

75 (1994) Nr. 1¹⁾

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2007 Nr. 191

A. TITEL

*Algemene Overeenkomst betreffende de handel in diensten;
(GATS)
Marrakesh, 15 april 1994*

B. TEKST

De Engelse tekst van de Overeenkomst is geplaatst in *Trb.* 1994, 235, blz. 304 e.v.

Op 12 juli 2007 heeft het Comité van permanente vertegenwoordigers bij de Europese Unie een voorstel aangenomen voor een Besluit van de Raad en besluit van de vertegenwoordigers van de regeringen van de lidstaten, in het kader van de Raad bijeen, inzake de sluiting van akkoorden in het kader van artikel XXI van de GATS met Argentinië, Australië, Brazilië, Canada, China, het afzonderlijk douanegebied van Taiwan, Penghu, Kinmen en Matsu (Chinees Taipei), Colombia, Cuba, Ecuador, Hongkong (China), India, Japan, Korea, Nieuw-Zeeland, de Filippijnen, Zwitserland en de Verenigde Staten over de compenserende aanpassingen die noodzakelijk zijn als gevolg van de toetreding van de Tsjechische Republiek, de Republiek Estland, de Republiek Cyprus, de Republiek Letland, de Republiek Litouwen, de Republiek Hongarije, de Republiek Malta, de Republiek Oostenrijk, de Republiek Polen, de Republiek Slovenië, de Slowaakse Republiek, de Republiek Finland en het Koninkrijk Zweden tot de Europese Gemeenschappen. Het Besluit

¹⁾ De onderhavige Overeenkomst (GATS), die als Bijlage 1B bij de Overeenkomst tot oprichting van de Wereldhandelsorganisatie is bekendgemaakt onder het systematisch nummer 46(1994) Nr. 1 enz., heeft in dit Tractatenblad een eigen systematisch nummer gekregen.

kan worden aangenomen nadat de lidstaten hun nationale procedures hebben afgerond. De tekst van het Besluit en de akkoorden¹⁾ luidt als volgt:

Voorstel voor een

Besluit van de Raad en besluit van de vertegenwoordigers van de regeringen van de lidstaten, in het kader van de Raad bijeen,

inzake de sluiting van akkoorden in het kader van artikel XXI van de GATS met Argentinië, Australië, Brazilië, Canada, China, het afzonderlijk douanegebied van Taiwan, Penghu, Kinmen en Matsu (Chinees Taipei), Colombia, Cuba, Ecuador, Hongkong (China), India, Japan, Korea, Nieuw-Zeeland, de Filippijnen, Zwitserland en de Verenigde Staten over de compenserende aanpassingen die noodzakelijk zijn als gevolg van de toetreding van de Tsjechische Republiek, de Republiek Estland, de Republiek Cyprus, de Republiek Letland, de Republiek Litouwen, de Republiek Hongarije, de Republiek Malta, de Republiek Oostenrijk, de Republiek Polen, de Republiek Slovenië, de Slowaakse Republiek, de Republiek Finland en het Koninkrijk Zweden tot de Europese Gemeenschappen

De Raad van de Europese Unie en de vertegenwoordigers van de regeringen van de lidstaten, in het kader van de raad bijeen,

Gelet op het Verdrag tot oprichting van de Europese Gemeenschap, en met name op artikel 133, leden 1, 5, en 6, artikel 71 en artikel 80, lid 2, juncto artikel 300, leden 2 en 3,

Gezien het voorstel van de Commissie,

Gezien het advies van het Europees Parlement,

Overwegende hetgeen volgt:

1. Het Verdrag betreffende de toetreding van het Koninkrijk Noorwegen, de Republiek Oostenrijk, de Republiek Finland en het Koninkrijk Zweden tot de Europese Unie is op 1 januari 1995 in werking getreden²⁾.
2. Het Verdrag betreffende de toetreding van de Tsjechische Republiek, de Republiek Estland, de Republiek Cyprus, de Republiek Letland, de Republiek Litouwen, de Republiek Hongarije, de Republiek

¹⁾ Een akkoord bestaat telkens uit de gezamenlijke brief van de Europese Gemeenschap en haar lidstaten en het betrokken WTO-lid en de Bijlagen I en II bij het verslag van de onderhandelingen. Het verslag zelf is geen onderdeel van het akkoord en is niet afgedrukt.

²⁾ PB C 241 van 29.8.1994.

Malta, de Republiek Polen, de Republiek Slovenië en de Slowaakse Republiek tot de Europese Unie is op 1 mei 2004 in werking getreden¹⁾.

3. Ingevolge artikel XX van de Algemene Overeenkomst inzake de handel in diensten (hierna „GATS” genoemd) moeten leden van de WTO een lijst opstellen van de specifieke verbintenissen die zij op grond van deel III van de GATS aangaan.

4. De huidige lijst voor de Europese Gemeenschap en haar lidstaten (hierna „Europese Gemeenschap” genoemd) heeft uitsluitend betrekking op de specifieke verbintenissen van de twaalf lidstaten die er in 1994 waren. De individuele lijsten met specifieke verbintenissen van de lidstaten die in 1995 en 2004 tot de Europese Gemeenschap zijn toegetreden (hierna de nieuwe lidstaten genoemd) werden vóór hun toetreding vastgesteld.

5. Onder meer om ervoor te zorgen dat de beperkingen in de lijst van specifieke verbintenissen van de Europese Gemeenschap ook van toepassing zijn op de nieuwe lidstaten en om te zorgen voor consistentie met het *acquis communautaire*, moesten bepaalde specifieke verbintenissen in de lijst van specifieke verbintenissen van de Europese Gemeenschap en in die van elk van de nieuwe lidstaten worden gewijzigd of ingetrokken.

6. Met het oog op de indiening van een geconsolideerde lijst heeft de Europese Gemeenschap op 28 mei 2004 overeenkomstig artikel V van de GATS een mededeling ingediend, waarbij zij kennis gaf van haar voornemen om overeenkomstig artikel V:5 van de GATS en in overeenstemming met de voorwaarden in artikel XXI:1(b) van de GATS bepaalde specifieke verbintenissen in de lijst van specifieke verbintenissen van elk van de nieuwe lidstaten te wijzigen of in te trekken.

7. Nadat de kennisgeving was ingediend, hebben achttien WTO-leden (Argentinië, Australië, Brazilië, Canada, China, het afzonderlijk douanegebied van Taiwan, Penghu, Kinmen en Matsu (Chinees Taipei), Colombia, Cuba, Ecuador, Hongkong China, India, Japan, Korea, Nieuw-Zeeland, de Filippijnen, Zwitserland, Uruguay²⁾) en de Verenigde Staten (hierna de betrokken WTO-leden genoemd) overeenkomstig artikel XXI:2(a) van de GATS aangevoerd hierbij belang te hebben.

8. De Commissie heeft onderhandelingen met de betrokken WTO-leden gevoerd. Die resulteerden in een akkoord over compenserende aanpassingen in verband met de wijzigingen en intrekkingen waarvan op 28 mei 2004 kennis was gegeven.

