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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	11 September 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2026) 483 annex
Subject:	ANNEX 5 ANNEX to the Proposal for a Council Decision on the signing of the Free Trade Agreement between the European Union and the Republic of India

Delegations will find attached document COM(2026) 483 annex.

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ANNEX 5

ANNEX

to the

Proposal for a Council Decision

on the signing of the Free Trade Agreement between the European Union and the Republic of India

ANNEX 8-F

SCHEDULE OF FUTURE MEASURES OF THE EUROPEAN UNION

Headnotes

1. This Schedule sets out, pursuant to Article 8.9 (Non-conforming measures), the specific sectors, sub-sectors or activities for which the European Union may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:

(a) Article 8.4 (1) and (2) (Market access) on market access;

(b) Article 8.4 (3) (Market access) on local presence;

(c) Article 8.5(1) to (5) (National treatment) on national treatment;

(d) Article 8.6 (Most-favoured-nation treatment); or

(e) Article 8.5(6) (National treatment) on senior management and boards of directors.

2. Each reservation in this Schedule sets out the following elements:

(a) "sector" refers to the general sector in which the reservation is taken;

(b) "sub-sector" refers to, where applicable, the specific sector in which the reservation is taken;

(c) "industry classification" refers, where applicable, to the activity covered by the non-conforming measure in accordance with the CPC or as otherwise expressly described in a Party's reservation;

(d) "obligations concerned" specifies the obligations referred to in paragraph 1 that, pursuant to Article 8.9 (Non-conforming measures), do not apply to the sectors, sub-sectors or activities listed in the reservation;

(e) "description" sets out the scope of the sector, sub-sector or activities covered by the reservation; and

(f) "existing measures", where specified, identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The "description" element shall prevail over all other elements.

4. For the purposes of this Schedule, "CPC" means the Provisional Central Product Classification (Statistical Papers, Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

5. For the purposes of this Schedule, a reservation for a requirement to have a local presence in the territory of the European Union is taken against Article 8.4(3) (Market access), and not against Article 8.4(1) and (2) (Market access) or Article 8.5(1) to (5) (National treatment).

6. A reservation taken at the level of the European Union applies to a measure of the European Union, to a measure of a Member State at the central level or to a measure of a government within a Member State, unless the reservation excludes a Member State. A reservation taken by a Member State applies to a measure of a government at the central, regional or local level within that Member State. For the purposes of the entries of Belgium, the central level of government covers the federal government and the governments of the regions and the communities as each of them holds equipollent legislative powers. For the purposes of the entries of the European Union and its Member States, a regional level of government in Finland means the Åland Islands.

7. The list of reservations below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures where they do not constitute a limitation within the meaning of Article 8.4 (Market access) or Article 8.5 (National treatment). These measures may include, in particular, the need to obtain a licence, to satisfy universal service obligations, to have recognised qualifications in regulated sectors, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any other non-discriminatory requirements that certain activities may not be carried out in protected zones or areas. While not listed, such measures continue to apply.

8. For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to persons of India the treatment granted in a Member State, pursuant to the Treaty on the Functioning of the European Union, or any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:

(a) natural persons or residents of another Member State; or

(b) juridical persons constituted or organised under the law of another Member State or of the European Union and having their registered office, central administration or principal place of business in the European Union.

9. Treatment granted to juridical persons established by service suppliers of India in accordance with the law of the European Union and having their registered office, central administration or principal place of business within the European Union, is without prejudice to any condition or obligation, consistent with Chapter 8 (Trade in services), which may have been imposed on such juridical persons when established in the European Union, and which continue to apply.

10. For greater certainty, non-discriminatory measures do not constitute a market access limitation within the meaning of Article 8.4(1) and (2) (Market access) for any measure:

(a) requiring the separation of the ownership of infrastructure from the ownership of the goods or services provided through that infrastructure to ensure fair competition, for example in the fields of energy, transportation and telecommunications;

(b) restricting the concentration of ownership to ensure fair competition;

(c) seeking to ensure the conservation and protection of natural resources and the environment, including a limitation on the availability, number and scope of concessions granted, and the imposition of a moratorium or ban;

(d) limiting the number of authorisations granted because of technical or physical constraints, for example telecommunications spectra and frequencies; or

(e) requiring that a certain percentage of the shareholders, owners, partners or directors of an enterprise be qualified or practice a certain profession such as lawyers or accountants.

11. If the European Union has set out in this Schedule a reservation which applies to mode 1 or mode 3, the reservation also applies to temporary stay of natural persons of India, to the extent that the measure consistent with a condition or qualification specified in that reservation affects the temporary stay in the European Union of natural persons of India covered under Annex 8-A (Entry and temporary stay of natural persons).

12. Article 8.5 (National treatment) and Article 8.6 (Most-favoured-nation treatment) of this Agreement do not apply to any measure that constitutes an exception to, or a derogation from, Articles 3 or 4 of the TRIPS Agreement, as specifically provided for in Articles 3 to 5 of the TRIPS Agreement.

13. The reservations of a Party are without prejudice to the rights and obligations of the Parties under GATS.

14. This Schedule applies only to the territory of the European Union in accordance with Article 1.3(bb)(i) (General definitions) and is only relevant in the context of trade relations between the European Union and its Member States with India. It does not affect the rights and obligations of the Member States under European Union law.

15. With respect to financial services, unlike foreign subsidiaries, branches established directly in a Member State by a non-European Union financial institution are not, with certain limited exceptions, subject to prudential regulations harmonised at European Union level which enable such subsidiaries to benefit from enhanced facilities to set up new establishments and to provide cross-border services throughout the European Union. Therefore, such branches receive an authorisation to operate in the territory of a Member State under conditions equivalent to those applied to domestic financial institutions of that Member State, and may be required to satisfy a number of specific prudential requirements such as, in the case of banking and securities, separate capitalisation and other solvency requirements and reporting and publication of accounts requirements or, in the case of insurance, specific guarantee and deposit requirements, a separate capitalisation, and the localisation in the Member State concerned of the assets representing the technical reserves and at least one third of the solvency margin.

16. This Schedule shall be read in conjunction with Annex 8-G (Scope, definitions and obligations related to international maritime transport services of the European Union).

17. The following abbreviations are used in the list of reservations below:

EU European Union, including all its Member States

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK Denmark

EE Estonia

EL Greece

ES Spain

FI Finland

FR France

HR Croatia

HU Hungary

IE Ireland

IT Italy

LT Lithuania

LU Luxembourg

LV Latvia

MT Malta

NL The Netherlands

PL Poland

PT Portugal

RO Romania

SE Sweden

SI Slovenia

SK Slovak Republic

List of reservations:

Reservation No. 1 – All sectors

Reservation No. 2 – Professional services – other than health-related services

Reservation No. 3 – Professional services – health related and retail of pharmaceuticals

Reservation No. 4 – Business services – Research and development services

Reservation No. 5 – Business services – Real estate services

Reservation No. 6 – Business services – Rental or leasing services

Reservation No. 7 – Business services – Collection agency services and Credit reporting services

Reservation No. 8 – Business services – Placement services

Reservation No. 9 – Business services – Security and investigation services

Reservation No. 10 – Business services – Other business services

Reservation No. 11 – Telecommunication services

Reservation No. 12 – Construction services

Reservation No. 13 – Distribution services

Reservation No. 14 – Education services

Reservation No. 15 – Environmental services

Reservation No. 16 – Financial services

Reservation No. 17 – Health and social services

Reservation No. 18 – Tourism and travel related services

Reservation No. 19 – Recreational, cultural and sporting services

Reservation No. 20 – Transport services and auxiliary transport services

Reservation No. 21 – Agriculture, fishing and water

Reservation No. 22 – Mining and energy-related activities

Reservation No. 23 – Other services not included elsewhere

Reservation No. 1 – All sectors

Sector:	All sectors
Obligations concerned:	Market access
	National treatment
	Most-favoured-nation treatment
	Senior management and boards of directors
	Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Establishment

With respect to Market access (mode 3):

In the EU: 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.

Public utilities exist in sectors such as related scientific and technical consulting services, research and development (R&D) services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on such services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical. This reservation does not apply to telecommunications and to computer and related services.

With respect to Market access (all modes), National treatment (all modes):

In FI: Restrictions on the right for natural persons, who do not enjoy regional citizenship in Åland, and for juridical persons, to acquire and hold real property on the Åland Islands without obtaining permission from the competent authorities of the Åland Islands. Restrictions on the right of establishment and right to carry out economic activities by natural persons, who do not enjoy regional citizenship in Åland, or by any enterprise, without obtaining permission from the competent authorities of the Åland Islands.

Existing measures:

FI: Ahvenanmaan maanhankintalaki (Act on land acquisition in Åland) (3/1975), s. 2; and Ahvenanmaan itsehallintolaki (Act on the Autonomy of Åland) (1144/1991), s. 11.

With respect to National treatment (mode 3), Market access (mode 3), Senior management and boards of directors:

In FR: Pursuant to Articles L151-1 and 153-1 sec of the financial and monetary code, foreign investments in France in sectors listed in Article R151-3 of the financial and monetary code are subject to prior approval from the Minister for the Economy.

Existing measures:

FR: As set out in the description element as indicated above.

With respect to National treatment (mode 3), Senior management and boards of directors:

In FR: Limiting foreign participation in newly privatised companies to a variable amount, determined by the government of France on a case-by-case basis, of the equity offered to the public. For establishing in certain commercial, industrial or artisanal activities, a specific authorisation is needed if the managing director is not a holder of a permanent residence permit.

With respect to Market access (mode 3):

In HU: Establishment should take a form of limited liability company, joint-stock company or representative office. Initial entry as a branch is not permitted except for financial services.

With respect to Market access (mode 3), National treatment (mode 3):

In BG: Certain economic activities related to the exploitation or use of State or public property are subject to concessions granted under the provisions of the Concessions Act.

In commercial corporations in which the State or a municipality holds a share in the capital exceeding 50 %, any transactions for disposition of fixed assets of the corporation, actions to conclude any contracts for acquisition of participating interest, lease, joint activity, credit, securing of receivables, as well as incurring any obligations arising under bills of exchange, are subject to authorisation or permission by the Public Enterprises and Control Agency or other state or regional bodies, whichever is the competent authority. This reservation does not apply to mining and quarrying, which are subject to a separate reservation in Annex 8-E (Existing Measures of the European Union).

In IT: The government may exercise certain special powers in juridical persons operating in the areas of defence and national security, and in certain activities of strategic importance in the areas of energy, transport and communications. This applies to all juridical persons carrying out activities considered of strategic importance in the areas of defence and national security, not only to privatised companies.

If there is a threat of serious injury to the essential interests of defence and national security, the government has following special powers to:

(a) impose specific conditions in the purchase of shares;

(b) veto the adoption of resolutions relating to special operations such as transfers, mergers, splitting up and changes of activity; or

(c) reject the acquisition of shares, where the buyer seeks to hold a level of participation in the capital that is likely to prejudice the interests of defence and national security.

Any resolution, act or transaction (such as transfers, mergers, splitting up, change of activity or termination) relating to strategic assets in the areas of energy, transport and communications shall be notified by the concerned company to the Prime Minister's office. In particular, acquisitions by any person outside the European Union that give this person control over the company shall be notified.

The Prime Minister may exercise the following special powers to:

(a) veto any resolution, act and transaction that constitutes an exceptional threat of serious injury to the public interest in the security and operation of networks and supplies;

(b) impose specific conditions in order to guarantee the public interest; or

(c) reject an acquisition in exceptional cases of risk to the essential interests of the State.

The criteria on which to evaluate the real or exceptional threat and conditions and procedures for the exercise of the special powers are laid down in the law.

Existing measures:

IT: Law 56/2012 on special powers in companies operating in the field of defence and national security, energy, transport and communications; and

Decree of the Prime Minister DPCM 253 of 30 November 2012 defining the activities of strategic importance in the field of defence and national security.

With respect to Market access (mode 3), National treatment (mode 3), Most-favoured nation treatment (mode 3), Senior management and boards of directors:

In LT: Enterprises, sectors, zones, assets and facilities of strategic importance to national security.

Existing measures:

LT: Law on the Protection of Objects of Importance to Ensuring National Security of the Republic of Lithuania of 10 October 2002 No. IX-1132 (as last amended on 24 November 2022 – No. XIV-1599).

With respect to National treatment (mode 3), Senior management and boards of directors:

In SE: Discriminatory requirements for founders, senior management and boards of directors when new forms of legal association are incorporated into Swedish law.

(b) Acquisition of real estate

With respect to National treatment (mode 3), Market access (mode 3), Senior management and boards of directors:

In HU: The acquisition of state-owned properties.

With respect to Market access (mode 3), National treatment (mode 3):

In HU: The acquisition of arable land by foreign juridical persons and non-resident natural persons.

In LV: The acquisition of rural land by nationals of India or of a third country.

In SK: Foreign companies or natural persons may not acquire agricultural and forest land outside the borders of the built-up area of a municipality and some other land (e.g. natural resources, lakes, rivers, public roads etc.).

Existing measures:

HU: Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter II (Paragraph 6-36) and Chapter IV (Paragraph 38-59)); and

Act CCXII of 2013 on the transitional measures and certain provisions related to Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter IV (Paragraph 8-20)).

LV: Law on land privatisation in rural areas, ss. 28, 29, 30.

SK: Act No 44/1988 on protection and exploitation of natural resources;

Act No 229/1991 on regulation of the ownership of land and other agricultural property;

Act No 460/1992 Constitution of the Slovak Republic;

Act No 180/1995 on some measures for land ownership arrangements;

Act No 202/1995 on Foreign Exchange;

Act No 503/2003 on restitution of ownership to land;

Act No 326/2005 on Forests; and

Act No 140/2014 on the acquisition of ownership of agricultural land.

With respect to National treatment (mode 3), Local presence:

In BG: Persons that are resident or established in Bulgaria for more than five years may acquire ownership of agricultural land. Juridical persons established for less than five years may also acquire ownership of agricultural land if the partners in the company, the members of the association or the founders of the joint-stock company meet the five year residency requirements. Foreign nationals, as well as foreign juridical persons established in compliance with the legislation of a third state, may acquire the right to own land on the basis of an international agreement, in accordance with Article 22 of the Constitution of the Republic of Bulgaria, as well as through inheritance under the law. Foreign nationals, as well as foreign juridical persons established in compliance with the legislation of a third state, may acquire the right to own forest territories on the basis of an international agreement, in accordance with Article 22, paragraph 2 of the Constitution of the Republic of Bulgaria, as well as through inheritance under the law (Law on Forests, Article 23, paragraph 5).

In EE: Foreign persons that are not from the European Economic Area (hereinafter referred to as "EEA") or from members of the Organisation for Economic Co-operation and Development (hereinafter referred to as "OECD") can acquire an immovable asset which contains agricultural or forest land only with the authorisation of the county governor and of the municipal council, and must prove as prescribed by law that the immovable asset will, according to its intended purpose, be used efficiently, sustainably and purposefully.

Existing measures:

BG: Constitution of the Republic of Bulgaria, Article 22, paragraph 2 and Article 23 paragraph 5; and Law on Forests, Article 10.

EE: Kinnisasja omandamise kitsendamise seadus (Restrictions on Acquisition of Immovables Act) Chapters 2 and 3.

With respect to Market access (all modes), National treatment (all modes):

In LT: Any measure which is consistent with the commitments taken by the European Union and which are applicable in Lithuania in GATS with respect to land acquisition. The land plot acquisition procedure, terms and conditions, as well as restrictions shall be established by the Constitutional Law, the Law on Land and the Law on the Acquisition of Agricultural Land. However, local governments (municipalities) and other national entities of Members of the OECD and North Atlantic Treaty Organization conducting economic activities in Lithuania, which are specified by the constitutional law in compliance with the criteria of European Union and other integration which Lithuania has embarked on, are permitted to acquire into their ownership non-agricultural land plots required for the construction and operation of buildings and facilities necessary for their direct activities.

Existing measures:

LT: Constitution of the Republic of Lithuania;

The Constitutional Law of the Republic of Lithuania on the Implementation of Paragraph 3 of Article 47 of the Constitution of the Republic of Lithuania of 20 June 1996 No. I-1392, new redaction 20 March 2003 No IX-1381, last amendment 12 January 2018 No XIII-981; Law on land 26 April 1994 No I-446, new redaction 27 January 2004 No. IX-1983, last amendment 26 June 2020 No XIII-3165; Law on acquisition of agricultural land of 28 January 2003 No IX-1314, new redaction from 1 January 2018 No XIII-801, last amendment 14 May 2020 No XIII-2935; and Forest Law of 22 November 1994 No I-671, new redaction 10 April 2001 No IX-240, last amendment 25 June 2020 No XIII-3115.

(c) Recognition

With respect to National treatment (all modes):

In the EU: The European Union directives on mutual recognition of diplomas and other professional qualification only apply to the citizens of the European Union. The right to practise a regulated professional service in one Member State does not grant the right to practise in another Member State.

(d) Most-Favoured-Nation Treatment

With respect to Most-favoured-nation treatment (all modes):

In the EU: According differential treatment to a third country pursuant to any international investment treaties or other trade agreement in force or signed prior to the date of entry into force of this Agreement.

In the EU: According differential treatment to a third country pursuant to any existing or future bilateral or multilateral agreement which:

(i) creates an internal market in services and investment;

(ii) grants the right of establishment; or

(iii) requires the approximation of legislation in one or more economic sectors.

An "internal market in services and investments" means an area without internal frontiers in which the free movement of services, capital and persons is ensured.

The "right of establishment" means an obligation to abolish in substance all barriers to establishment among the parties to the bilateral or multilateral agreement by the entry into force of that agreement. The right of establishment shall include the right of nationals of the parties to the bilateral or multilateral agreement to set up and operate enterprises under the same conditions provided for nationals under the law of the party where such establishment takes place.

The "approximation of legislation" means:

(i) the alignment of the legislation of one or more of the parties to the bilateral or multilateral agreement with the legislation of the other Party or parties to that agreement; or

(ii) the incorporation of common legislation into the law of the parties to the bilateral or multilateral agreement.

Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at such time that it has been enacted in the law of the party or parties to the bilateral or multilateral agreement.

Existing measures:

EU: Agreement on the European Economic Area;

Stabilisation Agreements;

EU-Swiss Confederation bilateral agreements; and

Deep and Comprehensive Free Trade Agreements.

In the EU: According differential treatment with respect to the entry of natural persons of a third country into the territory of the EU.

In the EU: According differential treatment relating to the right of establishment to nationals or enterprises through existing or future bilateral agreements between the following Member States: BE, DE, DK, EL, ES, FR, IE, IT, LU, NL, PT and any of the following countries or principalities: Andorra, Monaco, San Marino and the Vatican City State.

In DK, FI, SE: Measures taken by Denmark, Finland and Sweden aimed at promoting Nordic cooperation, such as:

(i) financial support to research and development (R&D) projects (the Nordic Industrial Fund);

(ii) funding of feasibility studies for international projects (the Nordic Fund for Project Exports); and

(iii) financial assistance to companies utilising environmental technology (the Nordic Environment Finance Corporation). The purpose of the Nordic Environment Finance Corporation (NEFCO) is to promote investments of Nordic environmental interest, with a focus on Eastern Europe.

In PL: Preferential conditions for establishment or the cross-border supply (mode 1) of services, which may include the elimination or amendment of certain restrictions embodied in the list of reservations applicable in Poland, may be extended through commerce and navigation treaties.

In PT: Waiving nationality requirements for the exercise of certain activities and professions by natural persons supplying services for countries in which Portuguese is the official language (Angola, Brazil, Cape Verde, Guinea-Bissau, Equatorial Guinea, Mozambique, São Tomé & Principe and East Timor).

(e) Arms, munition and war material

With respect to Market access (all modes), National treatment (all modes), Most-favoured-nation treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: Production or distribution of, or trade in, arms, munitions and war material. War material is limited to any product which is solely intended and made for military use in connection with the conduct of war or defence activities.

Reservation No. 2 – Professional services – other than health-related services

Sector:	Professional services – legal services: services of notaries and by bailiffs; accounting and bookkeeping services; auditing services, taxation advisory services; architecture and urban planning services, engineering services, and integrated engineering services
Industry classification:	Part of CPC 861, part of 87902, 862, 863, 8671, 8672, 8673, 8674 and part of 879
Obligations concerned:	Market access
	National treatment
	Senior management and boards of directors
	Most-favoured-nation treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Legal services

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In the EU, with the exception of SE: The supply of legal advisory, legal authorisation, documentation and certification services, provided by legal professionals entrusted with public functions, such as notaries, "huissiers de justice" or other "officiers publics et ministériels", and with respect to services provided by bailiffs who are appointed by an official act of government (part of CPC 861 and part of 87902).

With respect to Most-favoured-nation treatment (all modes):

In BG: Full national treatment on the establishment and operation of companies, as well as on the supply of services, may be extended only to companies established in, and citizens of, the countries with whom preferential arrangements have been concluded (part of CPC 861).

In LT: Attorneys from foreign countries can participate as advocates in court only in accordance with international agreements (part of CPC 861), including specific provisions regarding representation before courts.

(b) Accounting and bookkeeping services (CPC 8621 other than auditing services, 86213, 86219 and 86220)

With respect to Market access (mode 1):

In HU: Cross-border activities for accounting and bookkeeping.

Existing measures:

HU: Act C of 2000; and Act LXXV of 2007.

(c) Auditing services (CPC – 86211 and 86212 other than accounting and bookkeeping services)

With respect to National treatment (mode 1):

In BG: In order to perform an independent financial audit, the auditors (individuals or audit companies) must be entered in the register administered by the Commission for Public Oversight of Registered Auditors (CPOSA). Auditors who have acquired legal capacity in a third country may be registered under the following conditions and subject to reciprocity:

(i) an individual auditor must pass examinations in Bulgarian commercial, tax and social security law in Bulgarian (equivalent to the requirements for Bulgarian citizens); or

(ii) a foreign audit company seeking to be registered as a statutory auditor in Bulgaria must ensure that three quarters of the members of the management bodies and the registered auditors carrying out statutory financial audits on behalf of the company meet requirements equivalent to those of statutory auditors that are Bulgarian citizens, including passing the relevant examinations, as provided in the Independent Financial Audit Act (IFAA).

Existing Measures:

BG: Independent Financial Audit Act.

