

**TO**

**TUNISIA**

#### **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 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 Tunisia 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 Tunisia'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 commitment 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 Tunisia 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/or corresponding CPC number. If there is no appropriate classification, 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 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 Tunisia 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 measures 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 TUNISIA

### FOREIGN INVESTMENT

#### **Mode 3**

Market access: Investments in services other than financial services are not limited. **EC request:** remove this entry (investment restrictions in financial services to be covered under commitments for financial services.)

National treatment: foreign equity exceeding 50% in services companies not wholly export-oriented are subject to approval of the Investment Commission. **EC request:** Specify the criteria and conditions under which approval for foreign equity participation above 50% in a services company is given.

### EXERCISE OF COMMERCIAL ACTIVITIES

#### **Modes 3 and 4**

Market access: Foreign natural or legal persons may engage in commercial activity only under the conditions established by the relevant Tunisian legislation. **EC request:** specify the conditions which would constitute a restriction in the sense of GATS Article XVI contained in the relevant Tunisian legislation.

National treatment: Foreign natural or legal persons wishing to engage in a trading activity in Tunisia must be in possession of a trader's licence. Licences are issued to 1) foreigners whose spouse possesses Tunisian nationality, 2) to foreigners who are native residents in Tunisia for several years, and 3) when proposed activity will generate technology transfer for jobs and/or may help to promote exports in the service sector.

**EC request:** Remove all three criteria

National treatment: Conditions to fulfil for legal persons to possess Tunisian nationality:

a) establishment in accordance with the law in force. **EC request:** Specify provisions of the law which are inconsistent with GATS Article XVII

b) at least 50% of their share of capital must consist of registered securities held by Tunisian natural or legal persons. **EC request:** 1) Remove this limitation. (this seems to be a limitation in the sense of Article XVI and should be listed under limitations on market access.)

c) A majority of their board of directors or management or supervisory board must be natural or legal persons of Tunisian nationality. **EC request:** Reduce this requirement.

d) The chairman, managing director or management must be natural person of Tunisian nationality. **EC request:** remove this requirement.

Foreign natural or legal persons may not engage in the following activities, unless otherwise permitted by the competent authority: buildings manager, commission agent, broker, commercial agent, consignee, general representative, commercial traveller, commercial representative. **EC request:** Remove this limitation or clearly specify criteria under which permission is given for these activities.

## **MODE 4**

### **Definitions**

- It is not clear what is meant by the terms "managerial" and "supervisory". **EC Request:** Define these terms in the schedule.

### **Quantitative Restrictions**

- Only four foreign nationals permitted per enterprise. **EC request:** Eliminate this restriction.

### **Market access**

- Commitments only cover "wholly export oriented" enterprises. **EC request:** Extend commitments to cover all enterprises carrying out services activities covered by Tunisia's sectoral commitments.
- Trader's licenses are required of foreign natural persons engaging "directly or indirectly in a commercial activity". **EC request:** Please clarify whether this requirement also apply to employees or only to independent service suppliers?

### **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 Tunisia. The EC requests that Tunisia's current commitments covers up to four intra-corporate transferees who are "managerial or supervisory staff", subject to the relevant Tunisian legislation. **EC request:**

- Please confirm this understanding and clarify whether there are any limitations relating to the degree of affiliation which must exist between companies, length of stay or minimum prior employment requirement.
- Specify those provisions of the relevant Tunisian legislation which are restrictions in the sense of GATS Article XVI, with particular reference to the use of labour market testing.

- Make a commitment to allow as intra-corporate transferees « 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.
- NT. Clarify what is required in order for the contract of employment to be endorsed by the competent authorities. Who are « the competent authorities ».

### **Business Visitors**

A Business Visitor is a representative of a foreign services supplier who is seeking temporary entry into your country 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. **EC request:**

- Clarify extent of existing commitments in relation to Business Visitors entering to carry out one of the activities listed above.
- Clarify whether a Business Visitor who is also an independent service supplier is required to hold a trader's license.

### **Contractual Service Suppliers**

A contractual service supplier is a juridicial person with no commercial presence in Tunisia, who has obtained a service contract in Tunisia which requiring the presence of its employees in Tunisia in order to fulfil that contract. Tunisia does not appear to have made any commitments in relation to contractual service suppliers. **EC request:**

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

List of sectors:

#### 1. Business Services

Legal Services

Accounting and bookkeeping services

Engineering Services

Integrated engineering services

Computer and Related Services

Management consulting services

Services related to management consulting

Related scientific and technical consulting

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 TUNISIA**

Tunisia has not committed this sector. The EC requests that it be 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: Commit as referred to in the section “Horizontal commitments”

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

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

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

**EC Request** for each of the above sub-sectors:

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

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

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

### **EC REQUEST TO TUNISIA**

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

Tunisia has not committed this sector. The EC requests that it be committed at the two-digit level as follows:

##### **Computer and Related Services (CPC 84)**

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

#### **F. OTHER BUSINESS SERVICES**

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

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

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

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

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

##### **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”.

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

# POSTAL AND COURIER SERVICES

## EC REQUEST TO TUNISIA

Tunisia 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 Tunisia 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**

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<sup>1</sup> The term "handling" should be taken to include clearance, sorting, transport and delivery.