¹⁾ PB L 236 van 23.9.2003.

²⁾ Uruguay heeft die verklaring later ingetrokken.

9. Na de afsluiting van de onderhandelingen werd de Commissie overeenkomstig de conclusies van de Raad van 26 juli 2006¹⁾ gemachtigd tot ondertekening van het met elk van de betrokken WTO-leden bereikte akkoord. In die akkoorden is rekening gehouden met de wijzigingen en de intrekkingen waarvan de Europese Gemeenschap kennis heeft gegeven, samen met de bijbehorende compenserende aanpassingen. Teneinde de in de desbetreffende WTO-regels bedoelde certificeringsprocedure in gang te zetten, heeft de Commissie het ontwerp van de geconsolideerde lijst op 14 september 2006 naar het secretariaat van de WTO gestuurd. De certificering werd op 15 december 2006 afgesloten.

10. De akkoorden bevatten wijzigingen die betrekking hebben op de dienstenhandel in de vervoersector en bepaalde sectoren die worden genoemd in artikel 133, lid 6, van het Verdrag tot oprichting van de Europese Gemeenschap. Zij kunnen worden beschouwd als een bevredigend en evenwichtig resultaat van de onderhandelingen.

Hebben het volgende besluit vastgesteld:

Artikel 1

De akkoorden met Argentinië, Australië, Brazilië, Canada, China, het afzonderlijk douanegebied van Taiwan, Penghu, Kinmen en Matsu (Chinees Taipei), Colombia, Cuba, Ecuador, Hongkong China, India, Japan, Korea, Nieuw-Zeeland, de Filippijnen, Zwitserland en de Verenigde Staten over de wijzigingen en de compenserende aanpassingen die ingevolge artikel XXI (GATS) noodzakelijk zijn als gevolg van de toetreding van de Tsjechische Republiek, de Republiek Estland, de Republiek Cyprus, de Republiek Letland, de Republiek Litouwen, de Republiek Hongarije, de Republiek Malta, de Republiek Oostenrijk, de Republiek Polen, de Republiek Slovenië, de Slowaakse Republiek, de Republiek Finland en het Koninkrijk Zweden tot de Europese Gemeenschappen, worden hierbij namens de Europese Gemeenschappen en haar lidstaten goedgekeurd.

De voorzitter van de Raad wordt hierbij gemachtigd de persoon aan te wijzen die bevoegd is uitdrukking te geven aan de instemming van de Europese Gemeenschap en haar lidstaten om door de akkoorden gebonden te zijn en de WTO de datum van inwerkingtreding van de in de akkoorden vervatte wijzigingen en aanpassingen mee te delen.

De teksten van de akkoorden zijn aan dit besluit gehecht.

¹⁾ 12019/06 Limited WTO 135 Services 34.

Artikel 2

Dit besluit wordt bekendgemaakt in het Publicatieblad van de Europese Unie.

Gedaan te Brussel, [...]

Joint letter from the European Communities and its Member States on the one part, and Argentina, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Argentina submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/175 with regard to S/SECRET/8 and S/L/228 with regard to S/SECRET/9). The EC and Argentina entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Argentina have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Argentina was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Argentina.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Argentina with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the
World Trade Organisation

Alberto Juan Dumont
Ambassador
Permanent Representative
Permanent Mission of Argentina
to the World Trade Organisation

¹⁾ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Annex I**A) Modifications notified in document S/SECRET/8:****Horizontal Commitments**

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus’ market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.

- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania’s market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia’s market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that “the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies” and that “only firms having their registered office in the Community can act as depositories of the assets of investment funds”, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.

- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9:

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641,642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- **Mode 4** for intra-corporate transferees and business visitors
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- Professional services – **Engineering services** (CPC 8672)
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- Professional services – **Integrated Engineering Services** (CPC 8673):
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- **Computer and related services** –
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.

- **Advertising services (CPC 871):**
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- **Telecommunication services**
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- **Financial services (insurance services):**
 - Removal of part of the market access limitations for SK in Mode 3
- **Financial services (banking)**
 - FI: change in Mode 3 permanent residency requirements (“At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community...” instead of “At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community...”).
- **Hotels, Restaurants and Catering**
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- **Travel Agencies and Tour Operators Services**
 - Removal of the ENT applied on Mode 3 by the CZ

• Hairdressing services

- Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria
BE	Belgium
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

Joint letter from the European Communities and its Member States on the one part, and Australia, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Australia submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/164 with regard to S/SECRET/8 and S/L/225 with regard to S/SECRET/9). The EC and Australia entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Australia have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Australia was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Australia.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Australia with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
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Ambassador
Permanent Representative
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¹⁾ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Annex I**A) Modifications notified in document S/SECRET/8:****Horizontal Commitments**

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
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- **Mode 3 horizontal limitations on investment**
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 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
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- **Computer and related services** –
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.

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 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
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The following abbreviations are used to indicate the Member States:

AT	Austria
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HU	Hungary
IE	Ireland
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LT	Lithuania
LU	Luxembourg
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MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
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Joint letter from the European Communities and its Member States on the one part, and Brazil, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Brazil submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/171 with regard to S/SECRET/8 and S/L/224 with regard to S/SECRET/9). The EC and Brazil entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Brazil have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Brazil was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Brazil.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Brazil with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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Chargé d'Affaires a.i.
Permanent Delegation of the
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Following the submission of each Communication, Canada submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/165 with regard to S/SECRET/8 and S/L/216 with regard to S/SECRET/9). The EC and Canada entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

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Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

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Sectoral commitments

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- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that “the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies” and that “only firms having their registered office in the Community can act as depositories of the assets of investment funds”, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
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B) Modifications notified in document S/SECRET/9:

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Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
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 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
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 - Market Access and National Treatment Commitments by CY and MT in Mode 2
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- Professional services – **Integrated Engineering Services** (CPC 8673):
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
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 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
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 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
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- **Hotels, Restaurants and Catering**
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- **Travel Agencies and Tour Operators Services**
 - Removal of the ENT applied on Mode 3 by the CZ

- **Hairdressing services**

- Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria
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CY	Cyprus
CZ	Czech Republic
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EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

Joint letter from the European Communities and its Member States on the one part, and China, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, China submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/178 with regard to S/SECRET/8 and S/L/220 with regard to S/SECRET/9). The EC and China entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and China have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and China was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and China.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and China with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the
World Trade Organisation

Sun Zhenyu
Ambassador
Permanent Representative
of the People's Republic of China
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¹⁾ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Annex I**A) Modifications notified in document S/SECRET/8:****Horizontal Commitments**

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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Annex II

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Joint letter from the European Communities and its Member States on the one part, and Colombia, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

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Following the submission of each Communication, Colombia submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/176 with regard to S/SECRET/8 and S/L/223 with regard to S/SECRET/9). The EC and Colombia entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

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The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Colombia.

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Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

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*Claudia Uribe
Ambassador
Permanent Representative
Permanent Mission of Colombia
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- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus’ market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.

- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania’s market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia’s market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that “the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies” and that “only firms having their registered office in the Community can act as depositories of the assets of investment funds”, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.

- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9:

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641,642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
-

Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- **Mode 4** for intra-corporate transferees and business visitors
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- Professional services – **Engineering services** (CPC 8672)
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- Professional services – **Integrated Engineering Services** (CPC 8673):
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- **Computer and related services** –
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.

- **Advertising services (CPC 871):**
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- **Telecommunication services**
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- **Financial services (insurance services):**
 - Removal of part of the market access limitations for SK in Mode 3
- **Financial services (banking)**
 - FI: change in Mode 3 permanent residency requirements (“At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community...” instead of “At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community...”).
- **Hotels, Restaurants and Catering**
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- **Travel Agencies and Tour Operators Services**
 - Removal of the ENT applied on Mode 3 by the CZ

• Hairdressing services

- Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria
BE	Belgium
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

Joint letter from the European Communities and its Member States on the one part, and Cuba, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of the first Communication, Cuba submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/174) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and Cuba entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Cuba have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Cuba.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Cuba with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the
World Trade Organisation

Juan Antonio Fernandez Palacios
Ambassador
Permanent Representative
Permanent Mission of Cuba
to the World Trade Organisation

¹⁾ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Annex I**A) Modifications notified in document S/SECRET/8:****Horizontal Commitments**

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus’ market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.

- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania’s market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
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Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that “the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies” and that “only firms having their registered office in the Community can act as depositories of the assets of investment funds”, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.

- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
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- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9:

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
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- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
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- **Computer and related services** –
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.

- **Advertising services (CPC 871):**
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- **Telecommunication services**
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- **Financial services (insurance services):**
 - Removal of part of the market access limitations for SK in Mode 3
- **Financial services (banking)**
 - FI: change in Mode 3 permanent residency requirements (“At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community...” instead of “At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community...”).
- **Hotels, Restaurants and Catering**
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
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PL	Poland
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Joint letter from the European Communities and its Member States on the one part, and Ecuador, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Ecuador submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/172 with regard to S/SECRET/8 and S/L/229 with regard to S/SECRET/9). The EC and Ecuador entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Ecuador have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Ecuador was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Ecuador.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Ecuador with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
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¹⁾ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Annex I

A) Modifications notified in document S/SECRET/8:

Horizontal Commitments

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that “the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies” and that “only firms having their registered office in the Community can act as depositories of the assets of investment funds”, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
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Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
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 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
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 - Market Access and National Treatment Commitments by CY and MT in Mode 2
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 - Removal of the market access limitation for PT in mode 3
- Professional services – **Integrated Engineering Services** (CPC 8673):
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- **Computer and related services** –
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.

- **Advertising services (CPC 871):**
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- **Telecommunication services**
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- **Financial services (insurance services):**
 - Removal of part of the market access limitations for SK in Mode 3
- **Financial services (banking)**
 - FI: change in Mode 3 permanent residency requirements (“At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community...” instead of “At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community...”).
- **Hotels, Restaurants and Catering**
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- **Travel Agencies and Tour Operators Services**
 - Removal of the ENT applied on Mode 3 by the CZ

• Hairdressing services

- Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria
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CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

Joint letter from the European Communities and its Member States on the one part, and Hong Kong, China, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Hong Kong, China submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/170 with regard to S/SECRET/8 and S/L/219 with regard to S/SECRET/9). The EC and Hong Kong, China entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Hong Kong, China have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Hong Kong, China was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI: 3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Hong Kong, China.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Hong Kong, China with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
Chargé d'Affaires a.i.
Permanent Delegation of the
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¹⁾ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

*Tony Miller
Permanent Representative of the
Hong Kong Special Administrative
Region of China
to the World Trade Organisation*

Annex I

A) Modifications notified in document S/SECRET/8:

Horizontal Commitments

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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Joint letter from the European Communities and its Member States on the one part, and India, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, India submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/163 with regard to S/SECRET/8 and S/L/221 with regard to S/SECRET/9). The EC and India entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

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With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and India was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and India.

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Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
Chargé d'Affaires a.i.
Permanent Delegation of the
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¹⁾ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Annex I

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Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
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B) Modifications notified in document S/SECRET/9:

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Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- **Mode 4** for intra-corporate transferees and business visitors
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
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 - Market Access and National Treatment Commitments by CY and MT in Mode 2
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 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- Professional services – **Integrated Engineering Services** (CPC 8673):
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
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- **Computer and related services** –
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.

- **Advertising services (CPC 871):**
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 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
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 - Removal of part of the market access limitations for SK in Mode 3
- **Financial services (banking)**
 - FI: change in Mode 3 permanent residency requirements (“At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community...” instead of “At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community...”).
- **Hotels, Restaurants and Catering**
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- **Travel Agencies and Tour Operators Services**
 - Removal of the ENT applied on Mode 3 by the CZ

- **Hairdressing services**

- Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria
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HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

Joint letter from the European Communities and its Member States on the one part, and Japan, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Japan submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/168 with regard to S/SECRET/8 and S/L/218 with regard to S/SECRET/9). The EC and Japan entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Japan have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Japan was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Japan.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Japan with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the
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Iohiro Fujisaki
Ambassador
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¹⁾ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Annex I

A) Modifications notified in document S/SECRET/8:

Horizontal Commitments

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
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Joint letter from the European Communities and its Member States on the one part, and the Republic of Korea, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

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Following the submission of each Communication, the Republic of Korea (hereafter Korea) submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/173 with regard to S/SECRET/8 and S/L/226 with regard to S/SECRET/9). The EC and Korea entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

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Sectoral commitments

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- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that “the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies” and that “only firms having their registered office in the Community can act as depositories of the assets of investment funds”, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
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B) Modifications notified in document S/SECRET/9:

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

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Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
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- Professional services – **Integrated Engineering Services** (CPC 8673):
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- **Computer and related services** –
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.

- **Advertising services (CPC 871):**
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- **Telecommunication services**
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
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 - Removal of part of the market access limitations for SK in Mode 3
- **Financial services (banking)**
 - FI: change in Mode 3 permanent residency requirements (“At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community...” instead of “At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community...”).
- **Hotels, Restaurants and Catering**
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- **Travel Agencies and Tour Operators Services**
 - Removal of the ENT applied on Mode 3 by the CZ

- **Hairdressing services**

- Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria
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CZ	Czech Republic
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EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

Joint letter from the European Communities and its Member States on the one part, and New Zealand, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, New Zealand submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/167 with regard to S/SECRET/8 and S/L/222 with regard to S/SECRET/9). The EC and New Zealand entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and New Zealand have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and New Zealand was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI: 3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and New Zealand.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and New Zealand with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the
World Trade Organisation

¹⁾ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

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*Crawford Falconer
Ambassador
Permanent Representative
Permanent Mission of New Zealand
to the World Trade Organisation*

Annex I**A) Modifications notified in document S/SECRET/8:****Horizontal Commitments**

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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Joint letter from the European Communities and its Member States on the one part, and the Philippines, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of the first Communication, the Philippines submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/179) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and the Philippines entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and the Philippines have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals

of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Philippines.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and the Philippines with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
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¹⁾ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Annex I

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- Cyprus’ market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.

- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania’s market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia’s market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that “the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies” and that “only firms having their registered office in the Community can act as depositories of the assets of investment funds”, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.

- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9:

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641,642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
-

Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- **Mode 4** for intra-corporate transferees and business visitors
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- Professional services – **Engineering services** (CPC 8672)
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- Professional services – **Integrated Engineering Services** (CPC 8673):
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- **Computer and related services** –
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.

- **Advertising services (CPC 871):**
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- **Telecommunication services**
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- **Financial services (insurance services):**
 - Removal of part of the market access limitations for SK in Mode 3
- **Financial services (banking)**
 - FI: change in Mode 3 permanent residency requirements (“At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community...” instead of “At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community...”).
- **Hotels, Restaurants and Catering**
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- **Travel Agencies and Tour Operators Services**
 - Removal of the ENT applied on Mode 3 by the CZ

• Hairdressing services

- Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria
BE	Belgium
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

Joint letter from the European Communities and its Member States on the one part, and Switzerland, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of the first Communication, Switzerland submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/162) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and Switzerland entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8. Switzerland on its part submitted a memorandum stating its position in these negotiations.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Switzerland have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals

of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Switzerland.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Switzerland with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the
World Trade Organisation

Pierre-Louis Girard
Ambassador
Permanent Representative
Permanent Mission of Switzerland
to the World Trade Organisation

¹⁾ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Annex I

A) Modifications notified in document S/SECRET/8:

Horizontal Commitments

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus’ market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.

- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania’s market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia’s market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that “the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies” and that “only firms having their registered office in the Community can act as depositories of the assets of investment funds”, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.

- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
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- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9:

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641,642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- **Mode 4** for intra-corporate transferees and business visitors
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- Professional services – **Engineering services** (CPC 8672)
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 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- Professional services – **Integrated Engineering Services** (CPC 8673):
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 - Market Access and National Treatment commitments by SK in Mode 3
- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- **Computer and related services** –
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.

- **Advertising services (CPC 871):**
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- **Telecommunication services**
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- **Financial services (insurance services):**
 - Removal of part of the market access limitations for SK in Mode 3
- **Financial services (banking)**
 - FI: change in Mode 3 permanent residency requirements (“At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community...” instead of “At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community...”).
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 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- **Travel Agencies and Tour Operators Services**
 - Removal of the ENT applied on Mode 3 by the CZ

- **Hairdressing services**

- Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

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HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

Joint letter from the European Communities and its Member States on the one part, and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of the first Communication, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/169) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and the the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from

merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the
World Trade Organisation

Yi-Fu Lin
Permanent Representative of the
Permanent Mission of the Separate
Customs Territory of Taiwan,
Penghu, Kinmen and Matsu
to the World Trade Organisation

¹⁾ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Annex I**A) Modifications notified in document S/SECRET/8:****Horizontal Commitments**

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
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- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.

- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania’s market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia’s market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that “the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies” and that “only firms having their registered office in the Community can act as depositories of the assets of investment funds”, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.

- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9:

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641,642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
-

Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- **Mode 4** for intra-corporate transferees and business visitors
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
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 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
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 - Removal of the market access limitation for PT in mode 3
- Professional services – **Integrated Engineering Services** (CPC 8673):
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- **Computer and related services** –
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.

- **Advertising services (CPC 871):**
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- **Telecommunication services**
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- **Financial services (insurance services):**
 - Removal of part of the market access limitations for SK in Mode 3
- **Financial services (banking)**
 - FI: change in Mode 3 permanent residency requirements (“At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community...” instead of “At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community...”).
- **Hotels, Restaurants and Catering**
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- **Travel Agencies and Tour Operators Services**
 - Removal of the ENT applied on Mode 3 by the CZ

• Hairdressing services

- Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria
BE	Belgium
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

Joint letter from the European Communities and its Member States on the one part, and the United States of America, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS) (S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, the United States of America (hereafter the United States) submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/166 with regard to S/SECRET/8 and S/L/217 with regard to S/SECRET/9). The EC and the United States entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and the United States have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and the United States was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI: 3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the United States.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and the United States with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible.

The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo Nucci
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the
World Trade Organisation

Alicia D. Greenidge
Chargé d'Affaires, a.i.
Assistant Deputy Chief of Mission and
Senior Counsel

¹⁾ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

*Permanent Mission of the United States
to the World Trade Organisation
August 4, 2006*

Annex I**A) Modifications notified in document S/SECRET/8:****Horizontal Commitments**

- Market access entry (page 9): “In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators”. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus’ market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.

- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania’s market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia’s market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

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- Education services (page 156): limitation to “only privately funded services”. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that “the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies” and that “only firms having their registered office in the Community can act as depositories of the assets of investment funds”, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
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- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

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- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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Annex II

Compensation by the EC

- **Mode 3 horizontal limitation on public utilities**
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- **Mode 3 horizontal limitations on investment**
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
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- Professional services – **Urban planning and landscape architectural services** (CPC 8674):
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 - Addition of a clarificatory footnote.
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 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- **Financial services (insurance services):**
 - Removal of part of the market access limitations for SK in Mode 3
- **Financial services (banking)**
 - FI: change in Mode 3 permanent residency requirements (“At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community...” instead of “At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community...”).
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The following abbreviations are used to indicate the Member States:

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LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
SE	Sweden
SI	Slovenia
SK	Slovak Republic
UK	United Kingdom

C. VERTALING

Zie *Trb.* 1995, 130, blz. 331 e.v.

D. PARLEMENT

Zie *Trb.* 1995, 130.

De in rubriek B hierboven afgedrukte akkoorden behoeven ingevolge artikel 7, onderdeel a, van de Rijkswet goedkeuring en bekendmaking verdragen juncto artikel 2 van de Rijkswet van 12 februari 2004 (*Stb.* 2004, 70), houdende goedkeuring van het op 16 april 2003 te Athene totstandgekomen Verdrag betreffende de toetreding van de Tsjechische Republiek, de Republiek Estland, de Republiek Cyprus, de Republiek Letland, de Republiek Litouwen, de Republiek Hongarije, de Republiek Malta, de Republiek Polen, de Republiek Slovenië en de Slowaakse Republiek betreffende de toetreding van de Tsjechische Republiek, de Republiek Estland, de Republiek Cyprus, de Republiek Letland, de Republiek Litouwen, de Republiek Hongarije, de Republiek Malta, de Republiek Polen, de Republiek Slovenië en de Slowaakse Republiek tot de Europese Unie, met Toetredingsakte, Bijlagen en Protocollen, niet de goedkeuring van de Staten-Generaal.

E. PARTIJGEGEVENS

Zie rubriek E van *Trb.* 1994, 135 en rubriek F van *Trb.* 1995, 130.