With respect to National treatment (mode 3), Market access (mode 3), Senior management and boards of directors:

In CZ: Only a juridical person in which at least 60 % of capital interests or voting rights are reserved to nationals of the Czech Republic or of the Member States is authorised to carry out audits in the Czech Republic.

Existing Measures:

CZ: Law of 14 April 2009 no. 93/2009 Coll., on Auditors, as amended.

With respect to Market access (mode 1):

In HU: Cross-border supply (mode 1) of auditing services.

Existing Measures:

HU: Act C of 2000; and Act LXXV of 2007.

In PT: Cross-border supply (mode 1) of auditing services.

(d) Architecture and urban planning services (CPC 8674)

With respect to Market Access (mode 1), National treatment (mode 1):

In HR: Cross-border supply (mode 1) of urban planning.

Reservation No. 3 – Professional services – health-related and retail of pharmaceuticals

Sector:	Health-related professional services and retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists
Industry classification:	CPC 63211, 85201, 9312, 9319 and 93121
Obligations concerned:	Market access
	National treatment
	Senior management and boards of directors
	Local presence
	Most-favoured-nation treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Medical and dental services; services provided by midwives, nurses, physiotherapists, psychologists and paramedical personnel (CPC 63211, 85201, 9312, 9319 and 932)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In BG: The supply of all health-related professional services, whether publicly or privately funded, including medical and dental services, services provided by nurses, midwives, physiotherapists and paramedical personnel and services provided by psychologists (CPC 9312 and part of 9319).

In FI: The supply of all health-related professional services, whether publicly or privately funded, including medical and dental services, services provided by midwives, physiotherapists and paramedical personnel and services provided by psychologists, excluding services provided by nurses (CPC 9312 and 93191).

Existing measures:

BG: Law for Medical Establishment, Professional Organisation of Medical Nurses, Midwives and Associated Medical Specialists Guild Act.

FI: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990).

With respect to Market Access (all modes), National treatment (all modes):

In CZ, MT: The supply of all health-related professional services, whether publicly or privately funded, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, psychologists, as well as other related services (CPC 9312 and part of 9319).

Existing Measures:

CZ: Act No 296/2008 Coll., on Safeguarding the Quality and Safety of Human Tissues and Cells Intended for Use in Man ("Act on Human Tissues and Cells");

Act No 378/2007 Coll., on Pharmaceuticals and on Amendments to Some Related Acts (Act on Pharmaceuticals);

Act No. 268/2014 Coll. on medical devices and amending Act No 634/2004 Coll. on administrative fees, as subsequently amended;

Act No. 285/2002 Coll., on the Donating, Taking and Transplanting of Tissues and Organs and on Amendment to Certain Acts (Transplantation Act);

Act No. 372/2011 Coll., on health services and on conditions of their provision; and

Act No. 373/2011 Coll., on specific health services).

With respect to Local presence:

In the EU, with the exception of NL and SE: The supply of all health-related professional services, whether publicly or privately funded, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, as well as the exercise of Indian traditional medicine, requires residency. These services may only be provided by natural persons physically present in the territory of the European Union (CPC 9312 and part of 93191).

In NL and SE: The exercise of Indian traditional medicine requires residency. These services may only be provided by natural persons physically present in the territory of the country (CPC 9312 and part of 93191).

In BE: The cross-border supply whether publicly or privately funded of all health-related professional services, including medical, dental and midwives services and services provided by nurses, physiotherapists, psychologists and paramedical personnel (part of CPC 85201, 9312 and part of 93191).

In PT: (Also with respect to Most-favoured-nation treatment (mode 1)) concerning the professions of physiotherapists, paramedical personnel and podiatrists, foreign professionals may be allowed to practice based on reciprocity.

(b) Veterinary services (CPC 932)

With respect to Market access (mode 3), National treatment (all modes), Local presence:

In BG: A veterinary medical establishment may be established by a person.

The practice of veterinary medicine is only allowed for nationals of the EEA and for permanent residents (physical presence is required for permanent residents).

With respect to Market access (mode 1), National treatment (mode 1):

In BE, LV: Cross-border supply (mode 1) of veterinary services.

(c) Retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists (CPC 63211)

With respect to Market access (mode 3), Local presence:

In the EU, with the exception of EL, IE, LU, LT, NL: For restricting the number of suppliers entitled to provide a particular service in a specific local zone or area on a non-discriminatory basis. An economic needs test may therefore be applied, taking into account such factors as the number of and impact on existing establishments, transport infrastructure, population density or geographic spread.

In the EU, with the exception of BE, BG, EE, ES, IE, IT: Mail order is only possible from Member States of the EEA, thus establishment in any of those countries is required for the retail of pharmaceuticals and specific medical goods to the general public in the European Union.

In BE: The retail sales of pharmaceuticals and specific medical goods are only possible from a pharmacy established in Belgium.

In BG, EE, ES, IT, LT: Cross-border (mode 1) retail sales of pharmaceuticals.

In CZ: Retail sales are only possible from Member States.

In IE, LT: Cross-border (mode 1) retail of pharmaceuticals requiring a prescription.

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In FI: Retail sales of pharmaceutical products and of medical and orthopaedic goods.

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In SE: Retail sales of pharmaceutical goods and the supply of pharmaceutical goods to the general public.

Existing measures:

AT: Arzneimittelgesetz (Medication Act), BGBl. Nr. 185/1983 as amended, §§ 57, 59 and 59a; and

Medizinproduktegesetz (Medical Products Law), BGBl. Nr. 657/1996 as amended, § 99.

BE: Arrêté royal du 21 janvier 2009 portant instructions pour les pharmaciens; and Arrêté royal du 10 novembre 1967 relatif à l'exercice des professions des soins de santé.

CZ: Act No. 378/2007 Coll., on Pharmaceuticals, as amended; and Act No. 372/2011 Coll., on Health services, as amended.

FI: Lääkelaki (Medicine Act) (395/1987).

SE: Law on trade with pharmaceuticals (2009:366);

Regulation on trade with pharmaceuticals (2009:659); Act concerning the Trade of Certain Non-prescription Medicinal Products (2009:730); and

The Swedish Medical Products Agency has adopted further regulations, the details can be found at (LVFS 2009:9).

Reservation No. 4 – Business services - Research and development services

Sector:	Research and development services
Industry classification:	CPC 851, 852 and 853
Obligations concerned:	Market access
	National treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In RO: Cross-border supply (mode 1) of research and development services.

Existing measures:

RO: Governmental Ordinance no. 6 / 2011;

Order of Minister of Education and Research no. 3548 / 2006; and Governmental Decision no. 134/2011.

Reservation No. 5 – Business services - Real estate services

Sector:	Real estate services
Industry classification:	CPC 821 and 822
Obligations concerned:	Market access
	National treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In CZ, HU: Cross-border supply (mode 1) of real estate services.

Reservation No. 6 – Business services - Rental or leasing services

Sector:	Rental or leasing services without operators
Industry classification:	CPC 832
Obligations concerned:	Market access
	National treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In BE, FR: Cross-border supply (mode 1) of leasing or rental services without operator concerning personal and household goods.

Reservation No. 7 – Business services - Collection agency services and Credit reporting services

Sector:	Collection agency services, credit reporting services
Industry classification:	CPC 87901 and 87902
Obligations concerned:	Market access
	National treatment
	Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In the EU, with the exception of ES, LV, SE: With regard to the supply (mode 1) of collection agency services and credit reporting services.

Reservation No. 8 – Business services - Placement services

Sector:	Business Services – placement services
Industry classification:	CPC 87201, 87202, 87203, 87204, 87205, 87206 and 87209
Obligations concerned:	Market access
	National treatment
	Senior management and boards of directors
	Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU, with the exception of HU, SE: Supply services of domestic help personnel, other commercial or industrial workers, nursing and other personnel (CPC 87204, 87205, 87206 and 87209).

In BG, CY, CZ, DE, EE, FI, LT, LV, MT, PL, PT, RO, SI, SK: Executive search services (CPC 87201).

In AT, BG, CY, CZ, EE, FI, LT, LV, MT, PL, PT, RO, SI, SK: The establishment of placement services of office support personnel and other workers (CPC 87202).

In AT, BG, CY, CZ, DE, EE, FI, LT, LV, MT, PL, PT, RO, SI, SK: Supply services of office support personnel (CPC 87203).

With respect to Market access (mode 1), National treatment (mode 1):

In the EU with the exception of BE, HU, SE: The cross-border supply (mode 1) of placement services of office support personnel and other workers (CPC 87202).

In IE: The cross-border supply (mode 1) of executive search services (CPC 87201).

In FR, IE, IT, NL: The cross-border supply (mode 1) of services of office personnel (CPC 87203).

With respect to Market access (all modes):

In DE: To restrict the number of suppliers of placement services.

In ES: To restrict the number of suppliers of executive search services and placement services (CPC 87201 and 87202).

In FR: These services can be subject to a state monopoly (CPC 87202).

In IT: To restrict the number of suppliers of supply services of office personnel (CPC 87203).

With respect to Market access (mode 3), National treatment (mode 3):

In DE: The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-European Union and non-EEA personnel for specified professions (CPC 87201, 87202, 87203, 87204, 87205, 87206 and 87209).

Existing measures:

AT: §§97 and 135 of the Gewerbeordnung (Austrian Trade Act), Federal Law Gazette Nr. 194/1994 as amended; and

Arbeitskräfteüberlassungsgesetz/AÜG (Temporary Employment Act), Federal Law Gazette Nr. 196/1988 as amended.

BG: Employment Promotion Act, Articles 26, 27, 27a and 28.

CY: Private Employment Agency Law N. 126(I)/2012 as amended, Law N. 174(I)/2012.

CZ: Act on Employment (435/2004).

DE: Gesetz zur Regelung der Arbeitnehmerüberlassung (AÜG);

Sozialgesetzbuch Drittes Buch (SGB III; Social Code, Book Three) - Employment Promotion;

Verordnung über die Beschäftigung von Ausländerinnen und Ausländern (BeschV; Ordinance on the Employment of Foreigners).

DK: §§ 8a – 8f in law decree no. 73 of 17th of January 2014 and specified in decree no. 228 of 7th of March 2013 (employment of seafarers); and Employment Permits Act 2006. S1(2) and (3).

EL: Law 4052/2012 (Official Government Gazette 41 A) as amended to some of its provision by the law N.4093/2012 (Official Government Gazette 222 A).

ES: Real Decreto-ley 8/2014, de 4 de julio, de aprobación de medidas urgentes para el crecimiento, la competitividad y la eficiencia, artículo 117 (tramitado como Ley 18/2014, de 15 de octubre).

FI: Laki julkisesta työvoima-ja yrityspalvelusta (Act on Public Employment and Enterprise Service) (916/2012).

HR: Labour Market Act (OG 118/18, 32/20);

Labour Act (OG 93/14, 127/17, 98/19);

Aliens Act (OG 130/11m 74/13, 67/17, 46/18, 53/20).

IE: Employment Permits Act 2006. S1(2) and (3).

IT: Legislative Decree 276/2003 Articles 4, 5.

LT: Lithuanian Labour Code of the Republic of Lithuania approved by Law No XII-2603 of 14 September 2016 of the Republic of Lithuania, last amendment 15 October 2020 No XIII-3334; The Law on the Legal Status of Aliens of the Republic of Lithuania of 29 April 2004 No. IX-2206, last amendment 10 November 2020 No XIII-3412.

LU: Loi du 18 janvier 2012 portant création de l'Agence pour le développement de l'emploi (Law of 18 January 2012 concerning the creation of an agency for employment development – ADEM).

MT: Employment and Training Services Act, (Cap 343) (Articles 23 to 25); and Employment Agencies Regulations (S.L. 343.24).

PL: Act of 20 March 2025 on labour market and employment services.

PT: Decree-Law No 260/2009 of 25 September, as amended by Law No. 5/2014 of 12 February; Law No. 28/2016 of the 23 August, and Law No. 146/2015 of 9 September (access and provision of services by placement agencies).

RO: Law no. 156/2000 on the protection of Romanian citizens working abroad, republished, and Government Decision no. 384/2001 for approving the methodological norms for applying the Law no. 156/2000, with subsequent amendments;

Ordinance of the Government no. 277/2002, as modified by Government Ordinance No. 790/2004 and Government Ordinance No. 1122/2010; and

Law no. 53/2003 – Labour Code, republished, with subsequent amendments and supplement and the Government Decision no 1256/2011 on the operating conditions and authorisation procedure for temporary work agency.

SI: Zakon o urejanju trga dela, Uradni list RS, št. 80/10, nazadnje spremenjeno št. 62/24 (Labour Market Regulation Act, Official Gazette of the Republic of Slovenia, No. 80/10, as last amended No. 62/24); and

Zakon o zaposlovanju, samozaposlovanju in delu tujcev, Uradni list RS, št. 91/21 – uradno prečiščeno besedilo, 42/23 in 32/25 (Employment, Self-employment and Work of Aliens Act, Official Gazette of the Republic of Slovenia, No. 91/21 – official consolidated text, 42/23 and 32/25).

SK: Act No 5/2004 on Employment Services; and Act No 455/1991 on Trade Licensing.

Reservation No. 9 – Business services - Security and investigation services

Sector:	Business services – security and investigation services
Industry classification:	CPC 87301, 87302, 87303, 87304, 87305 and 87309
Obligations concerned:	Market access
	National treatment
	Senior management and boards of directors
	Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Security services (CPC 87302, 87303, 87304, 87305 and 87309)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In BG, CY, CZ, EE, LT, LV, MT, PL, RO, SI, SK: The supply of security services.

In DK, HR, HU: The supply of the following subsectors: guard services (87305) in HR and HU, security consultation services (87302) in HR, airport guard services (part of 87305) in DK and armoured car services (87304) in HU.

With respect to National Treatment (mode 3), Senior management and boards of directors:

In BE: Nationality of a Member State is required for boards of directors of juridical persons supplying guard and security services (87305) as well as consultancy and training relating to security services (87302). The senior management of companies providing guard and security consultancy services required to be resident nationals of a Member State.

National treatment (mode 3), Senior management and boards of directors, Local presence:

In ES: The cross-border supply (mode 1) of security services. Nationality requirements exist for private security personnel.

With respect to Local presence:

In FI: Licences to supply security services may be granted only to natural persons resident in the EEA or juridical persons established in the EEA.

With respect to National treatment (mode 3), Senior management and boards of directors, Local presence:

In FR: Nationality requirements for managing directors and directors in FR.

With respect to Market access (mode 1), National treatment (mode 1):

In BE, FI, FR, PT: The supply of security services by a foreign provider on a cross-border basis is not allowed.

Existing measures:

BE: Loi réglementant la sécurité privée et particulière, 2 Octobre 2017.

BG: Private Security Business Act.

CZ: Trade Licensing Act.

DK: Regulation on aviation security.

ES: Ley 5/2014, de 4 de abril, de Seguridad Privada (Law 5/2014, of April 4, 2014, on Private Security.

FI: Laki yksityisistä turvallisuuspalveluista 1885/2015 (Private Security Services Act).

LT: Law on security of Persons and Assets 8 July 2004 No. IX-2327.

LV: Security Guard Activities Law (Sections 6, 7 and 14).

PL: Act of 22 August 1997 on the protection of persons and property (Journal of Laws of 2016, item 1432 as amended).

PT: Law 34/2013 alterada p/ Lei 46/2019, 16 maio; and Ordinance 273/2013. alterada p/ Portaria 106/2015, 13 abril.

SI: Zakon o zasebnem varovanju, Uradni list RS, št. 17/11 (Private Security Act, Official Gazette of the Republic of Slovenia, No. 17/11).

(b) Investigation services (CPC 87301)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU, with the exception of AT, SE: The supply of investigation services.

Reservation No. 10 – Business services - Other business services

Sector, sub-sector:	Business services – other business services (translation and interpretation services, duplicating services, services incidental to energy distribution and services incidental to manufacturing)
Industry classification:	CPC 87905, 87904, 884 and 887
Obligations concerned:	Market access
	National treatment
	Senior management and boards of directors
	Local presence
	Most-favoured-nation treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Translation and interpretation services (CPC 87905)

With respect to Local presence:

In HR: Cross-border supply (mode 1) of translation and interpretation of official documents.

(b) Duplicating services (CPC 87904)

With respect to Market access (mode 1), National treatment (mode 1):

In HU: Cross-border supply (mode 1) of duplicating services.

(c) Services incidental to energy distribution and services incidental to manufacturing (Part of CPC 884 and 887 other than advisory and consulting services)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In HU: Services incidental to energy distribution, and cross-border supply (mode 1) of services incidental to manufacturing, with the exception of advisory and consulting services relating to these sectors.

(d) Maintenance and repair of vessels, rail transport equipment and aircraft and parts thereof (part of CPC 86764, 86769 and 8868)

With respect to Market access (mode 1), National treatment (mode 1), Local presence:

In the EU, with the exception of DE, EE, HU: Cross-border supply (mode 1) of maintenance and repair services of rail transport equipment.

In the EU, with the exception of CZ, EE, HU, LU, SK: The cross-border supply (mode 1) of maintenance and repair services of inland waterway transport vessels.

In the EU, with the exception of EE, HU, LV: The cross-border supply (mode 1) of maintenance and repair services of maritime vessels.

In the EU, with the exception of AT, EE, HU, LV, PL: The cross-border supply (mode 1) of maintenance and repair services of aircraft and parts thereof (part of CPC 86764, 86769 and 8868).

In the EU: The cross-border supply (mode 1) of services of statutory surveys and certification of ships.

Existing measures:

EU: Regulation (EC) No 391/2009 of the European Parliament and the Council[1].

[1] Regulation (EC) No 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11).

(e) Other business services related to aviation

With respect to Most-favoured-nation treatment (all modes):

In the EU: According differential treatment to a third country pursuant to existing or future bilateral agreements relating to the following services:

(i) the selling and marketing of air transport services;

(ii) computer reservation system (CRS) services;

(iii) maintenance and repair of aircrafts and parts; or

(iv) rental or leasing of aircraft without crew.

With respect to Market access (all modes), National treatment (all modes), Most-favoured-nation treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: Services related to or in support of air services, including, but are not limited to: Services provided by using an aircraft whose primary purpose is not the transportation of goods or passengers, such as aerial fire-fighting, flight training, sightseeing, spraying, surveying, mapping, photography, parachute jumping, glider towing, helicopter-lift for logging and construction, and other airborne agricultural, industrial and inspection services; the rental of aircraft with crew; and airport operation services.

Reservation No. 11 – Telecommunication services

Sector:	Satellite broadcast transmission services
Obligations concerned:	Market access
	National treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In BE: Satellite broadcast transmission services.

Reservation No. 12 – Construction services

Sector: Construction services

Industry classification: CPC 51

Obligations concerned: Market access

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In LT: The right to prepare design documentation for construction works of exceptional significance is only given to a design enterprise registered in Lithuania or a foreign design enterprise which has been approved by an institution authorised by the Government for those activities. The right to perform technical activities in the main areas of construction may be granted to a non-Lithuanian person who has been approved by an institution authorised by the Government of Lithuania.

Reservation No. 13 – Distribution services

Sector:	Distribution services
Industry classification:	CPC 62117, 62251, 8929, part of 62112, 62226 and part of 631
Obligations concerned:	Market access
	National treatment
	Senior management and boards of directors
	Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Distribution of pharmaceuticals

With respect to Local presence:

In BG: Cross-border wholesale distribution of pharmaceuticals (CPC 62251).

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director:

In FI: Distribution of pharmaceutical products (CPC 62117, 62251 and 8929).

Existing measures:

BG: Law on Medicinal Products in Human Medicine; Law on Medical Devices.

FI: Lääkelaki (Medicine Act) (395/1987).

(b) Distribution of alcoholic beverages

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director and Local presence:

In FI: Distribution of alcoholic beverages (part of CPC 62112, 62226, 63107 and 8929).

Existing measures:

FI: Alkoholilaki (Alcohol Act) (1102/2017).

With respect to Market access (all modes):

In SE: Imposing a monopoly on retail sales of liquor, wine and beer (except non-alcoholic beer). Currently Systembolaget AB has such governmental monopoly on retail sales of liquor, wine and beer (except non-alcoholic beer). Alcoholic beverages are beverages with an alcohol content over 2.25 % per volume. For beer, the limit is an alcohol content over 3.5 % per volume (part of CPC 631).

Existing measures:

SE: The Alcohol Act (2010:1622).

(c) Other distribution (part of CPC 621, 62228, 62251, 62271, part of 62272, 62276, 63108 and part of 6329)

With respect to Market access (mode 1), National treatment (mode 1), Local presence:

In BG: Wholesale distribution of chemical products, precious metals and stones, medical substances and products and objects for medical use; tobacco and tobacco products and alcoholic beverages.

Bulgaria reserves the right to adopt or maintain any measure with respect to the services provided by commodity brokers.

Existing measures:

BG: Law on Medicinal Products in Human Medicine;

Law on Medical Devices;

Law of Veterinary Activity;

Law for Prohibition of Chemical Weapons and for Control over Toxic Chemical Substances and Their Precursors;

Law for Tobacco and Tobacco Products;

Law on excise duties and tax warehouses; and

Law on wine and spirits.

Reservation No. 14 – Education services

Sector:	Education services
Industry classification:	CPC 92
Obligations concerned:	Market access
	National treatment
	Senior management and boards of directors
	Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director:

In the EU: Educational services which receive public funding or State support in any form. Where the supply of privately funded education services by a foreign provider is permitted, participation of private operators in the education system may be subject to concession allocated on a non-discriminatory basis.

In the EU, with the exception of CZ, NL, SE, SK: With respect to the supply of privately funded other education services, which means other than those classified as being primary, secondary, higher and adult education services (CPC 929).

In CY, FI, MT, RO: The supply of privately funded primary, secondary, and adult education services (CPC 921, 922 and 924).

In AT, BG, CY, FI, MT, RO: The supply of privately funded higher education services (CPC 923).

In CZ, SK: The majority of the members of the board of directors of an establishment providing privately funded education services must be nationals of that country (CPC 921, 922, 923 for SK other than 92310 and 924).

In SI: Privately funded elementary schools may be founded by Slovenian persons only. The service supplier must establish a registered office or a branch. The majority of the members of the board of directors of an establishment providing privately funded secondary or higher education services must be Slovenian nationals (CPC 922 and 923).

In SE: Educational services suppliers that are approved by public authorities to provide education. This reservation applies to privately funded educational services suppliers with some form of State support, inter alia educational service suppliers recognised by the State, educational services suppliers under State supervision or education which entitles to study support (CPC 92).