<sup>2</sup> "Postal item" refers to items handled by any type of commercial operator, whether public or private.

<sup>3</sup> E.g. letter, postcards.

<sup>4</sup> Books, catalogues are included hereunder

<sup>5</sup> Journals, newspapers, periodicals.

<sup>6</sup> 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 : To 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 : To consider undertaking full commitments for market access and national treatment.
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

# TELECOMMUNICATION SERVICES

## EC REQUEST TO TUNISIA

Tunisia has committed this sector only partially. The EC requests 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\*\*), Private leased circuit services (CPC 7522\*\*+7523\*\*), Electronic mail (CPC 7523\*\*)/ Voice mail (CPC 7523\*\*), On-line information and data base retrieval (CPC 7523\*\*), Electronic data interchange (EDI) (CPC 7523\*\*), Enhanced/ value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523\*\*), Code and protocol conversion (n.a.) and Other.

EC Request: Make full commitments for all these sub-sectors, i.e. schedule "None" for MA and NT.

### MODE 1

For voice, packet switched data transmission, telex and mobile services, the transition periods of restrictions (on the use of the public telecommunications network, or the economic needs test, on the maximum foreign ownership of 49%) have elapsed. **EC request:** remove these sentences in the schedule.

### MODE 3

#### **Additional commitments**

**EC Request:** Commit to the reference paper of the Basic Telecommunications negotiations.

Tunisia has indicated that for voice, packet-switched data transmission, telex and mobile services, it requires any telecommunications services supplier to:

- supply rural telecommunications services,
- serve certain areas with telephony,
- supply distress telecommunications services
- contribute to the national training and research endeavour in the telecommunications field.

**EC Request:** explain how this is applied to the different suppliers.

# **CONSTRUCTION AND RELATED ENGINEERING SERVICES**

## **EC REQUEST TO TUNISIA**

Tunisia has not committed this sector. 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)**

**EC Request** for each of the above sub-sectors:

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

## **DISTRIBUTION SERVICES**

### **EC REQUEST TO TUNISIA**

Tunisia 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 to in the section “Horizontal commitments”.

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

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

# **ENVIRONMENTAL SERVICES**

## **EC REQUEST TO TUNISIA**

Tunisia has not committed this sector. This request is based on the EC proposal for the classification of environmental services. While discussions on classification in this sector are still ongoing, the EC would like to invite Tunisia 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 commitments for MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

**Wastewater services (CPC 9401)**

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

### **B. SOLID/HAZARDOUS WASTE MANAGEMENT**

**Refuse disposal services (CPC 94020)**

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

**Sanitation and similar services (CPC 94030)**

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

### **C. PROTECTION OF AMBIENT AIR AND CLIMATE**

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

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

### **D. REMEDIATION AND CLEANUP OF SOIL & WATER**

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

- Mode 3: Take commitments for MA and NT

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

## **F. PROTECTION OF BIODIVERSITY AND LANDSCAPE**

### **Nature and landscape protection services (part of CPC 94060)**

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

## **G. OTHER ENVIRONMENTAL & ANCILLARY SERVICES**

### **Other environmental protection services not classified elsewhere (CPC 94090)**

#### **EC Request:**

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

## FINANCIAL SERVICES

### EC REQUEST TO TUNISIA

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

#### GENERAL

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

#### INSURANCE

The only committed subsector is reinsurance. **EC Request:**

- Mode 3: NT – Mode 3 is unbound in various subsectors. **EC Request:** Schedule “none”.
- Modes 1 and 2: MA and NT – MAT insurance is not committed. **EC Request:** Take full commitments in accordance with the Understanding on Commitments in Financial Services.
- Mode 3: MA – Minimum capital requirements in direct insurance. **EC Request:** Clarify whether they are none discriminatory.
- Mode 3: MA – Operations of branches are limited to non-residents. **EC Request:** Remove this restriction.
- Modes 1, 2, 3 and 4: NT – Unbound in reinsurance and insurance intermediation. **EC Request:** Schedule “none” in modes 1, 2 and 3, and “unbound excepted as indicated in the horizontal commitments” in mode 4.
- Modes 1, 2 and 3: MA – Requirement of Tunisian nationality for insurance agents, insurance brokers and other auxiliary services. **EC Request:** Remove these nationality requirements.

#### BANKING AND OTHER FINANCIAL SERVICES

- Payment and money transmission services, guarantees and commitments, trading of foreign exchange and of derivative products, participation in issues of securities, part of asset management, settlement and clearing services, and provision and transfer of financial information are not covered. **EC Request:** Commit provision and transfer of financial information in modes 1, 2 and 3, and the other subsectors in modes 2 and 3.
- Mode 3: MA – Minimum capital requirements in banking. **EC Request:** Clarify whether they are non discriminatory.
- Mode 4: NT – Requirement of Tunisian nationality for the Chairman-Managing Director of a bank. **EC Request:** Remove this nationality requirement.

Mode 2: MA and NT – Unbound in various subsectors. **EC Request:** Schedule “none”.

- Mode 3: NT – Unbound in various subsectors. **EC Request:** Schedule “none”.

- Mode 3: MA – In mortgage loan services, an authorisation is needed. **EC Request:** Specify the criteria for the authorisation.
- Mode 3: MA – Requirement of Tunisian nationality for stock market intermediaries. **EC Request:** Remove this requirement.

# **TOURISM AND TRAVEL RELATED SERVICES**

## **EC REQUEST TO TUNISIA**

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

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

Clarify what ‘unclassified restaurants’ are. Extend sectoral scope to include all restaurant services (all of CPC 642 and 643), and take 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 and national treatment remain unbound. **EC request:** Bind this mode, and undertake full commitments
- Mode 3: Market access and national treatment remain unbound. **EC request:** Bind this mode, and undertake full commitments.
- Mode 4: Commit as referred to in the section “Horizontal commitments”.

### **C. TOURIST GUIDES SERVICES (CPC 7472)**

Extend sectoral coverage to include tourist guide services, and undertake full commitments for mode 2 and 3.

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

## **NEWS AGENCY SERVICES**

### **EC REQUEST TO TUNISIA**

Tunisia has not committed this sector (CPC 962). The EC invites Tunisia 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 TUNISIA

Tunisia has no specific commitments in the transport sector.

### **A. 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 requests the following additional maritime commitments from Tunisia:

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

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

- 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 Tunisia. 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 Tunisia."*

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

- 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 governorate [or other relevant entity] remains excluded.

### **MFN EXEMPTIONS**

Tunisia has an MFN exemption that allows for measures on right to control and to take all necessary and appropriate measures with respect to foreign maritime transporters whose countries affect Tunisian maritime transport and shippers.

**EC request:** Remove or limit by specific measures allowed. Taking into account EC request on maritime services.

Tunisia reserves the right to maintain, negotiate and conclude any bilateral , regional, multilateral or other agreement, understanding or arrangement relating to maritime transport conditions of access to ports and auxiliary services and also to maritime training, safety and accident prevention.

**EC request:** Remove. The right/need to take safety based measures not prohibited.

Tunisia has a MFN exemption that allows measures for all provisions of national law and regulations, in particular concerning national coastal shipping (cabotage) and commercial presence, as well as of the international conventions ratified by Tunisia in the field of maritime transport.

**EC Request:** remove or limit scope of to elements not directly covered by the model schedule (i.e. cabotage) taking into account EC request for maritime services.

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

## **3) Computer Reservation Systems**

### **EC Request:**

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

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

### **EC Request:**

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

## **E. RAIL TRANSPORT**

### **d) Maintenance and Repair of Rail Transport Equipment (CPC 8868)**

#### **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”

## **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”

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

Tunisia has a commitment for this activity, with a restriction on commercial presence (Mode 3, MA and NT). **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 EXEMPTIONS**

Tunisia has an MFN exemption for provisions of services by foreign natural or legal persons from, to and / or on Tunisian territory, as well as their commercial presence, are confined to nationals of countries with which Tunisia has concluded or may conclude an international agreement in this field, or under a partnership agreement.

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

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

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

## NOTE TO THE SCHEDULE

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

### DEFINITIONS

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

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

These activities include, but are not limited to:

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

(b) the acquisition, on their own account or on behalf 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 TUNISIA

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 lack 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**

#### **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 511 and CPC 513)**

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. 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:**

- Modes 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”.

## **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”
- Mode 4 : Commit as referred in the section “Horizontal commitments”.

#### **Wholesale trade services of electricity**

**EC Request:**

- Mods 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”.

## **F. SERVICES FOR THE FINAL USE**

### **F.1 Energy audit**

#### **Production management consulting services (CPC 86505)**

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

- Mode 3 : Take full commitments, i.e. None.
- Mode 4 : Commit as referred in the section “Horizontal commitments”.

### **F.2 Energy management**

#### **Production management consulting services (CPC 86505)**

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

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

MFN exemption maritime transport: see EC request on maritime transport

MFN exemption road transport: see EC request on road transport