Partij	Onder-tekening	Ratifi-catie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië		09-08-00	T	08-09-00		
Algerije	15-04-94					
Angola	15-04-94	24-10-96	R	23-11-96		
Antigua en Barbuda	15-04-94	15-04-94	R	01-01-95		
Argentinië	15-04-94	29-12-94	R	01-01-95		
Armenië		06-01-03	T	05-02-03		
Australië	15-04-94	21-12-94	R	01-01-95		
Bahrein	15-04-94	27-07-94	R	01-01-95		
Bangladesh	15-04-94	15-04-94	R	01-01-95		

Partij	Onder- tekening	Ratifi- catie	Type*	In werking	Opzeg- ging	Buiten werking
Barbados	15-04-94	15-04-94	R	01-01-95		
België	15-04-94	30-12-94	R	01-01-95		
Belize	15-04-94	15-04-94	R	01-01-95		
Benin	15-04-94	23-01-96	R	22-02-96		
Bolivia	15-04-94	13-08-95	R	12-09-95		
Botswana	27-12-94	30-12-94	R	31-05-95		
Brazilië	15-04-94	21-12-94	R	01-01-95		
Brunei	15-04-94	16-11-94	R	01-01-95		
Bulgarije		01-11-96	T	01-12-96		
Burkina Faso	01-08-94	04-05-95	R	03-06-95		
Burundi	13-12-94	23-06-95	R	23-07-95		
Cambodja		13-09-04	T	13-10-04		
Canada	15-04-94	30-12-94	R	01-01-95		
Centraal Afrikaanse Republiek	15-04-94	15-04-94	R	31-05-95		
Chili	15-04-94	28-12-94	R	01-01-95		
China		11-11-01	T	11-12-01		
Colombia	15-04-94	31-03-95	R	30-04-95		
Congo, Democratische Republiek	15-04-94	02-12-96	R	01-01-97		
Congo, Republiek	15-04-94	25-02-97	R	27-03-97		
Costa Rica	15-04-94	26-12-94	R	01-01-95		
Cuba	15-04-94	21-03-95	R	20-04-95		
Cyprus	15-04-94	30-06-95	R	30-07-95		
Denemarken	15-04-94	30-12-94	R	01-01-95		
Djibouti		30-03-95	R	31-05-95		
Dominica		22-12-94	R	01-01-95		

Partij	Onder- tekening	Ratifi- catie	Type*	In werking	Opzeg- ging	Buiten werking
Dominicaanse Republiek, de	15-04-94	07-02-95	R	09-03-95		
Duitsland	15-04-94	30-12-94	R	01-01-95		
Ecuador		22-12-95	T	21-01-96		
EG (Europese Gemeenschap)	15-04-94	30-12-94	R	01-01-95		
Egypte	15-04-94	31-05-95	R	30-06-95		
El Salvador	15-04-94	07-04-95	R	07-05-95		
Estland		14-10-99	T	13-11-99		
Fiji-eilanden	15-04-94	15-12-95	R	14-01-96		
Filippijnen, de	15-04-94	19-12-94	R	01-01-95		
Finland	15-04-94	30-12-94	R	01-01-95		
Frankrijk	15-04-94	30-12-94	R	01-01-95		
Gabon	15-04-94	15-04-94	R	01-01-95		
Gambia		23-09-96	R	23-10-96		
Georgië		15-05-00	T	14-06-00		
Ghana	15-04-94	23-12-94	R	01-01-95		
Grenada		23-01-96	T	22-02-96		
Griekenland	15-04-94	30-12-94	R	01-01-95		
Guatemala	15-04-94	21-06-95	R	21-07-95		
Guinee		25-09-95	R	25-10-95		
Guinee-Bissau	15-04-94	15-04-94	R	31-05-95		
Guyana	15-04-94	15-04-94	R	01-01-95		
Haiti	21-12-94	31-12-95	R	30-01-96		
Honduras	15-04-94	16-12-94	R	01-01-95		
Hong Kong SAR	15-04-94	03-10-94	R	01-01-95		
Hongarije	15-04-94	28-12-94	R	01-01-95		
Ierland	15-04-94	30-12-94	R	01-01-95		

Partij	Onder- tekening	Ratifi- catie	Type*	In werking	Opzeg- ging	Buiten werking
IJsland	15-04-94	30-12-94	R	01-01-95		
India	15-04-94	30-12-94	R	01-01-95		
Indonesië	15-04-94	02-12-94	R	01-01-95		
Israël	15-04-94	22-03-95	R	21-04-95		
Italië	15-04-94	30-12-94	R	01-01-95		
Ivoorkust	15-04-94	29-12-94	R	01-01-95		
Jamaica	15-04-94	07-02-95	R	09-03-95		
Japan	15-04-94	27-12-94	R	01-01-95		
Jordanië		12-03-00	T	11-04-00		
Kameroen	15-04-94	13-11-95	R	13-12-95		
Kenia	15-04-94	23-12-94	R	01-01-95		
Koeweit	15-04-94	15-04-94	R	01-01-95		
Kroatië		31-10-00	T	30-11-00		
Kyrgyzstan		20-11-98	T	20-12-98		
Lesotho		21-12-94	R	31-05-95		
Letland		11-01-99	T	10-02-99		
Liechtenstein	15-04-94	02-08-95	R	01-09-95		
Litouwen		01-05-01	T	31-05-01		
Luxemburg	15-04-94	30-12-94	R	01-01-95		
Macau SAR	15-04-94	23-12-94	R	01-01-95		
Macedonië, Voormalige Joegoslavische Republiek		05-03-03	T	04-04-03		
Madagascar	15-04-94	18-10-95	R	17-11-95		
Malawi	15-04-94	03-01-95	R	31-05-95		
Maldiven, de		12-10-94	R	31-05-95		
Maleisië	15-04-94	06-09-94	R	01-01-95		
Mali	15-04-94	15-04-94	R	31-05-95		

Partij	Onder- tekening	Ratifi- catie	Type*	In werking	Opzeg- ging	Buiten werking
Malta	15-04-94	22-12-94	R	01-01-95		
Marokko	15-04-94	15-04-94	R	01-01-95		
Mauritanië	15-04-94	15-04-94	R	31-05-95		
Mauritius	15-04-94	15-04-94	R	01-01-95		
Mexico	15-04-94	31-08-94	R	01-01-95		
Moldavië		26-06-01	T	26-07-01		
Mongolië		30-12-96	T	29-01-97		
Mozambique	15-04-94	27-07-95	R	26-08-95		
Myanmar	15-04-94	29-11-94	R	01-01-95		
Namibië	15-04-94	15-04-94	R	01-01-95		
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	15-04-94	30-12-94 30-12-94 13-10-95	R R R	01-01-95 01-01-95 12-11-95		
Nepal		24-03-04	T	23-04-04		
Nicaragua	15-04-94	04-08-95	R	03-09-95		
Nieuw-Zeeland	15-04-94	07-12-94	R	01-01-95		
Niger	15-04-94	13-11-96	R	13-12-96		
Nigeria	15-04-94	06-12-94	R	01-01-95		
Noorwegen	15-04-94	07-12-94	R	01-01-95		
Oman		10-10-00	T	09-11-00		
Oostenrijk	15-04-94	06-12-94	R	01-01-95		
Pakistan	15-04-94	30-12-94	R	01-01-95		
Panama		07-08-97	T	06-09-97		
Papua-Nieuw Guinea		10-05-96	T	09-06-96		
Paraguay	15-04-94	30-11-94	R	01-01-95		
Peru	15-04-94	21-12-94	R	01-01-95		
Polen	15-04-94	01-06-95	R	01-07-95		