In SK: EEA residency is required for suppliers of all privately funded education services other than post-secondary technical and vocational education services. An economic needs test may apply and the number of schools being established may be limited by local authorities (CPC 921, 922, 923 other than 92310 and 924).

With respect to Market access (mode 1), National treatment (mode 1), Local presence:

In BG, IT, SI: To restrict the cross-border supply of privately funded primary education services (CPC 921).

In BG, IT: To restrict the cross-border supply of privately funded secondary education services (CPC 922).

In AT: To restrict the cross-border supply of privately funded adult education services by means of radio or television broadcasting (CPC 924).

Existing measures:

BG: Pre-school and School Education Act; The Higher Education Act, Paragraph 4 of the additional provisions; and Article 22, Vocational Education and Training Act.

FI: Perusopetuslaki (Basic Education Act) (628/1998);

Lukiolaki (General Upper Secondary Schools Act) (629/1998);

Laki ammatillisesta koulutuksesta (Vocational Training and Education Act) (630/1998);

Laki ammatillisesta aikuiskoulutuksesta (Vocational Adult Education Act) (631/1998); and

Ammattikorkeakoululaki (Polytechnics Act) (351/2003); and Yliopistolaki (Universities Act) (558/2009).

IT: Royal Decree 1592/1933 (Law on secondary education);

Law 243/1991 (Occasional public contribution for private universities);

Resolution 20/2003 of CNVSU (Comitato nazionale per la valutazione del sistema universitario); and

Decree of the President of the Republic (DPR) 25/1998.

SK: Act 245/2008 on education;

Act 131/2002 on Universities; and

Act 596/2003 on State Administration in Education and School Self- Administration.

Reservation No. 15 – Environmental services

Sector: Environmental services: waste and soil management

Industry classification: CPC 9401, 9402, 9403 and 94060

Obligations concerned: Market access

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In DE: The supply of waste management services other than advisory services, and with respect to services relating to the protection of soil and the management of contaminated soils, other than advisory services.

Reservation No. 16 – Financial services

Sector: Financial services

Industry classification: Not applicable

Obligations concerned: Market access

National treatment

Senior Management and Boards of Directors

Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) All financial services

With respect to Market access (mode 3):

In the EU: The right to require a financial service supplier, other than a branch, when establishing in a Member State to adopt a specific legal form, on a non-discriminatory basis.

With respect to Market access (mode 1), National treatment (mode 1):

In the EU: the right to adopt or maintain any measure with respect to the cross-border supply (mode 1) of all financial services other than:

In the EU, except for BE, CY, EE, LT, LV, MT, PL, RO, SI:

(i) direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:

(A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(B) goods in international transit;

(ii) reinsurance and retrocession;

(iii) services auxiliary to insurance;

(iv) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

(v) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In BE:

(i) direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:

(A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(B) goods in international transit;

(ii) reinsurance and retrocession;

(iii) services auxiliary to insurance;

(iv) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;

In CY:

(i) direct insurance services (including co-insurance) for the insurance of risks relating to:

(A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(B) goods in international transit;

(ii) insurance intermediation;

(iii) reinsurance and retrocession;

(iv) services auxiliary to insurance;

(v) the trading for own account or for the account of customers, whether on an exchange or an over-the-counter market or otherwise of transferrable securities;

(vi) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

(vii) advisory and other auxiliary financial services, relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In EE:

(i) direct insurance (including co-insurance);

(ii) reinsurance and retrocession;

(iii) insurance intermediation;

(iv) services auxiliary to insurance

(v) acceptance of deposits;

(vi) lending of all types;

(vii) financial leasing;

(viii) all payment and money transmission services; guarantees and commitments;

(ix) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market;

(x) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;

(xi) money broking;

(xii) asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services;

(xiii) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

(xiv) provision and transfer of financial information, and financial data processing and related software; and

(xv) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In LT:

(i) direct insurance services (including co-insurance) for the insurance of risks relating to:

(A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(B) goods in international transit;

(ii) reinsurance and retrocession;

(iii) services auxiliary to insurance;

(iv) acceptance of deposits;

(v) lending of all types;

(vi) financial leasing;

(vii) all payment and money transmission services; guarantees and commitments;

(viii) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market;

(ix) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;

(x) money broking;

(xi) asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services;

(xii) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;

(xiii) provision and transfer of financial information, and financial data processing and related software; and

(xiv) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In LV:

(i) direct insurance services (including co-insurance) for the insurance of risks relating to:

(A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(B) goods in international transit;

(ii) reinsurance and retrocession; and

(iii) services auxiliary to insurance

(iv) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;

(v) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

(vi) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In MT:

(i) direct insurance services (including co-insurance) for the insurance of risks relating to:

(A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(B) goods in international transit;

(ii) reinsurance and retrocession;

(iii) services auxiliary to insurance;

(iv) the acceptance of deposits;

(v) lending of all types;

(vi) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

(vii) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In PL:

(i) direct insurance services (including co-insurance) for the insurance of risks relating to goods in international trade;

(ii) reinsurance and retrocession of risks relating to goods in international trade;

(iii) direct insurance services (including co-insurance and retrocession) and direct insurance intermediation for the insurance of risks relating to:

(A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(B) goods in international transit;

(iv) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

(v) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In RO:

(i) direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:

(A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(B) goods in international transit;

(ii) reinsurance and retrocession; and

(iii) services auxiliary to insurance

(iv) acceptance of deposits;

(v) lending of all types;

(vi) guarantees and commitments;

(vii) money broking;

(viii) the provision and transfer of financial information, and financial data processing and related software; and

(ix) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In SI:

(i) direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:

(A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and

(B) goods in international transit;

(ii) reinsurance and retrocession;

(iii) services auxiliary to insurance;

(iv) lending of all types;

(v) the acceptance of guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors;

(vi) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

(vii) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

(b) Insurance and insurance-related services

With respect to Market access (mode 1), National treatment (mode 1):

In BG: Transport insurance, covering goods, insurance of vehicles as such and liability insurance regarding risks located in Bulgaria may not be underwritten by foreign insurance companies directly.

In DE: If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany.

Existing measures:

DE: Luftverkehrsgesetz (LuftVG); and

Luftverkehrszulassungsordnung (LuftVZO).

With respect to Market Access (all modes), National treatment (all modes):

In ES: Residence is required, or alternatively to have two years of experience, for the actuarial profession.

With respect to Local presence:

In FI: The supply of insurance broker services is subject to a permanent place of business in the EU.

Only insurers having their head office in the European Union or having their branch in Finland may offer direct insurance services, including co-insurance.

In FR: Insurance of risks relating to ground transport may be underwritten only by insurance firms established in the European Union.

In IT: Transport insurance of goods, insurance of vehicles and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the European Union, except for international transport involving imports into Italy. Cross-border supply (mode 1) of actuarial services.

In PT: Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by enterprises of the European Union. Only natural persons of, or enterprises established in, the European Union may act as intermediaries for such insurance business in Portugal.

Existing measures:

FI: Laki ulkomaisista vakuutusyhtiöistä (Act on Foreign Insurance Companies) (398/1995);

Vakuutusyhtiölaki (Insurance Companies Act) (521/2008); and

Laki vakuutusten tarjoamisesta (Act on Insurance Distribution) (234/2018).

FR: Code des assurances.

IT: Article 29 of the code of private insurance (Legislative decree no. 209 of 7 September 2005), Law 194/1942 on the actuarial profession.

PT: Article 3 of Law 147/2015, Article 8 of Law 7/2019.

With respect to Market access (mode 3), National treatment (mode 3):

In SK: Foreign nationals may establish an insurance company in the form of a joint stock company or may conduct insurance business through their branches having a registered office in the Slovak Republic. The authorisation in both cases is subject to the evaluation of the supervisory authority.

Existing measures:

SK: Act 39/2015 on Insurance.

With respect to Market access (all modes), National treatment (mode 3):

In FI: At least one half of the members of the board of directors and the supervisory board, and the managing director of an insurance company providing statutory pension insurance shall have their place of residence in the EEA, unless the competent authorities have granted an exemption. Foreign insurers cannot obtain a licence in Finland as a branch to carry out statutory pension insurance. At least one auditor shall have his permanent residence in the EEA.

For other insurance companies, residency in the EEA is required for at least one member of the board of directors, the supervisory board and the managing director. At least one auditor shall have his permanent residence in the EEA. The general agent of an insurance company of India must have his place of residence in Finland, unless the company has its head office in the European Union.

Existing measures:

FI: Laki ulkomaisista vakuutusyhtiöistä (Act on Foreign Insurance Companies) (398/1995); Vakuutusyhtiölaki (Insurance Companies Act) (521/2008);

Laki vakuutusten tarjoamisesta (Act on Insurance Distribution) (234/2018); and

Laki työeläkevakuutusyhtiöistä (Act on Companies providing statutory pension insurance) (354/1997).

(c) Banking and other Financial Services

With respect to Market Access (mode 3), Local presence:

The EU: Only juridical persons having their registered office in the European Union can act as depositories of the assets of investment funds. The establishment of a specialised management company, having its head office and registered office in the same Member State, is required to perform the activities of management of common funds, including unit trusts, and where allowed under national law, investment companies.

In EE: For acceptance of deposits, requirement of authorisation by the Estonian Financial Supervision Authority and registration under Estonian law as a joint-stock company, a subsidiary or a branch.

In SK: Investment services can only be provided by management companies which have the legal form of a joint-stock company with equity capital in accordance with the law.

Existing measures:

EU: Directive 2009/65/EC of the European Parliament and of the Council[1]; and Directive 2011/61/EU of the European Parliament and of the Council[2].

EE: Krediidiasutuste seadus (Credit Institutions Act) § 206 and §21.

SK: Act 566/2001 on Securities and Investment Services; and Act 483/2001 on Banks.

With respect to National treatment (mode 3), Senior management and boards of directors:

In FI: At least one of the founders, the members of the board of directors, the supervisory board, the managing director of banking services providers and the person entitled to sign the name of the credit institution shall have their permanent residence in the EEA. At least one auditor shall have his permanent residence in the EEA.

[1] Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ EU L 302, 17.11.2009, p. 32).

[2] Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ EU L 174, 1.7.2011, p. 1).

Existing measures:

FI: Laki liikepankeista ja muista osakeyhtiömuotoisista luottolaitoksista (Act on Commercial Banks and Other Credit Institutions in the Form of a Limited Company) (1501/2001);

Säästöpankkilaki (1502/2001) (Savings Bank Act);

Laki osuuspankeista ja muista osuuskuntamuotoisista luottolaitoksista (1504/2001)

(Act on Cooperative Banks and Other Credit Institutions in the Form of a Cooperative Bank);

Laki hypoteekkiyhdistyksistä (936/1978) (Act on Mortgage Societies);

Maksulaitoslaki (297/2010) (Act on Payment Institutions);

Laki ulkomaisen maksulaitoksen toiminnasta Suomessa (298/2010) (Act on the Operation of Foreign Payment Institution in Finland); and

Laki luottolaitostoiminnasta (Act on Credit Institutions) (121/2007).

With respect to Market access (mode 3), National treatment (mode 3) and Local presence:

In IT: Services of "consulenti finanziari" (financial consultants). In providing the activity of door-to-door selling, intermediaries must utilise authorised financial salesmen resident within the territory of a Member State.

Existing measures:

IT: Articles 91-111 of Consob Regulation on Intermediaries (no. 16190 of 29 October 2007).

With respect to Market access (mode 3), National treatment (mode 3), Senior management and boards of directors, Local presence:

In LT: Only banks having their registered office or branch in Lithuania and authorised to provide investment services in the EEA may act as the depositories of the assets of pension funds. At least one head of a bank's administration must speak the Lithuanian language.

Existing measures:

LT: Law on Banks of the Republic of Lithuania of 30 March 2004 No IX-2085, as amended by the Law No XIII-729 of 16 November 2017;

Law on Collective Investment Undertakings of the Republic of Lithuania of 4 July 2003 No IX-1709, as amended by the Law No XIII-1872 of 20 December 2018;

Law on Supplementary Voluntary Pension Accumulation of the Republic of Lithuania of 3 June 1999 No VIII-1212 (as revised in Law No XII-70 of 20 December 2012);

Law on Payments of the Republic of Lithuania of 5 June 2003 No. IX-1596, last amendment 17 of October 2019 Nr. XIII-2488; and

Law on Payment Institutions of the Republic of Lithuania of 10 December 2009 No. XI-549 (new version of the Law: No XIII-1093 of 17 April 2018).

With respect to Market access (mode 1):

In FI: For payment services, residency or domicile in Finland may be required.

Reservation No. 17 – Health and social services

Sector:	Health and social services
Industry classification:	CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193 and 93199
Obligations concerned:	Market access
	National treatment
	Most-favoured-nation treatment
	Senior management and boards of directors

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Health services – hospital, ambulance, residential health services (CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193 and 93199)

With respect to Market access (mode 3), National treatment (mode 3), Senior management and boards of directors:

In the EU: For the supply of all health services which receive public funding or State support in any form.

In the EU: For all privately funded health services, other than privately funded hospital, ambulance, and residential health facilities services other than hospital services. The participation of private operators in the privately funded health network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

This reservation does not relate to the supply of all health-related professional services, including the services supplied by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations (CPC 931 other than 9312 and part of 93191).

In AT, PL, SI: The supply of privately funded ambulance services (CPC 93192).

In BE: the establishment of privately funded ambulance and residential health facilities services other than hospital services (CPC 93192 and 93193).

In BG, CY, CZ, FI, MT, SK: The supply of privately-funded hospital, ambulance, and residential health services other than hospital services (CPC 9311, 93192 and 93193).

In FI: Supply of other human health services (CPC 93199).

Existing measures:

CZ: Act No. 372/2011 Coll. on Health Care Services and Conditions of Their Provision.

FI: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990).

With respect to Market access (mode 3), National treatment (Mode 3), Most-favoured nation treatment (Mode 3), Senior management and boards of directors:

In DE: The supply of the Social Security System of Germany, where services may be provided by different companies or entities involving competitive elements which are thus not "Services carried out exclusively in the exercise of governmental authority". To accord better treatment in the context of a bilateral trade agreement with regard to the supply of health and social services (CPC 93).

With respect to Market access (mode 3), National treatment (Mode 3):

In DE: The ownership of hospitals run by the German Forces.

To nationalise other key privately funded hospitals (CPC 93110).

In FR: To the supply of privately funded laboratory analysis and testing services.

With respect to Market Access (mode 1), National treatment (mode 1):

In FR: The supply of privately funded laboratory analysis and testing services (part of CPC 9311).

Existing measures:

FR: Code de la Santé Publique

(b) Health and social services, including pension insurance

With respect to Market access (mode 1), National treatment (mode 1), Local presence:

In the EU, with the exception of HU: The cross-border supply (mode 1) of health services, social services, and activities or services forming part of a public retirement plan or statutory system of social security. This reservation does not relate to the supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations (CPC 931 other than 9312 and part of 93191).

In HU: The cross-border supply (mode 1) of all hospital, ambulance, and residential health services other than hospital services, which receive public funding (CPC 9311, 93192 and 93193).

(c) Social services, including pension insurance

With respect to National treatment (mode 3), Market access (mode 3), Senior management and boards of directors:

In the EU: The supply of all social services which receive public funding or State support in any form, and activities or services forming part of a public retirement plan or statutory system of social security. The participation of private operators in the privately funded social network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

In BE, CY, DE, DK, EL, ES, FR, IE, IT, PT: The supply of privately funded social services other than services relating to convalescent and rest houses and old people's homes.

In CZ, FI, HU, MT, PL, RO, SK, SI: The supply of privately funded social services.

In DE: The Social Security System of Germany, where services are provided by different companies or entities involving competitive elements and might therefore not fall under the definition of the "Services carried out exclusively in the exercise of governmental authority".

Existing measures:

FI: Laki yksityisistä sosiaalipalveluista (Private Social Services Act) (922/2011).

IE: Health Act 2004 (S. 39); and

Health Act 1970 (as amended –S.61A).

IT: Law 833/1978 Institution of the public health system;

Legislative Decree 502/1992 Organisation and discipline of the health field; and Law 328/2000 Reform of social services.

Reservation No. 18 – Tourism and travel related services

Sector: Tourist guides services

Industry classification: CPC 7472

Obligations concerned: National treatment

Most-favoured-nation treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to National treatment (all modes):

In FR: To require nationality of a Member State for the supply of tourist guide services.

With respect to National treatment (all modes), Most-favoured-nation treatment (all modes):

In LT: In so far as India allows nationals of Lithuania to provide tourist guide services, Lithuania will allow nationals of India to provide tourist guide services under the same conditions.

Reservation No. 19 – Recreational, cultural and sporting services

Sector:	Recreational, cultural and sporting services
Industry classification:	CPC 962, 963, 9619 and 964
Obligations concerned:	Market access
	National treatment
	Senior management and boards of directors
	Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Libraries, archives, museums and other cultural services (CPC 963)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director, Local presence:

In the EU, with the exception of AT and, for mode 3, in LT: The supply of library, archive, museum and other cultural services.

In AT and LT: A licence or concession may be required for establishment.

(b) Entertainment services, theatre, live bands and circus services (CPC 9619 and 964 other than 96492)

With respect to Market Access (mode 1), National treatment (mode 1):

In the EU, with the exception of AT, SE: The cross-border supply (mode 1) of entertainment services, including theatre, live bands, circus and discotheque services.

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director, Local presence:

In CY, CZ, FI, MT, PL, RO, SI, SK: With respect to the supply of entertainment services, including theatre, live bands, circus and discotheque services.

In BG: The supply of the following entertainment services: circus, amusement park and similar attraction services, ballroom, discotheque and dance instructor services, and other entertainment services.

In EE: The supply of other entertainment services except for cinema theatre services.

In LT, LV: The supply of all entertainment services other than cinema theatre operation services.

In CY, CZ, LV, PL, RO, SK: The cross-border supply (mode 1) of sporting and other recreational services.

(c) News and press agencies (CPC 962)

With respect to Market access (mode 3), National treatment (mode 3), Most-favoured-nation treatment (mode 3):

In FR: Foreign participation in existing companies publishing publications in the French language may not exceed 20 % of the capital or of voting rights in the company. The establishment of press agencies of India is subject to conditions set out in domestic regulation. The establishment of press agencies by foreign investors is subject to reciprocity.

Existing measures:

FR: Ordonnance n° 45-2646 du 2 novembre 1945 portant règlementation provisoire des agences de presse; and Loi n° 86-897 du 1 août 1986 portant réforme du régime juridique de la presse.

With respect to Market access (mode 1):

In HU: For supply of news and press agencies services.

(d) Gambling and betting services (CPC 96492)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director:

In the EU: The supply (all modes) of gambling activities, which involve wagering a stake with pecuniary value in games of chance, including in particular lotteries, scratch cards, gambling services offered in casinos, gambling arcades or licensed premises, betting services, bingo services and gambling services operated by and for the benefit of charities or non-profit-making organisations.

Reservation No. 20 – Transport services and auxiliary transport services

Sector:	Transport services
Obligations concerned:	Market access
	National treatment
	Most-favoured-nation treatment
	Senior management and boards of directors
	Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Maritime transport – any other commercial activity undertaken from a ship

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In the EU: The nationality of the crew on a seagoing or non-seagoing vessel.

With respect to Market access (mode 3), National treatment (mode 3), Most-favoured-nation treatment (mode 3):

In the EU, except LV, MT: Only persons of the European Union may register a vessel and operate a fleet under the national flag of the state of establishment (applies to all commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing; international passenger and freight transportation (CPC 721); and services auxiliary to maritime transport).

With respect to Market access (all modes):

In MT: Exclusive rights exist for the maritime link to mainland Europe through Italy with Malta (CPC 7213, 7214, part of 742, 745 and part of 749).

With respect to Market access (mode 1), National treatment (mode 1), Local Presence:

In SK: Foreign investors must have their principal office in the Slovak Republic in order to apply for a licence enabling them to provide a service (CPC 722).

With respect to Market access (all modes), National treatment (all modes), Most-favoured-nation treatment (all modes), Senior management and boards of directors:

In FI: Feeder services and repositioning of owned or leased containers on a non-revenue basis are considered as cabotage in national legislation, when provided in Finnish maritime waters, are reserved to fleets operating under the national, European Union or Norwegian flag.

In SE: In accordance with national legislation, cabotage is reserved to ships operating under Swedish or a Member State flag, or as prescribed by relevant agreements. Feeder services are considered as cabotage under Swedish law. Pursuant to point(2)(d) of Annex 8-G (Scope, definitions and obligations related to international maritime transport services of the European Union), vessels from India can undertake feeder services in Sweden, insofar as Swedish vessels can operate under similar conditions in India.

Existing measures:

FI: Merilaki (Maritime Act) (674/1994); and Laki liikenteen palveluista (Act on Transport Services) (320/2017).

SE: Förordning om tillstånd till sjöfart i inrikes trafik med utländskt fartyg m.m. (1974:235) (Swedish maritime cabotage ordinance on domestic shipping by foreign vessels).

(b) Auxiliary services to maritime transport

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: The supply of pilotage and berthing services. For greater certainty, regardless of the criteria which may apply to the registration of ships in a Member State, the European Union reserves the right to require that only ships registered on the national registers of Member States may provide pilotage and berthing services (CPC 7452).

In the EU, with the exception of LT, LV: Only vessels carrying the flag of a Member State may provide pushing and towing services (CPC 7214).

With respect to Market access (mode 3), National treatment (mode 1), Local presence:

In LT: Only juridical persons of Lithuania or juridical persons of a Member State with branches in Lithuania that have a Certificate issued by the Lithuanian Maritime Safety Administration may provide pilotage and berthing, pushing and towing services (CPC 7214 and 7452).

With respect to Market access (all modes) National treatment (mode 1), Local presence:

In BE: Cargo handling services can only be operated by accredited workers, eligible to work in port areas designated by royal decree (CPC 741).

Existing measures:

BE: Loi du 8 juin 1972 organisant le travail portuaire;

Arrêté royal du 12 janvier 1973 instituant une Commission paritaire des ports et fixant sa dénomination et sa compétence;

Arrêté royal du 4 septembre 1985 portant agrément d'une organisation d'employeur (Anvers);

Arrêté royal du 29 janvier 1986 portant agrément d'une organisation d'employeur (Gand);

Arrêté royal du 10 juillet 1986 portant agrément d'une organisation d'employeur (Zeebrugge);

Arrêté royal du 1er mars 1989 portant agrément d'une organisation d'employeur (Ostende); and

Arrêté royal du 5 juillet 2004 relatif à la reconnaissance des ouvriers portuaires dans les zones portuaires tombant dans le champ d'application de la loi du 8 juin 1972 organisant le travail portuaire, tel que modifié.