Partij	Onder- tekening	Ratifi- catie	Type*	In werking	Opzeg- ging	Buiten werking
Portugal	15-04-94	30-12-94	R	01-01-95		
Qatar		14-12-95	T	13-01-96		
Roemenië	15-04-94	23-12-94	R	01-01-95		
Rwanda		22-04-96	T	22-05-96		
Salomons- eilanden		26-06-96	T	26-07-96		
Saudi-Arabië		11-11-05	T	11-12-05		
Senegal	15-04-94	29-12-94	R	01-01-95		
Sierra Leone		23-06-95	R	23-07-95		
Singapore	15-04-94	17-10-94	R	01-01-95		
Sint Kitts en Nevis		22-01-96	T	21-02-96		
Sint Lucia		30-12-94	R	01-01-95		
Sint Vincent en de Grenadines		28-12-94	R	01-01-95		
Slovenië	23-12-94	30-06-95	R	30-07-95		
Slowakije	15-04-94	23-12-94	R	01-01-95		
Spanje	15-04-94	30-12-94	R	01-01-95		
Sri Lanka	15-04-94	06-07-94	R	01-01-95		
Suriname	15-04-94	15-04-94	R	01-01-95		
Swaziland		28-12-94	R	01-01-95		
Taiwan**		02-12-01	T	01-01-02		
Tanzania	15-04-94	06-09-94	R	01-01-95		
Thailand	15-04-94	28-12-94	R	01-01-95		
Togo	09-08-94	19-04-95	R	31-05-95		
Tonga		27-06-07	T	27-07-07		
Trinidad en Tobago	15-04-94	30-01-95	R	01-03-95		
Tsjaad	08-12-94	19-09-96	R	19-10-96		
Tsjechië	15-04-94	23-12-94	R	01-01-95		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Tunesië	15-04-94	27-02-95	R	29-03-95		
Turkije	15-04-94	24-02-95	R	26-03-95		
Uganda	15-04-94	15-04-94	R	01-01-95		
Uruguay	15-04-94	29-12-94	R	01-01-95		
Venezuela	15-04-94	30-12-94	R	01-01-95		
Verenigd Koninkrijk, het	15-04-94	30-12-94	R	01-01-95		
Verenigde Arabische Emiraten, de		11-03-96	T	10-04-96		
Verenigde Staten van Amerika, de	15-04-94	30-12-94	R	01-01-95		
Vietnam		12-12-06	T	11-01-07		
Zambia	15-04-94	15-04-94	R	01-01-95		
Zimbabwe	15-04-94	03-02-95	R	05-03-95		
Zuid-Afrika	15-04-94	02-12-94	R	01-01-95		
Zuid-Korea	15-04-94	30-12-94	R	01-01-95		
Zweden	15-04-94	22-12-94	R	01-01-95		
Zwitserland	15-04-94	01-06-95	R	01-07-95		

*) O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

**) Taiwan, Penghu, Kinmen en Matsu (Chinees Taipei)

Uitbreidingen

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Man	03-03-1997	

Verklaringen, voorbehouden en bezwaren¹⁾

Australië, 21 december 1994

Australia accords substantially the same treatment to its permanent residents as it accords to its nationals in respect of measures affecting trade in services. Australia assumes, in accordance with its laws and regulations, the same responsibilities with respect to its permanent residents as it bears with respect to its nationals.

Bahrein, 2 juli 1997

The Government of the State of Bahrain wishes to delay application and to reserve its rights under the provisions concerning special and differential treatment for developing country members under the WTO, pursuant to the provisions of Article 20.1, 20.2 and paragraphs 2, 3 and 4 of Annex III of the WTO Agreement on Customs Valuation.

Benin, 8 september 1998

Pursuant to Article 20 of the Agreement on Customs Valuation concerning special and differential treatment for least-developed countries, the Government of the Republic of Benin requests a delay in the application of the Agreement and appropriate technical assistance.

Benin, 14 februari 2000

1. The Government of Benin would like to delay the application of Article 6 of the Agreement on Customs Valuation relating to the computed value for a period of three years following the application of all other provisions of that agreement.
2. As certain goods are currently valued on the basis of officially established minimum values, the Government of Benin would like to apply the provisions of paragraph 2 of Annex III of the Agreement on Implementation of Article VII of the GATT 1994.
3. The Government of Benin reserves its right under paragraph 3 of Annex III of the Agreement on Customs Valuation relating to the reversal of the order of Articles 5 and 6 provided for in Article 4 of the Agreement to decide that the relevant provision of the said article shall apply only when the customs authorities agree to the request to reverse the order.
4. The Government of Benin reserves its right under paragraph 4 of Annex III of the Agreement on Customs Valuation to provide that paragraph 2 of Article 5 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests.

¹⁾ Er is geen overzicht van de verklaringen, voorbehouden en bezwaren beschikbaar gesteld door de depositaris: dit zijn de gegevens voor zover bekend bij de Afdeling Verdragen van het ministerie van Buitenlandse Zaken.

Brunei, 10 december 1996

The Government of Brunei Darussalam reserves the right to provide that the relevant provision of Article 4 of the Agreement shall apply only when the customs authorities agree to the request to reverse the order of Articles 5 and 6. The Government of Brunei Darussalam also reserves the right to provide that paragraph 2 of Article 5 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests.

Centraal Afrikaanse Republiek, 15 april 1994

The Central African Republic is one of the member States which signed the Agreement Establishing the World Trade Organization (WTO) on 15 April 1994 at Marrakesh (Morocco).

The adoption of this text implies our automatic accession to the GATT Agreement on Customs Valuation, which in principle entered into force on 1 January 1995.

However, implementation of the text presupposes the establishment, internally, of a set of administrative, technical and legal measures, as well as training and information for officials and the various parties concerned.

As the Central African Republic has not yet implemented these instruments, and with reference to the provisions of Article 21 of the Agreement, I have the honour to request that it be granted a transitional period of five (5) years to enable it to launch an adequate programme of preparation.

Colombia, 31 maart 1995

In as much as, pursuant to Annex III of the Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade 1994, developing countries may make the reservations established therein, to which the Members shall consent under Article 21 of the Agreement, the Government of Colombia wishes to make the following reservations when depositing the present instrument of Ratification:

1. The Government of Colombia reserves the right to provide that the relevant provision of Article 4 of the Agreement shall apply only when the customs authorities agree to the request to reverse the order of Articles 5 and 6 (paragraph 3 of Annex III).

2. The Government of Colombia reserves the right to provide that paragraph 2 of Article 5 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests (paragraph 4 of Annex III).

3. The Government of Colombia reserves the right to retain the valuation of goods on the basis of officially established minimum values, in accordance with paragraph 2 of Annex III.