(c) Rail transport and auxiliary services to rail transport

With respect to Market access (all modes), National treatment (all modes), Local presence:

In the EU: Railway passenger transportation (CPC 7111).

With respect to Market access (all modes), Local presence:

In the EU: Railway freight transportation (CPC 7112)

In LT (with respect only to Market access): Maintenance and repair services of rail transport equipment are subject to a state monopoly (CPC 86764, 86769 and part of 8868).

In SE (with respect only to Market access): Maintenance and repair services of rail transport equipment are subject to an economic needs test when an investor intends to establish its own terminal infrastructure facilities. Main criteria: space and capacity constraints (CPC 86764, 86769 and part of 8868).

Existing measures:

SE: Planning and Building Act (2010:900).

(d) Road transport (passenger transportation, freight transportation, international truck transport services) and services auxiliary to road transport

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU:

(i) to require establishment and to limit the cross-border supply (mode 1) of road transport services (CPC 712).

(ii) to limit the supply of cabotage within a Member State by foreign investors established in another Member State (CPC 712).

(iii) an economic needs test may apply to taxi services in the European Union setting a limit on the number of service suppliers. Main criteria: Local demand as provided in applicable laws (CPC 71221).

Existing measures:

EU: Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC; Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market; and

Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006.

With respect to Market access (Mode 3):

In BE: A maximum number of licences can be fixed by law (CPC 71221).

In IT: An economic needs test is applied to limousine services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

An economic needs test is applied to intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

An economic needs test is applied to the supply of freight transportation services. Main criteria: local demand (CPC 712).

With respect to Market access (all modes), National treatment (all modes), Local presence:

In BG, DE: For passenger and freight transportation, exclusive rights or authorisations may only be granted to persons of the European Union having their headquarters in the European Union. Incorporation is required. Condition of nationality of a Member State for natural persons (CPC 712).

In MT (only with respect to Market access (all modes), National treatment (all modes)): For public bus service: The entire network is subject to a concession which includes a Public Service Obligation agreement to cater for certain social sectors (such as students and the elderly) (CPC 712).

With respect to Market Access (all modes), National treatment (all modes):

In FI: Authorisation is required to provide road transport services, which is not extended to foreign registered vehicles (CPC 712).

With respect to Market access (mode 3), National treatment (mode 3):

In FR: The supply of intercity bussing services (CPC 712).

With respect to Market access (Mode 3):

In ES: For passenger transportation, an economic needs test applies to services provided under CPC 7122. Main criteria: local demand. An economic needs test applies for intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

In SE: Maintenance and repair services of road transport equipment are subject to an economic needs test when a supplier intends to establish its own terminal infrastructure facilities. Main criteria: space and capacity constraints (CPC 6112, 6122, 86764, 86769 and part of 8867).

In SK: For freight transportation, an economic needs test is applied. Main criteria: local demand (CPC 712).

With respect to Local presence:

In BG: To require establishment for supporting services to road transport (CPC 744).

Existing measures:

EU: Regulation (EC) No 1071/2009 of the European Parliament and of the Council[1]; Regulation (EC) No 1072/2009 of the European Parliament and of the Council[2]; and Regulation (EC) No 1073/2009 of the European Parliament and of the Council[3].

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1 Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ EU L 300, 14.11.2009, p. 51).

2 Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

3 Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300 14.11.2009, p. 88).

FI: Laki kaupallisista tavarankuljetuksista tiellä (Act on Commercial Road Transport) 693/2006;

Laki liikenteen palveluista (Act on Transport Services) 320/2017;

Ajoneuvolaki (Vehicles Act) 1090/2002.

IT: Legislative decree 285/1992 (Road Code and subsequent amendments) Article 85;

Legislative Decree 395/2000 Article 8 (road transport of passengers);

Law 21/1992 (Framework law on non-scheduled public road transport of passengers);

Law 218/2003 Article 1 (transport of passenger through rented buses with driver); and

Law 151/1981 (framework law on public local transport).

SE: Planning and Building Act (2010:900).

(e) Space transport and rental of space craft

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: The supply of space transport services and the supply of rental of space craft services (CPC 733 and part of 734).

(f) Most-favoured-nation exemptions

With respect to Most-favoured-nation treatment (all modes):

– Transport (cabotage) other than maritime transport

In FI: According differential treatment to a third country pursuant to existing or future bilateral agreements exempting vessels registered under the foreign flag of a specified other third country or foreign registered vehicles from the general prohibition from providing cabotage transport (including combined transport, road and rail) in Finland on the basis of reciprocity (part of CPC 711, part of 712 and part of 722).

– Supporting services for maritime transport

In BG: In so far as India allows service suppliers from Bulgaria to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods carried by containers, Bulgaria will allow service suppliers from India to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods carried by containers under the same conditions (part of CPC 741 and part of 742).

– Rental or leasing of vessels

In DE: Chartering-in of foreign ships by consumers resident in Germany may be subject to a condition of reciprocity (CPC 7213, 7223 and 83103).

– Road and rail transport

In the EU: To accord differential treatment to a third country pursuant to existing or future bilateral agreements relating to international road haulage (including combined transport – road or rail) and passenger transport, concluded between the European Union or the Member States and that third country (CPC 7111, 7112, 7121, 7122 and 7123). That treatment may:

(i) reserve or limit the supply of the relevant transport services between the contracting Parties or across the territory of the contracting Parties to vehicles registered in each contracting Party[1]; or

(ii) provide for tax exemptions for such vehicles.

– Road transport

In BG: Measures taken under existing or future agreements, which reserve or restrict the supply of these kinds of transportation services and specify the terms and conditions of this supply, including transit permits or preferential road taxes, in the territory of Bulgaria or across the borders of Bulgaria (CPC 7121, 7122 and 7123).

[1] With regard to Austria**,** the part of the most-favoured-nation treatment exemption regarding traffic rights covers all countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be considered in future.

In CZ: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of the Czech Republic to the contracting parties concerned (CPC 7121, 7122 and 7123).

In ES: Authorisation for the establishment of a commercial presence in Spain may be refused to service suppliers whose country of origin does not accord effective market access to service suppliers of Spain (CPC 7123).

Existing measures:

ES: Ley 16/1987, de 30 de julio, de Ordenación de los Transportes Terrestres.

In HR: Measures applied under existing or future agreements on international road transport and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of transport services into, in, across and out of Croatia to the parties concerned (CPC 7121, 7122 and 7123).

In LT: Measures that are taken under bilateral agreements and which set the provisions for transport services and specify operating conditions, including bilateral transit and other transport permits for transport services into, through and out of the territory of Lithuania to the contracting parties concerned, and road taxes and levies (CPC 7121, 7122 and 7123).

In SK: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of the Slovak Republic to the contracting parties concerned (CPC 7121, 7122 and 7123).

– Rail transport

In BG, CZ, SK: For existing or future agreements, and which regulate traffic rights and operating conditions, and the supply of transport services in the territory of Bulgaria, the Czech Republic and the Slovak Republic and between the countries concerned (CPC 7111 and 7112).

– Air transport - Services auxiliary to air transport

The EU: According differential treatment to a third country pursuant to existing or future bilateral agreements relating to ground-handling services.

– Road and rail transport

In EE: when according differential treatment to a country pursuant to existing or future bilateral agreements on international road transport (including combined transport-road or rail), reserving or limiting the supply of a transport services into, in, across and out of Estonia to the contracting Parties to vehicles registered in each contracting Party, and providing for tax exemption for such vehicles (part of CPC 711, part of 712 and part of 721).

– All passenger and freight transport services other than maritime and air transport

In PL: In so far as India allows the supply of transport services into and across the territory of India by passenger and freight transport suppliers of Poland, Poland will allow the supply of transport services by passenger and freight transport suppliers of India into and across the territory of Poland under the same conditions.

Reservation No. 21 – Agriculture, fishing and water

Sector:	Services incidental to agriculture, hunting, forestry, fishing; collection, purification and distribution of water
Industry classification:	CPC 8811, 8812, 8813 other than advisory and consultancy services and 882
Obligations concerned:	Market access
	National treatment
	Most-favoured-nation treatment
	Senior management and boards of directors
	Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Services incidental to agriculture, hunting and forestry

With respect to Market access (mode 3), National treatment (Mode 3):

In HR: Services incidental to agricultural and hunting activities.

In HU: Services incidental to agriculture, hunting, and forestry (CPC 8811, 8812 and 8813 other than advisory and consultancy services).

Existing measures:

HR: Agricultural Land Act (OG 20/18, 115/18, 98/19).

(b) Services incidental to fishing (CPC 882)

With respect to Market access (all modes), National treatment (all modes), Most-favoured-nation treatment (all modes), Senior management and boards of directors:

In the EU:

(i) In particular within the framework of the Common Fisheries Policy, and of fishing agreements with a third country, access to and use of the biological resources and fishing grounds situated in maritime waters coming under the sovereignty or the jurisdiction of Member States or entitlements for fishing under a Member State fishing licence, including:

(A) regulating the landing of catches by vessels flying the flag of India or a third country with respect to the quotas allocated to them or, only with respect to vessels flying the flag of a Member State, requiring that a proportion of the total catch is landed in European Union ports;

(B) determining a minimum size for a company in order to preserve both artisanal and coastal fishing vessels;

(C) according differential treatment pursuant to existing or future bilateral agreements relating to fisheries; and

(D) requiring the crew of a vessel flying the flag of a Member State to be nationals of Member States.

(ii) A fishing vessel's entitlement to fly the flag of a Member State only if:

(A) it is wholly owned by:

(I) companies incorporated in the European Union; or

(II) Member State nationals;

(B) its day-to-day operations are directed and controlled from within the European Union; and

(C) any charterer, manager or operator of the vessel is a company incorporated in the European Union or a national of a Member State.

(iii) A commercial fishing licence granting the right to fish in the territorial waters of a Member State may only be granted to vessels flying the flag of a Member State.

(iv) The establishment of marine or inland aquaculture facilities.

(v) Points (a), (b), (c) (other than with respect to most-favoured nation treatment) and (d) of paragraph 1; points (a)(i), (b) and (c) of paragraph 2, and paragraph 3 only apply to measures which are applicable to vessels or to enterprises irrespective of the nationality of their beneficial owners.

With respect to Market access (mode 3):

In FR: Nationals of non-European Union countries cannot participate in French maritime State property for fish, shellfish or algae farming.

With respect to Market access (all modes), National treatment (all modes), Most-favoured nation treatment (mode 3):

In BG: The taking of marine and river-living resources, performed by vessels in the internal marine waters, and the territorial sea of Bulgaria, shall be performed by vessels flying the flag of Bulgaria. A foreign ship (third country vessel) may not engage in commercial fishing in the exclusive economic zone save on the basis of an agreement between Bulgaria and the flag state. While passing through the exclusive economic zone, foreign fishing ships may not maintain their fishing gear in operational mode.

Existing measures:

BG: Article 49, Law on the maritime spaces, inland waterways and ports of the Republic of Bulgaria.

(c) Collection, purification and distribution of water

With respect to Market access (all modes), National treatment (all modes), Local presence:

In the EU: For services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the supply of drinking water, and water management.

Reservation No. 22 – Mining and Energy related activities

Sector:	Services incidental to mining and quarrying – energy producing materials; mining and quarrying – metal ores and other mining; Energy-related activities – production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; and services incidental to energy distribution
Industry classification:	CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88 and 887.
Obligations concerned:	Market access
	National treatment
	Senior management and boards of directors
	Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Services Incidental to Mining and Energy – general (CPC 613, 62271, 63297, 7131, 742, 7422 and 887 other than advisory and consulting services)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: Where a Member State permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, with respect to enterprises of India controlled by persons of a third country which accounts for more than 5 % of the European Union's oil, natural gas or electricity imports, in order to guarantee the security of the energy supply of the European Union as a whole, or of an individual Member State. This reservation does not apply to advisory and consultancy services provided as services incidental to energy distribution.

This reservation does not apply to HR, HU, LT (for LT, only CPC 7131) with regard to the pipeline transport of fuels, nor to LV with regard to services incidental to energy distribution, nor to SI with regard to services incidental to the distribution of gas (CPC 7131 and 887 other than advisory and consultancy services).

In CY: For the manufacture of refined petroleum products in so far as the investor is controlled by a person of a third country which accounts for more than 5 % of the European Union's oil or natural gas imports, as well as to the manufacture of gas, distribution of gaseous fuels through mains on own account, the production, transmission and distribution of electricity, the pipeline transportation of fuels, services incidental to electricity and natural gas distribution other than advisory and consulting services, wholesale services of electricity, retailing services of motor fuel, electricity and non-bottled gas (CPC 613, 62271, 63297, 7131 and 887 other than advisory and consulting services).

In FI: The transmission and distribution networks and systems of energy and of steam and hot water. The quantitative restrictions in the form of monopolies or exclusive rights for the importation of natural gas, and for the production and distribution of steam and hot water. Currently, natural monopolies and exclusive rights exist (CPC 7131 and 887 other than advisory and consultancy services).

In FR: The electricity and gas transmission systems and oil and gas pipeline transport (CPC 7131).

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In BE: The energy distribution services, and services incidental to energy distribution (CPC 887 other than consultancy services).

With respect to Market access (mode 3), National treatment (all modes), Local presence:

In BE: For energy transmission services, regarding the types of legal entities and to the treatment of public or private operators to whom BE has conferred exclusive rights. Establishment is required within the European Union (CPC 71310).

In BG: For services incidental to energy distribution (part of CPC 88).

In PT: For services incidental to the production, transmission and distribution of electricity, the manufacturing of gas, the pipeline transportation of fuels, wholesale services of electricity, retailing services of electricity and non-bottled gas, and services incidental to electricity and natural gas distribution. Concessions for electricity and gas sectors are assigned only to limited companies with their headquarters and effective management in Portugal (CPC 7131, 7422 and 887 other than advisory and consulting services).

In SK: An authorisation is required for the production, transmission and distribution of electricity, manufacture of gas and distribution of gaseous fuels, production and distribution of steam and hot water, pipeline transportation of fuels, wholesale and retail of electricity, steam and hot water, and services incidental to energy distribution, including services in the area of energy efficiency, energy savings and energy audit. An authorisation may only be granted if those activities are compliant with the National Energy Policy, and only to a natural person with permanent residency in the EEA or a juridical person of the EEA. An economic needs test is applied, and the application may be denied only if the market is saturated.

Existing measures:

BG: Energy Act.

CY: The Petroleum (pipelines) Law, Chapter 273 as amended; The Petroleum Law Chapter 272 as amended; Specifications, Sustainability Criteria and Emissions Reduction of Fuels Laws, Law 106(I)/2022 as amended;

The Regulating of the Gas Market Laws of 2004, Law 183(I)/2004 as amended; and

The Regulation of the Electricity Market Law of 2021, Law 130(I)/2021 as amended.

FI: Sähkömarkkinalaki (Electricity Market Act) (386/1995); Maakaasumarkkinalaki (Natural Gas Market Act) (587/2017).

FR: Code de l'énergie.

PT: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas; Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October – Electricity; and Decree-Law 31/2006, 15 February – Crude oil/Petroleum products.

SK: Act 51/1988 on Mining, Explosives and State Mining Administration;

Act 569/2007 on Geological Works;

Act 251/2012 on Energy; and

Act 657/2004 on Thermal Energy.

(b) Electricity (CPC 62271, 887 other than advisory and consulting services)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In CY: For services incidental to the generation, transmission, distribution and supply of electricity, persons may apply to CERA for a license only (a) in the case of a natural person if it is a national of and resident in the European Union, or (b) in the case of a juridical person, if it is established in the European Union and constituted under the law of a Member State and has its registered office, central administration or principal place of business within the European Union.

In FI: The importation of electricity. With respect to cross-border trade, the wholesale and retail of electricity.

In FR: Only companies where 100 % of the capital is held by the French State, by another public sector organisation or by Electricité de France (EDF), may own and operate electricity transmission or distribution systems.

With respect to Market Access (all modes), National treatment (all modes):

In BG: For services incidental to the production of electricity and the production of heat.

In LT: Wholesale and retail services and trading of electricity that originates from non-safe nuclear sources.

In PT: The activities of electricity transmission and distribution are carried out through exclusive concessions of public service.

With respect to Market access (mode 3), National treatment (mode 3), Most-favoured-nation treatment (mode 3), Local presence:

In BE: An individual authorisation for the production of electricity of a capacity of 25 MW or above requires establishment in the European Union, or in a third country which has a regime similar to that enforced by Directive 96/92/EC of the European Parliament and of the Council[1] in place, and where the company has an effective and continuous link with the economy.

The production of electricity within the offshore territory of BE is subject to concession and a joint venture obligation with a juridical person of the European Union, or with a juridical person of a third country having a regime similar to that of Directive 2003/54/EC of the European Parliament and of the Council [2], particularly with regard to conditions relating to the authorisation and selection.

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[1] Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity (OJ L 27, 30.1.1997, p. 20).

[2] Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC (OJ L 176, 15.7.2003, p. 37).

Additionally, the juridical person should have its central administration or its head office in a Member State or a third country meeting the above criteria, where it has an effective and continuous link with the economy.

The construction of electrical power lines which link offshore production to the transmission network of Elia requires authorisation and the company must meet the previously specified conditions, except for the joint venture requirement.

With respect to National treatment (mode 1), Local presence:

In BE: An authorisation is necessary for the supply of electricity by an intermediary having customers established in Belgium who are connected to the national grid system or to a direct line whose nominal voltage is higher than 70,000 volts. That authorisation may only be granted to a person of the EEA.

With respect to Market access (mode 3):

In FR: For services incidental to the production of electricity.

Existing measures:

BE: Arrêté Royal du 11 octobre 2000 fixant les critères et la procédure d'octroi des autorisations individuelles préalables à la construction de lignes directes;

Arrêté Royal du 20 décembre 2000 relatif aux conditions et à la procédure d'octroi des concessions domaniales pour la construction et l'exploitation d'installations de production d'électricité à partir de l'eau, des courants ou des vents, dans les espaces marins sur lesquels la Belgique peut exercer sa juridiction conformément au droit international de la mer; and Arrêté Royal du 12 mars 2002 relatif aux modalités de pose de câbles d'énergie électrique qui pénètrent dans la mer territoriale ou dans le territoire national ou qui sont installés ou utilisés dans le cadre de l'exploration du plateau continental, de l'exploitation des ressources minérales et autres ressources non vivantes ou de l'exploitation d'îles artificielles, d'installations ou d'ouvrages relevant de la juridiction belge.

Arrêté royal relatif aux autorisations de fourniture d'électricité par des intermédiaires et aux règles de conduite applicables à ceux-ci.

Arrêté royal du 12 juin 2001 relatif aux conditions générales de fourniture de gaz naturel et aux conditions d'octroi des autorisations de fourniture de gaz naturel.

CY: The Regulation of the Electricity Market Law of 2021, Law 130(I)/2021 as amended.

FI: Sähkömarkkinalak (Electricity Market Act) 588/2013.

FR: Code de l'énergie.

LT: Law on Necessary measures to protect against non-safe nuclear electrical threats from third countries of 20 April 2017 No XIII-306 (last amendment 19 December 2019, No XIII-2705).

PT: Decree-Law 215-A/2012; and

Decree-Law 215-B/2012, 8 October – Electricity.

(c) Fuels, gas, crude oil or petroleum products (CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88 and 887 other than advisory and consulting services)

With respect to Market Access (all modes), National treatment (all modes), Senior management and boards of directors:

In FI: To prevent control or ownership of a liquefied natural gas (LNG) terminal (including those parts of the LNG terminal used for storage or re-gasification of LNG) by foreign persons for energy security reasons.

In FR: Only companies where 100 % of the capital is held by the French State, by another public sector organisation or by ENGIE, may own and operate gas transmission or distribution systems for reasons of national energy security.

With respect to Market Access (all modes), National treatment (all modes):

In BE: For bulk storage services of gas, regarding the types of legal entities and the treatment of public or private operators to whom Belgium has conferred exclusive rights. Establishment is required within the European Union for bulk storage services of gas (part of CPC 742).

In BG: For pipeline transportation, storage and warehousing of petroleum and natural gas, including transit transmission (CPC 71310 and part of 742).

In PT: For the Cross-border supply (mode 1) of storage and warehousing services of fuels transported through pipelines (natural gas). Also, concessions relating to the transmission, distribution and underground storage of natural gas and the reception, storage and regasification terminal of LNG are awarded through contracts concession, following public calls for tenders (CPC 7131 and 7422).

With respect to Market access (mode 1), National treatment (mode 1), Local presence:

In BE: The pipeline transport of natural gas and other fuels is subject to an authorisation requirement. An authorisation may only be granted to a person established in a Member State (in accordance with Article 3 of the AR of 14 May 2002).

Where the authorisation is requested by a company:

(i) the company must be established in accordance with Belgian law, or the law of another Member State, or the law of a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council[1]; and

(ii) the company must hold its administrative seat, its principal establishment or its head office within a Member State, or a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC, provided that the activity of this establishment or head office represents an effective and continuous link with the economy of the third country concerned (CPC 7131).

In BE: In general, the supply of natural gas to customers (customers being both distribution companies and consumers whose overall combined consumption of gas arising from all points of supply attains a minimum level of one million cubic metres per year) established in Belgium is subject to an individual authorisation provided by the minister, except where the supplier is a distribution company using its own distribution network. Such an authorisation may only be granted to persons of the European Union.

[1] Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas (OJ L 204, 21.7.1998, p. 1).

With respect to Market access (all modes):

In HU: The supply of pipeline transport services requires establishment. Services may be provided through a Contract of Concession granted by the state or the local authority. The supply of this service is regulated by the Hungarian Concession Law (CPC 7131).

With respect to Market access (mode 1):

In LT: For pipeline transportation of fuels and services auxiliary to pipeline transport of goods other than fuel.

Existing measures:

BE: Arrêté Royal du 14 mai 2002 relatif à l'autorisation de transport de produits gazeux et autres par canalisations; and
Loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations (Article 8.2).

BG: Energy Act.

FI: Maakaasumarkkinalaki (Natural Gas Market Act) (587/2017).

FR: Code de l'énergie.

HU: Act XVI of 1991 about Concessions.

LT: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973.

PT: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas; Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October – Electricity; and Decree-Law 31/2006, 15 February – Crude oil/Petroleum products.

(d) Nuclear (CPC 887))

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In DE: For the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

With respect to Market Access (all modes), National treatment (all modes):

In AT, FI: for the production, processing distribution or transportation of nuclear material and generation or distribution of nuclear-based energy.

In BE: For the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

With respect to Market access (mode 3), National treatment (mode 3), Senior management and boards of directors:

In HU, SE: For services incidental to the processing of nuclear fuel and nuclear-based electricity generation.

With respect to National treatment (mode 3), Market access (mode 3), Senior management and boards of directors:

In BG: For services incidental to the processing of fissionable and fusionable materials or the materials from which they are derived, as well as to the trade therewith, to the maintenance and repair of equipment and systems in nuclear energy production facilities, to the transportation of those materials and the refuse and waste matter of their processing, to the use of ionising radiation, and on all other services relating to the use of nuclear energy for peaceful purposes (including engineering and consulting services and services relating to software etc.).

With respect to Market access (mode 3), National treatment (mode 3):

In FR: services incidental to the manufacturing, production, processing, generation, distribution or transportation of nuclear material must respect the obligations of an Euratom-India Agreement.

Existing measures:

AT: Bundesverfassungsgesetz für ein atomfreies Österreich (Constitutional Act for a Non-nuclear Austria) BGBl. I Nr. 149/1999.

BG: Safe Use of Nuclear Energy Act.

FI: Ydinenergialaki (Nuclear Energy Act) (990/1987).

HU: Act CXVI of 1996 on Nuclear Energy; and

Government Decree Nr. 72/2000 on Nuclear Energy.

SE: The Swedish Environmental Code (1998:808); and Act on Nuclear Activities (1984:3).

Reservation No. 23 – Other services not included elsewhere

Sector: Other services not included elsewhere

Industry classification: CPC 9703, part of 612, part of 621, part of 625 and part of 85990

Obligations concerned: Market access

National treatment

Senior management and boards of directors,

Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Funeral, cremation services and undertaking services (CPC 9703)

With respect to Market access (mode 3), National treatment (mode 3):

In FI: Cremation services and operation or maintenance of cemeteries and graveyards can only be performed by the state, municipalities, parishes, religious communities or non-profit foundations or societies.

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In DE: Only juridical persons established under public law may operate a cemetery. The creation and operation of cemeteries and services related to funerals.

In PT: Commercial presence is required to provide funeral and undertaking services. EEA nationality is required in order to become a technical manager for entities providing funeral and undertaking services.

In SE: Church of Sweden or local authority monopoly on cremation and funeral services.

In CY, SI: Funeral, cremation and undertaking services.

Existing measures:

FI: Hautaustoimilaki (Act on Burial Service) (457/2003).

PT: Decree-Law 10/2015, of 16 January, alterado p/ Lei 15/2018, 27 março.

SE: Begravningslag (1990:1144) (Act of Burials); Begravningsförordningen (1990:1147) (Ordinance of Burials).

(b) Other business-related services

With respect to Local presence:

In FI: Require establishment in Finland or elsewhere in the EEA in order to provide electronic identification services.

Existing measures:

FI: Laki vahvasta sähköisestä tunnistamisesta ja sähköisistä luottamuspalveluista 617/2009 (Act on Strong Electronic Identification and Electronic Trust Services 617/2009).

(c) New services

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: For the provision of new services other than those classified in the United Nations Provisional Central Product Classification (CPC), 1991.

ANNEX 8-G

SCOPE, DEFINITIONS AND OBLIGATIONS RELATED TO INTERNATIONAL MARITIME TRANSPORT SERVICES OF THE EUROPEAN UNION

SECTION A

SCOPE AND DEFINITIONS

1. This Annex applies to measures of the European Union affecting the supply of international maritime transport services.

2. For the purposes of this Annex, Annex 8-E (Schedule of existing measures of the European Union) and Annex 8-F (Schedule of future measures of the European Union), the following definitions apply:

(a) "container station and depot services" means activities that consist of storing, stuffing, stripping or repairing of containers and making containers available for shipment, whether in port areas or inland;

(b) "customs clearance services" means activities consisting of carrying out, on behalf of another party, customs formalities concerning import, export or through transport of cargoes, irrespective of whether these services are the main activity of the service supplier or a usual complement of its main activity;

(c) "door-to-door or multimodal transport operations" means the transport of international cargo using more than one mode of transport, including an international sea-leg, under a single transport document;

(d) "feeder services" means, without prejudice to the scope of activities that may be considered cabotage under the relevant national laws and regulations, the pre- and onward transportation by sea of international cargo, including containerised, break bulk and dry or liquid bulk cargo, between ports located in the territory of the Union, provided such international cargo is "en route", that is, directed to a destination, or coming from a port of shipment, outside the territory of the European Union;

(e) "international cargo" means cargo transported between a port of the European Union and a port of India or of a third country, or between ports of different Member States;

(f) "international maritime transport services" means the transport of passengers or cargo by sea-going vessels between a port of the European Union and a port of India or of a third country, or between ports of different Member States, including the direct contracting with providers of other transport services, with a view to covering door-to-door or multimodal transport operations under a single transport document, but does not include the right to provide such other transport services;

(g) "maritime agency services" means activities that consist of representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

(i) marketing and sales of maritime transport and related services, from quotation to invoicing, issuance of bills of lading on behalf of the lines or companies, acquisition and resale of the necessary related services, preparation of documentation and provision of business information; or

(ii) acting on behalf of the lines or companies organising the call of the ship or taking over cargoes when required;

(h) "maritime auxiliary services" means maritime cargo handling services, customs clearance services, container station and depot services, maritime agency services, maritime freight forwarding services, and storage and warehousing services;

(i) "maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators but not including the direct activities of dockers if the workforce is organised independently of the stevedoring or terminal operator companies. Such activities include the organisation and supervision of:

(i) loading or discharging of cargo to or from a ship;

(ii) the lashing or unlashing of cargo; and

(iii) the reception or delivery and safekeeping of cargoes before shipment or after discharge;

(j) "maritime freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the arrangement of transport and related services, preparation of documentation and provision of business information; and

(k) "storage and warehousing services" means storage services of frozen or refrigerated goods, bulk storage services of liquids or gases, and other storage or warehousing services.

SECTION B

OBLIGATIONS

For the purposes of Chapter 8 (Trade in services), Annex 8-E (Schedule of existing measures of the European Union) and Annex 8-F (Schedule of future measures of the European Union), the European Union understands that, with respect to its commitments for international maritime transport services the principle of unrestricted access to the international maritime markets and trades on a commercial and non-discriminatory basis shall be implemented by:

(a) according to ships flying the flag of India, or operated by service suppliers of India, treatment no less favourable than that accorded to its own vessels or international maritime transport services suppliers, or to vessels or international maritime transport service suppliers of a third country with regard to, among others:

(i) access to port facilities;

(ii) the use of port infrastructure and services of ports, such as pilotage, towing and tug assistance, provisioning, bunkering and watering, garbage collecting and ballast waste disposal, port captain's services, navigation aids, emergency repair facilities, anchorage, berth, berthing and unberthing services and shore-based operational services essential to ship operations, including communications, water and electrical supplies;

(iii) the use of maritime auxiliary services;

(iv) access to customs facilities; and

(v) the assignment of berths and facilities for loading and unloading, including related fees and charges, specifications and quality;

(b) permitting international maritime transport service suppliers of India, subject to the authorisation by the competent authority where applicable, to re-position owned or leased empty containers, which are not being carried as cargo against payment, between ports of a Member State;

(c) permitting international maritime transport service suppliers of India to provide feeder services between ports of a Member State, subject to the authorisation by the competent authority where applicable;

(d) not introducing cargo-sharing arrangements in future agreements with third countries concerning international maritime transport services, including dry and liquid bulk and liner trade, and terminating, within a reasonable period of time, such cargo-sharing arrangements in case they exist in previous agreements; and

(e) not adopting or maintaining a measure that requires all or part of any international cargo to be transported exclusively by vessels registered in the European Union or owned or controlled by natural persons of the European Union.

ANNEX 8-H

SCHEDULE OF SPECIFIC COMMITMENTS OF INDIA

Explanatory notes to the Schedule of specific commitments of India

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated 10 July 1991).

2. The reference to "CPC" against specific sectors is a reference to the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991), except for:

a. sectors where "CPC Ver. 1.1" is indicated, the reference is to the Central Product Classification (Statistical Papers Series M No. 77, Ver. 1.1, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 2002); or

b. sectors where "CPC Ver. 2" is indicated, the reference is to the Central Product Classification (Statistical Papers Series M No. 77, Ver. 2, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 2008).

3. The use of "**" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.

4. The Schedule does not include measures relating to qualification requirements and procedures, technical standards, authorisation requirements, and licensing requirements and procedures where they do not constitute a limitation within the meaning of Article 8.4 (Market access) or Article 8.5 (National treatment). These measures may include, in particular, the need to obtain a licence, to satisfy universal service obligations, to have recognised qualifications in regulated sectors, to have completed a recognised period of training, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any non-discriminatory requirements that certain activities may not be carried out in protected zones or areas. While not listed, such measures continue to apply.

5. The Schedules of the European Union in Annexes 8-E (Existing measures of the European Union) and 8-F (Future measures of the European Union) shall not be used to interpret India's commitments or obligations under Chapter 8 (Trade in services).

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS (Applicable for all sectors included in this Schedule)			
(i) Social services	1), 2), 3) and 4): Unbound with respect to social services established or maintained for a public purpose, such as income security, social security, insurance and social welfare. Such services may be subject to public monopolies or to exclusive rights granted to private operators.		

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(ii) Legal entity	3) (a) Unless otherwise specified in the sectoral commitments, commercial presence shall take the form of incorporation of a company in accordance with the law of India; or (b) Certain limited activities may also be undertaken as permitted under Foreign Exchange Management Act (hereinafter referred to as "FEMA") and any other applicable law by a foreign entity through liaison office or representative office, project office or branch office, subject to relevant approvals, and assessment of profitability and minimum net worth requirements of the parent company.	3) As provided under the column for Limitations on market access (hereinafter referred to as "Market Access column" or "MA column").	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(iii) FDI policy related	3) In addition and without prejudice to equity and other restrictions specified in sectoral commitments of this Schedule, Market Access (hereinafter referred to as "MA") and National Treatment (hereinafter referred to as "NT") restrictions specified in the Consolidated FDI Policy Circular of 2020 and applicable regulations of the FEMA, as revised and amended from time to time, shall be applicable, provided that any changes to the Consolidated FDI Policy Circular of 2020 and amendments to applicable FEMA regulations shall not be applied in a manner so as to nullify or impair the benefits under the terms of a specific commitment.[1]	3) In addition and without prejudice to equity and other restrictions specified in sectoral commitments of this Schedule, MA and NT restrictions specified in the Consolidated FDI Policy Circular of 2020 and applicable regulations of the FEMA, as revised and amended from time to time, shall be applicable, provided that any changes to the Consolidated FDI Policy Circular of 2020 and amendments to applicable FEMA regulations shall not be applied in a manner so as to nullify or impair the benefits under the terms of a specific commitment.[2]	

[1] It is understood that India's commitments are without prejudice to any policies or regulations that it may adopt or maintain with a view to ensuring national security.

[2] It is understood that India's commitments are without prejudice to any policies or regulations that it may adopt or maintain with a view to ensuring national security.

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(iv) Residency of director		3) At least one director and manager of a company incorporated in India must be resident of India.	
(v) Acquisition of immoveable property		3) A person resident outside India, who has established in India a branch office or other place of business authorized by the Reserve Bank of India (hereinafter referred to "RBI"), other than a liaison office, may acquire immoveable property when such acquisition is necessary for or incidental to carrying on of the permitted activity.	
(vi) Payments to a foreign collaborator resulting from technology transfer		3) Payments to a foreign collaborator resulting from technology transfer or on the use of trademarks and brand names of the foreign collaborator will be regulated.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(vii) Taxation		1), 3) and 4) Taxation law for domestic and foreign service suppliers, as per the provisions of the relevant applicable law shall apply.	
(viii) Entry and temporary stay of a natural person of the European Union	4) Unbound except for measures concerning the entry and temporary stay of natural persons of the European Union covered under Annex 8-A (Entry and temporary stay of natural persons), and subject to the terms of that Annex and this Schedule.	4) Unbound except as indicated in the MA column for the categories of natural persons of the European Union covered under Annex 8-A (Entry and temporary stay of natural persons), and subject to the terms of that Annex and this Schedule.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(ix) Requirements for e-commerce entity[1]	1), 2) and 4): An e-commerce entity shall appoint a nodal person of contact or an alternate senior designated functionary who is resident in India, to ensure compliance with the provisions of the Consumer Protection Act, 2019 or the rules made thereunder.	3) An e-commerce entity shall appoint a nodal person of contact or an alternate senior designated functionary who is resident in India, to ensure compliance with the provisions of the Consumer Protection Act, 2019 or the rules made thereunder.	
(x) TRIPS related	1), 2), 3) and 4): Unbound for all measures that constitute exception to, or derogation from, Articles 3 or 4 of the TRIPS Agreement, as specifically provided for in Articles 3, 4, and 5 of that Agreement.	1), 2), 3) and 4): Unbound for all measures that constitute exception to, or derogation from, Articles 3 or 4 of the TRIPS Agreement, as specifically provided for in Articles 3, 4, and 5 of that Agreement.	

[1] An e-commerce entity is as defined in Consumer Protection (E-Commerce) Rules, 2020, made under Consumer Protection Act, 2019, as amended from time to time.

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
II. SECTOR SPECIFIC COMMITMENTS[1]			
1. BUSINESS SERVICES A. Professional services			
(b) Accounting and book-keeping services (CPC 862**) (excluding auditing services)	1) None 2) None 3) None, except that commercial presence can only take the form of sole proprietorship, partnership or limited liability partnership firms. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section and further subject to the requirement of obtaining professional indemnity insurance from home country of service provider. 1), 2), 3) and 4) Services requiring use of title of Chartered Accountant or Cost and Works Accountant under applicable domestic law can be rendered only subject to registration with the relevant professional body under a scheme of reciprocity.	

[1] It is understood that India's commitments are without prejudice to any policies or regulations that it may adopt or maintain with a view to ensuring national security.

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(b) Auditing services (CPC 862**)	1) Unbound 2) None 3) None except that commercial presence can only take the form of sole proprietorship, partnership or limited liability partnership firms. 4) Unbound except as indicated in the horizontal section. 2) and 4) Local presence may be required.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section and further subject to the requirement of obtaining professional indemnity insurance from home country of service provider. 2), 3) and 4) Services requiring use of title of Chartered Accountant or Cost and Works Accountant under applicable domestic law can be rendered only subject to registration with the relevant professional body under a scheme of reciprocity.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(c) Advisory and consulting relating to taxation services (CPC 863**) (Services encompasses only advice and consulting relating to tax planning; but excludes: preparation of documentation such as returns or reports required for compliance with income tax laws, authentication and filing of such returns or reports or other statutory audit reports, and representation before tax authorities or tribunals)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(d) Architectural services (CPC 8671)	1) None 2) None 3) None except that commercial presence would be only through sole proprietorship or incorporation as partnership firm constituted by architects.	1), 2) and 3) None except that services requiring use of title and style of 'Architect' under applicable national law shall be subject to registration with the relevant professional body under a scheme of reciprocity.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	4) Unbound except for the categories of natural persons specified in the horizontal section who: (a) undertake the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or (b) are recognized as 'Architect' under applicable Member States' law, subject to registration of such person with relevant professional body under a scheme of reciprocity between India and that Member State. 1), 2) and 4) Residency is required for services requiring use of title and style of 'Architect' under applicable national law	4) Unbound except for the categories of persons indicated in the MA column and subject to restrictions specified in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(e) Engineering services (CPC 8672)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None except that commercial presence would be only through sole proprietorship or incorporation as partnership firm constituted by architects.	1), 2) and 3) None except that services requiring use of title and style of 'Architect' under applicable national law shall be subject to registration with the relevant professional body under a scheme of reciprocity.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	4) Unbound except for the categories of natural persons specified in the horizontal section who: (a) undertake the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or (b) are recognized as 'Architect' under applicable Member States' law, subject to registration of such person with the relevant professional body under a scheme of reciprocity between India and that Member State. 1), 2) and 4) Residency is required for services requiring use of title and style of 'Architect' under applicable national law.	4) Unbound except for the categories of persons indicated in the MA column and subject to restrictions specified in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(h) Medical and dental services (CPC 9312)	1) Unbound except for provision of services on provider-to-provider basis such that the transaction is between established medical institutions covering areas of second opinion to help in diagnosis of cases or in the field of research. 2) None 3) None subject to the condition that the latest technology for treatment will be brought in. 4) Unbound except for categories of natural persons specified in the horizontal section, who are involved in charitable purposes, and subject to permissions from relevant authorities.	1) None 2) None 3) None 4) Unbound except for the categories of persons indicated in the MA column and subject to restrictions specified in the horizontal section. Professionals qualified outside India can practice medicine for charitable purposes, and dentistry for teaching and research purposes, subject to permissions from relevant authorities under the applicable domestic law.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(i) Veterinary services (CPC 932)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4): Residency is required under applicable law	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(j) Services provided by midwives, nurses, physiotherapists and para-medical personnel (CPC 93191)	1) Unbound except for provision of services on provider-to-provider basis such that the transaction is between established medical institutions covering areas of second opinion to help in diagnosis of cases or in the field of research. 2) None 3) None subject to the condition that the latest technology for treatment will be brought in. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3 None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Computer and related services (CPC 841, 842, 843, 844, 845 and 849)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
C. Research and Development services Explanatory note: Commitment on Research and Development (hereinafter referred to as "R&D") services does not include accessing biological resources for the purposes of R&D, or transfer of results based on R&D of biological resources accessed in India.			

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(a) R&D services on the following natural sciences only: Heat, light, electromagnetism, astronomy, but excluding atomic energy and related matters (CPC 85101) Engineering and technology, including applied science and technology for casting, metal, machinery, electricity, communications, vessels, aircrafts, civil engineering, construction, information, etc. (CPC 85103)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(a) R&D services in agricultural sciences (CPC 85104)	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	
(b) R&D services on social sciences and humanities, excluding law (CPC 852**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
R&D Services on biotechnology excluding medical biotechnology	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
D. Real estate service			
(b) On a fee or contract basis (CPC 822)	1) None 2) None 3) None for Consultancy services. 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
E. Rental/Leasing Services (without operators)			
(a) Rental/leasing services without operators relating to ships (CPC 83103) (excluding the services of actual international transport of cargo)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as indicated in the horizontal section.	
(b) Rental/leasing services without operators relating to aircraft (CPC 83104)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(c) Rental/leasing services without operator relating to other transport equipment (CPC 83101, 83102 and 83105) (excluding Railroad transport and multimodal transport)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as indicated in the horizontal section.	
(d) Rental/leasing services without operators relating to other machinery and equipment (CPC 83106, 83107, 83108 and 83109)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(e) Other (CPC 832)			
Rental/leasing service concerning personal and household goods (CPC 832)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as indicated in the horizontal section.	
F. Other business services			
(a) Advertising services Sale of leasing services of advertising space of time (CPC 87110) Planning, creating and placement of services of advertising (CPC 87120)	1) None subject to the requirement that foreign channels must seek advertising for the down link beam through domestic entities and foreign print media must seek advertisement through domestic entities. 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None subject to the requirement that majority of content would be created locally by Indian nationals. 2) None 3) None except that persons controlling management of the company in India shall be resident in India. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(c) Management consulting services, excluding all services relating to legal consultancy (CPC 86501**, 86502**, 86503**, 86505**, 86506** and 86509**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(d) Services related to management consulting (CPC 86601)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(g) Services incidental to fishing (CPC 882)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(h) Services incidental to mining (CPC 883 and 5115)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(j) Services incidental to energy distribution (CPC 887**), excluding energy trading and load dispatch functions	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(k) Placement and supply services of Personnel (CPC 872)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(m) Related Scientific and technical consulting services (CPC 8675**) – excluding map making (CPC 86754) and hydrographic related surface surveying services	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(n) Maintenance and repair of equipment (CPC 633)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(o) Building-cleaning services (CPC 874)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(p) Photographic services, excluding aerial photography, satellite pictures and satellite enabled photography (CPC 875**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(q) Packaging services (CPC 876)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(s) Convention services (CPC 87909*)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(t) Specialty design services (CPC 87907**)	1) None 2) None 3) None except that commercial presence would be only through sole proprietorship or incorporation as partnership firm constituted by architects.	1), 2), 3) None except that services requiring use of title and style of 'Architect' under applicable national law shall be subject to registration with the relevant professional body under a scheme of reciprocity.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	4) Unbound except for the categories of natural persons specified in the horizontal section who: (a) undertake the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or (b) are recognized as 'Architect' under applicable Member States' law, subject to registration of such person with the relevant professional body under a scheme of reciprocity between India and that Member State. 1), 2), and 4) Residency is required for services requiring use of title and style of 'Architect' under applicable national law.	4) Unbound except for the categories of persons indicated in the MA column and subject to restrictions specified in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Other: Telephone based support services (i) Telephone call centre services (CPC Ver. 1.1/2 - 85931): This subclass includes: (a) taking orders for clients by telephone (b) soliciting contribution or providing information for clients by telephone (c) telemarketing, and	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None except that there may be requirements related to Senior Management and Boards of Directors. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(ii) Other telephone-based support services (CPC Ver. 1.1/2 – 85939): This subclass includes: (a) telephone answering services (b) telephone wake-up services			
Duplicating Services (CPC 87904)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
Translation and interpretation services (CPC 87905)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
2C. TELECOMMUNICATIONS SERVICES[1]			
(a) Voice telephone services (CPC 7521**) and Cellular mobile telephone (b) Packet switched Data Transmission Services (CPC 7523**) (i) Radio Paging Services (ii) Internet Services (c) Circuit switched data transmission services (CPC 7523**)	1) Unbound 2) None 3) The service will be permitted to be provided as per license agreement only after the Service Supplier, incorporated as a company in India, gets a licence from the Designated Authority. The Service Supplier should be a company registered in India with maximum foreign investment up to 100 %. For foreign investment more than 49 %, Government approval would be required.	1) Unbound 2) None 3)(i) None except the following: – The Chief Officer in charge of Technical Network Operations, Chief Security Officer and officer/officials of the licensee companies dealing with the lawful interception of messages, shall be resident Indian citizens. – The majority Directors on the Board of the licensee company shall be Indian citizens.	

[1] Excluding broadcasting services and measures affecting such services.

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(d) Telex Service (CPC 7523**) (e) Telegraph Services (CPC 7522**) (f) Facsimile Services (CPC 7521** and CPC 7529**) (g) Private Leased Circuit Services (CPC 7522** and 7523**) (o) Others (i) V-Sat Services (ii) Global Mobile Personal Communications Services (iii) Infrastructure Providers (Category I)	Number of licenses, may, however, be limited due to scarce resources such as right of way and spectrum availability subject to a minimum of two licenses in each service area. Resale of telephone services is not permitted. 4) Unbound except as indicated in the horizontal commitments.	– The positions of the Chairman, managing Director, Chief Executive Officer and/or Chief Financial Officer, if held by foreign nationals, would require to be security vetted by the Government of India annually. – All foreign personnel likely to be deployed by the licensee for installation, operation and maintenance of the licensee's network shall also be security cleared by the Government of India prior to their deployment. 3)(ii) Unbound for Indian Government Public Sector Undertakings. 4) Unbound except as indicated in the horizontal commitments.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Data and Message Transmission Services, in the following: (h) Electronic mail (CPC 7523**) (i) Voice mail (CPC 7523**) (j) On-line information and data base retrieval (CPC 7523**) (k) Electronic Data Interchange (EDI) (CPC 7523**) (l) Enhanced/ value added facsimile services, including store and forward, store and retrieve (CPC 7523**) (n) On-line information and data processing (CPC 843**)	1) None except the provision of all services is subject to commercial arrangements with licensed Telecom service suppliers. 2) None 3) The service will be permitted to be provided as per license agreement only after the Service Supplier, incorporated as a company in India, gets a licence from the Designated Authority. For foreign investment more than 49 %, Government approval would be required. 4) Unbound except as indicated in the horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal commitments.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES (Excluding services covered under Coasting Trade as defined in India's domestic law.)			
A. General construction work for buildings (CPC 512) B. General Construction work for civil engineering (CPC 513**) C. Installation and assembly work (CPC 514 and 516) D. Building completion and finishing work (CPC 517) E. Other (CPC 511, 515 and 518)	1) None 2) None 3) None except: (i) Foreign investment in construction of farm houses is prohibited. (ii) Construction services relating to petroleum sector shall be subject to economic needs tests and other applicable regulatory requirements. (iii) Subject to relevant state and local law. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None As provided in MA column, and additionally all foreign investment (except in the case of construction work in respect of hotels, tourist resorts, hospitals, special economic zones, educational institutions, old age homes and investments by non-resident Indians) shall be subject to regulatory requirements specified under the Consolidated FDI Policy Circular 2020 and relevant FEMA regulations such as restrictions on repatriation of the foreign investment during a lock-in period of three years calculated for each tranche of FDI.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
		State and local level regulations, including land-use requirements, building bye-laws and provision of community amenities and common facilities, shall apply. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
4. DISTRIBUTION SERVICES (EXCLUDING DISTRIBUTION OF ARMS, MUNITIONS, EXPLOSIVES AND OTHER WAR MATERIAL AND LIVE ANIMALS)			
A. Commission agents' services			
Commission agents' services covering sales on a fee or contract basis of: Agricultural raw materials (CPC 62111**) Food products excluding beverages and tobacco (CPC 62112**) Machinery, industrial equipment and vehicles other than motor vehicles, bicycles and motorcycles (CPC 62114) Furniture, household goods, hardware and ironmongery (CPC 62115) Textiles, clothing and footwear (CPC 62116)	1) None 2) None 3) None subject to approval of the RBI/ Government and in conformity with the FEMA regulations, as applicable, and except for requirements as may be specified under relevant state and local level law. 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None except as indicated in MA column. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Wholesale trade services			
Wholesale trade services: Agricultural raw materials excluding live animals (CPC 6221**) Food excluding beverages and tobacco (CPC 6222**) Textiles, clothing and footwear (CPC 6223) Household appliances, articles and equipment (CPC 6224) Miscellaneous consumer goods (CPC 6226) Machinery, equipment and supplies (CPC 6228)	1) None 2) None 3) None subject to approval of RBI/ Government and in conformity with the FEMA regulations, as applicable, and requirements as may be specified under relevant state and local level law. 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None except as indicated in the MA column. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
C. Retailing Services			
Single Brand Product Retail Services (excluding in prohibited sectors as specified in India's Consolidated FDI Policy Circular of 2020 and in natural gas and petroleum and natural gas products, tobacco and liquor and subject to the conditions mentioned in India's Consolidated FDI Policy Circular of 2020 and applicable regulations under the FEMA.)	1) Unbound 2) Unbound 3) None except foreign investment up to 51 % allowed subject to conformity with India's Consolidated FDI Policy Circular of 2020 and FEMA regulations and any other law including at state/local level, as applicable. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
D. Franchising Services			
Franchising Services in respect of Single Brand retailing services as specified in category C above.	1) Unbound 2) Unbound 3) None subject to approval of RBI and conformity with India's Consolidated FDI Policy Circular of 2020 with respect to Single Brand Product Retail trading and FEMA regulations and any other law, including at state/local level, as applicable. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section.	
5. EDUCATIONAL SERVICES (only privately funded services)			

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
C. Higher education services (CPC 923)	1) None subject to the condition that service providers would be subject to regulations, as applicable to domestic providers in the Member State of origin and subject to terms and conditions of approval from relevant authority in India for educational programmes leading to award of a recognized degree, diploma, doctoral programmes, etc. 2) None 3) None subject to the condition that fees to be charged can be fixed by an appropriate authority and that such fees do not lead to charging capitation fees or to profiteering. Subject further to such regulations already in place or to be prescribed by the appropriate regulatory authority including at state / local levels. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
6. ENVIRONMENTAL SERVICES (Excluding public services functions whether owned and operated or contracted out by local, regional or central government)			
A. Sewage services (CPC 9401)	1) None for consultancy services. 2) None 3) None subject to conformity with any law at state/local level, as applicable. 4) Unbound except as indicated in the horizontal section.	1) None for consultancy services. 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Refuse disposal services (CPC 9402) C. Sanitation and similar services (CPC 9403)	1) None for consultancy services. 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None for consultancy services. 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
D. Cleaning services of exhaust gases (CPC 94040)	1) None for consultancy services. 2) None 3) None subject to conformity with any law at state/local level, as applicable. 4) Unbound except as indicated in the horizontal section.	1) None for consultancy services. 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
7. FINANCIAL SERVICES 1. All the commitments are subject to entry requirements, domestic laws, rules, regulations, guidelines and the terms and conditions of the RBI, Securities and Exchange Board of India (hereinafter referred to as "SEBI"), Insurance Regulatory and Development Authority of India (hereinafter referred to as "IRDAI") and any other competent authority in India. Such measures shall not be used as a means to nullify or impair the specific commitment in this schedule.			

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
2. For Financial Services, "(iv) Residency of Director" limitation on NT inscribed in the Horizontal Commitment of this Schedule shall be replaced as "3) The composition of the board and management of a company incorporated in India shall be as per the regulations notified by the relevant regulator of the sector."			
A. Insurance and Insurance Related Services			

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(i) Direct insurance (a) Life insurance	1) Unbound 2) Unbound 3) None except that commercial presence would be through incorporation of a company and subject to fulfilment of minimum capitalisation norms. 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) As provided under the MA column and provided that at least one among the Chairperson of its Board, its Managing Director and its Chief Executive Officer, shall be a Resident Indian Citizen. 4) Unbound except as indicated in the horizontal section	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(i) Direct insurance (b) Non-life insurance	1) Unbound except (i) in the case of insurance of freight, where there is no requirement that goods in transit to and from India should be insured with Indian insurance companies only. Insurance is taken by the buyer or seller in accordance with the terms of the contract. Once under a contract the Indian importer or exporter agrees to assume the responsibility for insurance such as in the case of f.o.b. contracts for imports into India or c.i.f. contracts for exports from India, insurance has to be taken only with an Indian insurance company.	1) Unbound 2) Unbound 3) As provided under MA column and provided that at least one among the Chairperson of its Board, its Managing Director and its Chief Executive Officer, shall be a Resident Indian Citizen. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	(ii) that Indian companies are statutorily required to take prior permission of the IRDAI before they take out or renew any policy of insurance in respect of any property in India or any ship or other vessel or aircraft registered in India with an insurer whose principal place of business is outside India. 2) Unbound 3) None except that commercial presence would be through incorporation of a company and subject to fulfilment of minimum capitalisation norms. 4) Unbound except as indicated in the horizontal section.		

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(ii) Reinsurance and retrocession	1) and 2) Reinsurance can be taken by non-life insurers with foreign reinsurers to the extent of the residual uncovered risk after obligatory or statutory placements domestically with Indian reinsurers. While obtaining reinsurance support, the order of preference shall be followed by non-life insurers as specified under IRDAI regulations. 3) None except that commercial presence would be through incorporation of a company and subject to fulfilment of minimum capitalisation norms. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) For reinsurance companies incorporated in India, as provided under the MA column and provided that at least one among the Chairperson of its Board, its Managing Director and its Chief Executive Officer, shall be a Resident Indian Citizen. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(iii) Insurance intermediation	1) and 2) Unbound except that reinsurance of domestic risks can be placed abroad with foreign reinsurers through a reinsurance broker registered with IRDAI. 3) (i) Overseas brokers are allowed, subject to registration by the IRDAI and in compliance with the extant regulations. (ii) The reinsurance/composite brokers registered with the IRDAI shall not share more than 50 % of the remuneration with the foreign insurance broker for the services obtained from them. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment (excluding claim settlement services)	1) None 2) Unbound 3) Auxiliary services, other than actuarial services: None except that commercial presence would be through incorporation of a company in India. Actuarial Services: Commercial presence through partnerships subject to approval under applicable law and formal certification by Institute of Actuaries of India. 4) Unbound except as in the horizontal section.	1) None except for certification and residency requirements for actuarial services. 2) None 3) Auxiliary services, other than actuarial services: As provided under MA column and provided that residency requirements for key managerial personnel, restrictions on repatriation and compliance with disclosure requirements, shall apply as provided under law. Actuarial Services – Unbound 4) Unbound except as in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Banking and other financial services (excluding insurance)			
(i) Acceptance of deposits and other repayable funds from the public (ii) Lending of all types, including consumer credit, mortgage credit, factoring, and financing of commercial transactions (iii) All payment and money transmission services including credit, charge and debit cards, travellers' cheques and bankers' drafts		1) Unbound 2) Unbound 3) (i) Unbound for WOS (ii) Public sector enterprises can invest surplus funds in term deposits only with scheduled commercial banks incorporated in India; their investment of surplus funds in term deposits with WOS would be subject to applicable guidelines / law.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(iv) Guarantees and commitments (v) Trading for own account of the following: (A) money market instruments (including cheques, bills, certificates of deposits) (B) foreign exchange (C) transferable securities (vi) Clearing services for cheques, drafts and other payment instruments	1) Unbound 2) Unbound 3) (i) In each of the services sub-sectors indicated in points (i)-(vi) in which commitments are being undertaken for banking and non-banking financial services companies, access is subject to fulfilment of minimum capitalisation norms and subject to regulations of the RBI and any other competent authority in India.	(iii) For transferable securities indicated in point (v) (C) in the sub-sector column, Unbound except as indicated in the MA column. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	(ii) The applicable legal form of presence for all activities listed in this section of the Schedule, except where separately specified under the specific sub-sectors, shall be only through one of the three channels, i.e., (a) branch operations of a foreign bank: 15 branches over 4 years for European Union banks, or (b) as a wholly owned subsidiary ("WOS") of a foreign bank licensed and supervised as a bank in its home country; or.		

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	(c) through foreign investment by a foreign bank in a private sector bank in India through FDI, subject to foreign investment ceiling of 74 % (with 49 % under automatic route, and beyond 49 % with approval from the Government or RBI). The single mode of presence under points (a) or (b) shall be subject to the following requirements: – opening of branches by foreign banks in branch or WOS mode shall also be subject to the requirements regarding economic needs tests, reciprocity, inclusive banking and any other prudential requirements, that may be specified by the RBI.		

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	– the branch operations or WOS can also hold investment not exceeding 5 % in a private sector bank in India. In the private sector banks under point (c), any acquisition and maintenance of 5 % or more of the paid-up capital or voting rights of the bank by a single entity or group of related entities shall be subject to prior approval of the RBI and periodic assessment of the concerned shareholder by the concerned bank. Foreign banks shall not acquire any fresh stake in a bank's equity shares, if by such acquisition, the investing bank's holding is 10 % or more of the investee bank's equity capital. Investments in other financial services companies by branches of foreign banks licensed to do banking business in India individually not to exceed 10 % of owned funds or 30 % of the invested company's capital whichever is lower.		

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	Licences for new foreign bank branches may be denied when the maximum share of assets in India both on and off balance sheet of foreign banks to total assets both on and off balance sheet of the banking system exceeds 15 %. Restrictions would be placed on further entry of new WOS of foreign banks, when the capital and reserves of foreign banks (i.e., WOSs and foreign bank branches) in India exceed 20 % of the capital and reserves of the banking system. In such eventuality prior approval of RBI will be required for capital infusion into the existing WOSs of foreign banks. Foreign banks are subject to non-discriminatory resource allocation requirements.		

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	For transferable securities indicated in point (v) (C) of sub sector column – In addition to the above conditions, commercial presence through locally incorporated joint venture company with foreign investment not exceeding 74 %. The foreign investment participation will be limited to recognized foreign stock broking companies. 4) Unbound except as indicated in the horizontal section		

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Financial leasing; factoring; venture capital; Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues	1) Unbound 2) Unbound 3) (i) Access is subject to fulfilment of minimum capitalisation norms, and subject to regulations of the RBI, SEBI and any other competent authority in India. (ii) Allowed for foreign financial services companies (including banks) through incorporation as a company in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound except for entities established in accordance with the limitation specified in the MA column. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Money broking	1), 2) and 3) Unbound 4) Unbound except as indicated in the horizontal section.	1), 2) and 3) Unbound 4) Unbound except as indicated in the horizontal section.	
Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services	1), 2) and 3) None, except that supply of services shall be subject to domestic law (extant and future) with reference to data, including its transfer, storage and processing. 4) Unbound except as indicated in the horizontal section.	1), 2) and 3) None except as indicated in the MA column. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services (excluding pension fund management)	1) Unbound 2) Unbound 3) (i) Access is subject to fulfilment of minimum capitalisation norms, and subject to regulations of the RBI, SEBI and any other competent authority in India. (ii) Commercial presence would be through incorporation as a company in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) None except as indicated in the MA column. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Financial consultancy services, i.e., financial advisory services provided by financial advisers, etc. to customers on financial matters, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	1) Unbound except for research analysts' services by the entities of the European Union who have entered into an agreement with research analysts or research entities registered under the respective law of India. 2) Unbound 3) (i) Access is subject to fulfilment of minimum capitalisation norms, and subject to regulations of the RBI, SEBI and any other competent authority in India. (ii) Allowed for foreign banks licensed to do banking business in India. (iii) Allowed for foreign financial services companies (including banks) through incorporation. 4) Unbound except as indicated in the horizontal section.	1) Unbound except as indicated in the MA column. 2) Unbound 3) Unbound except as indicated in the MA column. 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Electronic payment systems	1) Access to respective Fast Payment Systems (hereinafter referred to as "FPS") infrastructure on a reciprocal basis, without a need to get onboarded onto the other payment system, through interlinking of FPS for (i) cross-border merchant payments and (ii) real-time cross-border remittances, except that supply of services shall be subject to domestic law (extant and future) with reference to data, including its transfer, storage and processing. 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
8. HEALTH-RELATED AND SOCIAL SERVICES (only privately funded services)			
A. Hospital services (CPC 9311)	1) None for provision of services on provider-to-provider basis. 2) None 3) None except that commercial presence subject to the condition that the latest technology for treatment will be brought in. 4) Unbound except as indicated in the horizontal section. None for charitable purposes.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
9. TOURISM AND TRAVEL-RELATED SERVICES			
A. Hotels and other lodging services (CPC 641- 643)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
B. Travel agency and tour operator services (CPC 7471)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
C. Tourist guides services (CPC 7472)	1) Unbound 2) None 3) None except numerical ceiling in relation to the number of tourist guides is 500 guides. 4) Numerical ceiling in relation to the number of tourist guides is 500 guides. For others: Unbound except as indicated in horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audio-visual services)			
A. Entertainment services (including theatre and live bands (CPC 9619**) Other entertainment services n.e.c. (CPC 96199) are excluded	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
C. Library services (CPC 96311) and archive services, excluding archival management of public records (CPC 96312**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
D. Sporting and other recreational services (CPC 964**) (excluding lottery, gambling, betting and online gaming services)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section and subject to reciprocity.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
11. TRANSPORT SERVICES			
Headnote for Maritime transport services and Maritime auxiliary services: 1. The sectoral commitments as inscribed below are subject to the requirement that the chartering of any vessel, other than an Indian vessel, by a citizen of India or a non-resident Indian or an overseas citizen of India or a company or a co-operative society or a limited liability partnership or any other entity as the Central Government may specify, shall be subject to licensing requirements, wherever applicable, under applicable domestic law."			

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
2. In addition, and without prejudice to paragraph 1 of this Headnote and the sectoral limitations specified as below, all sectoral commitments are subject to non-discriminatory domestic law, entry requirements, rules and regulations and the terms and conditions of the Directorate General of Shipping, RBI and any other competent authority in India.			

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
A. Maritime transport services			
International transport (freight and passengers excluding cabotage and offshore transport as defined in the Attachment)	1) (a) Liner shipping And (b) Bulk shipping (i) Dry, liquid and gas (other than LNG) None except: Preference will be given to Indian Flag vessels for government cargoes; and Government owned/ controlled cargo. Government policy on FOB/FAS will hold good.	1) (a) Liner shipping And (b) Bulk shipping (i) Dry, liquid and gas (other than LNG): None except as indicated in the Market Access column (ii) LNG: Unbound (c) Passenger: None 2) None	Access to and use of port facilities No measures shall be applied to the following services which deny reasonable and non-discriminatory access to international maritime suppliers:

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	For chartering a vessel for carriage of any government or privately owned/controlled cargoes for export or import, Indian flag vessels will have the first right of refusal for carrying cargoes. Only if such permission cannot be given to Indian Flag vessel, a foreign flag vessel be allowed to be in-chartered/taken on rental basis. (ii) LNG: Unbound (c) Passenger: None 2) None	3) (a) None except as indicated in the Market Access column. (b) Other forms of commercial presence for the supply of International Maritime Transport Services (as per definitions): Unbound 4) Unbound except as indicated in the horizontal section	1. Pilotage 2. Towing, tug assistance and pushing 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast water disposal 5. Port Captain services

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	3) (a) None except for the condition that for operating a ship under the Indian flag, a registered company, or a cooperative society under any Central Act or State Act having its principal place of business in India, must be established. (b) Other forms of commercial presence for the supply of International Maritime Transport Services (as per definitions): Unbound 4) Unbound except as indicated in the horizontal section		6. Navigation aids water and electrical supplies including communications 7. Shore based operational services essential to ship operations, 8. Emergency repair facilities 9. Anchorage, berth and berthing services.

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Maritime Auxiliary Services			
Maritime cargo handling services	1) Unbound 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
Storage and Warehousing services in ports	1) Unbound 2) None 3) None except that commercial presence will be only by establishing a Company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Customs clearance services	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	
Container station and depot services	1) Unbound 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Maritime agency services	1) None 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
Maritime freight forwarding services	1) None 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
International rental/ charter of vessels with crew or on bareboat basis (excluding cabotage and offshore transport)	1) Unbound 2) None except obtaining permission from Director General of Shipping for chartering a foreign flag vessel in the absence of availability of a suitable Indian vessel. 3) Unbound 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None except vessels rented by Indian nationals are considered as foreign vessels. 3) Unbound 4) Unbound except as indicated in the horizontal section.	
Maintenance and repairs of seagoing vessels	1) None 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Ship broking service (CPC 748**)	1) Unbound 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Dredging and cable laying services in coastal waters	1) None subject to the condition that the supply of dredging and cable laying services in the coastal waters of India shall be subject to meeting requirements under the domestic law. For chartering a vessel for the supply of dredging and cable laying services in the coastal waters of India, Indian flag vessels will have the first right of refusal for such supply. Only if such permission cannot be given to Indian flag vessel, a foreign flag vessel be allowed to be in-chartered or taken on rental basis.	1) None except as indicated in the MA column. 2) Unbound 3) (a) None except as indicated in the MA column. (b) Other forms of commercial presence for the supply of services in coastal waters: Unbound 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	2) Unbound 3) (a) None except for the condition that for operating a ship under the Indian flag, a registered company, or a cooperative society under any Central Act or State Act having its principal place of business in India, must be established. The commitment is subject to requirements of domestic law. (b) Other forms of commercial presence for the supply of services in coastal waters: Unbound 4) Unbound except as indicated in the horizontal section.		

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Air Transport Services and Auxiliary Air Transport Services			
Air Transport Services			
Aircraft repair and maintenance services	1) None 2) None except that aircraft repair and maintenance services for Indian registered aircraft and their components can be rendered by the European Union Maintenance, Repair and Overhaul (MRO) service providers based on Directorate General of Civil Aviation's (hereinafter referred to as "DGCA") approval under a scheme of reciprocity between DGCA and European Union Aviation Safety Agency (hereinafter referred to as "EASA"). 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None except as provided in the MA column. 3) None 4) Unbound except as indicated in the horizontal section.	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Auxiliary Air Transport Services India's commitments in airport operation and groundhandling services are as per the definitions agreed in Chapter 8 (Trade in services)			
Airport operation Services	1) Unbound 2) Unbound 3) None 4) Unbound	1) Unbound 2) Unbound 3) None. 4) Unbound	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Groundhandling services	1) Unbound 2) Unbound 3) None except that (a) Categories of activities depend on the size of the airport. The number of service suppliers in each airport can be limited. For big airports, this limit may not be less than two services suppliers. (b) A groundhandling agency, with foreign ownership of 50 % or more of its paid-up capital shall not be allowed to undertake ground handling activities at the civil enclave. 4) Unbound	1) Unbound 2) Unbound 3) None except where (a) the European Union provides to groundhandling service suppliers of India treatment less favourable than the treatment provided by India to groundhandling service suppliers of the European Union; or	

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
		(b) the European Union provides to groundhandling service suppliers of India treatment less favourable than the treatment provided to groundhandling service suppliers of the European Union or of a third country; India may provide to groundhandling service suppliers of the European Union differential treatment than the treatment provided to them under the regulations of India. 4) Unbound	

ATTACHMENT TO SCHEDULES OF SPECIFIC COMMITMENTS OF INDIA:
DEFINITIONS RELATED TO MARITIME TRANSPORT SERVICES

1. "International transport (freight and passenger)", for the purpose of this Schedule, is to mean transportation of international maritime freight and passengers by seagoing vessels from the port of loading in one country to the port of discharge in another country.

2. Cabotage: This Schedule does not include any commitments on "Cabotage" or "Maritime transport services" which are described as transportation of passengers or goods between any port or place located in India and any other port or place located in India and transportation of passengers or goods originating or terminating in the same port or place located in India including transportation of passengers or goods between a port or a place located in India and another port, place, installation and structures situated in the Exclusive Economic Zone (hereinafter referred to as "EEZ") of India or on the continental shelf of India.

3. Offshore transport: For the purposes of the Schedule only, "Offshore transport" refers to shipping services involving the transportation of passengers or goods between a port located in India and any location installation or structure associated with or incidental to the exploration or exploitation of natural resources of the continental shelf of India, the seabed of the Indian coastal seas and the subsoil of the seabed, or situated on the continental shelf of India or in the EEZ of India.

4. "Other forms of commercial presence for the supply of international transport services" means ability for international maritime transport service suppliers to undertake local activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which maritime transport constitutes a substantial element. These activities include, but are not limited to:

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

(b) acquisition on their own about or on behalf of their customers (and the resale to their customers) for any transport and related services, including anchorage, berth and berth services, and onward transport services by any mode, particularly road and rail, inland waterways, necessary for the supply of the integrated services;

(c) the preparation of transport documents, customs documents, or other documents related to the origin and character of goods transported;

(d) the provision of business information, including computerized information systems and electronic data interchange;

(e) setting up of business arrangements with any locally established shipping agency and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to horizontal commitments on movement of personnel);

(f) organizing any aspect of the call of the vessel or taking control over cargoes;

(g) the provision of ships managers' services.

NOTE: In order to enforce certain standards and conditions which need to be fulfilled by shipping service suppliers, particularly those providing ship personnel and crew and also those engaged in providing ships management services, and to ensure that the owner, operator, agent or manager has:

– the capability of implementing international standards as well as IMO stipulations and recommendations;

– the necessary financial structure so that he is responsible and accountable;

– the capability of implementing, the safety; and marine pollution controls;

– fulfilled requirements of quality management and his operations are transparent,

a system of registration or licensing of shipping service supplier is also under consideration in India.

5. "Ship managers" means persons entering India as the agents or representatives of a ship's owner or operator for the purposes of assessing requirements, negotiating and authorizing expenditures necessary to the maintenance and operations of a vessel as well as the handling of cargo.

6. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dock workers, when this workforce is organized independently of the stevedoring or terminal operator companies. The activities covered, include the organisation and supervision of:

– the loading or discharging of cargo to or from a ship;

– the lashing or unlashing of cargo;

– the reception or delivery and safekeeping of cargoes before shipment or after discharge.

The organisation and supervision includes the arrangements for (1) engaging skilled workers (dockworkers), (2) using all necessary equipment for on board or shore use and appropriate storage space, whether by ownership, rental or otherwise, (3) the checking of parcels and markings, the weighing and measuring of cargo, and (4) the administrative duties and responsibilities related to the services.

7. "Maritime freight forwarding services" means the activity of organising and monitoring shipments on behalf of shippers through providing such services as the arrangement of actual transport and related services, consolidation, aggregation, packing of cargo, preparation of documentation and provision of business information.

8. "Maritime agency services" means activities in representing, within a given geographic area, the business interests of one or more shipping lines or shipping companies for the following purposes:

   – marketing and sales of maritime transport and related activities from quotation to invoicing (cargo booking and canvassing);

   – issuance of bills of lading on behalf of the companies;

   – acquisition and resale of other necessary related services (settlement of disbursements and claims) preparation of documentation, and provision of business information;

   – acting on behalf of the companies in organising the call of the ship or taking control of cargoes;

   – to make arrangement in order to get all necessary port services required by the foreign vessel during its stay in Indian ports;

– to appoint a stevedoring company for cargo loading and unloading on behalf of its principal;

– to collect freight on behalf of the principal.

9. "Government cargo" means cargo originating from other countries (import cargoes including crude oil), petroleum by products, coal, natural gas, raw materials for fertilizers, food-grains etc.) purchased by Indian Government agencies or departments or based on loan or credit agreements with other countries, as well as exports by Indian Government agencies or Departments including Government aid.

10. "Maintenance and repairs of vessels" means services such as repairs and management of vessels, mending, fixing or overhauling of a vessel, management of crew and marine insurance, provided on behalf of a maritime passenger or cargo transport business, or vessel leasing business.

11. "International rental of vessels with crew or on bare-boat charter basis" means rental and/ or leasing services of all types of sea-going vessels with crew or on bare-boat basis (whereafter the ship will be manned by Indian nationals only during the period of rental/ lease) for the purposes of international trade (like tankers, dry bulk cargo vessels, cargo and freight vessels etc.).

Appendix 8-H-1

MOST-FAVOURED-NATION TREATMENT SECTORAL COVERAGE OF INDIA

1. The reference to the "CPC" against specific sectors or sub-sectors is a reference to the Provisional Central Product Classification (Statistical Papers, Series M, No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

2. India reserves the right to adopt or maintain any measure that accords differential treatment pursuant to:

   (a) any existing or future bilateral or multilateral agreement which:

      (i) creates an internal market in services and investment;

      (ii) grants the right of establishment of commercial presence; or

      (iii) requires the approximation of legislation in one or more economic sectors.

      An internal market on services and investment means an area without internal frontiers in which the free movement of services, capital, and persons is ensured.

The right of establishment of commercial presence means an obligation to abolish in substance all barriers to establishment of commercial presence among the parties to the regional economic integration agreement by the entry into force of that agreement. The right of establishment of commercial presence shall include the right of nationals of the parties to the regional economic integration agreement to set up and operate juridical persons under the same conditions provided for nationals under the law of the country where such establishment takes place.

The approximation of legislation means:

(i) the alignment of the legislation of one or more of the parties to the regional economic integration agreement with the legislation of the other party or parties to that agreement; or

(ii) the incorporation of common legislation into the law of the parties to the regional economic integration agreement.

Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at such time that it has been enacted in the law of the party or parties to the regional economic integration agreement.

(b) any existing or future bilateral or multilateral agreement between India and any country or countries included in the United Nations list of Least Developed Countries (hereinafter referred to as "LDCs") for as long as any such country or countries do not graduate from the LDC category.[1,2]

3. India reserves the right to adopt or maintain any measure that accord differential treatment with respect to the entry of natural persons of a third country into India.

4. India reserves the right to adopt or maintain any measures that accord differential treatment that constitutes exception to, or derogation from, Article 3 or 4 of the TRIPS Agreement, as specifically provided for in Articles 3, 4, and 5 of that Agreement.

5. Subject to paragraphs 2, 3 and 4, India shall accord to services and service suppliers of the European Union treatment no less favourable than that it accords to like services and service suppliers of a third country in respect of the following sectors and subsectors. For greater certainty, "treatment no less favourable" does not require India to accord treatment that is more favourable than that provided to like services or service suppliers of a third country. For example, if India accords treatment to services or service suppliers of a third country subject to certain conditions, it may apply the same conditions to like services or service suppliers of the European Union.

(a) Accounting and auditing services (CPC 862);

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1 In respect of LDCs that share land border with India, this paragraph shall apply even after graduation of such countries from the LDC category.

2 This subparagraph shall not apply to differential treatment accorded by India to services and service suppliers of any country that is party to a multilateral agreement covered by this subparagraph, if that country is not an LDC.

(b) Taxation services (CPC 863);

(c) Architectural services (CPC 8671);

(d) Urban planning and landscape architectural services (CPC 8674);

(e) Engineering services (CPC 8672);

(f) Integrated engineering services (CPC 8673);

(g) Medical and dental services (CPC 9312);

(h) Veterinary services (CPC 932);

(i) Services provided by midwives, nurses, physiotherapists and paramedical personnel (CPC 93191);

(j) Consultancy services related to the installation of computer hardware (CPC 841);

(k) Software implementation services (CPC 842);

(l) Data processing services (CPC 843);

(m) Data base services (CPC 844);

(n) Other computer and related services (CPC 845, 849);

(o) R&D services on natural sciences and engineering (CPC 851);

(p) Interdisciplinary R&D services (CPC 853);

(q) Advertising services (CPC 871);

(r) Services incidental to agriculture (CPC 8811);

(s) Services incidental to manufacturing (CPC 884 and 885);

(t) Services incidental to forestry (CPC 8814);

(u) Management consulting services – excluding services relating to legal consultancy (part of CPC 865);

(v) Services related to management consulting (CPC 866);

(w) Related scientific and technical consulting services (CPC 8675);

(x) Building cleaning services (CPC 874);

(y) Photographic services (CPC 875);

(z) Packaging services (CPC 876);

(aa) Convention services (CPC 87909);

(bb) Interior design services (part of CPC 87907);

(cc) General construction work for buildings (CPC 512);

(dd) Installation and assembly work (CPC 514, 516);

(ee) Building completion and finishing work (CPC 517);

(ff) Whole sale trade services (CPC 622);

(gg) Retailing services (CPC 631, 632, 6111, 6113 and 6121);

(hh) Higher education services (CPC 923);

(ii) Adult education services (CPC 924);

(jj) Sewage services (CPC 9401);

(kk) Refuse disposal services (CPC 9402);

(ll) Sanitation and similar services (CPC 9403);

(mm) Other environmental services (CPC 9404, 9405, 9406 and 9409);

(nn) Hospital services (CPC 9311);

(oo) Hotels and restaurants (incl. catering) (CPC 641, 642 and 643);

(pp) Travel agencies and tour operators services (CPC 7471); and

(qq) Tourist guides services (CPC 7472).

ANNEX 14-A

CARBON BORDER ADJUSTMENT MEASURES

ARTICLE 14-A.1

Objectives and principles

The Parties acknowledge the need to strengthen and enhance their regulatory, economic and technical partnership to advance their efforts towards greenhouse gas emissions reduction. Cooperation between the Parties under this Annex shall complement the cooperation-related activities set forth in other Chapters of this Agreement and in other relevant agreements or arrangements and shall have, among others, the objectives of:

(a) enhancing efforts to reduce greenhouse gas emissions, including through regulatory cooperation, technical assistance and the mobilisation of financial resources, tools and instruments;

(b) facilitating the exchange of technical expertise and know-how towards building institutional capacity on carbon pricing mechanisms and assisting the respective industries towards compliance with carbon border adjustment measures; and

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(c) supporting SMEs in their efforts to reduce greenhouse gas emissions, including through technical support, to comply with carbon border adjustment measures.

ARTICLE 14-A.2

Most-favoured-nation treatment

For carbon border adjustment measures, the Parties shall apply no less favourable conditions to the other Party's goods than those applied to like goods from other third countries as regards any flexibilities granted in the implementation of their carbon border adjustment measures.

ARTICLE 14-A.3

Technical dialogue

The Parties shall engage in a technical dialogue covering, among others:

(a) technical exchanges on the implementation of carbon border adjustment measures, including:

(i) their product scope and embedded emissions coverage;

(ii) monitoring, reporting and verification processes; and

(iii) the possibility to take into account the carbon price effectively paid in the other Party under a carbon emissions reduction scheme, calculated on greenhouse gases covered by such a measure and released during the production of goods;

(b) exchanges of information and technical data to facilitate the establishment of default values under carbon border adjustment measures or under other measures relevant for the implementation of carbon border adjustment measures;

(c) exploring the possibility of and, if relevant, conditions for, mutual recognition of accreditation bodies for the accreditation of verifiers, for the purposes of checking compliance with carbon border adjustment measures; and

(d) technical assistance, exchange of expertise and know-how on carbon emission reduction policies, including on points (a), (b) and (c).

ARTICLE 14-A.4

Cooperation and support

1. The European Union shall endeavour to support India's greenhouse gas emission reduction efforts, in particular through the mobilisation of financial resources, tools, instruments and related investments, as appropriate.

2. Cooperation and support under this Annex may include technical assistance and capacity building, support to technological innovation, and sharing of information, data and best practices.

3. Cooperation and support under this Article shall aim to promote India's domestic greenhouse gas emission reduction and long-term industrial transformation.

4. The Parties recall that they have entered into a Memorandum of Understanding establishing a structured partnership platform to expand and deepen cooperation and support towards greenhouse gas emissions reduction. This Memorandum of Understanding is envisaged to provide a comprehensive framework combining, in particular, financial support, technical assistance and capacity building.

ARTICLE 14-A.5

Institutional provisions

The Parties recall that Article 18.8 (Rapid reaction mechanism) applies to this Annex.

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ANNEX 17-A

RULES OF PROCEDURE FOR DISPUTE SETTLEMENT

RULE 1

Scope

1. In accordance with Article 17.21 (Rules of procedure), these Rules of Procedure apply to consultations and panel procedures under Chapter 17 (Dispute settlement).

2. In the event of an inconsistency between these Rules of Procedure and Chapter 17 (Dispute settlement), Chapter 17 (Dispute settlement) shall prevail to the extent of the inconsistency.

RULE 2

Definitions

For the purposes of this Annex:

(a) "adviser" means a person retained by a Party to advise or assist that Party in connection with a panel procedure;

(b) "assistant" means a person who, under the terms of appointment and under the direction and control of a panellist, conducts research or provides assistance to that panellist or ADR provider;

(c) "non-working day" means, with regard to a Party, Saturday, Sunday and any other day officially designated by that Party as a public holiday and published in the Official Journal of the European Union or the Official Gazette of India, respectively; and

(d) "representative of a Party" means an employee of, or any person appointed by, a government department, agency or any other public entity of a Party who represents that Party for the purposes of a dispute under Chapter 17 (Dispute settlement).[1]

RULE 3

Notifications

1. Any request, notice, written submission or other document (hereinafter referred to as "notification") of:

(a) the panel shall be delivered to both Parties at the same time;

[1] For greater certainty, a non-governmental organisation shall not be a representative of a Party, unless agreed by the Parties.

(b) a Party, addressed to the panel, shall be copied to the other Party at the same time; and

(c) a Party, addressed to the other Party, shall be copied to the panel at the same time.

2. Any notification shall be made by e-mail or, where appropriate, any other means of telecommunication that provides a record of its sending. Unless proven otherwise, such notification shall be deemed to be delivered on the date of its sending.

3. The date of sending shall be determined according to the time zone in Brussels, if the sending Party is the European Union, or New Delhi, if the sending Party is India.

4. Notifications shall be addressed to the Directorate-General responsible for Trade of the European Commission and to the Foreign Trade (Europe) Division of the Department of Commerce, Ministry of Commerce and Industry, Government of the Republic of India, respectively, or to their designated contact point.

5. Minor errors of a clerical nature in a notification related to a panel procedure may be corrected by delivering a new notification clearly indicating the changes. Such corrections shall not affect the timetable for the procedure. Any disagreement regarding whether or not the correction is of a clerical nature shall be resolved by the panel after consulting the Parties.

6. If the last day for the delivery of a notification falls on a non-working day of the institutions of the European Union or of the Government of the Republic of India, or on any other day on which the offices of the European Union or of the Government of the Republic of India are officially closed, the time period for the delivery of the document shall end on the next working day.

RULE 4

Appointment of panellists

1. For the purposes of Article 17.7(9) (Establishment and composition of a panel), the complaining Party shall select by lot:

(a) a panellist from the individuals who have been formally proposed by a Party as panellists for its sub-list pursuant to points (a) or (b) of Article 17.8(2) (List of panellists), as applicable, or, in the absence of those, from the individuals who have been formally proposed by the other Party for that Party's sub-list;

(b) a chairperson from the individuals who have been formally proposed by one or both Parties for the sub-list of chairpersons pursuant to point (c) of Article 17.8(2) (List of panellists); if both Parties have formally proposed individuals for the sub-list of chairpersons, the complaining Party shall ensure that an equal number of names shall be drawn from each Party's proposals to constitute a joint pool of candidates from which the selection by lot shall be made.

2. The complaining Party shall notify, in writing, each individual who has been selected to serve as a panellist of their selection. Each individual shall confirm their availability to both Parties within five days after the date of delivery of the notification.

3. The panellists shall accept their appointment by signing the appointment contracts. The Parties shall endeavour to ensure that, at the latest by the time all the selected panellists have confirmed their availability, they have agreed on the remuneration and the reimbursement of expenses of the panellists and assistants, and have prepared the necessary appointment contracts, with a view to having them signed promptly. The remuneration and expenses of the panellists shall be based on WTO standards on the date a complaining Party makes a request for the establishment of a panel pursuant to Article 17.7 (Establishment and composition of a panel). The remuneration and expenses of an assistant or assistants of a panellist shall not exceed 50 % of the remuneration and expenses of that panellist.

RULE 5

Organisational meeting and timetable

1. Unless the Parties agree otherwise, they shall meet the panel within seven days after the establishment of the panel in order to discuss such matters as the Parties or the panel deem appropriate, including the timetable of the panel procedure.

2. The organisational meeting may be conducted by any means, including telephone, video-conference or other electronic means of communication, unless the Parties agree that it shall take place in person.

3. After consulting the Parties, the panel shall, as soon as practicable after the establishment of the panel and no later than seven days after the organisational meeting, determine the timetable of the panel procedure.

RULE 6

Written submissions

1. The complaining Party shall deliver its written submission no later than 20 days after the date of establishment of the panel, and no later than 15 days in cases of urgency. The Party complained against shall deliver its written submission no later than 30 days after the date of delivery of the written submission of the complaining Party, and no later than 25 days in cases of urgency.

2. If it is not possible to deliver a document, or any part thereof, including an exhibit, in electronic format, the Party submitting the document shall inform the panel and the other Party thereof and deliver, by the most expeditious means practicable, three paper copies of the document concerned to the panel and one copy to the other Party.

3. Documents delivered by electronic means should be in a searchable format, unless this is not practicable.

RULE 7

Operation of the panel

1. The chairperson of the panel shall preside at all its meetings. The panel may delegate to the chairperson the authority to make administrative and procedural decisions.

2. Unless otherwise provided for in Chapter 17 (Dispute settlement) or in these Rules of Procedure, the panel may conduct its activities through any means, including telephone, video-conference, or any other electronic means of communication.

3. The panel's deliberations shall be confidential. Only panellists may take part in the deliberations of the panel, but the panel may permit their assistants to be present during such deliberations.

4. The drafting of any decision or report shall remain the exclusive responsibility of the panel and shall not be delegated.

5. If a procedural question arises that is not covered by Chapter 17 (Dispute settlement) or its Annexes, the panel, after consulting the Parties, may adopt an appropriate procedure that is compatible with those provisions.

6. The panel shall ensure a prompt settlement of the dispute. If the panel considers that there is a need to modify any of the time periods for the panel procedure other than the time periods set out in Chapter 17 (Dispute settlement) or to make any other procedural or administrative adjustment, it shall inform the Parties in writing of the reasons for the modification or adjustment and of the time period or adjustment needed. The panel may adopt the modification or adjustment after consultation of the Parties.

RULE 8

Replacement of panellists

1. If a panellist resigns or is unable to act, they shall notify the Parties and a successor panellist shall be appointed in accordance with Article 17.20 (Replacement of panellists) and 17.7 (Establishment and composition of a panel). The notification shall be sent to the Parties and to the other panellists.

2. If a Party considers that a panellist does not comply with the requirements of Annex 17-B (Code of Conduct for panellist and alternative dispute resolution providers), and for this reason should be replaced, that Party shall notify the other Party within 15 days after the date on which it obtained sufficient evidence of the panellist's alleged non-compliance.

3. The Parties shall consult within 15 days after the date of the notification referred to in paragraph 2. Unless the Parties agree that there is no compliance issue, they shall inform the panellist of the alleged non-compliance and may request the panellist to take steps to remedy it. If the Parties agree, they may remove the panellist and select a new panellist in accordance with Article 17.7 (Establishment and composition of a panel) and Article 17.20 (Replacement of panellists).

4. If the Parties fail to agree on the need to replace a panellist other than the chairperson of the panel, either Party may refer this matter to the chairperson of the panel, whose decision shall be final.

5. If the chairperson finds that the panellist does not comply with the requirements of Annex 17-B (Code of Conduct for panellist and alternative dispute resolution providers), the panellist shall be removed and a new panellist shall be selected in accordance with Article 17.7 (Establishment and composition of a panel) and Article 17.20 (Replacement of panellists).

6. If the Parties fail to agree on the need to replace the chairperson of the panel, either Party may refer the matter to one of the other individuals on the sub-list of chairpersons established pursuant to Article 17.8 (Lists of panellists). The name shall be drawn by lot by the referring Party.[1] The decision by the selected individual on the need to replace the chairperson shall be final.

7. If the individual selected pursuant to paragraph 6 finds that the chairperson does not comply with the requirements of Annex 17-B (Code of Conduct for panellist and alternative dispute resolution providers), the chairperson shall be removed and a new chairperson shall be selected in accordance with Article 17.7 (Establishment and composition of a panel) and Article 17.20 (Replacement of panellists).

RULE 9

Hearings

1. Based on the timetable determined pursuant to Rule 5 (Organisational meeting and timetable), after consulting with the Parties and the other panellists, the chairperson of the panel shall notify to the Parties the date, time and venue of the hearing. That information shall be made publicly available by the Party in which the hearing takes place.

2. Unless the Parties agree otherwise, the hearing shall be held in Brussels if the complaining Party is India and in New Delhi if the complaining Party is the European Union. The hosting Party shall be in charge of the logistical administration of the hearing and, unless the Parties agree otherwise, bear the expenses derived therefrom.

[1] The referring Party shall give reasonable opportunity for representatives of the other Party to be present when the lot is drawn.

3. Notwithstanding paragraph 2, the panel may decide, on request of a Party, to hold a virtual or hybrid hearing and make appropriate arrangements, taking into account the rights of due process.

4. The panel, on request of a Party or on its own initiative, may convene additional hearings if the Parties so agree.

5. All panellists shall be present during the entirety of the hearing.

6. Unless the Parties agree otherwise, the following persons may attend the hearing:

(a) representatives and advisers of a Party; and

(b) assistants, interpreters and other persons whose presence is required by the panel to assist the panel in its work, such as technicians or experts.

7. If the hearing is open to the public, it may be transmitted electronically to the public at the time of the hearing or at a later time, or through any other means that the Parties consider appropriate. Unless the Parties agree otherwise, registration for public viewing of the hearing shall be required. The panel may decide on further logistical arrangements.

8. Each Party shall deliver a written version of its oral statements before the panel within one day after the hearing.

9. No later than three days before the date of a hearing, each Party shall deliver to the panel and to the other Party a list of names of the persons who will make oral arguments or presentations in the hearing on behalf of that Party and of other representatives and advisers who will be attending the hearing.

10. The panel shall conduct the hearing in a manner ensuring that the Parties are treated on an equal footing and are afforded equal time to present their arguments. All presentations and statements shall be made in the presence of the Parties, unless a Party chooses not to attend. The chairperson may set time limits for oral arguments.

11. The hearing should include the following:

(a) argument of the complaining Party;

(b) argument of the responding Party;

(c) the reply of the complaining Party;

(d) the counter-reply of the responding Party;

(e) closing statement of the complaining Party; and

(f) closing statement of the responding Party.

12. The panel may direct questions to either Party at any time during the hearing.

13. The panel shall arrange for a recording of the hearing to be delivered to the Parties as soon as possible after the hearing.

14. Each Party may deliver a supplementary written submission concerning any matter that arose during the hearing within 10 days after the conclusion of the hearing.

RULE 10

Written questions of the panel

1. The panel may at any time during the panel procedure submit questions in writing to one or both Parties. Any question submitted to one Party shall be copied to the other Party.

2. A Party shall copy its response to the panel's questions to the other Party. The other Party may provide comments in writing on that response within seven days after the delivery of the copy.

RULE 11

Confidentiality

1. Confidential information consists of:

(a) confidential business information;

(b) information that is protected against being made available to the public under this Agreement;

(c) information that is protected against being made available to the public, in the case of information of the complaining Party, under the law of the complaining Party, and in the case of information from the Party complained against, under the law of the Party complained against; or

(d) information the disclosure of which would impede law enforcement.

2. The panel shall meet in closed session if the submission and arguments of a Party contain confidential information. Each Party shall maintain the confidentiality of any hearing that is held in closed session.

3. Each Party and the panel shall treat as confidential any information designated by a Party as confidential pursuant to paragraph 1. If a Party submits to the panel a written submission which contains confidential information, it shall, on request of the other Party, also provide a submission without the confidential information, which may be made public.

4. Nothing in these Rules of Procedure shall prevent a Party from disclosing statements of its own positions to the public.

5. If the Parties disagree on whether information qualifies as confidential, the panel shall decide, on request of a Party, after consultation with the Parties.

RULE 12

Ex parte contacts

1. The panel and each panellist shall not meet or contact a Party in the absence of the other Party.

2. A panellist shall not discuss any aspect of the subject matter of the panel procedure with the Parties in the absence of the other panellists.

3. Without prejudice to Rule 8 (Replacement of panellists), a Party shall not meet or contact a panellist in relation to the dispute. Any contact between a Party and an individual who is under consideration for selection as a panellist shall be limited to issues relating to that individual's availability and their appointment contract.

RULE 13

Urgent cases

In cases of urgency as referred to in Article 17.12 (Decision on urgency), the panel, after consulting the Parties, may adjust, as appropriate, the timetable for that dispute. The adjustments shall be without prejudice to the time periods specifically prescribed in Chapter 17 (Dispute settlement) and in these Rules of Procedure for cases of urgency. The panel shall, as a general rule, for cases of urgency halve the time periods applicable to other disputes, unless specifically provided otherwise in Chapter 17 (Dispute settlement) or in these Rules of Procedure. The panel shall notify the Parties of those adjustments.

RULE 14

Working language and translation

1. Within five days after the date of receipt of the request for consultations, the Parties shall endeavour to agree on a common working language for consultations and the panel procedure.

2. If the Parties are unable to agree on a common working language, the language in which this Agreement was negotiated shall be the working language for all aspects of the procedure.

3. Panel reports and decisions shall be issued in the working language.

4. If a Party submits a document in a language that is not the working language, it shall at the same time submit a translation thereof at its own costs.

RULE 15

Other procedures

The Panel shall, after consulting the Parties, adjust the time periods set out in these Rules of Procedure in line with the time periods provided for the delivery of a report or decision by the panel pursuant to Article 17.16 (Reasonable period of time), Article 17.17 (Compliance review), Article 17.18 (Compensation and suspension of concessions or other obligations) and Article 17.19 (Review of any compliance measure taken after the adoption of temporary remedies).

ANNEX 17-B

CODE OF CONDUCT
FOR PANELLISTS AND ALTERNATIVE DISPUTE RESOLUTION PROVIDERS

RULE 1

Definitions

For the purposes of this Annex:

(a) "administrative staff" means, in respect of a panellist or ADR provider, persons under the direction and control of a panellist or ADR provider, other than assistants;

(b) "assistant" means an individual who, under the terms of appointment and under the direction and control of a panellist or ADR provider, conducts research or provides assistance to that panellist or ADR provider; and

(c) "candidate" means an individual who is under consideration for selection as a panellist pursuant to Article 17.7 (Establishment and composition of a panel).

RULE 2

Provision of the Code of Conduct

The Parties shall provide this Code of Conduct to a candidate before their appointment as a panellist pursuant to Article 17.7 (Establishment and composition of a panel) or an ADR provider when they are requested to provide their services pursuant to Article 17.4 (Alternative dispute resolution).

RULE 3

Governing principles

1. In order to preserve the integrity and impartiality of the dispute settlement process, each candidate and panellist shall:

(a) get acquainted with this Code of Conduct;

(b) be independent and impartial;

(c) avoid direct or indirect conflicts of interests;

(d) avoid impropriety and the appearance of impropriety or bias;

(e) observe high standards of conduct; and

(f) not be influenced by self-interest, outside pressure, political considerations, public clamour, prior affiliation with a Party, loyalty to a Party or fear of criticism.

2. A panellist shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of their duties.

3. A panellist shall not use their position on the panel to advance any personal or private interests. A panellist shall avoid actions that may create the impression that others are in a special position to influence them. A panellist shall make every effort to prevent or discourage others from representing themselves as being in such position.

4. A panellist shall not allow past or existing financial, business, professional, personal, family, or social relationships or responsibilities to influence their conduct or judgement.

5. A panellist shall avoid entering into any relationship or acquiring any financial interest that is likely to affect their impartiality or that might reasonably create an appearance of impropriety or bias.

RULE 4

Disclosure obligations

1. Prior to the acceptance of their appointment as a panellist pursuant to Article 17.7 (Establishment and composition of a panel), a candidate requested to serve as a panellist shall disclose any interest, relationship or matter that is likely to affect their independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceedings. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters including financial, business, professional, personal, family or social interests and disclose them by a written communication to the Parties promptly after having been contacted to serve as a panellist.

2. The disclosure obligation pursuant to this Rule is a continuing duty which requires a panellist to disclose any such interests, relationships or matters that may arise during any stage of the proceedings, by a written communication to the Parties, and as soon as they become aware of them.

3. In case of doubt regarding whether an interest, relationship or matter must be disclosed, a candidate or panellist should err on the side of disclosure.

RULE 5

Duties of panellists

1. A panellist shall comply with Chapter 17 (Dispute settlement) and Annex 17-A (Rules of Procedure for dispute settlement). In performing their duties, each panellist shall recognise that the prompt settlement of disputes is essential to the effective functioning of this Agreement.

2. Once appointed, a panellist shall perform their duties thoroughly and expeditiously throughout the proceedings, and with fairness and diligence.

3. The panellists shall work together in a collegial manner, so that all panellists are able to participate in all aspects of the proceedings.

4. A panellist shall consider only the issues raised in the proceedings and necessary for a decision and shall not delegate this duty to any other person.

5. A panellist shall take all appropriate steps to ensure that their assistants and administrative staff are aware of, and comply with, this Code of Conduct.

6. Once appointed in any panel procedure under Chapter 17 (Dispute settlement), a panellist shall refrain, for the duration of that procedure, from acting as counsel or party-appointed expert witness in any new or pending dispute, under this Agreement or another international agreement, that directly addresses the same measure in dispute or that arises out of the facts giving rise to the procedure under Chapter 17 (Dispute settlement).

RULE 6

Maintenance of confidentiality

1. A panellist shall not, at any time, disclose any non-public information concerning the proceedings or acquired during the proceedings, nor use it except for the purpose of the proceedings. A panellist shall not, in any case, disclose or use such information to gain personal advantage or advantage for others or to adversely affect the interest of others.

2. A panellist shall not disclose a report or decision of the panel, or parts thereof, prior to its publication in accordance with Article 17.27(1) (Transparency).

3. A panellist shall not, at any time, disclose the deliberations of a panel, or any panellist's view, nor make any statements on the proceedings for which they have been appointed or on the issues in dispute in the proceedings.

RULE 7

Obligations of former panellists

1. Each former panellist shall avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the decision of the panel in which they served.

2. Each former panellist shall comply with the obligations set out in Rule 6 (Maintenance of confidentiality).

RULE 8

Expenses

Each panellist shall keep a record and render to the Parties a final account of the time devoted to the proceedings and of their expenses, as well as the time and expenses of their assistants and administrative staff.

RULE 9

ADR providers

This Code of Conduct shall apply to ADR providers, mutatis mutandis.

ANNEX 17-C

MODEL Mediation PROCEDURES

SECTION A

OBJECTIVE

The objective of mediation is to facilitate the finding of a mutually agreed solution to a dispute through a comprehensive and expeditious procedure with the assistance of a mediator.

SECTION B

REQUEST FOR INFORMATION

1. At any time before the initiation of the mediation procedure, a Party may deliver a written request for information regarding a measure alleged to adversely affect trade between the Parties. The Party to which such request is made shall, within 30 days of the date of its delivery, deliver a written response.

2. A Party is normally expected to avail itself of this provision before the initiation of the mediation procedure.

SECTION C

INITIATION OF THE MEDIATION PROCEDURE

1. A Party may at any time request to enter into a mediation procedure with respect to any measure by a Party alleged to adversely affect trade between the Parties.

2. The request shall be made by means of a written request delivered to the other Party. The request shall be sufficiently detailed to present the concerns of the requesting Party clearly and shall:

(a) identify the specific measure at issue;

(b) identify the adverse effects that the requesting Party considers the measure has or may have on trade between the Parties; and

(c) explain how the requesting Party considers that those effects are linked to the measure.

3. The mediation procedure may only be initiated by mutual agreement of the Parties. The Party to which the request is made shall give sympathetic consideration to the request and deliver its written reply, indicating whether it is willing to consider mediation, within 30 days of the date of its delivery. Otherwise, the request shall be regarded as rejected.

SECTION D

SELECTION OF THE MEDIATOR

1. If the Party to which the request is made is willing to consider mediation, the Parties shall, within 30 days after the delivery of the reply referred to in paragraph 3 of Section C (Initiation of the mediation procedure) or any other period agreed by the Parties, endeavour to agree on a mediator or on a procedure to select the mediator. To that end, the Parties may have recourse to:

(a) a pre-established list of mediators, which the Joint Committee may adopt at any moment;

(b) the sub-list of chairpersons established pursuant to Article 17.8 (Lists of panellists); or

(c) any other means that may facilitate the selection of a mediator.

2. If the Parties are unable to agree on the mediator within the time period set out in paragraph 1, the request for mediation shall be regarded as rejected.

3. The mediator shall not be a national of either Party or employed by either Party, unless the Parties agree otherwise.

4. The selected mediator is appointed by the signature of the appointment contracts.

5. The mediator shall comply with Annex 17-B (Code of Conduct for panellist and alternative dispute resolution providers).

SECTION E

CONDUCT OF THE MEDIATION PROCEDURE

1. Within 20 days after the appointment of the mediator, the Party which requested mediation shall deliver to the mediator and to the other Party a detailed written description of its concerns, in particular of the operation of the measure at issue and its alleged adverse effects on trade. Within 30 days after the date of delivery of this description, the other Party may deliver written comments. Either Party may include any information that it deems relevant in its description or comments.

2. The mediator shall assist the Parties in a transparent manner in bringing clarity to the measure at issue and its possible effects. In particular, the mediator may organise meetings between the Parties, consult the Parties jointly or individually, seek the assistance of, or consult with, relevant experts and provide any additional support requested by the Parties. The mediator shall consult with the Parties before seeking the assistance of, or consulting with, relevant experts.

3 The mediator shall endeavour to offer advice and propose a solution for the consideration of the Parties. Such advice or solution shall not be binding on the Parties. The Parties may accept or reject the proposed solution, or agree on a different solution. The mediator shall not advise or comment on the consistency of the measure at issue with this Agreement.

4. The mediation procedure shall take place in the territory of the Party to which the request was addressed, or by mutual agreement in any other location or by any other means.

5. The Parties shall endeavour to reach a mutually agreed solution within 60 days after the appointment of the mediator. During the mediation procedure, the Parties may also consider possible interim solutions, particularly if the measure relates to perishable goods or seasonal goods or seasonal services.

6. Each Party may make a mutually agreed solution subject to the completion of any necessary internal procedures. Each Party shall take the measures necessary to implement the mutually agreed solution within the agreed time period. No later than at the expiry of the agreed time period the implementing Party shall inform the other Party, in writing, of any measure that it has taken to implement the mutually agreed solution.

7. Each Party may make public the fact that a mutually agreed solution has been reached.

8. Unless the Parties agree otherwise, the mediator shall deliver a draft factual report to the Parties, upon expiry of the time period referred to in paragraph 5, providing:

(a) a brief summary of the measure at issue;

(b) the procedures followed; and

(c) if applicable, any mutually agreed solution reached, including possible interim solutions.

The mediator shall allow the Parties 15 days to comment on the draft factual report. After considering the comments of the Parties received, the mediator shall, within 15 days, deliver a final factual report to the Parties. The factual report shall not include any interpretation of this Agreement.

9. The mediation procedure shall be terminated by:

(a) the adoption of a mutually agreed solution by the Parties, on the date of the adoption thereof;

(b) mutual agreement of the Parties at any stage of the procedure, on the date of that agreement;

(c) a written declaration of the mediator, after consultation with the Parties, that further efforts to mediate would be to no avail, on the date of that declaration; or

(d) a written declaration of a Party after exploring mutually agreed solutions under the mediation procedure or after having considered any advice and solutions proposed by the mediator, on the date of that declaration.

10. Article 17.29 (Time periods) and Article 17.30 (Expenses) apply mutatis mutandis.

SECTION F

RELATIONSHIP TO DISPUTE SETTLEMENT PROCEDURES

A Party shall not rely on, or introduce as evidence, in other dispute settlement procedures under this Agreement or any other agreement, nor shall a panel take into consideration:

(a) positions taken by the other Party in the course of the mediation procedure or information gathered exclusively under the mediation procedure;

(b) the fact that the other Party has indicated its willingness to accept a solution to the measure subject to mediation;

(c) advice given or proposals made by the mediator; or

(d) the factual report submitted by the mediator.

ANNEX 18-A

RULES OF PROCEDURE OF THE JOINT COMMITTEE

RULE 1

Role of the Joint Committee

The Joint Committee established pursuant to Article 18.1(1) (Joint Committee) is responsible for all matters referred to in Article 18.2 (Functions of the Joint Committee).

RULE 2

Composition and chair

1. The composition and chair of the Joint Committee is set out in Article 18.1(1) and (4) (Joint Committee).

2. Each Party shall notify to the other Party, before the first meeting of the Joint Committee, the name, position and contact details of the designated official who shall act as the co-chair of the Joint Committee for that Party. Each Party shall promptly notify the other Party of any changes to those details.

RULE 3

Secretariat

1. Officials from the Directorate-General of Trade and Economic Security of the European Commission, or its successor, for the European Union, and from the Department of Commerce, Ministry of Commerce and Industry, or its successor, for India, shall act together as Secretariat of the Joint Committee (hereinafter referred to as "Secretariat").

2. Each Party shall notify to the other Party, before the first meeting of the Joint Committee, the name, position and contact details of the official who shall act as the member of the Secretariat for that Party. Each Party shall promptly notify the other Party of any changes to those details.

RULE 4

Meetings

The meetings of the Joint Committee shall be convened by the co-chair of the Party hosting the meeting.

RULE 5

Delegations

No later than 14 days in advance of a meeting, the member of the Secretariat for each Party shall inform the member of the Secretariat of the other Party of the intended composition of the delegation of the European Union and of India, respectively, specifying the name and designation of each member of the delegation.

RULE 6

Agenda for the meetings

1. No later than 28 days in advance of a meeting, the member of the Secretariat of the Party hosting the meeting shall send a proposal for a provisional agenda to the member of the Secretariat of the other Party with a deadline to provide comments which shall be at least seven days. The Secretariat shall, no later than 21 days in advance of the meeting, draw up the provisional agenda, taking into account any comments received.

2. The Joint Committee shall adopt the agenda at the beginning of the meeting. The Joint Committee shall consider only the items appearing on the adopted agenda. Items not appearing on the provisional agenda may be placed on the agenda by mutual agreement of the co-chairs.

RULE 7

Invitation of experts

The co-chairs of the Joint Committee may, by mutual agreement, invite experts who are not part of either Party's delegation, in particular persons other than government officials, to attend the meetings of the Joint Committee, on an ad hoc basis, in order to provide information on specific subjects. Those experts shall only attend the parts of the meeting where such specific subjects are discussed.

RULE 8

Minutes

1. The member of the Secretariat of the Party hosting the meeting shall prepare draft minutes of each meeting no later than 15 days after the end of the meeting, unless otherwise decided by the co-chairs. The draft minutes shall be transmitted for comments to the member of the Secretariat of the other Party.

2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:

(a) all documents submitted to the Joint Committee;

(b) any statement that one of the co-chairs of the Joint Committee requested to be entered in the minutes; and

(c) the decisions and recommendations adopted, statements agreed upon and conclusions adopted on specific items.

3. The minutes shall include in an annex:

(a) a list of all decisions of the Joint Committee adopted by written procedure pursuant to Rule 9(2) (Decisions and recommendations) since the last meeting of the Joint Committee; and

(b) a list of the names and designation of all individuals who attended the meeting of the Joint Committee.

4. The Secretariat shall adjust the draft minutes on the basis of the comments received. The draft minutes, as revised, shall be approved by agreement of the co-chairs within 30 days after the date of the meeting, or by any other date agreed by the co-chairs. Once approved, two originals of the minutes shall be established by the Secretariat and each Party shall receive one original of the minutes.

5. Where the present rules apply to the meetings of specialised committees, the minutes of the meetings of specialised committees shall be made available for any subsequent meetings of the Joint Committee.

RULE 9

Decisions and recommendations

1. The Joint Committee may adopt decisions and recommendations in respect of all matters where the Agreement so provides.

2. In the period between meetings, the Joint Committee may adopt decisions and recommendations by written procedure. In such cases, the co-chair of the Joint Committee shall send the proposed text of a draft decision or recommendation to the co-chair of the Joint Committee of the other Party in the working language of the Joint Committee, with a time period of at least one month to respond in writing. If the co-chair of the Joint Committee of the other Party does not agree or does not respond in writing, the draft decision or recommendation shall be discussed and may be adopted at the next meeting of the Joint Committee. The draft decision or recommendation shall be deemed to be adopted on the date on which the co-chair of the other Party agrees and shall be recorded in the minutes of the Joint Committee meeting pursuant to Rule 8(4) (Minutes).

3. Where the Joint Committee is empowered under the Agreement to adopt decisions or recommendations, such acts shall be entitled "Decision" or "Recommendation", respectively. The Secretariat shall provide any decision or recommendation with a sequential serial number and the date of adoption. Each decision shall provide for the date of its entry into force.

4. The decisions and recommendations adopted by the Joint Committee shall be established in duplicate, authenticated by the co-chairs and each Party shall receive one original of those decisions or recommendations.

RULE 10

Transparency

1. The Joint Committee may meet in public, if the co-chairs mutually agree.

2. Each Party may decide to publish the decisions and recommendations of the Joint Committee in its respective official publication or online.

3. For the submission of documents to the Joint Committee or to specialised committees, Article 19.6(2) (Disclosure of information and treatment of confidential information) applies.

4. The Secretariat shall make public:

(a) the provisional agenda of a meeting of the Joint Committee before the meeting takes place; and

(b) the agreed minutes of a meeting of the Joint Committee following their approval in accordance with Rule 8 (Minutes).

5. Publication of any documents pursuant to paragraphs 2 to 4 of this Rule shall comply with each Party's applicable data protection rules.

RULE 11

Languages

1. The working language of the Joint Committee is English.

2. The Joint Committee shall adopt decisions concerning the amendment or interpretation of the Agreement pursuant to points (d) and (e) of Article 18.2(2) (Functions of the Joint Committee), in the languages of the authentic texts of the Agreement. All other decisions of the Joint Committee shall be adopted in the working language.

3. Each Party shall be responsible for the translation of decisions and other documents into its own official languages, where relevant, and shall bear any expenses ssociated with such translations.

RULE 12

Expenses

1. Each Party shall bear any expenses it incurs as a result of participating in the meetings of the Joint Committee, in particular staff, travel and subsistence expenses and video, postal or telecommunications expenses.

2. The Party hosting the meeting shall bear any expenses in connection with the organisation of meetings, the reproduction of documents and the provision of interpretation services to and from the working language of the Joint Committee.

RULE 13

Specialised committees and other bodies

1. Pursuant to point (d) of Article 18.2(1) (Functions of the Joint Committee), the Joint Committee shall supervise and coordinate the work of all specialised committees and other bodies established under the Agreement.

2. The Joint Committee shall be informed in writing of any contact points designated by specialised committees or other bodies established under this Agreement. Any relevant correspondence, documents and communications between the contact points of each specialised committee regarding the implementation of this Agreement shall be forwarded to the Secretariat simultaneously.