In as much as, pursuant to paragraph 1 of Article 6 of the Agreement on Textiles and Clothing, Members may reserve the right to avail themselves of the provisions of that Article, the Government of Colombia

reserves the right to apply the specific transitional safeguard mechanism (“transitional safeguard”) defined in the above-mentioned article.

In as much as Article 20, paragraph 1 and 2, of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 provides that developing country Members may delay application of certain provisions, the Government of Colombia confirms the notifications previously addressed to the Director-General of the WTO as follows:

The Government of Colombia will delay application of the provisions of the Agreement for a period of five years from the date of entry into force of the Agreement for Colombia, in accordance with Article 20, paragraph 1;

The Government of Colombia, availing itself of its rights under paragraph 2 of Article 20, will delay application of paragraph 2(b)(iii) of Article 1 and Article 6 for a period of three years from the date of application of all other provisions of the Agreement.

In as much as Article 2, paragraph 2, of the Agreement on Import Licensing Procedures provides, in footnote 5, that any developing country member which has specific difficulties with the requirements of subparagraphs (a)(ii) and (a)(iii) may, upon notification to the Committee, delay the application of these subparagraphs by not more than two years from the date of entry into force of the WTO Agreement for such Member, the Government of Colombia confirms the notification which it made to the Committee of its decision to delay such application for a period of two years.

In as much as, pursuant to the provisions of Article 2, paragraph 6, of the Agreement on Textiles and Clothing, the Government of Colombia notified that it will integrate into GATT 1994 products which accounted for not less than 16 per cent of the total volume of its 1990 imports, encompassing products from the groups of tops and yarns, fabrics, made-up textile products, and clothing, the Government of Colombia considers it timely to confirm that notification in the same terms in which it was made.

The Government of Colombia also reiterates that, in accordance with paragraph 7(b) of Article 2, Colombia may resort to the transitional safeguard provided for in paragraph 1 of Article 6 in the event that a particular product is being imported in such increased quantities as to cause serious damage or threat thereof to the domestic industry.

Djibouti, 23 september 1996

Like all WTO Members, Djibouti wishes to ensure greater uniformity and certainty in the implementation of the General Agreement on Tariffs and Trade.

In the framework of special and differential treatment, Djibouti notifies that it will delay the application of Articles 20.1 and 20.2 and paragraphs 2, 3 and 4 of Annex III to the WTO Agreement for the customs valuation of khat, for reasons relating to the specific features of its economy.

Egypte, 31 mei 1995

With reference to the special and differential treatment for developing members under the WTO Agreement on Customs Valuation, Egypt wishes to make the following notification:

– The application of all the provisions of the Agreement shall be delayed for a period of five years, in conformity with Article 21.1 of the Agreement.

– The application of the provisions of paragraph 2(b)(iii) of Article 1 and 6, shall be delayed for a period of three years following the application of all other provisions of the Agreement.

At the same time the Government of Egypt reserves the right to:

– Provide that the relevant provision of Article 4 of the Agreement shall apply only when the customs authorities agree to the request to reverse the order of Article 5 and 6.

– Provide that paragraph 2 of Article 5 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests.

Guyana, 8 juni 1998

The Government of Guyana wishes to delay application and to reserve its right under the provisions concerning special and differential treatment for developing country Members under the WTO Agreement, pursuant to the provisions of Articles 20.1 and 20.1 paragraphs 2, 3 and 4 of Annex III of the WTO Agreement on Customs Valuation.

Haïti, 1 juli 1998

It is my honour to inform you of the intention of the Government of Haiti to delay application of the WTO Agreement on Customs Valuation. I would be grateful if you would take note of this delay, requested pursuant to Article 20.1 and 20.2, and paragraphs 2, 3 and 4 of Annex III of the Agreement.

Maldiven, de, 25 januari 1999

The Government of Maldives wishes to delay application and to reserve its right under the provisions concerning special and differential treatment for developing country members under the WTO Agreement, pursuant to the provisions of Article 20.1 and paragraphs 2, 3 and 4 of Annex III of the WTO Agreement on Customs Valuation.

Mali, 26 juli 1999

– Pursuant to paragraph 2 of Annex III, the Government of Mali reserves the right to retain the system of officially established minimum values on a limited and transitional basis under the terms and conditions agreed by the Committee, the list of which you will be receiving shortly;

– as regards paragraph 3 of Annex III, the Government of Mali reserves the right to provide that the relevant provision of Article 4 of the Agree-

ment shall apply only when the Malian customs authorities agree to the request to reverse the order of Articles 5 and 6;
– as regards paragraph 4 of Annex III, the Government of Mali reserves the right to provide that paragraph 2 of Article 5 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests.

Nicaragua, 4 augustus 1995

The Government of the Republic of Nicaragua, in accordance with the rights conferred on it by paragraph 1 of Article 20, “Special and Differential Treatment”, of the Agreement on Implementation of Article VII (customs valuation) of the General Agreement on Tariffs and Trades 1994, formally notifies its decision to delay application of the provisions of the above Agreement for a period of five years.

In addition, in accordance with the rights conferred on it by paragraph 2 of Article 20, the Government of the Republic of Nicaragua formally notifies its decision to delay application of paragraph 2(b)(iii) of Article 1 (the customs value of imported goods shall be the transaction value, that is the price actually paid or payable for the goods when sold for export to the country of importation) and Article 6 (the customs value of imported goods under the provisions of this Article shall be based on a computed value) for a period of three years from the date when it shall have applied all other provisions of the Agreement.

The Government of the Republic of Nicaragua reserves the right to provide that the relevant provision of Article 4 (if the customs value of the imported goods cannot be determined under the provisions of Articles 1, 2 and 3, it shall be determined under the provisions of Article 5 or 6 or at the request of the importer) of the Agreement shall apply only when the customs authorities agree to the request to reverse the order of Article 5 and 6 (Annex III, paragraph 3).

The Government of the Republic of Nicaragua reserves the right to provide that paragraph 2 of Article 5 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto, whether or not the importer so requests.

Nicaragua, 30 september 1999

The Government of the Republic of Nicaragua is maintaining its reservations under paragraphs 1 and 2 of Article 20 of the Agreement on Implementation of Article VII of the GATT 1994 and paragraphs 2, 3 and 4 of Annex III thereto, established in the framework of special and differential treatment for developing country Members.

Niger, 14 mei 1999

In accordance with the provisions of Article 20 and Annex III of the said Agreement [on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994], the Government of Niger chooses to delay application, up to the year 2000, and enters the following reservations:

(a) The Government of Niger wishes to retain the minimum values on a limited and transitional basis. The basis and period of use of these values will be established within the framework of the West African Economic and Monetary Union. The relevant document will be notified in due course.

(b) The Government of Niger reserves the right to provide that the relevant provision of Article 4 of the Agreement shall apply only when the customs authorities agree to the request to reverse the order of Articles 5 and 6.

(c) The Government of Niger reserves the right to provide that paragraph 2 of Article 5 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests.

Oostenrijk, 6 december 1994

In view of Austria's forthcoming accession to the European Union the concessions under the WTO-Agreement will enter into force for Austria in parallel with the European Community.

Panama, 4 september 1998

The Government of Panama reserves the right to provide that the relevant provision of Article 4 of the Agreement shall apply only when customs authorities agree to the request to reverse the order of Articles 5 and 6.

Polen, 1 juni 1995

Market access commitments contained in Poland's Schedule attached to the Marrakesh Protocol and related products not covered by the Agreement on Agriculture, and effectively applied by Poland since 1 January 1995.

Rwanda, 24 januari 2001

In the framework of special and differential treatment for the least-developed countries (LDCs), I hereby request you to enable Rwanda to avail itself of the provisions of Article 20.1 of the Agreement on Customs Valuation.

Senegal, 11 januari 1999

Pursuant to paragraph 2 of Annex III, the Government of Senegal reserves the right to retain the system of officially established minimum values on a limited and transitional basis and following the terms and conditions agreed by the Committee;

– as regards paragraph 3 of Annex III, the Government of Senegal reserves the right to provide that the relevant provision of Article 4 of the Agreement shall apply only when the customs authorities agree to the request to reverse the order of Articles 5 and 6.

– as regards paragraph 4 of Annex III, the Government of Senegal reserves the right to provide that paragraph 2 of Article 5 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests.

Togo, 19 april 1995

The Government of the Togolese Republic wishes to avail itself of the following provisions of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 relating to special and differential treatment for developing countries:

- paragraph 1 of Article 20 concerning the possibility of delaying application of the provisions of the Agreement for a period of five (5) years;
- paragraph 2 of Article 20 concerning the possibility of delaying the application of paragraph 2 (b)(iii) of Article 1 and Article 6 for a period of three years from the date when Togo shall have applied all other provisions of the Agreement.

The Government of the Togolese Republic also wishes to make the following reservations:

- under the terms of paragraph 2 of Annex III, the Government of the Togolese Republic intends to retain officially established minimum values;
- under the terms of paragraph 3 of Annex III, the Government of the Togolese Republic reserves the right to provide that the relevant provision of Article 4 of the Agreement shall apply only when the customs authorities agree to the request to reverse the order of Articles 5 and 6;
- under the terms of paragraph 4 of Annex III, the Government of the Togolese Republic reserves the right to provide that paragraph 2 of Article 5 of the Agreement shall be applied in accordance with the provisions of the relevant note thereto whether or not the importer so requests;
- the Government of the Togolese Republic reserves the right to decide whether or not to have recourse to preshipment inspection as provided for in the relevant Agreement.

Tsjaad, 11 augustus 1998

Pursuant to Article 20.1 of the Agreement, Chad would like to inform the Director-General that it has chosen to delay application of the provisions of Article VII of the GATT 1994.

Uganda, 23 september 1996

Uganda reserves the right to avail itself of all the rights, powers and responsibilities relating to reservations, safeguards and other provisions established as necessary taking into account its status as a developing country.

Uganda will avail itself of the powers and possibilities to make reservations established in the framework of special and differential treatment

for developing countries of the WTO Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994.

To this end, the Government of Uganda:

(a) Will delay the application of Article VII of the GATT 1994 (hereinafter referred to as "The Agreement") in accordance with Article 20.1 of the Agreement.

(b) Reserves the right to retain the system of minimum values for the valuation of goods in accordance with paragraph 2 of Annex III of the Agreement.

(c) Reserves the right to provide that the relevant provision of Article 4 of the Agreement shall apply only when the customs authorities agree to the request to reverse the order of Articles 5 and 6.

Zwitserland, 1 juni 1995

1. Switzerland accords substantially the same treatment to its permanent residents as it accords to its nationals in respect of measures affecting trade in services. Switzerland assumes, in accordance with respect to its permanent residents as it bears with respect to its nationals.

2. In accordance with paragraph 3 of Article 1 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, Switzerland rejects the criterion of first fixation provided for in Article 5, paragraph 1(b) of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, adopted on 26 October 1961. It will therefore apply the criterion of first publication.

G. INWERKINGTREDING

Zie *Trb.* 1995, 130.

De in rubriek B hierboven afgedrukte akkoorden zullen ingevolge artikel 1 van het bijbehorende Besluit in werking treden op de datum die de door de voorzitter van de Raad gemachtigde persoon aan de WTO zal meedelen na instemming van de Europese Gemeenschap en haar lidstaten om door de akkoorden gebonden te zijn.

J. VERWIJZINGEN

Zie *Trb.* 1995, 130.

Verbanden

Titel : Tweede Protocol bij de Algemene Overeenkomst inzake de handel in diensten;
Genève, 6 oktober 1995

- Tekst : *Trb.* 1996, 353 (Engels en vertaling)
- Titel : Derde Protocol bij de Algemene Overeenkomst inzake de handel in diensten; Genève, 6 oktober 1995
- Tekst : *Trb.* 1996, 354 (Engels en vertaling)
- Titel : Vierde Protocol bij de Algemene Overeenkomst inzake de handel in diensten; Genève, 15 april 1997
- Tekst : *Trb.* 1997, 292 (Engels en vertaling)
- Laatste *Trb.* : *Trb.* 1998, 59
- Titel : Vijfde Protocol bij de Algemene Overeenkomst betreffende de handel in diensten; Genève, 27 februari 1998
- Tekst : *Trb.* 1998, 152 (Engels en vertaling)
- Laatste *Trb.* : *Trb.* 2000, 76

Overige verwijzingen

- Titel : Overeenkomst betreffende het Internationale Monetair Fonds; Washington, 27 december 1945
- Laatste *Trb.* : *Trb.* 1998, 72
- Titel : Handvest van de Verenigde Naties; San Francisco, 26 juni 1945
- Laatste *Trb.* : *Trb.* 2007, 50
- Titel : Verdrag tussen het Koninkrijk België, het Koninkrijk Denemarken, de Bondsrepubliek Duitsland, de Helleense Republiek, het Koninkrijk Spanje, de Franse Republiek, Ierland, de Italiaanse Republiek, het Groothertogdom Luxemburg, het Koninkrijk der Nederlanden, de Republiek Oostenrijk, de Portugese Republiek, de Republiek Finland, het Koninkrijk Zweden, het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland (lidstaten van de Europese Unie) en de Tsjechische Republiek, de Republiek Estland, de Republiek Cyprus, de Republiek Letland, de Republiek Litouwen, de Republiek Hongarije, de Republiek Malta, de Republiek Polen, de Republiek Slovenië en de Slowaakse Republiek betreffende de toetreding van de Tsjechische Repu-

bliek, de Republiek Estland, de Republiek Cyprus,
de Republiek Letland, de Republiek Litouwen, de
Republiek Hongarije, de Republiek Malta, de
Republiek Polen, de Republiek Slovenië en de
Slowaakse Republiek tot de Europese Unie;
Athene, 16 april 2003

Tekst : *Trb.* 2003, 74
Laatste *Trb.* : *Trb.* 2004, 119

Uitgegeven de éénentwintigste september 2007.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN