

## CHAPTER 7

### TRADE IN SERVICES

#### Article 1: Definitions

For the purposes of this Chapter:

**aircraft repair and maintenance services** means such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service but does not include line maintenance;

**airport operation services** means the supply of air terminal, airfield and other airport infrastructure operation services on a fee or contract basis. Airport operation services does not include air navigation services;

**commercial presence** means any type of business or professional establishment, including one operating through:

- (a) the constitution, acquisition or maintenance of an enterprise; or
- (b) the creation or maintenance of a branch or a representative office;

within the territory of a Party for the purposes of supplying a service;

**computer reservation system services** means services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued;

**ground handling services** means the supply at an airport, on a fee or contract basis, of the following: airline representation, administration and supervision; passenger handling; baggage handling; ramp services; catering (except the preparation of the food); air cargo and mail handling; fuelling of an aircraft; aircraft servicing and cleaning; surface transport; and flight operations, crew administration and flight planning. Ground handling services do not include self-handling; security; line maintenance; aircraft repair and maintenance; or management or operation of essential centralised airport infrastructure such as de-icing facilities, fuel distribution systems, baggage handling systems, and fixed intra-airport transport systems;

**measures adopted or maintained by a Party** means any measure taken by:

- (a) central, state, regional or local Government and authorities; or
- (b) non-governmental bodies in the exercise of powers delegated by central, state, regional or local Governments or authorities;

Such measures include measures in respect of:

- (a) the purchase, payment or use of a service;
- (b) the access to and use of, in connection with the supply of a service, services which are required by a Party to be offered to the public generally; and
- (c) the presence, including commercial presence, of persons of a Party for the supply of a service in the territory of another Party;

**monopoly supplier of a service** means any person, public or private, who in the relevant market of the territory of a Party is authorised or established formally or in effect by that Party as the sole supplier of that service;

**person** means either a natural person or an enterprise;

**sector of a service** means:

- (a) with reference to a specific commitment, one or more, or all subsectors of that service, as specified in a Party's Schedule of Specific Services Commitments at Annex 7-A to this Agreement;
- (b) otherwise, the whole of that service sector, including all of its subsectors;

**selling and marketing of air transport services** means opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions;

**service of another Party** means a service which is supplied:

- (a) from or in the territory of that other Party; or in the case of maritime transport, by a vessel registered under the laws of that other Party, or by a person of that other Party who supplies the service through the operation of a vessel or its use in whole or in part; or
- (b) in the case of the supply of a service through commercial presence or through the presence of natural persons, by a service supplier of that other Party;

**service consumer** means any person that receives or uses a service;

**service supplier of a Party** means a person of a Party that supplies a service;<sup>1</sup>

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<sup>1</sup>Where the service is not supplied directly by an enterprise but through other forms of commercial presence such as a branch or a representative office, the service supplier (*i.e.*, enterprise) shall, nonetheless, through such presence be accorded the treatment provided for service suppliers under this Agreement. Such treatment shall be extended to the presence through which the service is supplied and need not be extended to any other parts of the supplier located outside the territory where the service is supplied.

**services** includes any service in any sector except services supplied in the exercise of governmental authority;

**services supplied in the exercise of governmental authority** means any service which is supplied neither on a commercial basis nor in competition with one or more service suppliers;

**specialty air services** means any non-transportation air services such as aerial firefighting, sightseeing, spraying, surveying, mapping, photography, parachute jumping, glider towing, and helicopter-lift for logging and construction, and other airborne agricultural, industrial, and inspection services;

**supply of a service** includes the production, distribution, marketing, sale and delivery of a service;

**trade in services** means the supply of a service:

- (a) from the territory of one Party into the territory of another Party ('Mode 1');
- (b) in the territory of one Party to the service consumer of another Party ('Mode 2');
- (c) by a service supplier of one Party, through commercial presence in the territory of another Party ('Mode 3');
- (d) by a service supplier of one Party, through presence of natural persons of a Party in the territory of another Party ('Mode 4');

**traffic rights** means the right for scheduled and non-scheduled services to operate or carry passengers, cargo and mail for remuneration or hire from, to, within, or over the territory of a Party, including points to be served, routes to be operated, types of traffic to be carried, capacity to be provided, tariffs to be charged and their conditions, and criteria for designation of airlines, including such criteria as number, ownership, and control.

## **Article 2: Scope**

1. This Chapter applies to measures affecting trade in services adopted or maintained by a Party.

2. This Chapter shall not apply to:

- (a) services supplied in the exercise of governmental authority;<sup>2</sup>
- (b) any measures adopted or maintained by a Party with respect to government procurement;

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<sup>2</sup> For greater certainty, nothing in this Chapter shall be construed as requiring the privatisation of public services supplied in the exercise of government authority.

- (c) subsidies or grants provided by a Party, including government-supported loans, guarantees, and insurance, or any conditions attached to the receipt or continued receipt of such subsidies or grants, whether or not such subsidies or grants are offered exclusively to domestic services, service consumers or service suppliers;
- (d) in respect of air transport services, measures affecting traffic rights however granted; or measures affecting services directly related to the exercise of traffic rights, other than measures affecting:
  - (i) aircraft repair and maintenance services;
  - (ii) the selling and marketing of air transport services;
  - (iii) computer reservation system services;
  - (iv) specialty air services;
  - (v) ground handling services; and
  - (vi) airport operation services.

3. For greater certainty, the Parties recognise the right of all Parties to regulate and to introduce new regulations to regulate the supply of services within their territory in order to meet national policy objectives, provided that such regulation is not inconsistent with this Chapter.<sup>3</sup>

4. Nothing in this Chapter shall apply to measures affecting natural persons seeking access to the employment market of another Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

### **Article 3: Most-Favoured-Nation Treatment**

1. With respect to any measure covered by this Chapter, each Party shall accord immediately and unconditionally to services and service suppliers of another Party treatment no less favourable than that it accords to like services and service suppliers of a non-party.

2. A Party may maintain a measure inconsistent with Paragraph 1 provided that such a measure falls within the scope of any exemptions list in Annex I (Schedule of Most-Favoured-Nation Exemptions on Services and Investment).

### **Article 4: Increasing the Participation of Forum Island Countries**

1. The increasing participation of Forum Island Countries in services trade shall be

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<sup>3</sup> For greater certainty, the Parties mutually understand that Parties have the right to regulate, provided that regulation does not nullify or impair obligations and commitments of this Chapter.

facilitated through negotiated specific commitments pursuant to Article 5, Article 6, Article 7 and Article 8 relating to:

- (a) the strengthening of their domestic services capacity and its efficiency and competitiveness *inter alia* through access to technology on a commercial basis;
- (b) the improvement of their access to distribution channels and information networks; and
- (c) the liberalisation of market access in sectors and modes of supply of export interest to Forum Island Countries.

2. Within one year of the date of entry into force of this Agreement, each Party shall establish contact points to facilitate the access of service suppliers to information related to their respective markets in relation to commercial and technical aspects of the supply services, registration, recognition and the obtaining of professional qualifications and the availability of technology.

#### **Article 5: Market Access**

1. With respect to market access through the modes of supply identified in the definition of “trade in services” in Article 1, each Party shall accord services and service suppliers of another Party treatment no less favourable than that provided for under the terms, limitations and conditions specified in its Schedule of Specific Services Commitments at Annex 7-A to this Agreement.

2. In the sectors where market access commitments are undertaken, a Party shall not maintain or adopt, either on the basis of a regional subdivision or on the basis of its entire territory, unless otherwise specified in its Schedule, measures which:

- (a) limit the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirement of an economic needs test;
- (b) limit the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- (c) limit the total number of service operations or on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test, except measures of a Party which limit inputs for the supply of services;
- (d) limit the total number of natural persons who may be employed in a particular service sector or who a service supplier may employ and who are necessary for, and directly related to, the supply of a specific service, in the form of numerical quotas or the requirement of an economic needs test;

- (e) restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service; and
- (f) limit the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or of the total value of individual or aggregate foreign investment.

3. If a Party undertakes a market access commitment in relation to the supply of a service through Mode 1, and if the cross-border movement of capital is an essential part of the service itself, it shall allow such movement of capital.

4. If a Party undertakes a market access commitment in relation to the supply of a service through Mode 3, it shall allow related transfers of capital into its territory.

### **Article 6: National Treatment**

1. In the sectors specified in its Schedule of Specific Services Commitments at Annex 7-A to this Agreement, and subject to any conditions and qualifications set out therein, each Party shall accord to services and service suppliers of another Party, in respect of all measures affecting the supply of services, treatment no less favourable than that it accords to its own like services and service suppliers.

2. A Party may meet the requirement in paragraph 1 by according to services and service suppliers of another Party either formally identical treatment or formally different treatment to that which it accords to its own like services and service suppliers.

3. Formally identical or formally different treatment shall be considered to be less favourable if it modifies the conditions of competition in favour of services or service suppliers of the Party compared to the like service or service suppliers of another Party.

4. Specific commitments assumed under this Article shall not be construed to require any Party to compensate for any inherent competitive disadvantages which result from the foreign character of the relevant services or service suppliers.

### **Article 7: Additional Commitments**

The Parties may negotiate commitments with respect to measures affecting trade in services not subject to scheduling under Article 5 and Article 6, including those regarding qualifications, standards or licensing matters. Such commitments shall be entered in a Party's Schedule of Specific Services Commitments at Annex 7-A to this Agreement.

### **Article 8: Specific Commitments**

1. The specific commitments undertaken by each Party under Article 5 and Article 6 shall be set out in the Schedule of Specific Services Commitments under Annex 7-A to this

Agreement. With respect to sectors where such commitments are undertaken, each Schedule shall specify:

- (a) terms, limitations and conditions on market access;
- (b) conditions and qualifications on national treatment;
- (c) undertakings related to additional commitments; and
- (d) where appropriate, the time-frame for implementation of such commitments.

2. Measures inconsistent with both Article 5 and Article 6 are inscribed in the column relating to Article 5. In this case, the inscription shall be considered to also provide a condition or qualification to Article 6.

### **Article 9: Modification of Schedules**

1. (a) A Party (referred to in this Article as the “modifying Party”) may modify or withdraw any commitment in its Schedule, at any time after three years have elapsed from the date on which that commitment entered into force, in accordance with the provisions of this Article.  
  
(b) A modifying Party shall notify its intent to modify or withdraw a commitment pursuant to this Article to the Joint Committee no later than three months before the intended date of implementation of the modification or withdrawal.
2. (a) At the request of any Party whose benefits under this Agreement may be affected (referred to in this Article as an "affected Party") by a proposed modification or withdrawal notified under paragraph 1(b), the modifying Party shall enter into negotiations with a view to reaching agreement on any necessary compensatory adjustment. In such negotiations and agreement, the Parties concerned shall endeavour to maintain a general level of mutually advantageous commitments not less favourable to trade than that provided for in Schedules of specific commitments prior to such negotiations.  
  
(b) Compensatory adjustments shall be made on a most-favoured-nation basis.
3. (a) If agreement is not reached between the modifying Party and any affected Party before the end of the period provided for negotiations, such affected Party may refer the matter to the Joint Committee. Any affected Party that wishes to enforce a right that it may have to compensation must participate in meetings that may be convened by the Joint Committee to resolve this matter.  
  
(b) If no affected Party has requested the intervention of the Joint Committee, the modifying Party shall be free to implement the proposed modification or withdrawal.

4. (a) The modifying Party may not modify or withdraw its commitment until it has made compensatory adjustments in conformity with the findings of the Joint Committee.
  - (b) If the modifying Party implements its proposed modification or withdrawal and does not comply with the recommendations of the Joint Committee, any affected Party that participated in the Joint Committee's meetings may modify or withdraw substantially equivalent benefits in conformity with those findings. Notwithstanding Article 3, such a modification or withdrawal may be implemented solely with respect to the modifying Party.
5. The Joint Committee shall establish procedures for the rectification or modification of Schedules. Any Party which has modified or withdrawn scheduled commitments under this Article shall modify its Schedule according to such procedures.

### **Article 10: Domestic Regulation**

1. In sectors where specific commitments are undertaken, each Party shall ensure that all measures of general application affecting trade in services are administered in a reasonable, objective and impartial manner.
2. (a) Each Party shall maintain or institute as soon as practicable judicial, arbitral or administrative tribunals or procedures, which provide, at the request of an affected service supplier, for the prompt review of, and where justified, appropriate remedies for, administrative decisions affecting trade in services, including correction of the contested final administrative actions. Where such tribunals or procedures are not independent of the agency responsible for the administrative action concerned, the Party shall ensure that the tribunals or procedures provide for an objective and impartial review.
- (b) Each Party shall ensure that, in any such tribunal or under any such procedures referred to in subparagraph (a), the parties to any proceedings are provided with the right to:
  - (i) a reasonable opportunity to support or defend their respective positions;  
and
  - (ii) a decision in accordance with the Party's laws.
- (c) Each Party shall ensure, subject to appeal or further review as provided in its law, that any decision referred to in subparagraph (b) shall be implemented in accordance with its laws.
- (d) The provisions of subparagraph (a) shall not be construed to require a Party to institute such tribunals or procedures where this would be inconsistent with its constitutional structure or the nature of its legal system.



3. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures do not constitute unnecessary barriers to trade in services, the Parties shall jointly review the results of the WTO negotiations on disciplines on such measures pursuant to Article VI:4 of GATS, and shall amend this Article, as appropriate, after consultations among the Parties to bring the results of those negotiations into effect under this Agreement. The Parties note that the disciplines arising from such negotiations shall aim to ensure that qualification requirements and procedures, technical standards and licensing requirements and procedures are, *inter alia*:

- (a) based on objective and transparent criteria, such as competence and the ability to supply the service;
- (b) not more burdensome than necessary to ensure the quality of the service; and
- (c) in the case of licensing procedures, not in themselves a restriction on the supply of the service.

4. In sectors in which a Party has undertaken specific commitments under Article 5, Article 6 and Article 7, pending the incorporation of the disciplines referred to in paragraph 3, that Party shall not apply licensing and qualification requirements and technical standards that nullify or impair such specific commitments under this Agreement in a manner which:

- (a) does not comply with the criteria outlined in paragraph 3(a), (b) or (c); and
- (b) could not reasonably have been expected of that Party at the time the specific commitments in those sectors were made.

5. In determining whether a Party is in conformity with its obligations under paragraph 3, account shall be taken of international standards of relevant international organisations applied by that Party.<sup>4</sup>

6. If authorisation is required for the supply of a service on which a specific commitment has been made, the competent authorities of that Party shall:

- (a) in the case of an incomplete application, at the request of the applicant, identify all the additional information that is required to complete the application and provide the opportunity to remedy deficiencies within a reasonable timeframe;
- (b) within a reasonable period of time after the submission of an application considered complete under domestic laws and regulations, inform the applicant of the decision concerning the application;
- (c) at the request of the applicant, provide, without undue delay, information concerning the status of the application under consideration; and

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<sup>4</sup> The term "relevant international organisations" refers to international bodies whose membership is open to the relevant bodies of all of the Parties.

- (d) if an application is rejected, to the maximum extent possible, inform the applicant in writing, and without delay, the reasons for the rejection of the application and of the timeframe to appeal against the decision. An applicant should be permitted, within reasonable time limits, to resubmit an application.

7. In sectors where specific commitments regarding professional services are undertaken, each Party shall provide for adequate procedures to verify the competence of professionals of any other Party.

8. Subject to its domestic laws and regulations, each Party shall permit service suppliers of the other Parties to use the business names under which they ordinarily trade in the territories of the other Parties and otherwise ensure that the use of business names is not unduly restricted.

### **Article 11: Recognition**

1. For the purposes of the fulfilment, in whole or in part, of its standards or criteria for the authorisation, licensing or certification of service suppliers, and subject to the requirements of paragraph 4, a Party may recognise the education or experience obtained, requirements met, or licenses or certifications granted in a particular country. Such recognition, which may be achieved through harmonisation or otherwise, may be based upon an agreement or arrangement with the country concerned or may be accorded autonomously.

2. Where a Party recognises, autonomously or by agreement or arrangement, the education or experience obtained, requirements met, or licences or certifications granted in the territory of a non-party, nothing in Article 3 shall be construed to require the Party to accord such recognition to the education or experience obtained, requirements met, or licences or certifications granted in the territory of another Party.

3. A Party that is a party to an agreement or arrangement of the type referred to in paragraph 2, whether existing or future, shall afford adequate opportunity for other interested Parties to negotiate their accession to such an agreement or arrangement or to negotiate comparable ones with it. Where a Party accords recognition autonomously, it shall afford adequate opportunity for another Party to demonstrate that education, experience, licences, or certifications obtained or requirements met in that other Party's territory should be recognised.

4. A Party shall not accord recognition in a manner which would constitute a means of discrimination between other Parties in the application of its standards or criteria for the authorisation, licensing or certification of services suppliers, or a disguised restriction on trade in services.

5. If appropriate, recognition should be based on multilaterally agreed criteria. In appropriate cases, Parties shall work in cooperation with relevant inter-governmental and non-governmental organisations towards the establishment and adoption of common international standards and criteria for recognition and common international standards for the practice of relevant services trades and professions.

6. The Parties shall actively encourage their competent bodies to consult with each other and with relevant regional bodies after the entry into force of this Agreement to explore the possibilities for recognition of qualifications or professional recognition or registration. The Parties shall report periodically to the Joint Committee for review.

### **Article 12: Payments and Transfers**

1. Except under the circumstances envisaged in Article 2 of Chapter 11 (General Provisions and Exceptions), a Party shall not apply restrictions on international transfers and payments for current transactions relating to its specific commitments.

2. Nothing in this Chapter shall affect the rights and obligations of a Party as a Member of the International Monetary Fund (IMF) under the IMF Articles of Agreement, provided that a Party shall not impose restrictions on any capital transactions inconsistent with its specific commitments regarding such transactions, except under Article 3 of Chapter 11 (General Provisions and Exceptions), or at the request of the IMF.

### **Article 13: Monopolies and Exclusive Service Suppliers**

1. Each Party shall ensure that any monopoly supplier of a service in its territory does not, in the supply of the monopoly service in the relevant market, act in a manner inconsistent with that Party's obligations under Article 3, Article 5, Article 6 and Article 7.

2. If a Party's monopoly supplier competes, either directly or through an affiliated company, in the supply of a service which is outside the scope of its monopoly rights and which is subject to that Party's specific commitments, the Party shall ensure that such a supplier does not abuse its monopoly position to act in its territory in a manner inconsistent with such commitments.

3. If a Party has a reason to believe that a monopoly supplier of a service of another Party is acting in a manner inconsistent with paragraph 1 or 2, it may request the Party establishing, maintaining or authorising such supplier to provide specific information concerning the relevant operations.

4. This Article shall also apply to cases of exclusive service suppliers, where a Party, formally or in effect:

- (a) authorises or establishes a small number of service suppliers; and
- (b) substantially prevents competition among those suppliers in its territory.

### **Article 14: Emergency Safeguard Measures**

1. The Parties note the multilateral negotiations pursuant to Article X of GATS on the question of emergency safeguard measures based on the principle of non-discrimination. On

the conclusion of such multilateral negotiations, the Parties shall conduct a review for the purposes of discussing appropriate amendments to this Chapter so as to incorporate the results of such multilateral negotiations.

2. In the event that the implementation of the commitments made under this Agreement causes substantial adverse impact to a service sector of a Party before the conclusion of the multilateral negotiations referred to in paragraph 1, that affected Party may request to hold consultations with the other Party or Parties. The requested Party or Parties shall respond to such a request in good faith.

3. In undertaking such consultations, the Parties shall endeavour to reach a mutually agreed solution within a reasonable period of time.

4. The consulting parties shall notify the agreed solution to all other Parties as soon as practicable and by no later than the next meeting of the Joint Committee.

### **Article 15: Subsidies**

1. Notwithstanding Article 2.2(c), where one Party considers that subsidies provided by another Party affecting trade in services nullify or impair any benefits it expected to receive under this Chapter, the Parties agree to consult with a view to reaching a mutually satisfactory solution.

2. Notwithstanding Article 2.2(c), following the conclusion of the negotiations on trade distorting subsidies on trade in services under Article XV of the GATS, the Parties agree to review the operation of this Article with a view to considering the possible modification or elimination of this Article.

### **Article 16: Denial of Benefits**

1. A Party may deny the benefits of this Chapter to a service supplier of another Party where the Party establishes that:

- (a) the service is being supplied by an enterprise that is owned or controlled by persons of a non-party and the enterprise has no substantive business operations in the territory of any Party; or
- (b) the service is being supplied by an enterprise that is owned or controlled by persons of the denying Party and the enterprise has no substantive business operations in the territory of any Party.

2. In the case of the supply of maritime transport services, a Party may deny the benefits of this Chapter to a service supplier of another Party if it establishes that the service is supplied by a vessel registered under the laws of a non-party, and by a person who operates or uses the vessel in whole or in part but is of a non-party.

## **Article 17: Contact Points and Transparency**

1. Each Party shall designate a contact point to facilitate communications between the Parties on any matter covered by this Chapter, and shall provide details of such contact point to the other Parties. The Parties shall notify each other promptly of any amendments to the details of their contact points.
2. Each Party shall publish promptly or otherwise make publicly available international agreements pertaining to or affecting trade in services to which it is a signatory.
3. To the extent of its capacity, each Party shall ensure that all measures of general application relating to licensing requirements and procedures, qualification requirements and procedures, and technical standards are published promptly through printed or electronic means, or otherwise. Information regarding these measures shall include, where applicable:
  - (a) requirements for authorisation, including for application and periodic renewal of such authorisation, and generally applicable terms and conditions of such authorisation;
  - (b) licensing requirements and procedures, including requirements, criteria and procedures for application and renewal, and applicable fees;
  - (c) qualification requirements and procedures, including requirements, criteria and procedures for application and renewal, and procedures for verification and assessment of qualifications, and applicable fees;
  - (d) technical standards;
  - (e) procedures relating to appeals or reviews of decisions concerning applications;
  - (f) procedures for monitoring or enforcing compliance with the terms and conditions of licences;
  - (g) an established timeframe for the processing of an application.
4. Each Party shall respond promptly to all requests by another Party for specific information on any measures of general application which pertain to or affect the operation of this Chapter or international agreements within the meaning of paragraph 2.

## **Article 18: Review of Commitments**

1. The Parties shall review commitments on trade in services, with the first review within three years of entry into force of this Agreement and periodically thereafter as determined by the Joint Committee, with the aim of improving the overall commitments undertaken by the Parties under this Chapter so as to progressively liberalise trade in services among the Parties.

2. The Parties recognise the limited capacities of developing country Parties which will be taken into account in the review process. When improving the overall commitments undertaken by the Parties, appropriate flexibility will be given to the developing country Parties to opening fewer sectors, liberalising fewer types of transaction, progressively extending market access in line with their development situation and, when making access to their markets available to foreign service suppliers, attaching to such access conditions aimed at achieving the objectives referred to in Article 4.

### **Article 19: Joint Committee**

The Parties shall, through the Joint Committee or a relevant subsidiary body, consult regularly to consider the implementation of their commitments under this Chapter.

## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

### SCHEDULE OF AUSTRALIA

1. Unless otherwise stated, all CPC references correspond to the United Nations Provisional Central Product Classification.
2. Measures inconsistent with both Article 5 (Market Access) and Article 6 (National Treatment) shall be inscribed in the column relating to Market Access. In this case the inscription will be considered to provide a condition or qualification to Article 6 (National Treatment) as well.
3. For greater certainty, an entry of ‘none’ means no limitations except as listed elsewhere in the schedule, including in either or all of Part I, the Limitations on Market Access, Limitations on National Treatment or Additional Commitments columns. The inscription ‘unbound’ means that no commitments are taken with respect to a particular subsector or area.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>PART I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN PART II OF THIS SCHEDULE	3) Under Australia’s Foreign Investment Framework, which comprises Australia’s Foreign Investment Policy, the <i>Foreign Acquisitions and Takeovers Act 1975</i> (Cth) (FATA); Foreign Acquisitions and Takeovers Regulations 2015 (Cth); <i>Foreign Acquisitions and Takeovers Fees Imposition Act</i>	3) Australia's foreign investment policy guidelines apply to foreign-owned or controlled enterprises after establishment in Australia.  3) Unbound for any measure with respect to: – the privatisation of government owned entities or	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>2015 (Cth); Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015 (Cth); <i>Financial Sector (Shareholdings) Act 1998</i> (Cth); and Ministerial Statements, the following investments<sup>1</sup> are subject to approval by the Australian Government and may also require notification<sup>2</sup> to the Government:</p> <ul style="list-style-type: none"> <li>– a proposed investment by a ‘foreign person’* in an entity or Australian business valued above A\$252 million<sup>†</sup>;</li> <li>– a proposed direct investment</li> </ul>	<p>assets; and</p> <ul style="list-style-type: none"> <li>– the devolution to the private sector of services provided in the exercise of governmental authority at the date of entry into force of this Agreement.</li> </ul> <p>3) At least one director of a private company must be ordinarily resident in Australia. At least two of the directors of a public company must be ordinarily resident in Australia. At least one secretary of a private company (if such a private company appoints one or more secretaries) must be ordinarily resident in Australia. At least one secretary of a public</p>	

<sup>1</sup> “Investment” means activities covered by Part II of the *Foreign Acquisitions and Takeovers Act 1975* (Cth) or, where applicable, ministerial statements on foreign investment policy. Funding arrangements that include debt instruments having quasi-equity characteristics will be treated as direct foreign investment.

<sup>2</sup> The *Foreign Acquisitions and Takeovers Fees Imposition Act 2015* (Cth) and the *Foreign Acquisitions and Takeovers Fees Imposition Regulation 2015* (Cth) sets the fees for foreign investment applications and notices. Fees are indexed annually on 1 July.



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>by a ‘foreign government investor’<sup>3</sup> of any interest regardless of value;</p> <ul style="list-style-type: none"> <li>– a proposed investment by a foreign person* of 5 per cent or more in the media sector, regardless of the value of the investment;</li> <li>– a proposed acquisition by a foreign person* of an interest in developed commercial land<sup>4</sup> where the value of the interest is more than A\$252 million<sup>†</sup>, unless the land meets the conditions for the lower developed commercial land threshold of A\$55million<sup>†5</sup>.</li> </ul>	<p>company must be ordinarily resident in Australia.</p> <p>3) Australian States and Territories maintain limitations on the establishment of Associations as follows:</p> <p>Australian Capital Territory An application for incorporation of an association must be made by a person who is a resident of the Australian Capital Territory. The public officer of an incorporated association must be a person who is a resident of the Australian Capital Territory.</p> <p>Northern Territory An application for the</p>	

<sup>3</sup>The term “foreign government investor” has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

<sup>4</sup> The term “developed commercial land” means commercial land that is not vacant within the meaning of the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

<sup>5</sup> The conditions for the lower threshold are those set out in *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

\* The term “foreign person” has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Investments may be refused, subject to orders, and/or approved subject to conditions. Foreign persons* that do not comply with the foreign investment framework may be subject to civil and criminal penalties.</p> <p>The acquisition of a stake in an existing financial sector company by a foreign investor, or entry into an arrangement by a foreign investor, that would lead to an unacceptable shareholding situation or to practical control<sup>6</sup> of an existing financial sector company, may be refused, or be subject to certain conditions<sup>7</sup>;</p>	<p>incorporation of an association<sup>8</sup> must be made by a person who is a resident of the Northern Territory. The public officer of an incorporated association must be a person who is a resident of the Northern Territory.</p> <p>Queensland The office of secretary shall become vacant if the person holding that office ceases to be a resident in Queensland, or in another State but not more than 65 kilometres from the Queensland border. The management committee of an incorporated association must ensure the secretary is an individual residing in Queensland, or in another State</p>	

<sup>†</sup> This is the figure as at 1 January 2016. To be indexed on 1 January each year to the GDP implicit price deflator in the Australian National Accounts for the previous financial year.

<sup>6</sup> “Unacceptable shareholding situation” and “practical control” as defined in the *Financial Sector (Shareholdings) Act 1998* (Cth).

<sup>7</sup> Ministerial statements on foreign investment policy including the Treasurer’s Press Release No. 28 of 9 April 1997.

<sup>8</sup> “Association” includes a trading association.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Unbound with respect to the proposed acquisition by a foreign person* of an interest in agricultural land<sup>9</sup> where the cumulative value of agricultural land owned by the foreign person* alone or together with associates, including the proposed acquisition, is above A\$15 million;</p> <p>Unbound with respect to the proposed acquisition by a foreign person* of an interest in an agribusiness<sup>10</sup> where the cumulative value of the interest held the foreign person* in that agribusiness, alone or together with associates, including the proposed acquisition, is above A\$55 million<sup>†</sup>;</p> <p>Unbound with respect to</p>	<p>but not more than 65 kilometres from the Queensland border. The members of the management committee of an incorporated association must ensure that the association has an address nominated for the service of documents on the association. The nominated address must be a place in the State where a document can be served personally on a person. A post office box is not a place that can be shown as a nominated address.</p> <p>South Australia The public officer of an incorporated association must be a person who is a resident of South Australia.</p> <p>Tasmania</p>	

<sup>9</sup> The term “agricultural land” has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

<sup>10</sup> The term “agribusiness” has the meaning set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and Foreign Acquisitions and Takeovers Regulation 2015 (Cth).

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>proposed acquisitions by a foreign person* of an interest in Australian land,<sup>11</sup> other than developed commercial land or land that is used whole and exclusively for a primary production business;</p> <p>For greater certainty, where an investment could qualify for the application of one or more of the above screening thresholds, approval and/or notification requirements apply from the lowest applicable threshold.</p> <p>Unbound for any measure that Australia considers necessary for the protection of its essential security interests with respect to proposals by foreign persons* to invest in Australia.</p>	<p>A person is not eligible to be appointed as a public officer of an incorporated association unless the person is resident in Tasmania.</p> <p>Victoria A person applying for the incorporation of an association must be an Australian resident. The first secretary and secretary of an incorporated association must be Australian residents.</p> <p>3) All Australian States and Territories maintain limitations on the establishment of Co-operatives as follows: (a) The secretary of a co-operative must be a person ordinarily resident in Australia. At least two of the directors of a co-operative must be Australian</p>	

<sup>11</sup> The terms “Australian land” and “interest in Australian land” have the meanings set out in the *Foreign Acquisitions and Takeovers Act 1975* (Cth) and *Foreign Acquisitions and Takeovers Regulation 2015* (Cth).

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>For greater certainty, terms used in the above entries should be interpreted in accordance with Australia's Foreign Investment Framework as at the date of entry into force of this Agreement.</p> <p>1), 2) and 3) Unbound for any measure according preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector. Unbound for any measure with respect to commercial presence that accords preferences to any Indigenous person or organisation providing for the favourable treatment of any Indigenous person or organisation. For the purposes</p>	<p>residents.</p> <p>(b) For Co-operative National Law (CNL) jurisdictions (currently New South Wales, Victoria, South Australia, the Northern Territory, and Tasmania): A co-operative registered under the Co-operatives National Law must have a registered office in the jurisdiction in which it was first incorporated as a co-operative. It does not need to have a registered office in any other jurisdiction that has applied the CNL.</p> <p>(c) For non-CNL jurisdictions: A co-operative must have a registered office in each State or Territory in which it operates. A foreign co-operative must appoint a person who will act as agent of the co-operative in each State or Territory in which it operates. A foreign co-operative must appoint a person resident in each state or territory in which it</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>of this Schedule, an Indigenous person means a person of the Aboriginal and Torres Strait Islander peoples.</p> <p>1), 2) and 3) Unbound with respect to the provision of law enforcement and correctional services, and the following services<sup>12</sup> to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public transport and public housing.</p>	<p>operates as a person on whom all notices and legal processes may be served on behalf of the co-operative.</p> <p>3) In the Australian Capital Territory, New South Wales, Northern Territory, Queensland, South Australia, Tasmania and Victoria, a limited partnership or an incorporated limited partnership established in a State or Territory must have an office, principal office or registered office in that State or Territory.</p>	

<sup>12</sup>This includes any measure with respect to: the collection of blood and its components; the distribution of blood and blood-related products, including plasma derived products; plasma fractionation services; and the procurement of blood and blood-related products and services.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>PART II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
A. <u>Professional Services</u>			
a) Legal services <sup>13</sup>			

<sup>13</sup> For the purposes of this entry:

“legal advisory services” – includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law. Does not include advice, consultation and documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade marks attorneys.

“legal representational services” – includes preparation of documents intended to be submitted to courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of law; and appearance before courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of the specified body of law. (Note 1: The inclusion of representational services before administrative agencies and other duly constituted official tribunals within the context of legal services does not necessarily mean that a licensed lawyer must supply such services in all cases. The precise scope of services subject to licensing requirements is subject to the discretion of the relevant regulatory authority.) Does not include documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade marks attorneys.

“legal arbitration, conciliation and mediation services” – preparation of documents to be submitted to, preparation for and appearance before, an arbitrator, conciliator or mediators in any dispute involving the application and interpretation of law. Does not include arbitration, conciliation and mediation services in disputes for which the law has no bearing which fall under services incidental to management consulting. As a sub-category, international legal arbitration, conciliation and mediation services refer to the same services when the dispute involves parties from two or more countries.

“domestic law (host country law)” – the law of Australia.

“foreign law” – the law of the territories of PACER Plus Parties and other countries other than the law of Australia.

“international law” – includes law established by international treaties and conventions, as well as customary law.

For the purposes of these definitions:

“arbitration” is taken to mean a process in which the parties to a dispute present arguments and evidence to a dispute resolution practitioner (the arbitrator) who makes a determination.

“mediation” is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
i) Legal advisory and representational services in domestic law (host-country law)	1) None 2) None 3) None	1) None 2) None 3) None	
ii) Legal advisory services in foreign law and international law and (in relation to foreign and international law only) legal arbitration and conciliation/mediation services.	1) None 2) None 3) None	1) None 2) None 3) None	Limited Licence only is required: Only registration with limited licence is required, rather than full admission/ licence, in order to provide: (a) legal advisory services in foreign law, where licensed in the relevant foreign jurisdiction(s); (b) legal advisory services in international law; or (c) legal arbitration and conciliation/mediation services in relation to foreign and international law. (By contrast, a Full Licence is required for (a)(i) above (legal advisory and representational

“conciliation” is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the conciliator), identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role on the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted, and may make suggestions for terms of settlement, give expert advice on likely settlement terms, and may actively encourage the participants to reach an agreement.



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>b) Accounting, auditing and book-keeping services (CPC 862)</p>	<p>1) None 2) None 3) None.</p>	<p>1) None 2) None 3) None, except a person who is not ordinarily resident in Australia may be refused registration as a company auditor or liquidator.</p>	<p>services in domestic law (host-country law)), for which full admission is required: i.e. practitioners must satisfy admission requirements, including qualification requirements, applicable to domestic legal practitioners.)</p> <p>3) Joint offices involving revenue-sharing between foreign law firms and Australian local law firms are permitted in New South Wales, Victoria, Queensland, Tasmania, Western Australia, the Australian Capital Territory and the Northern Territory subject to the foreign law firms satisfying certain requirements, including in relation to liability, standard of conduct and professional ethics.</p>

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>c) Taxation services (CPC 863)</p> <p>d) Architectural services (CPC 8671)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>At least one partner in a firm providing auditing services must be a registered company auditor who is ordinarily resident in Australia.</p> <p>A person must be ordinarily resident in New South Wales in order to be an auditor of specified kinds of societies and associations.</p> <p>In Victoria, a firm of auditors cannot audit an estate agent's accounts unless at least one member of the firm of auditors is an Australian resident.</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None, except in the Northern Territory, to qualify for registration as an architectural partnership or company, the partnership/company must have</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		a place of business or be carrying on business within the Northern Territory.	
e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Dental services (CPC 93123)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
B. <u>Computer and related services</u> (CPC 84), excluding audio visual and	1) None 2) None	1) None 2) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
broadcasting content <sup>14</sup>	3) None	3) None	
C. <u>Research and development services</u>			
a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) None	1), 2) and 3) None, except that under Queensland's <i>Biodiscovery Act 2004</i> (Qld), benefit sharing agreements require sublicences for use of samples or derivatives to conduct biodiscovery research and commercialisation to be offered first to Queensland-based entities, then to Australian-based entities, and then to overseas-based entities. Any entity with a benefit sharing agreement must obtain consent before granting a sublicence to an overseas-based entity.	
b) R&D services on social sciences and humanities	1) None 2) None	1) None 2) None	

<sup>14</sup> For greater certainty, Australia's commitments do not impose any obligations on Australia with respect to measures affecting services in other sectors, including audio-visual services, however delivered.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 852)	3) None	3) None	
c) Interdisciplinary sciences (CPC 853)	1) None 2) None 3) None	1) None 2) None 3) None	
<u>D. Real Estate Service</u>			
a) Involving own or leased property (CPC 821)	1) Commercial presence required 2) Commercial presence required 3) None	1), 2) and 3) None, except: In the Australian Capital Territory, an estate agent must have their principal place of business in the Australian Capital Territory.	
b) On a fee or contract basis (CPC 822)		In the Northern Territory, a licensed agent <sup>15</sup> must maintain an office in Australia at or from which the conduct of business under the licence is to occur.  In New South Wales, a person cannot be appointed as an agent (for a proprietor of a development lot,	

<sup>15</sup> A “licensed agent” includes a real estate agent, business agent or conveyancing agent.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>neighbourhood lot or strata lot) if they are not an Australian resident. A person cannot be appointed as an agent (for an owner of a lot, for dealings with the owner's corporation) if they are not an Australian resident. To be licensed as a property, stock, business, strata managing or community managing agent in New South Wales, licensees must have a registered office in New South Wales.</p> <p>In Victoria, a person cannot be licensed as an estate agent unless they have a registered office in Victoria and they must maintain a principal office in Victoria. An agent's representative must have a registered address in Victoria to which documents can be sent. A person cannot be licensed as a conveyancer or carry on a conveyancing business in Victoria unless they maintain a</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>principal place of business in Victoria.</p> <p>In Western Australia, a person seeking to carry on business as a real estate or business agent in Western Australia must establish and maintain a registered office in the State. A person seeking to carry on business as a settlement agent (conveyancer) in Western Australia must ordinarily reside in the State. A licensed settlement agent must establish and maintain a registered office in the State.</p> <p>In Queensland, in order to operate as a real estate agent, auctioneer, or commercial agent in Queensland, a person must have a business address in Queensland. This must be a physical address and not a post box.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>E. <u>Rental/leasing services without operators</u></b></p> <p>a) Relating to ships (CPC 83103**)  Excludes cabotage, intrastate and offshore trades</p> <p>b) Relating to aircraft (CPC 83104)</p> <p>c) Relating to other transport equipment (CPC 83101, 83102, 83105)</p> <p>d) Relating to other machinery and equipment (CPC 83106-9)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p><b>F. <u>Other business services</u></b></p> <p>a) Advertising services (CPC 87110, 87120**, 87190)</p> <p>Covers services by advertising agencies in</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>creating and placing advertising in periodicals, newspapers, radio and television for clients; outdoor advertising; media representation i.e. sale of time and space for various media; distribution and delivery of advertising material or samples. Does not include production or broadcast/screening of advertisements for radio, television or cinema.</p>			
<p>b) Market research and public opinion polling services (CPC 864)</p> <p>c) Management consulting services (CPC 865)</p> <p>d) Services related to management consulting (CPC 86601, 86609)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Excludes arbitration and conciliation services			
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 8811**, 8812**, 8814**)	1) None 2) None 3) None	1) None 2) None 3) None	
Provision of advice and guidance relating to crop and livestock management on consultancy basis. Includes specialised consultancy services only, related to forestry activities, timber evaluation, forest management or planning. Does not include logging.			
g) Services incidental to fishing (CPC 882**)  Consists of specialised	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
consultancy services only, related to marine or freshwater fisheries, fish hatchery services. Does not include fishing.			
h) Services incidental to mining and site preparation work for mining (CPC 883, 5115)	1) None 2) None 3) None	1), 2) and 3) None, except the operator of Mount Isa Mines shall, so far as is reasonably and economically practicable: (a) use the services of professional consultants resident and available within Queensland; (b) use labour available within Queensland; (c) when preparing specifications, calling for tenders and letting contracts for works, materials, plant, equipment and supplies ensure that Queensland suppliers, manufacturers, and contractors are given reasonable opportunity to tender or quote; and (d) give proper consideration and where possible preference to Queensland suppliers,	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>manufacturers and contractors when letting contracts or placing orders for works, materials, plant, equipment and supplies where price, quality, delivery and service are equal to or better than that obtainable elsewhere.</p>	
<p>i) Services incidental to manufacturing (CPC 884 + 885 except for 88442)</p> <p>j) Services incidental to energy distribution (CPC 887**)</p> <p>Covers consultancy services related to the transmission and distribution on a fee or contract basis of electricity, gaseous fuels and steam and hot water to household, industrial, commercial and other users.</p> <p>k) Placement and supply services of personnel (CPC 872)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) Unbound 2) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) Unbound 2) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
l) Investigation and security (CPC 873)	1) None 2) None 3) None	1) None 2) None 3) None, except in New South Wales, a person must be an Australian citizen or an Australian permanent resident to obtain a licence to carry on a security activity.	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 + 8861 - 8866)	1) None 2) None 3) None	1) None 2) None 3) None	
o) Building-cleaning services (CPC 874)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None	1) None 2) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>s) Convention services (CPC 87909**)</p> <p>Activities of establishments engaged in provision of planning, organising, managing and marketing services for conventions and similar events (including catering and beverage services).</p>	<p>3) None</p> <p>1) None 2) None 3) None</p>	<p>3) None</p> <p>1) None 2) None 3) None</p>	
<p>t) Other:</p> <p>Telephone answering services(CPC 87903)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>Duplicating services (CPC 87904)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>Translation and interpretation services (CPC 87905)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Mailing list compilation and mailing services (CPC 87906)	1) None 2) None 3) None	1) None 2) None 3) None	
Interior design (CPC 87907)	1) None 2) None 3) None	1) None 2) None 3) None	
Specialised consultancy services related to the post-construction design and fitting out of interior living and working spaces. Includes purchase of necessary goods.			
<b>2. COMMUNICATION SERVICES</b>			
C. <u>Telecommunications services</u>			
Covers the following sub-sectors from the Services Sectoral Classification List (W/120) and related CPC numbers 7521,7522,7523, 7529**			
(a) Voice telephone services	1) None	1) None	Australia undertakes additional commitments as indicated in the attached Reference Paper on telecommunications.
(b) Packet-switched data transmission services	2) None	2) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(c) Circuit-switched data transmission services</p> <p>(d) Telex services</p> <p>(e) Telegraph services</p> <p>(f) Facsimile services</p> <p>g) Private leased circuit services</p> <p>o) Other</p> <ul style="list-style-type: none"> <li>- Digital Cellular services</li> <li>- Paging services</li> <li>- Personal Communications Services</li> <li>- Trunked Radio System Services</li> <li>- Mobile Data Services</li> </ul> <p>Services covered by the <i>Broadcasting Services Act 1992</i> (Cth) are excluded from the basic telecommunications sector</p>	<p>3) None, except that:</p> <p>i) An entity holding a new carrier licence must be a public body or a constitutional corporation under Australian law or a partnership where each partner is a constitutional corporation under Australian law.</p> <p>ii) The maximum aggregate foreign ownership allowed in Telstra is 35 per cent. The maximum individual foreign ownership allowed in Telstra is 5 per cent.</p>	<p>3) None, except that the Chairperson and majority of directors of Telstra must be Australian citizens. Telstra must maintain its head office, main base of operations and place of incorporation in Australia.</p>	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
h) Electronic mail (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Voice mail (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
j) On-line information and data base retrieval (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
k) Electronic data interchange (EDI) (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
l) Enhanced/value-added facsimile services, including store and retrieve (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Code and protocol conversion (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. <u>General construction work for</u>	1) Unbound*	1) Unbound*	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>buildings</u> (CPC 512)	2) None 3) None	2) None 3) None	
B. <u>General construction work for civil engineering</u> (CPC 513)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
C. <u>Installation and assembly work</u> (CPC 514, 516)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
D. <u>Building completion and finishing work</u> (CPC 517)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
E. <u>Other</u> (CPC 511 + 515 + 518)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
<b>4. DISTRIBUTION SERVICES</b>			
A. <u>Commission agents' services</u> (CPC 62113-62118)  Includes services by commission agents, commodity brokers, auctioneers and other	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
wholesalers who trade on behalf of others, of food products, and non-alcoholic beverages. Excludes tobacco alcoholic beverages, and firearms.			
<p><u>B. Wholesale trade services</u> (CPC 6221**, 6222**, 6223-6228**)</p> <p>Wholesale trade services of agricultural raw materials and live animals. Excludes wholesale trade services of unmanufactured tobacco, tobacco products, alcoholic beverages, and firearms.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p><u>C. Retailing services</u> (CPC 631, 63212, 6322, 6323, 6324, 6325, 6329, 61112, 6113, 6121)</p> <p>Australia's commitments in relation to these services extend to cover the following</p>	<p>1) Unbound except for mail order 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>services not listed in relevant CPC classifications: inventory management of goods, assembling, sorting and grading of goods, breaking bulk, re-distribution and delivery services for retailing.</p> <p>Does not cover dispensing of pharmaceuticals, retailing services of alcoholic beverages, tobacco products, and firearms.</p>			
<p>D. <u>Franchising</u> (CPC 8929)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p><b>5. EDUCATIONAL SERVICES</b></p>			
<p>B. <u>Secondary education services</u> (CPC 922**)</p> <p>Covers general as well as technical and vocational education at the secondary level in private institutions</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) Unbound</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Higher education services</u> (CPC 923**)    Covers provision of private tertiary education services including at university level</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) Unbound</p>	
<p>E. <u>Other education services</u> (CPC 929**)    Covers tuition and testing in English and other languages. Tuition in cuisine and traditional therapies (including massage, acupuncture), music, dance and martial arts.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) Unbound</p>	
<b>6. ENVIRONMENTAL SERVICES<sup>16</sup></b>			
<p>A. <u>Wastewater management</u> (CPC 9401)    This covers removal, treatment and disposal of</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

<sup>16</sup> Australia's commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal and treatment of solid wastes.			
<p><b>B. <u>Waste management</u></b> (CPC 9402, 9403)</p> <p>This covers hazardous and non-hazardous waste collection, treatment and disposal (including incineration, composting and landfill); sweeping and snow removal, and other sanitation services.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p><b>C. <u>Protection of ambient air and climate</u></b> (CPC 9404)</p> <p>This covers services at power stations or industrial complexes to remove air pollutants; monitoring of mobile emissions and</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
implementation of control systems or reduction programmes.			
D. <u>Remediation and cleanup of soil and water</u> (CPC 9406**) <sup>17</sup> This covers cleaning- up systems in situ or mobile, emergency response, clean-up and longer term abatement of spills and natural disasters; and rehabilitation programmes (e.g. recovery of mining sites) including monitoring.	1) None 2) None 3) None	1) None 2) None 3) None	
E. <u>Noise and vibration abatement</u> (CPC 9405)  This covers monitoring programmes, and installation of noise reduction systems and screens.	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>17</sup> Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>F. <u>Protection of biodiversity and landscape</u> (CPC 9406**)<sup>18</sup></b></p> <p>This covers ecology and habitat protection and promotion of forests and promoting sustainable forestry.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p><b>G. <u>Other environmental and ancillary services</u> (CPC 9409)</b></p> <p>This covers other environment protection services, including services related to environmental impact assessment.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

<sup>18</sup> Australia's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services.



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>7. FINANCIAL SERVICES</b></p> <p>Australia undertakes its specific commitments on financial services in accordance with the World Trade Organisation's (WTO) "Understanding on Commitments in Financial Services" (hereinafter referred to as the "Understanding") subject to Article 2 (Scope) of the Trade in Services Chapter of this Agreement.</p> <p>The obligations under the Understanding are addressed in this Schedule additionally to those covered by Article 5 (Market Access), Article 6 (National Treatment), and Article 7 (Additional Commitments) of the Trade in Services Chapter of this Agreement, as well as the WTO Annex on Financial Services.</p> <p>The market access commitments with respect to "cross-border supply" and "consumption abroad" (as described in paragraph (s) of Article 1 (Definitions) of the Trade in Services Chapter) bound in this Schedule are limited to the services indicated in paragraphs B.3 and B.4 of the Understanding, respectively. These specific commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments" section of this Schedule.</p>			
<p>A. <u>Insurance and insurance-related services</u></p>	<p>3) Approval of non-resident life insurers is restricted to subsidiaries.</p> <p>Most State and Territory Governments maintain restrictions, by way of monopolies or licensing provisions and associated controls on premiums and other terms of policies, in the following areas of insurance:</p>	<p>3) Sub-national guarantees are provided to some State and Territory Insurance Offices.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Compulsory Third Party Motor Vehicle Accident: Victoria, Western Australia, Tasmania, Northern Territory (monopolies); New South Wales, Queensland, South Australia, Australian Capital Territory (licensing, premiums/policy terms).</p> <p>Workers Compensation: South Australia, Victoria, Queensland (monopolies); New South Wales, Western Australia, Tasmania (licensing, premiums/policy terms).</p> <p>Comcare is the monopoly provider of workers' compensation insurance to Commonwealth Government employees.</p>		
B. <u>Banking and Other</u>	1), 3) To undertake banking	1), 3) Liabilities of the	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>financial services</u> (excluding insurance)<sup>19</sup></p>	<p>business in Australia an entity must be a body corporate and authorised by the Australian Prudential Regulation Authority (APRA) as an authorised deposit-taking institution (ADI). Foreign deposit-taking institutions (including foreign banks) may only operate a banking business in Australia through locally incorporated deposit-taking subsidiaries or authorised branches (foreign ADIs), or through both structures. A foreign ADI is not permitted to accept initial deposits (and other funds) from individuals and non-corporate institutions of less than A\$250,000.</p> <p>A foreign deposit-taking institution that operates a representative office in Australia is not permitted to</p>	<p>Commonwealth Bank, previously Commonwealth Government-owned, are covered by transitional guarantee arrangements.</p> <p>1), 3) The financial operations of some State or Territory owned entities may be guaranteed by the State or Territory Governments. A number of State and Territory Governments have also provided transitional guarantees to some of the assets and liabilities of former State-owned or controlled banks.</p> <p>3) In Western Australia, a natural person (whether alone or in partnership with other persons) or an incorporated body seeking to carry on a business of providing credit in Western</p>	

<sup>19</sup> Including remittance centres and remittance centre services.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>undertake any banking business, including advertising for deposits, in Australia. Such a representative office is only permitted to act as a liaison point.</p> <p>Foreign banks located overseas may only raise funds in Australia through the issue of debt securities provided those securities are offered/traded in parcels of not less than A\$500,000 and the securities and any associated information memoranda clearly state the issuing bank is not authorised under the <i>Banking Act 1959</i> (Cth) in Australia.</p> <p>1), 3) A number of State and Territory Governments operate central financing authorities through which the Government's wholly or partly-owned statutory authorities and business</p>	<p>Australia (including where the provision of the credit is connected with the carrying on of another business), must have a principal office in Australia and a principal place of business in Western Australia. Any person (including an incorporated body) seeking to exercise or carry on the business or any functions of a debt collector in Western Australia, must have a principal place of business in the State. A natural person seeking to carry on business as a finance broker in Western Australia must be ordinarily resident in Western Australia. A finance broker must have a registered office in Western Australia while carrying on business as a broker.</p> <p>3) A person operating as a second-hand dealer or as a pawnbroker must have a principal place of</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>enterprises are obliged to borrow (and in some cases invest) their funds, or otherwise obtain certain financial services:</p> <p>South Australia – South Australian Government Financing Authority, Local Government Finance Authority of South Australia</p> <p>Tasmania – Tascorp</p> <p>New South Wales – New South Wales Treasury Corporation</p> <p>Victoria – Treasury Corporation of Victoria</p> <p>Queensland – Queensland Treasury Corporation, Queensland Investment Corporation</p> <p>Northern Territory – Northern Territory Treasury Corporation</p> <p>Western Australia – Western Australian Treasury Corporation</p>	<p>business in Queensland where a document can be served personally. A post office box does not suffice.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) To obtain an Australian market licence, an applicant must be a body corporate. The responsible entity of a registered managed investment scheme must be a public company that holds an Australian financial services licence authorising it to operate a managed investment scheme.		
<b>8. HEALTH-RELATED AND SOCIAL SERVICES</b>			
<p>A. <u>Private hospital services</u> (CPC 93110**)</p> <p>Covers delivery of services under the direction of registered medical doctors to patients in hospital institutions that are not funded, owned or operated by or on behalf of the federal government or a State or Territory government in Australia.</p>	<p>1) Unbound 2) None 3) None, except that measures in the form of economic needs tests, limitations on the number of services operations and types of legal entity may apply.</p>	<p>1) Unbound 2) None 3) None</p>	
B. <u>Other human health services</u>	1) Unbound	1) Unbound	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 93199**)  Covers podiatry and chiropody services. Includes podiatry services carried out in health clinics, and in residential health facilities other than hospitals, as well as in own consulting rooms, patients' homes or elsewhere.	2) None 3) None	2) None 3) None	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. <u>Hotels and restaurants</u> (CPC 641, 642, 643)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
B. <u>Travel agencies and tour operator services</u> (CPC 7471)	1) None 2) None 3) None	1) None 2) None 3) None	
C. <u>Tourist guide services</u> (CPC 7472)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
B. <u>News agency services</u> (CPC 962)	1) None 2) None	1) None 2) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
<u>D. Sporting and other recreational services</u>			
Sporting services (CPC 9641)	1) None 2) None 3) None	1) None 2) None 3) None	
Other recreational services (CPC 96491)	1) None 2) None 3) None	1), 2) and 3) None, except: The Chief Executive of Queensland's Department of Environment and Heritage Protection may grant a wildlife authority, <sup>20</sup> other than a wildlife movement permit, to a corporation only if the corporation has an office in the State. The chief executive may approve a person to be an authorised cultivator or propagator for protected plants only if: (a) in the case of a natural person, the person is a resident of the	
Covers recreation park and beach services			

<sup>20</sup> This term is defined in Schedule 7 of the Nature Conservation (Administration) Regulation 2006 (Qld).



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>State; or                      (b) if the person is a corporation, the corporation has premises in the State at which the plants are to be cultivated or propagated. An individual or corporation is only taken to be a “person aggrieved” by a decision, failure to make a decision or conduct under the Act if the individual is an Australian citizen or ordinarily resident in Australia or, if a corporation, established in Australia.</p>	
<b>11. TRANSPORT SERVICES</b>			
A. <u>Maritime transport services</u>			<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions: pilotage, towing and tug assistance; provisioning, fuelling and watering; garbage collection and ballast waste disposal; Port Captain's services; navigation aids (a); shore-based</p>

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			<p>operational services essential to ship operations, including communications water and electrical supplies; emergency repair facilities; anchorage, berth and berthing services.</p> <p>(a): except for Queensland, where vessels of 35 m and above must pay conservancy fees to fund navigational aids, while this obligation applies only to Australian vessels of 50m and above.</p> <p>Where road, rail and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability, on reasonable and non-discriminatory terms and conditions, to rent, hire or charter trucks, railway carriages, ships and related equipment for the purpose of onward forwarding of international cargoes carried by sea, or have access to and use of these forms</p>

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			of transport services for the purpose of providing multimodal transport services.
International transport (freight and passengers) (CPC 7211 and 7212 less cabotage and offshore transport - as defined in Note to Schedule) <sup>21</sup>	<p>1) a) Liner Shipping: None, except that every ocean carrier who provides international liner cargo shipping services to or from Australia must, at all times, be represented by a natural person who is resident in Australia.</p> <p>1) b) Bulk, tramp and other international shipping, including international passenger transportation: None.</p> <p>2) None</p>	<p>1) a) None</p> <p>1) b) None</p>	See Note to Schedule
	3) a) Establishment of registered	3) a) Unbound	

<sup>21</sup> Only a person affected by a registered conference agreement or by a registered non-conference ocean carrier with substantial market power may apply to the Australian Competition and Consumer Commission to examine whether conference members, and non-conference operators with substantial market power, are hindering other shipping operators from engaging efficiently in the provision of outward liner cargo services to an extent that is reasonable. For greater certainty, matters which are relevant to the determination of 'reasonable' include Australia's national interest and the interests of Australian shippers. For the purposes of this entry, sections 10.48 and 10.58 of Part X of the *Competition and Consumer Act 2010* (Cth) list the categories of persons to whom this reservation will apply.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>company for the purpose of operating a fleet under the national flag of Australia: nationality requirements for ownership and registration of vessels as defined by the <i>Shipping Registration Act 1981</i> (Cth).</p> <p>3) b) Other forms of commercial presence for the supply of international maritime transport services (as defined in Note to Schedule): None</p>	<p>3) b) None</p>	<p>See Note to Schedule</p>
<p><u>Maritime auxiliary services</u></p> <p>International rental of vessels with crew (less cabotage and offshore transport - as defined in Note to Schedule)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime cargo handling services (as described in Note to Schedule)	1) Unbound* 2) None 3) None, except Unbound in South Australia. Licences/concessions are granted by port authorities. Public utility concession or licensing procedures may apply in the case of the occupation of the public domain for the conduct of these activities.	1) Unbound* 2) None 3) None	
Storage and warehousing services (CPC 742)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Maritime freight forwarding services (as defined in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	
Customs clearance services (as described in Note to Schedule)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
Preshipment inspection (as defined in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime agency services (as described in Note to Schedule)	1) None 2) None 3) None	1) None 2) None 3) None	
C. <u>Air Transport Services</u>			
d) <u>Maintenance and repair of aircraft</u> (CPC 8868**) <p>Covers establishments mainly engaged in periodic maintenance and repair (routine and emergency) of airframes (including wings, doors, control surfaces) avionics, engines and engine components, hydraulics, pressurisation and electrical systems and landing gear. Includes painting, other fuselage surface treatments and repair of flight-deck (and other) transparencies. Further includes rotary and glider aircraft.</p>	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
<u>Computer reservation systems</u>	1) None	1) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(CPC 7523**) Activities of establishments engaged in providing and maintaining computer reservation to other enterprises engaged in the provision of travel agency services, including transport and accommodation booking, tour and travel wholesaling/retailing – to establishments engaged in providing reservation services (such as travel agencies etc.). CRS services related to air carriers include the provision of information on air carrier schedules, space availability and tariffs.</p>	<p>2) None 3) None</p>	<p>2) None 3) None</p>	
<p><u>Airport operation services</u> (excl. cargo handling) (CPC 7461)</p>	<p>1) Unbound* 2) None 3) None</p>	<p>1) Unbound* 2) None 3) None</p>	
<p><u>Ground handling services</u> – Cargo handling (CPC 74110)</p>	<p>1) Unbound* 2) None</p>	<p>1) Unbound* 2) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
and 74190 air transport sector only) – Other supporting services for air transport (CPC 7469**) (excludes airport rescue and terminal firefighting services)	3) None	3) None	
<u>Selling and marketing of air transport services</u> <sup>22</sup>  This commitment confirms, without extending, the application to air transport services of the specific commitments made elsewhere in this Schedule in the following sections, subject to all limitations, exceptions and qualifications set out in those sections: – Travel agencies and tour operator services (CPC 7471), – Market research and public	1) None, except: Retailing services (CPC 631, 63212, 6322-5, 6329, 61112, 6113, 6121) are unbound except for mail order. 2) None 3) None	1) None 2) None 3) None	

<sup>22</sup> For the purposes of this commitment, ‘selling and marketing of air transport services’ is defined as in paragraph 6(b) of the GATS Annex on Air Transport Services, except that the aspects of ‘marketing’ covered by this commitment are limited to market research, advertising and distribution



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>opinion polling services (CPC 864),</p> <ul style="list-style-type: none"> <li>– Advertising services (CPC 87110, 87120**, 87190) (as described in this schedule),</li> <li>– Distribution: Commission agents' services (CPC 62113-62118); Wholesale trade services (CPC 6223-6228); Retailing services (CPC 631, 63212, 6322, 6323, 6324, 6325, 6329, 61112, 6113, 6121) (as described in this schedule); and Franchising (CPC 8929).</li> </ul>			
<p><u>E. Rail transport services</u></p> <ul style="list-style-type: none"> <li>b) Freight transportation (CPC 7112);</li> <li>c) Pushing and towing services (CPC 7113); and</li> <li>e) Supporting services for rail</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> </ul>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
transport services (CPC 743).	<p>restrictions on the right to establish new networks but access to public land may not be guaranteed.</p> <p>Above track (rail transport services (such as trains) that operate over the rail-track infrastructure): none except that access to rail infrastructure is allocated under pro-competitive principles for safety, efficiency and the long term interests of users.</p>		
<p>F. <u>Road transport services</u></p> <p>a) Passenger transportation (CPC 71213, 71214, 7122)</p> <p>Does not include regular urban bus services</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None, except Australian States and Territories maintain limitations including</p> <p>a) in the Australian Capital Territory, an application for accreditation to run a public transport service must be made by an Australian citizen or</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>permanent resident of Australia.                      b) in the Northern Territory, a taxi licence will be cancelled where the holder, being an individual, has not been ordinarily resident in the Northern Territory for more than six months or, being a body corporate, has ceased for more than six months to have its principal place of business in the Northern Territory.                      c) in Western Australia, to hold a Government Lease taxi plate, the plate holder must be an Australian citizen or a permanent resident.</p>	
b) Freight transportation (CPC 7123)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Rental of commercial vehicles with operator (CPC 7124)	1) None 2) None 3) None	1) None 2) None 3) None	
G. <u>Pipeline transport</u>			

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>a) Transportation of fuels (CPC 7131)</p> <p>b) Transportation of other goods (CPC 7139)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>H. <u>Services auxiliary to all modes of transport</u></p> <p>a) Cargo-handling services in relation to rail, road and air transport only (CPC 741**)</p> <p>(Note also that maritime cargo handling services are dealt with under “Maritime Services” above)</p>	<p>1) Unbound* 2) None 3) None</p>	<p>1) Unbound* 2) None 3) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>b) Storage and warehouse services (CPC 742 excluding maritime)</p> <p>Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 742: distribution centre services and materials handling and equipment services such as container station and depot services (excluding maritime).</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p>	
<p>c) Freight transport agency services (CPC 748 excluding maritime)</p> <p>Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 748: customs agency services and load scheduling services</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(excluding maritime).			
d) Other supporting and auxiliary transport services (CPC 749 excluding maritime)  Australia's commitment in relation to these services extends to cover the following services in addition to those listed under CPC 749: container leasing and rental services (excluding maritime).	1) None 2) None 3) None	1) None 2) None 3) None	

\* Unbound due to lack of technical feasibility

\*\* Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

## **NOTE TO SCHEDULE OF AUSTRALIA: MARITIME TRANSPORT SERVICES**

### **DEFINITIONS**

1. Multimodal Transport Operator: the person on whose behalf the bill of lading/multimodal document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
2. Cabotage: for the purposes of this Schedule only, cabotage is defined as the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia.
3. Offshore Transport refers to shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to, the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.
4. Other Forms of Commercial Presence for the Supply of International Maritime Transport Services: for the purposes of this Schedule, means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. This commitment shall not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery.

These activities include:

- 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;
- the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated service;

- the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
  - the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the GATS Annex on Telecommunications);
  - the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
  - acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.
5. International Rental of Vessels with Crew: rental and/or leasing services of all types of sea-going vessels with crew (such as tankers, bulk dry cargo vessels, cargo and freight vessels) for the purpose of international trade.
6. Maritime Cargo Handling Services: activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring of terminal operator companies. The activities covered include the organisation and supervision of: the loading/discharging of cargo to/from a ship; the lashing/unlashing of cargo; and, the reception/delivery and safekeeping of cargoes in the wharf area before shipment or after discharge. The organisation and supervision includes the arrangements for (1) engaging skilled labour (dockers), (2) using all the necessary equipment for on-board or shore use and the appropriate storage space, whether by ownership, rental or otherwise, (3) the checking of parcels and markings, the weighing and measuring of cargo (upon request of the owner), and (4) the administrative duties as well as the responsibility related to the services.

Container terminal operators can furthermore be appointed for stuffing/stripping containers and e.g. the survey and supply of electricity to containers.

7. Maritime Freight Forwarding Services: the organisation and monitoring of shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.



8. Customs Clearance Services: activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through-transport of cargoes, whether this is the main activity of the service provider or a usual complement of its main activity.
  9. Preshipment Inspection: all services performed on a fee or contract basis involved in the verification of the quality, quantity, price (including currency exchange rate and financial terms), and/or the customs classification of goods to be exported. Does not include customs or quarantine inspection.
  10. Maritime Agency Services: activities consisting in representing, within a given geographic area, as an agent, the business interests of one or more shipping line or shipping companies, for the following purposes:
    - marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies; acquisition and resale of the necessary related services, preparation of documentation, and provision of business information
    - acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
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**ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)**

**SCHEDULE OF THE COOK ISLANDS**

1. The inscription ‘none’ means that, for the listed sector or sub-sector, no limitations to the obligations of national treatment are maintained. The inscription ‘unbound’ means that no commitments are taken with respect to a particular subsector or area. Limitations listed in the horizontal section condition all sector-specific commitments.

**Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence**

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>1. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	Investment <sup>2</sup> in the Cook Islands by a natural person or by an enterprise of another Party requires approval from the Business Trade Investment Board (BTIB). <sup>3</sup>  The BTIB shall approve a foreign enterprise to carry on business in the Cook Islands if it is satisfied that the investment	The ownership of freehold interest in land is restricted only to Cook Islanders. Natural persons who are not Cook Islanders and who are Permanent Residents of the Cook Islands or who are Enterprises may only acquire a leasehold interest in land to	

<sup>1</sup> CPC in the sectoral column means the Provisional Central Product Classification, United Nations, 1991.

<sup>2</sup> Investment is defined in this Schedule as an enterprise in which Cook Islanders own less than 66 per cent of shares or when they do not have management control of the enterprise.

<sup>3</sup> This entry in the schedule is in accordance with the Cook Islands’ foreign investment law at the time of entry into force, which consists of the Development Investment Act 1995-96, the Development Investment (Investment Code) Order 2003, and the Development Investment Regulations 1995-96. The Cook Islands has interest in further refining and improving its laws regulating foreign investment. Should the Cook Islands adopt, after entry into force, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	<p>would likely result in a net benefit to the Cook Islands.<sup>4</sup></p> <p>Investments in the following areas are reserved to Cook Islanders and to enterprises fully-owned by Cook Islanders:</p> <ul style="list-style-type: none"> <li>Visitor accommodation;</li> <li>Diving operations;</li> <li>Water-sports operations (water skis, parasailing, jet-skis, etc.);</li> <li>Tourist tours or transfers;</li> <li>Eco-tourism;</li> <li>Cinema operations;</li> <li>Cultural attractions (including cultural performances);</li> <li>Bakeries or pastry shops;</li> <li>Grocery retail outlets (including sundry stores, superettes, and supermarkets);</li> <li>Ownership of galleries for paintings or other visual arts;</li> </ul>	<p>a maximum term of 60 years but subject to approval from the Leases Approval Tribunal under a non-discriminatory process.</p>	

<sup>4</sup> The criteria on which this decision will be based includes: (a) the demand for the product to be provided; (b) whether the product to be provided is currently available in the Cook Islands; (c) the participation by Cook Islanders in the enterprise; (d) the employment of Cook Islanders in the enterprise; (e) training to be provided to Cook Islanders; (f) the degree of innovations, new processes or products, or new skills and technology associated with the proposed activity; (g) whether a significant proportion of financing for the enterprise would be sourced from outside the Cook Islands; (h) whether a significant proportion of the capital expenditure proposed in relation to the enterprise would be spent on businesses in the Cook Islands; (i) whether the activities concerned would be carried out in an island other than Rarotonga; (j) whether the activities concerned would generate a demonstrable net economic benefit to the Cook Islands or to at least one island in the Cook Islands; (k) whether the activities concerned would have a significant adverse effect on the social and cultural fabric of the Cook Islands, or the island or community where the activities would be carried out.

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Motor vehicle dealers;  Restaurants, cafés, or other food preparation and sale operations;  Retail of traditional or cultural handicrafts and artefacts (including commercial reproductions);  Sale or supply of computer hardware or related services;  Trucking and cartage operations;  Taverns or public bars;  Duty free shops;  Laundry or dry-cleaning;  Places offering Internet access (e.g. internet cafés);  Audio or video production, hire, or sale;  Hair dressing salons, beauty parlours, or health spas.<sup>5</sup></p> <p>However, investments in the reserved areas may be approved if: Cook Islanders or enterprises owned by Cook Islanders are not providing the service, or; the foreign investor brings a capital investment of, in the case of Rarotonga, not less than NZ\$1 million, and in the case</p>		

<sup>5</sup> For greater certainty, nothing in section II of this schedule (Sector-Specific Commitments) can be taken to somehow lessen or modify the limitations listed in this section.

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	of other islands of the Cook Islands, not less than NZ\$500,000. Approval shall also be based on the criteria indicated above.		

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. Sector-Specific Commitments</b>			
<p>1. BUSINESS SERVICES</p> <p>A. Professional Services</p> <p>a) Legal Services (CPC 861)</p> <p>b) Accounting, auditing and bookkeeping services (CPC 862)</p> <p>c) Taxation services (CPC 863)</p> <p>d) Architectural services (CPC 8671)</p> <p>e) Engineering services (CPC 8672)</p> <p>f) Integrated engineering services (CPC 8673)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p>	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
g) Urban planning and landscape architectural services (CPC 8674)  h) Medical and dental services (CPC 9312)  i) Veterinary services (CPC 932)  j) Midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	
B. Computer and Related Services (CPC 84)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Research and Development Services  a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) A research permit is required, the granting of which is based on an	1) None 2) None 3) None	

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>b) R&amp;D services on social sciences and humanities (CPC 852)</p> <p>c) Interdisciplinary R&amp;D services (CPC 853)</p>	<p>assessment of the potential for the proposed research to address national priorities, deliver benefits, and strengthen national research capacity.</p> <p>1) None 2) None 3) A research permit is required, the granting of which is based on an assessment of the potential for the proposed research to address national priorities, deliver benefits, and strengthen national research capacity.</p> <p>1) None 2) None 3) A research permit is required, the granting of which is based on an assessment of the potential for the proposed research to address national priorities, deliver benefits, and strengthen national research capacity.</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>D. Real Estate Services</p> <p>a) Involving own or leased property (CPC 821)</p>	<p>1) Unbound 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p>	



<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
b) On a fee or contract basis (CPC 822)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
E. Rental/Leasing Services without Operators			
a) Relating to ships (CPC 83103)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Relating to other machinery and equipment (CPC 83106-83109)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Other (CPC 832).	1) None 2) None 3) None	1) None 2) None 3) None	

F. Other Business Services			
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Services incidental to fishing (CPC 882**)	1) None 2) None 3) None	1) None 2) None 3) None	

<p>Consists of specialised consultancy services only, related to fisheries. Does not include fishing.</p>			
<p>h) Services incidental to mining (CPC 883)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>i) Services incidental to manufacturing (CPC 884+885, except 88442)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>j) Services incidental to energy distribution (CPC 887**)</p> <p>Covers specialised consultancy services only, in relation to energy distribution.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>k) Placement and supply services and personnel (CPC 872)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>l) Investigation and security (CPC 873)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>m) Related scientific and technical consulting services (CPC 8675)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	1) None 2) None 3) None	1) None 2) None 3) None	
o) Building-cleaning services (CPC 874)	1) None 2) None 3) None	1) None 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
q) Packaging services (CPC 876)	1) None 2) None 3) None	1) None 2) None 3) None	
r) Printing, publishing (CPC 88442)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Other (CPC 8790)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>2. COMMUNICATION SERVICES</b>			
B. Courier Services (CPC 7512)	1) None 2) None	1) None 2) None	

	3) None	3) None	
C. Telecommunication Services <sup>6</sup>	1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for buildings (CPC 512)	1) None 2) None 3) None	1) None 2) None 3) None	
B. General construction work for civil engineering (CPC 513)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Installation and assembly work (CPC 514+516)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Building completion and finishing work (CPC 517)	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>6</sup>The Cook Islands has interest in introducing competition in the telecommunications market and in further developing appropriate regulatory frameworks, including to ensure universal service. Relevant assistance for this purpose will be sought through the Chapter on Development Assistance of PACER Plus after entry into force of the Agreement. Should competition be introduced and adequate regulatory frameworks be introduced in the future, the Cook Islands would consider reflecting these under PACER Plus through an amended schedule of specific commitments on Trade in Services.

E. Other (CPC 511+515+518)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>4. DISTRIBUTION SERVICES</b> (excluding distribution services in relation to alcohol, tobacco, fresh fish, pearls)			
A. Commission agents' services (CPC 621, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Wholesale trade services (CPC 622, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Retailing services (CPC 632, 61112, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Franchising (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>5. EDUCATIONAL SERVICES</b> (limited to services provided by privately-owned institutions)			
A. Primary education services (CPC 921**)	1) None 2) None 3) Approval of privately-owned institutions subject to prior national	1) None 2) None 3) None	

<p>B. Secondary education services (CPC 922**)</p>	<p>approval, which is conditional on local authorities being satisfied that the proposed institution would meet an educational need not currently met in the Cook Islands.</p> <p>1) None 2) None 3) Approval of privately-owned institutions subject to prior national approval, which is conditional on local authorities being satisfied that the proposed institution would meet an educational need not currently met in the Cook Islands.</p>	<p>1) None 2) None 3) None</p>	
<p>C. Higher education services in private institutions (CPC 923**)</p>	<p>1) None 2) None 3) Approval of privately-owned institutions subject to prior national approval, which is conditional on local authorities being satisfied that the proposed institution would meet an educational need not currently met in the Cook Islands.</p>	<p>1) None 2) None 3) None</p>	
<p>D. Adult education (CPC 924**)</p>	<p>1) None 2) None 3) Approval of privately-owned institutions subject to prior national</p>	<p>1) None 2) None 3) None</p>	

<p>E. Other education services (CPC 929**)</p>	<p>approval, which is conditional on local authorities being satisfied that the proposed institution would meet an educational need not currently met in the Cook Islands.</p> <p>1) None 2) None 3) Approval of privately-owned institutions subject to prior national approval, which is conditional on local authorities being satisfied that the proposed institution would meet an educational need not currently met in the Cook Islands.</p>	<p>1) None 2) None 3) None</p>	
<p>6. ENVIRONMENTAL SERVICES</p> <p>Consultancy related to the provision of the following environmental services:</p> <p>A. Sewage Services (CPC 9401**)</p> <p>B. Refuse disposal services (CPC 9402**)</p> <p>C. Sanitation and similar services (CPC</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None</p>	



9403**) )	2) None 3) None	2) None 3) None	
D. Other environmental services (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None	
<p><b>7. FINANCIAL SERVICES</b></p> <p>Excluding: activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; activities forming part of a statutory system of social security or public retirement plans; and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p> <p>A. Insurance and insurance-related services</p> <p>(i) Direct insurance (including co-insurance) :</p> <p>(A) life</p> <p>(B) non-life</p> <p>(ii) Reinsurance and retrocession;</p>	<p>1) Only through an established agent or broker.</p> <p>2) None</p> <p>3) Incorporation in the Cook Islands is required.</p> <p>1) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p>	

<p>(iii) Insurance intermediation, such as brokerage and agency;</p> <p>(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.</p>	<p>2) None 3) Incorporation in the Cook Islands is required.</p> <p>1) Unbound 2) Unbound 3) None</p> <p>1) None 2) None 3) None</p>	<p>2) None 3) None</p> <p>1) Unbound 2) Unbound 3) None</p> <p>1) None 2) None 3) None</p>	
<p>B. Banking and other financial services (excluding insurance)</p> <p>(a) Acceptance of deposits and other repayable funds from the public;</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;</p> <p>(c) Financial leasing;</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

<p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>(e) Guarantees and commitments;</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:  (i) money market instruments (including cheques, bills, certificates of deposits);  (ii) foreign exchange;  (iii) derivative products including, but not limited to, futures and options;  (iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;  (v) transferable securities;  (vi) other negotiable instruments and financial assets, including bullion.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>(g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

privately) and provision of services related to such issues;			
(h) Money broking;	1) None 2) None 3) None	1) None 2) None 3) None	
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;	1) None 2) None 3) None	1) None 2) None 3) None	
(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;	1) None 2) None 3) None	1) None 2) None 3) None	
(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;	1) None 2) None 3) None	1) None 2) None 3) None	
(l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate	1) None 2) None 3) None	1) None 2) None 3) None	

restructuring and strategy.			
<b>8.HEALTH RELATED AND SOCIAL SERVICES</b> (limited to services provided by privately-owned institutions)			
A. Hospital Services(CPC 9311**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Other Human Health Services (CPC 9319**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Social Services (CPC 933**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>9. TOURISM AND TRAVEL SERVICES</b>			
A. Hotels and restaurants (CPC 641-643)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Travel agencies and tour operator services	1) None 2) None 3) None	1) None 2) None 3) None	

<p>C. Tourist guide services (CPC 7472)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>11. TRANSPORT SERVICES</p> <p>A. Maritime Transport Services</p> <p>International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)</p>	<p>1) Local agent or registration in the Cook Islands required.</p> <p>For transport of cargo, supply of the service is conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on existing service.</p> <p>2) None</p> <p>3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: none</p> <p>3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none</p>	<p>1) None</p> <p>2) None</p> <p>3)(a) None</p> <p>3)(b) None</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations including communications, water and electrical supplies</li> </ol>

			8. Emergency repair facilities 9. Anchorage, berth and berthing services
d) Maintenance and repair of vessels (CPC 8868**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>MARITIME AUXILIARY SERVICES</b>			
Container Station and Depot Services (as defined in Annex)	1) None 2) None 3) None	1) None 2) None 3) None	
Maritime Freight Forwarding Services (as defined in Annex)	1) Suppliers of international maritime transport services are required to go through a local agent established in the Cook Islands. 2) None 3) None	1) None 2) None 3) None	
Storage and Warehousing Services (as defined in Annex)	1) Unbound 2) None 3) None	1) None 2) None 3) None	
Maritime Agency Services (as defined in Annex)	1) None 2) None	1) Unbound 2) None	

	3) None	3) None	
Customs clearance services (as defined in Annex)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
<b>C. Air Transport Services<sup>7</sup></b>			
Aircraft repair and maintenance services;	1) None 2) None 3) None	1) None 2) None 3) None	
Selling and marketing of air transport services;	1) None 2) None 3) None	1) None 2) None 3) None	
Computer reservation system services;	1) None 2) None 3) None	1) None 2) None 3) None	
Specialty air services.	1) None 2) None 3) None	1) None 2) None 3) None	
<b>H. Services Auxiliary to All Modes of</b>			

<sup>7</sup> As defined in Article 1 of Chapter 7 (Trade in Services).



Transport			
a) Cargo-handling services, except maritime and air cargo handling (CPC 741**)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	

\*\* The service specified constitutes only part of the total range of activities covered by the CPC concordance.

## **ANNEX TO SCHEDULE OF THE COOK ISLANDS: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

1. Without prejudice to the scope of activities which may be considered as “cabotage” under the relevant national legislation, this schedule does not include “maritime cabotage services”, which are assumed to cover transportation of passengers or goods between a port located in the Cook Islands and another port located in the Cook Islands, traffic originating and terminating in the same port located in the Cook Islands provided that this traffic remains within the Cook Islands’ territorial waters, and traffic between a port located in the Cook Islands and installations or structures situated in the EEZ or relating to the continental shelf of the Cook Islands.
2. “Other forms of commercial presence for the supply of international maritime transport services” means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. “Maritime agency services” means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

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

– acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

4. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

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**ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)**

**SCHEDULE OF THE FEDERATED STATES OF MICRONESIA**

Modes of Supply:   (1) Cross-border supply       (2) Consumption abroad       (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>1. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) Investment by an investor of another Party requires a Foreign Investment Permit in relation to economic sectors under national jurisdiction, and State Foreign Investment Permits from any state in which it wants to conduct business in relation to sectors under the jurisdiction of states. <sup>2</sup>  Foreign Investment Permits are	3) Natural persons that are not citizens of the Federated States of Micronesia and enterprises that are not wholly-owned by citizens of the Federated States of Micronesia are prohibited from owning or acquiring land or any interest in land.  Limits to lease of land are: o Up to 99 years in	

<sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>2</sup> This entry in the schedule is in accordance with FSM's foreign investment rules at time of entry into force of the Agreement, which principally consists of the *FSM Investment Law 2005*, the *Pohnpei Foreign Investment Act 2011*, the *Yap Foreign Investment Act 2012*, the *Chuuk State Foreign Investment Act 1998*, *Kosrae Foreign Investment Act 1998*, and related instruments. Should the FSM adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services. Monetary amounts mentioned in this section can be adjusted for inflation after entry into force of the agreement. Permits may be refused to applicants that have criminal records, carry outstanding debts to FSM persons or governments, or that have had a Foreign Investment Permit revoked in the past. For the purpose of this schedule, no discriminatory economic needs tests are applied at the national level. Investment for the purpose of this entry is defined as *per* the relevant laws at the time of entry into force of the Agreement (see below).

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>subject to the following additional limitations in the following states:</p> <p><u>Chuuk State:</u></p> <p>Issuance of permits is based on an economic needs test which is based on the following criteria:</p> <ul style="list-style-type: none"> <li>- the value of the investment and its economic benefits for Chuuk; effect on competition; impact on employment of locals.</li> </ul> <p>This economic needs test does not apply to eco-tourism, professional services<sup>3</sup>, and services related to the exportation of local products.</p> <p><u>Kosrae State:</u></p> <ul style="list-style-type: none"> <li>- For tourism other than eco-tourism, maintenance of a minimum investment of US\$5,000 is required.</li> </ul>	<p>Chuuk State;</p> <ul style="list-style-type: none"> <li>○ Up to 55 years in Yap State;</li> <li>○ 55 years renewable but no more than 99 years for private land, and 40 years renewable for public land in Kosrae State;</li> <li>○ 55 years renewable up to 99 years in Pohnpei State.</li> </ul> <p>Natural persons that are not citizens of the Federated States of Micronesia enterprises that are not wholly-owned by citizens of the Federated States of Micronesia cannot sub-lease land.</p> <p>3) The lease of real estate by natural persons who are not citizens of the Federated States of Micronesia and by enterprises that</p>	

<sup>3</sup> Includes services of computer consultants.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p><u>Yap State:</u></p> <ul style="list-style-type: none"> <li>- All foreign investments in which total capital is less than US\$3 million shall require a partner that is Yapese by birth.</li> </ul> <p><u>Pohnpei State:</u></p> <p>Issuance of permits is based on an economic needs test which is based on the following criteria:</p> <ul style="list-style-type: none"> <li>- the value of the investment and its economic benefits for Pohnpei; the degree of domestic ownership; impact on employment of locals.</li> </ul> <p>This economic needs test does not apply when these conditions are met :</p>	<p>are not wholly-owned by citizens of the Federated States of Micronesia requires an authorization by the competent State authority which will consider among other things whether important economic, social or cultural interests are affected.</p> <p>3) An investor applying for a Foreign Investment Permit shall designate a person residing within the Federated States of Micronesia as a designated agent upon whom the process can be served.</p> <p> Holders of Foreign Investment Permits are required to produce an annual report to the competent authorities.</p> <p>3) Foreign service suppliers are required to provide training to local employees.</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>A) For professional services and tourism services<sup>4</sup>:</p> <p>(i) the initial capital of the foreign investment is greater than US\$50,000 in the case of professional services or than US\$250,000 for other services sectors; and</p> <p>(ii) the proposed investment is a joint venture where at least 60 per cent of the total equity is beneficially held by citizens of the Federated States of Micronesia;</p> <p>B) For other services sectors:</p> <p>(i) the initial capital of the foreign investment is greater than US\$250,000; and</p> <p>(ii) the proposed investment is a joint venture where at</p>	<p>3) Unbound for measures: a) as part of the act of devolving a service that is provided in the exercise of governmental authority at the time the Agreement enters into force; or, b) regarding the sale or disposal of government-owned entities or assets.</p>	

<sup>4</sup> For the purpose of this limitation, tourism services mean the hotels, visitors' lodge, golf courses, marinas or other recreational facilities that principally serve the visitor industry.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>least 51 per cent of the total equity is beneficially held by citizens of the Federated States of Micronesia.</p> <p>3) Unbound for measures: a) as part of the act of devolving a service that is provided in the exercise of governmental authority at the time the Agreement enters into force; or, b) regarding the sale or disposal of government-owned entities or assets.</p>		



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. Sector-Specific Commitments</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
a) Legal advisory services (CPC 861**)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Medical and dental services (CPC 9312)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Computer and Related Services (CPC 84)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Research and Development Services			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) None	1) None 2) None 3) None	
b) R&D services on social sciences and humanities (CPC 852)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Interdisciplinary R&D services (CPC 853)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>E. Rental/Leasing Services without Operators</b>			
a) Relating to ships (CPC 83103)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Relating to other machinery and equipment	1) None 2) None	1) None 2) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 83106-83109)	3) None	3) None	
e) Other (CPC 832)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Technical testing and analysis services, including ship survey services	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
f) Services incidental to agriculture, hunting and forestry (CPC 881**)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Services incidental to fishing (CPC 882**)  Consists of specialized consultancy services only, related to fisheries. Does not include fishing.	1) None 2) None 3) None	1) None 2) None 3) None	
h) Services incidental to mining (CPC 883+5115)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Services incidental to manufacturing (CPC 884+885)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Services incidental to energy distribution (CPC 997**)  Covers specialised consultancy services only, in relation to energy distribution.	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
k) Placement and supply services and personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	1) None 2) None 3) None	1) None 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
q) Packaging services (CPC 876)	1) None 2) None 3) None	1) None 2) None 3) None	
r) Printing, publishing (CPC 88442)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
s) Convention services (CPC 87909*)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Other (CPC 8790)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>2. COMMUNICATION SERVICES</b>			
B. Courier Services	1) None 2) None 3) None	1) None 2) None 3) None	
C. Telecommunication services <sup>5</sup> Basic Services			
(a) Voice telephone services	1) Unbound	1) Unbound	
(b) Packet-switched data transmission services	2) Unbound	2) Unbound	
(c) Circuit-switched data	3) Unbound	3) Unbound	

<sup>5</sup> The Federated States of Micronesia has interest in introducing competition in the telecommunications sector and in further developing appropriate regulatory frameworks, including ensuring universal service. Should competition and adequate regulatory frameworks be introduced in the future, the Federated States of Micronesia would reflect these, where appropriate, under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
transmission services (d) Telex services (e) Telegraph services (f) Facsimile services (g) Private leased circuit services			
Value-added services (h) Electronic mail (i) Voice mail (j) On-line information and data base retrieval (k) Electronic data interchange (EDI) (l) Enhanced/value-added facsimile services, including store and forward, store and retrieve (m) Code and protocol conversion (n) On-line information and/or data processing (o) Other	1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound	
<b>3. CONSTRUCTION AND RELATED ENGINEERING</b>			



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>SERVICES</b></p> <p>A. General construction work for buildings (CPC 512)</p> <p>B. General construction work for civil engineering (CPC 513)</p> <p>C. Installation and assembly work (CPC 514+516)</p> <p>D. Building completion and finishing work (CPC 517)</p> <p>E. Other (CPC 511+515+518)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>4. DISTRIBUTION SERVICES (excluding distribution services in relation to alcohol,</p>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
tobacco, and oil)			
A. Commission agents' services (CPC 621**, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Wholesale trade services (CPC 622**, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>5. EDUCATIONAL SERVICES</b> (limited to services provided by privately-owned institutions)			
A. Primary education services (CPC 921**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Secondary education services (CPC 922**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Higher education services	1) None	1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
in private institutions (CPC 923**)	2) None 3) None	2) None 3) None	
D. Adult education (CPC 924)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other education services (CPC 929)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>6. ENVIRONMENTAL SERVICES</b>			
Consultancy related to the provision of the following environmental services:			
A. Sewage Services (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Refuse disposal services (CPC 9402**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Sanitation and similar	1) None	1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services (CPC 9403**)	2) None 3) None	2) None 3) None	
D. Other (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None	
<p><b>7. FINANCIAL SERVICES</b></p> <p>Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p> <p>A. <u>All insurance and insurance related services</u></p>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(CPC 812)</p> <p>(i) Direct insurance (including co-insurance):            (A) life            (B) non-life</p> <p>(ii) Reinsurance and retrocession</p>	<p>1) 2) Suppliers of another Party need to be registered in the Federated States of Micronesia and must have a designated agent in the Federated States of Micronesia. A supplier of another Party who receives US\$2 million or more in income from premiums collected in the Federated States of Micronesia in each fiscal year for three consecutive fiscal years, shall be required to incorporate in the Federated States of Micronesia.</p> <p>3) Incorporation required</p> <p>1) Unbound 2) Unbound</p>	<p>1) 2) For services other than marine, aviation and transportation (MAT) insurance, suppliers of another Party are required to post a bond of, or deposit in an escrow account, US\$100,000.<sup>6</sup></p> <p>3) None</p> <p>1) Unbound 2) Unbound</p>	

<sup>6</sup> The monetary amount can be adjusted for inflation after entry into force of the Agreement.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(iii) Insurance intermediation, such as brokerage and agency;</p> <p>(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.</p>	<p>3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p><b>B. <u>Banking and other financial services (excl. insurance)</u></b></p> <p>(a) Acceptance of deposits and other repayable funds from the public;</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;</p> <p>(c) Financial leasing;</p>	<p>1) Unbound 2) Unbound 3) None</p>	<p>1) Unbound 2) Unbound 3) Lower minimum capital requirements are imposed on ‘domestic banks’, which are banks in which at least two thirds of the capital stock is held by persons who are citizens of the Federated States of Micronesia and have resided in the Federated States of Micronesia for at least one year</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;</p> <p>(e) Guarantees and commitments;</p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>(i) money market instruments (including cheques, bills, certificates of deposits) ;</li> <li>(ii) foreign exchange;</li> <li>(iii) derivative products including, but not limited to, futures and options;</li> <li>(iv) exchange rate and interest rate instruments, including products such as swaps, forward rate</li> </ul>		<p>prior to the initial application for the establishment of the bank.</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>agreements;  (v) transferable securities;  (vi) other negotiable instruments and financial assets, including bullion.</p> <p>(g) 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;</p> <p>(h) Money broking;</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;</p> <p>(j) Settlement and clearing services for financial assets, including securities,</p>			



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>derivative products, and other negotiable instruments;</p> <p>(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;</p> <p>(l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.</p>			
<p><b>8. HEALTH RELATED AND SOCIAL SERVICES</b> (limited to services provided by privately-owned institutions)</p>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. Hospital Services (CPC 9311**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Other Human Health Services (CPC 9319**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Social Services (CPC 933**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
A. Hotels and Restaurants (including catering) (CPC 641-643)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Travel agencies and tour operator services (CPC 7471)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Tourist guide services (CPC 7472)	1) None 2) None	1) None 2) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
<p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</p> <p>A. Entertainment Services (CPC 9619)</p> <p>B. News agency services (CPC 962)</p> <p>C. Libraries, archives, museums, and other cultural services (CPC 963)</p> <p>D. Sporting and other recreational services (CPC 964**)</p> <p>- Excluding gambling and betting</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>11. TRANSPORT SERVICES</p> <p>A. Maritime Transport Services</p> <p>International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)</p>	<p>1) (a) Liner shipping:</p> <ul style="list-style-type: none"> <li>- Conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters.</li> <li>- Licenses granted preferably to carriers owned by Federated States of Micronesia citizens, that employ Federated States of Micronesia citizens, and that conduct training for Federated States of Micronesia citizens.</li> <li>- Vessels owned and operated by the Federated States of Micronesia government do not require a license to be granted on the basis of the criteria mentioned above.</li> <li>- Local agent in the Federated</li> </ul>	<p>1) (a) None</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations including communications, water and electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth and berthing services</li> </ol>

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>States of Micronesia or registration in the Federated States of Micronesia required.</p> <p>(b) Bulk, tramp, and other international shipping, including passenger transportation: local agent in the Federated States of Micronesia or registration in the Federated States of Micronesia required.</p> <p>3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none</p>	<p>(b) None</p> <p>3) (a) Unbound</p> <p>3) (b) None</p>	
d) Maintenance and repair of vessels (CPC 8868**)	<p>1) None</p> <p>2) None</p>	<p>1) None</p> <p>2) None</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
Maritime Agency Services (as defined in Annex)	1) Suppliers of international maritime transport services are required to go through a local agent established in the Federated States of Micronesia. 2) None 3) None	1) None 2) None 3) None	
C. Air Transport Services <sup>7</sup>			
- Aircraft repair and maintenance services;	1) None 2) None 3) None	1) None 2) None 3) None	
- Selling and marketing of air transport services;	1) None 2) None 3) None	1) None 2) None 3) None	
Computer reservation system services;	1) None 2) None	1) None 2) None	

<sup>7</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Ground handling services.	3) None 1) None 2) None 3) None	3) None 1) None 2) None 3) None	
Specialty air services	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
G. Pipeline Transport (CPC 7131)	1) None 2) None 3) None	1) None 2) None 3) None	
H. Services Auxiliary to All Modes of Transport			
a) Cargo-handling services, except maritime cargo handling (CPC 741**)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency	1) None	1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services, except maritime freight agency services (CPC 748**)	2) None 3) None	2) None 3) None	
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	



**ANNEX TO SCHEDULE OF THE FEDERATED STATES OF MICRONESIA:    DEFINITIONS IN RELATION TO MARITIME  
TRANSPORT**

1. Without prejudice to the scope of activities which may be considered as “cabotage” under the relevant national legislation, this schedule does not include “maritime cabotage services”, which are assumed to cover transportation of passengers or goods between a port located in the Federated States of Micronesia and another port located in the Federated States of Micronesia, traffic originating and terminating in the same port located in the FSM provided that this traffic remains within the Federated States of Micronesia’s territorial waters, and traffic between a port located in the Federated States of Micronesia and installations or structures situated in the EEZ or relating to the continental shelf of the Federated States of Micronesia.

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

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. “Maritime agency services” means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

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

– acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

4. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

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**ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)**

**SCHEDULE OF KIRIBATI**

Modes of supply:                      1) Cross-border supply                      2) Consumption abroad                      3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>1. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE		<p>3) Enterprises that are not wholly-owned by citizens of Kiribati are required to provide training to employees who are natural persons of Kiribati to allow transfer of skills.</p> <p>3) Natural persons who are not citizens of Kiribati and enterprises that are not wholly-owned by citizens of Kiribati are prohibited from owning or acquiring land or any interest in land.</p> <p>Such natural persons and enterprises may lease land in</p>	

<sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>Kiribati, provided that the lease is approved by the Competent Authority. Land may be leased for a period of 30 years renewable.</p> <p>Sub-lease of land involving natural persons that are not citizens of Kiribati and enterprises that are not wholly-owned by citizens of Kiribati is not allowed.</p>	
	<p>3) Investment by natural persons who are not I-Kiribati and by enterprises of another Party requires approval from the Foreign Investment Commission.<sup>2</sup> Approval is granted subject to meeting an</p>		

<sup>2</sup> This entry in the schedule is in accordance with Kiribati's foreign investment rules at the time of entry into force of the Agreement, which principally consists of the *Foreign Investment Act 1985*, the *Foreign Investment (Amendment) Act 1989*, the *Foreign Investment (Amendment) Act of 1992*, the *Foreign Investment (Amendment) Act 1997*, and the *Foreign Investment (Amendment) Act 2000*. Kiribati has interest in further refining and improving its laws regulating the admission of foreign investment. Should Kiribati adopt, after entry into force of the PACER Plus Agreement, new or revised laws and regulations as a result, it would positively consider reflecting, where appropriate, such better treatment under PACER Plus through a revised Schedule of Commitments in Trade in Services.

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	economic needs test on the basis of established criteria. <sup>3</sup>		
<b>II. Sector-Specific Commitments</b>			
1. BUSINESS SERVICES			
A. Professional Services			
a) Legal Services (CPC 861**) on foreign law and international law, excluding legal advisory and legal documentation and certification services performed by service suppliers entrusted with public functions, such as notary services.	1) None 2) None 3) None	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>3</sup> The economic needs test is set out in Article 10(1) of the *Foreign Investment Act 1985* as at the time of entry into force of the PACER Plus Agreement.

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Medical and dental services (CPC 9312)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None	1) None 2) None	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
j) Midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
<b>B. Computer and Related Services (CPC 84)</b>			
(a) Consultancy Services Related to the Installation of Computer Hardware (CPC 841)	1) None 2) None 3) None	1) None 2) None 3) None	
(b) Software Implementation Services (CPC 842)	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Data processing Services (CPC 843)	1) None 2) None 3) None	1) None 2) None 3) None	
(d) Data base services (CPC 844)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(e) Maintenance and repair of office machinery and equipment including computers (CPC 845)	1) None 2) None 3) None	1) None 2) None 3) None	
<p>C. Research and Development Services</p> <p>a) R&amp;D services on natural sciences (CPC 851)</p> <p>b) R&amp;D services on social sciences and humanities (CPC 852)</p> <p>c) Interdisciplinary R&amp;D services (CPC 853)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
E. Rental/Leasing Services without Operators			



Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) Relating to ships (CPC 83103)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Relating to transport equipment (CPC 83101+83102+83105)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Relating to other machinery and equipment (CPC 83106-83109)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Services incidental to fishing (CPC 882**)  Consists of specialized consultancy services only, related to fisheries. Does not include fishing.	1) None 2) None 3) None	1) None 2) None 3) None	
h) Services incidental to mining (CPC 883)	1) None 2) None	1) None 2) None	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
i) Services incidental to manufacturing (CPC 884)	3) None 1) None 2) None 3) None	3) None 1) None 2) None 3) None	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Services incidental to energy distribution (CPC 997**) <p>Covers specialised consultancy services only, in relation to energy distribution.</p>	1) None 2) None 3) None	1) None 2) None 3) None	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	1) None 2) None 3) None	1) None 2) None 3) None	
o) Building-cleaning services (CPC 874)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>p) Photographic services (CPC 875)</p> <p>q) Packaging services (CPC 876)</p> <p>r) Printing, publishing (CPC 88442)</p> <p>t) Other (CPC 8790)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p><b>2. COMMUNICATION SERVICES</b></p> <p>B. Courier Services (CPC 7512)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. Telecommunication services</p> <p>a. Voice telephone services (CPC 7521)</p> <p>b. Packet-switched data transmission services (CPC 7523**)</p> <p>c. Circuit-switched data transmission services (CPC 7523**)</p> <p>d. Telex services (CPC 7523**)</p> <p>e. Telegraph services (CPC 7522)</p> <p>f. Facsimile services (CPC 7521**+7529**)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>Kiribati subscribes to the Reference Paper on Basic Telecommunication Services, as attached.</p>

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
g. Private leased circuit services (CPC 7522**+7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
h. Electronic mail (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
i. Voice mail (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
j. On-line information and data base retrieval (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
k. Electronic data interchange (EDI) (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
l. enhanced/value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)	1) None 2) None 3) None	1) None 2) None 3) None	
m. code and protocol	1) None	1) None	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>conversion (CPC n.a.)</p> <p>n. on-line information and/or data- processing (incl. transaction processing) (CPC 843**)</p> <p>o. other</p>	<p>2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p><b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b></p> <p>A. General construction work for buildings (CPC 512)</p> <p>B. General construction work for civil engineering (CPC 513)</p> <p>C. Installation and assembly work (CPC 514+516)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None</p>	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. Building completion and finishing work (CPC 517)</p> <p>E. Other (CPC 511+515+518)</p>	<p>3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p><b>5. EDUCATIONAL SERVICES</b> (limited to services provided by privately-owned institutions)</p> <p>A. Primary education services (CPC 921**)</p> <p>B. Secondary education services (CPC 922**)</p> <p>C. Higher education services in private institutions (CPC 923**)</p>	<p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	



Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Adult education (CPC 924)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other education services (CPC 929)	1) None 2) None 3) None	1) None 2) None 3) None	
6. ENVIRONMENTAL SERVICES  B. Refuse disposal services (CPC 9402**) for recyclable items excluding PET 14, lead acid batteries and aluminium cans - services include collection, transport and reduction services	1) Services must be supplied through a commercial presence, except as regards consulting services 2) None 3) None	1) None 2) None 3) None	
Consultancy related to the provision of the following environmental services:			

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. Sewage Services (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Refuse disposal services (CPC 9402**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Sanitation and similar services (CPC 9403**)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Other environmental services (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None	
7. FINANCIAL SERVICES  Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming			

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p> <p>A. Insurance and insurance-related services</p> <p>(i) Direct insurance (including co-insurance) :</p> <p>    (A) life</p> <p>    (B) non-life</p> <p>(ii) Reinsurance and retrocession;</p> <p>(iii) Insurance intermediation, such as brokerage and agency;</p> <p>(iv) Services auxiliary to insurance, such as consultancy,</p>	<p>1) Unbound 2) None 3) None</p>	<p>1) Unbound 2) None 3) None</p>	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
actuarial, risk assessment and claim settlement services.			
<p>B. Banking and other financial services (excluding insurance)</p> <p>(a) Acceptance of deposits and other repayable funds from the public;</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;</p> <p>(c) Financial leasing;</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travelers cheques and bankers drafts;</p> <p>(e) Guarantees and commitments;</p>	<p>1) Unbound 2) Unbound 3) None</p>	<p>1) Unbound 2) Unbound 3) None</p>	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"><li>(i) money market instruments (including cheques, bills, certificates of deposits) ;</li><li>(ii) foreign exchange;</li><li>(iii) derivative products including, but not limited to, futures and options;</li><li>(iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;</li><li>(v) transferable securities;</li><li>(vi) other negotiable instruments and financial assets,</li></ul>			

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>including bullion.</p> <p>(g) 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;</p> <p>(h) Money broking;</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments.</p>			
(k) Provision and transfer of	1) None	1) None	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>financial information, and financial data processing and related software by suppliers of other financial services;</p> <p>(l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.</p>	<p>2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p><b>8. HEALTH RELATED AND SOCIAL SERVICES</b> (limited to services provided by privately-owned institutions)</p> <p>A. Hospital Services (CPC 9311**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Other Human Health Services (CPC 9319**)	1) None 2) None 3) None	1) None 2) None 3) None	
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. Hotels and restaurant (incl. catering) (CPC 641, 642, 643)</p> <p>B. Travel agencies and tour operators services (CPC 7471)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</p> <p>A. Entertainment Services (CPC 9619)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	



Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. News agency services (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
Library services (CPC 96311)  Archive services (CPC 96312)	1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None	
D. Sporting and other recreational services (CPC 964**)  - Excluding gambling and betting	1) None 2) None 3) None	1) None 2) None 3) None	
11. TRANSPORT SERVICES  A. Maritime Transport Services	1) (a) Liner shipping:	1) (a) None	The following services at the port are made available

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)	<ul style="list-style-type: none"> <li>- Conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters.</li> <li>- Licenses granted preferably to carriers owned by Kiribati citizens, and that employ Kiribati citizens, and that conduct training for Kiribati citizens.</li> <li>- Vessels owned and operated by the Kiribati government do not require a license to be granted on the basis of the criteria mentioned above.</li> </ul>		<p>to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisioning, fueling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations including communications, water and electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth and berthing services</li> </ol>

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>- Local agent in Kiribati required.</p> <p>(b) Bulk, tramp, and other international shipping, including passenger transportation: Local agent in Kiribati required.</p> <p>2) None</p> <p>3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound</p> <p>(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none</p>	<p>(b) None</p> <p>2) None</p> <p>3)(a) Unbound</p> <p>3)(b) None</p>	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d) Maintenance and repair of vessels (CPC 8868**)	1) None 2) None 3) None	1) None 2) None 3) None	
<p><b>MARITIME AUXILIARY SERVICES</b></p> <p>Container Station and Depot Services (as defined in Annex)</p> <p>Storage and Warehousing Services</p> <p>Maritime Agency Services (as defined in Annex)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) Suppliers of maritime transport services are required to go through a local agent established in Kiribati 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. Air Transport Services<sup>4</sup></p> <p>Aircraft repair and maintenance services</p> <p>Selling and marketing of air transport services</p> <p>Computer reservation system services</p> <p>Specialty air services</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>H. Services Auxiliary to All Modes of Transport</p>			

<sup>4</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of supply:

1) Cross-border supply

2) Consumption abroad

3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) Cargo-handling services, except maritime and air cargo handling (CPC 741**)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	

## **ANNEX I TO THE SCHEDULE OF KIRIBATI: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

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

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

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.



7. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

## **ANNEX II TO THE SCHEDULE OF KIRIBATI: TELECOM REFERENCE PAPER**

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

### 1. Competitive safeguards

#### 1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

## 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

### 2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and

(c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

### 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

### 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

### 2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

## 3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

**ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)**

**SCHEDULE OF NAURU**

Modes of Supply:   (1) Cross-border supply   (2) Consumption abroad   (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>1. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) The establishment or acquisition of an enterprise in Nauru by natural persons who are not Nauruan citizens or by enterprises that are not wholly owned by Nauruan citizens requires approval from Cabinet. Approval is granted subject to meeting the economic needs criteria administered by Cabinet at the time the application is made. <sup>2</sup>	3) Natural persons of another Party and enterprises that are not wholly-owned by citizens of Nauru are prohibited from owning land, or acquiring any interest in or control over land in Nauru, whether by purchase, receipt of gift, transfers by operation of law, or any other means. Lease of land by enterprises established in Nauru is subject to a non-discriminatory approval process.	

<sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>2</sup> Nauru has interest in further refining and improving its laws regulating foreign investment. Should Nauru adopt, after entry into force, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Investment.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
a) Legal Services (CPC 861)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>B. Computer and Related Services (CPC 84)</b>	1) None 2) None 3) None	1) None 2) None 3) None	
<b>C. Research and Development Services</b>			
a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) None	1) None 2) None 3) None	
b) R&D services on social sciences and humanities (CPC 852)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Interdisciplinary R&D	1) None	1) None	



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services (CPC 853)	2) None 3) None	2) None 3) None	
<b>D. Real Estate Services</b>			
a) Involving own or leased property (CPC 821)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
b) On a fee or contract basis (CPC 822)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
<b>E. Rental/Leasing Services without Operators</b>			
a) Relating to ships (CPC 83103)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Relating to other	1) None	1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
machinery and equipment (CPC 83106-83109)	2) None 3) None	2) None 3) None	
e) Other (CPC 832)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Technical testing and	1) None	1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
analysis services (CPC 8676)	2) None 3) None	2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Services incidental to fishing (CPC 882**) (consists of specialized consultancy services only, related to fisheries. Does not include fishing)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Services incidental to mining (CPC 883)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Services incidental to manufacturing (CPC 884)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Services incidental to energy distribution (CPC 997**) (covers specialised consultancy services only, in	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
relation to energy distribution)			
k) Placement and supply services and personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	1) None 2) None 3) None	1) None 2) None 3) None	
o) Building-cleaning services (CPC 874)	1) None 2) None 3) None	1) None 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
q) Packaging services (CPC 876)	1) None 2) None	1) None 2) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
r) Printing, publishing (CPC 88442)	3) None 1) None 2) None 3) None	3) None 1) None 2) None 3) None	
s) Convention services (CPC 87909*)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Other (CPC 8790)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>2. COMMUNICATION SERVICES</b>			
B. Courier Services (CPC 7512)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>D. Audiovisual services</b>			
b) Motion picture projection services (CPC 9612)	1) None 2) None	1) None 2) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
e) Sound recording services	3) None 1) None 2) None 3) None	3) None 1) None 2) None 3) None	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for buildings (CPC 512)	1) None 2) None 3) None	1) None 2) None 3) None	
B. General construction work for civil engineering (CPC 513)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Installation and assembly work (CPC 514+516)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Building completion and finishing work (CPC 517)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
E. Other (CPC 511+515+518)	1) None 2) None 3) None	1) None 2) None 3) None	
4. DISTRIBUTION SERVICES (excluding distribution services in relation to alcohol, tobacco, phosphate, and handicrafts)			
A. Commission agents' services (CPC 621, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Wholesale trade services (CPC 622, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Retailing services (CPC 631, 632, 61112, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
- Excluding small retail			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
shops (including mobile retail shops, open air vendors/take-outs), food take-out, tailor / sewing shops, bakeries and pastry shops.			
D. Franchising (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	
<p>5. EDUCATIONAL SERVICES (limited to services provided by privately-owned institutions)</p> <p>B. Secondary education services (CPC 922**)</p> <p>C. Higher education services in private institutions (CPC 923**)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Adult education (CPC 924)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other education services (CPC 929)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>6. ENVIRONMENTAL SERVICES</b>			
Consultancy related to the provision of the following environmental services:			
A. Sewage Services (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Refuse disposal services (CPC 9402**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Sanitation and similar services (CPC 9403**)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Other environmental services (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None	
<p>7. FINANCIAL SERVICES</p> <p>Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p> <p>A. Insurance and insurance-related services</p>	1) Unbound, except for marine,	1) Unbound, except for marine,	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(i) Direct insurance (including co-insurance) : (A) life  (B) non-life  (iii) Insurance intermediation, such as brokerage and agency;	aviation and transport (MAT) insurance, where: none. 2) Unbound, except for marine, aviation and transport (MAT) insurance, where: none. 3) None  1) Unbound, except for marine, aviation and transport (MAT) insurance, where: none. 2) Unbound, except for marine, aviation and transport (MAT) insurance, where: none. 3) None	aviation and transport (MAT) insurance, where: none. 2) Unbound, except for marine, aviation and transport (MAT) insurance, where: none. 3) None  1) Unbound, except for marine, aviation and transport (MAT) insurance, where: none. 2) Unbound, except for marine, aviation and transport (MAT) insurance, where: none. 3) None	
(ii) Reinsurance and retrocession;  (iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.	1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. Banking and other financial services (excluding insurance)</p> <p>(a) Acceptance of deposits and other repayable funds from the public;</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;</p> <p>(c) Financial leasing;</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;</p> <p>(e) Guarantees and commitments;</p> <p>(f) Trading for own account or</p>	<p>1) Unbound, except for subsectors 7.B.(k) and 7.B.(l), where: none.</p> <p>2) Unbound, except for subsectors 7.B.(k) and 7.B.(l), where: none.</p> <p>3) None</p>	<p>1) Unbound, except for subsectors 7.B.(k) and 7.B.(l), where: none.</p> <p>2) Unbound, except for subsectors 7.B.(k) and 7.B.(l), where: none.</p> <p>3) None</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>(i) money market instruments (including cheques, bills, certificates of deposits) ;</li> <li>(ii) foreign exchange;</li> <li>(iii) derivative products including, but not limited to, futures and options;</li> <li>(iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;</li> <li>(v) transferable securities;</li> <li>(vi) other negotiable instruments and financial assets, including bullion.</li> </ul> <p>(g) Participation in issues of all kinds of securities, including underwriting and</p>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>placement as agent (whether publicly or privately) and provision of services related to such issues;</p> <p>(h) Money broking;</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;</p> <p>(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;</p> <p>(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;</p>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(1) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.			
<p><b>9. TOURISM AND TRAVEL RELATED SERVICES</b></p> <p><b>A. Hotels and restaurant (incl. catering) (CPC 641, 642**, 643)</b> - Excluding Food take-out, bakeries and pastry shops.</p> <p><b>B. Travel agencies and tour operators services (CPC 7471)</b></p> <p><b>C. Tourist guides services</b></p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 7472)	2) None 3) None	2) None 3) None	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment Services (CPC 9619)	1) None 2) None 3) None	1) None 2) None 3) None	
B. News agency services (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Libraries, archives, museums, and other cultural services (CPC 963)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Sporting and other recreational services (CPC 964**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>11. TRANSPORT SERVICES</b>			



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. Maritime Transport Services</p> <p>International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)</p>	<p>1) (a) Liner shipping:</p> <ul style="list-style-type: none"> <li>- Conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters.</li> <li>- Local agent or registration in Nauru required.</li> </ul> <p>b) Bulk, tramp, and other international shipping, including passenger transportation: None</p> <p>2) None</p> <p>3)(a) Establishment of registered company for the purpose of operating a fleet under the national</p>	<p>1) (a) None</p> <p>(b) None</p> <p>2) None</p> <p>3)(a) unbound</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations including communications, water and electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth and berthing services</li> </ol>

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	flag of Nauru: unbound.  3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none.	3)(b) none	
d) Maintenance and repair of vessels (CPC 8868**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>MARITIME AUXILIARY SERVICES</b>			
Customs Clearance Services (as defined in Annex)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
Container Station and Depot Services (as defined in Annex)	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
Storage and Warehousing	1) Unbound 2) None	1) Unbound 2) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Services	3) None	3) None	
Maritime Agency Services (as defined in Annex)	1) Suppliers of maritime transport services are required to go through a local agent established in Nauru. 2) None 3) None	1) None 2) None 3) None	
Maritime Freight Forwarding Services (as defined in Annex)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Air Transport Services <sup>3</sup>			
Aircraft repair and maintenance services;	1) None 2) None 3) None	1) None 2) None 3) None	
Selling and marketing of air transport services;	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>3</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Computer reservation system services.	1) None 2) None 3) None	1) None 2) None 3) None	
Specialty air services	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
H. Services Auxiliary to All Modes of Transport			
a) Cargo-handling services, except maritime and air cargo handling (CPC 741**)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	

## **ANNEX TO THE SCHEDULE OF NAURU: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

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

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

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

7. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.



## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

### SCHEDULE OF NEW ZEALAND

1. Unless otherwise indicated, the classification of services sectors is based on the 1991 Provisional Central Product Classification of the United Nations Statistical Office and the ordering reflects the services sectoral classification list used in the WTO document MTN.GNS/W/120, dated 10 July 1991.

2. For clarity, an entry of 'none' means no limitations except as listed elsewhere in the schedule, including Part I, the Limitations on Market Access, Limitations on National Treatment, or the Additional Commitments columns. The inscription 'unbound' means that no commitments are taken with respect to particular subsector or area.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
All sectors		3) Overseas Investment Office (OIO) approval is required for the following investments by an "overseas person": <sup>1</sup> (a) acquisition or control of 25 per cent or more of any class of shares <sup>2</sup> or	

<sup>1</sup> An "overseas person" is defined as an individual not normally resident in New Zealand; a company not incorporated in New Zealand; a New Zealand-incorporated company in which 25 per cent or more of any class of shares or 25 per cent or more of the voting power is held by overseas persons; or a nominee of the overseas person, whether or not the nominee is himself/herself an overseas person.

<sup>2</sup> For greater certainty, the term 'shares' includes shares and other types of securities.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>voting power<sup>3</sup> in a New Zealand entity where either the consideration for the transfer or the value of the assets exceeds NZ \$10 million;</p> <p>(b) commencement of business operations or acquisition of an existing business, including business assets, in New Zealand, where the total expenditures to be incurred in setting up or acquiring that business or those assets exceed NZ \$10 million;</p> <p>(c) acquisition or control, regardless of dollar value, of certain categories of land that are regarded as sensitive or require specific approval according to</p>	

<sup>3</sup> For greater certainty, 'voting power' includes the power to control the composition of 25 per cent or more of the governing body of the New Zealand entity.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>New Zealand's Overseas Investment legislation; and</p> <p>(d) acquisition, regardless of the dollar value, of 25 per cent or more of any class of shares or voting power in a New Zealand entity that owns commercial fishing quota or annual catch entitlement, or the acquisition of commercial fishing quota or annual catch entitlement.</p> <p>Overseas investors must comply with the criteria set out in the overseas investment regime and any conditions specified by the Regulator and the relevant Minister or Ministers.</p> <p>Unbound for enterprises currently in State ownership.</p>	
<b>I. SECTOR-SPECIFIC COMMITMENTS</b>			
1. BUSINESS SERVICES			

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. <u>Professional services</u></p> <p>a) Legal services, in respect of the following areas of law: (CPC 861)</p> <p>Domestic law</p> <p>International law</p> <p>Foreign law</p> <p>b) Accounting, auditing and book-keeping services (CPC 862)</p> <p>c) Taxation services</p> <p>Tax preparation, tax planning and consulting services (CPC 86301-86303)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 9320)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>B. <u>Computer and Related Services</u></b>			
a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Software implementation services (CPC 842)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Data processing services	1) None	1) None	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 843)	2) None 3) None	2) None 3) None	
d) Data base services (CPC 844)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Maintenance and repair of office machinery and equipment including computers (CPC 845)	1) None 2) None 3) None	1) None 2) None 3) None	
Other computer services (CPC 849)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>D. <u>Real estate services</u></b>			
a) Involving own or leased property (CPC 821)	1) None 2) None 3) None	1) None 2) None 3) None	
b) On a fee or contract basis (CPC 822)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>E. <u>Rental/leasing of equipment without crew</u></b>			

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) Transport and non-transport (CPC 8310)	1) None 2) None 3) None	1) None 2) None 3) None	
F. <u>Other business services</u>			
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 8811, 8813, 8814)	1) None 2) None 3) None	1) None 2) None 3) None	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Services incidental to animal husbandry (CPC 8812)	1) None 2) None 3) Access to the national dairy herd testing database is only given where it is judged to be in the interests of the New Zealand industry.	1) None 2) None 3) None	
k) Placement and supply services of personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None	
o) Cleaning of buildings and similar activities (CPC 874)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
s) Convention services (CPC 87909**)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Credit reporting services (CPC 87901)	1) None 2) None 3) None	1) None 2) None 3) None	The <i>Privacy Act 1993</i> establishes New Zealand's regulatory framework for the



Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Collection agency services (CPC 87902)	1) None 2) None 3) None	1) None 2) None 3) None	treatment of personal information, in general accordance with the Recommendation of the Council of the OECD Concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data.
t) Other			
Telephone answering services (CPC 87903)	1) None 2) None 3) None	1) None 2) None 3) None	
Translation services (CPC 87905**)	1) None 2) None 3) None	1) None 2) None 3) None	
Mailing list compilation and mailing services (CPC 87906)	1) None 2) None 3) None	1) Unbound* 2) Unbound* 3) Unbound*	
Interior design services (CPC 87907**)	1) None 2) None 3) None	1) None 2) None 3) None	
Duplicating services (CPC 87904)	1) None 2) None 3) None	1) None 2) None 3) None	
Other business services –	1) None	1) None	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>services generally provided to business not elsewhere classified in the CPC and not including convention services. These include: business brokerage services, appraisal services (other than for real estate), secretarial services, demonstration exhibition services. (CPC 87909)</p>	<p>2) None 3) None</p>	<p>2) None 3) None</p>	
<p><b>2. COMMUNICATIONS SERVICES</b></p> <p><b>C. <u>Telecommunications services</u></b></p> <p>a) Voice telephone services (CPC 7521)</p> <p>b) Packet-switched data transmission services (CPC 7523**)</p> <p>c) Circuit-switched data transmission services (CPC 7523**)</p> <p>d) Telex services (CPC 7523**)</p> <p>e) Telegraph services (CPC 7522)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None, other than: shareholding by any single overseas entity in Chorus Limited is limited to 49.9 per cent. At least half of Board directors are required to be New Zealand citizens.</p>	<p>The principles set forth in the attached reference paper are incorporated in this schedule to the extent they are commitments additional to the obligations flowing from Chapter 7 (Trade in Services).</p>

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>f) Facsimile services (CPC 7521**, 7529**)</p> <p>g) Private leased circuit services (CPC 7522**, 7523**)</p> <p>o) Other Paging services (CPC 75291)</p> <p>Teleconferencing services (CPC 75292)</p> <p>Personal communications services (CPC 75213*)</p> <p>Cellular services (CPC 75213*)</p> <p>Trunked radio system services (CPC 7523**, 75213*)</p> <p>Mobile data services (CPC 7523**)</p> <p>h) Electronic mail (CPC 7523**)</p> <p>i) Voice mail (CPC 7523**)</p> <p>j) Online information and data-base retrieval (CPC 7523**)</p> <p>k) Electronic data interchange (EDI) (CPC 7523**)</p> <p>l) Enhanced/value-added facsimile services (CPC 7523**)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) The Articles of Association of Chorus Limited limit the shareholding by any single overseas entity to 49.9 per cent. At least half of the Board of Directors are required to be New Zealand citizens.</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>m) Code and protocol conversion n) Online information and/or data processing (CPC 843**)</p> <p>D. <u>Audiovisual Services</u></p> <p>Production, distribution, exhibition and broadcasting of audiovisual works (CPC 9611-9613, 96192**, 7524, 753)</p>	<p>1) None</p>	<p>1), 3) The Broadcasting Commission has a statutory obligation to promote Māori language and culture and allocates a proportion of its funding for this purpose.</p> <p>Te Reo Whakapuaki Irirangi (the Māori Broadcasting Funding Agency) allocates government funding for the promotion of Māori language and culture.</p> <p>Government assistance to the film industry through the New Zealand Film Commission is limited to New Zealand films as defined in Section 18 of the <i>New Zealand Film</i></p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	2) None 3) None	<i>Commission Act 1978.</i>  2) None	
<p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>A. <u>General construction work for buildings</u> (CPC 512, 515)</p> <p>B. <u>General construction work for civil engineering</u> (CPC 513)</p> <p>C. <u>Installation and assembly work</u> (CPC 514, 516)</p> <p>D. <u>Building completion and finishing work</u> (CPC 517)</p> <p>E. <u>Other</u></p> <p>Site preparation: new</p>	<p>1) None for consultancy services 2) None 3) None</p> <p>1) None for consultancy services 2) None 3) None</p> <p>1) None for consultancy services 2) None 3) None</p> <p>1) None for consultancy services 2) None 3) None</p> <p>1) None for consultancy services</p>	<p>1) None for consultancy services 2) None 3) None</p> <p>1) None for consultancy services 2) None 3) None</p> <p>1) None for consultancy services 2) None 3) None</p> <p>1) None for consultancy services 2) None 3) None</p> <p>1) None for consultancy services</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>construction(other than pipelines) (CPC 511)</p> <p>Maintenance and repair of fixed structures</p> <p>Renting services related to equipment for construction or demolition of building or civil engineering, with operator (CPC 518)</p>	<p>2) None 3) None</p> <p>1) None for consultancy services 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>2) None 3) None</p> <p>1) None for consultancy services 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>4. DISTRIBUTION SERVICES</p> <p>A. <u>Commission agents' services</u> (CPC 6211, excluding 62111, 62112, and such services relating to 2613-2615)</p> <p>B. <u>Wholesale trade</u> (CPC 622, excluding 6221, 6222 and such services relating to 2613-2615)</p> <p>C. <u>Retail Trade</u> (631, 632, 6111, 6113 and 6121)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
<p>5. EDUCATION SERVICES</p> <p>Primary, Secondary, and Tertiary education in private institutions (CPC 921, 922, 923)</p> <p>Other Education in respect of the following services only:</p> <p>Language training provided in private specialist language institutions;</p> <p>Tuition in subjects taught at the primary and secondary levels, provided by private specialist institutions operating outside the New Zealand compulsory school system.<sup>4</sup></p> <p>(CPC 929**)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

<sup>4</sup> Examples of these services might include the provision of extension or remedial tuition in relation to Maths, Science or History.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>6. ENVIRONMENTAL SERVICES<sup>5</sup></p> <p>A. <u>Waste water management:</u> (CPC 9401**)</p> <p>i. consultancy relating to waste water management;</p> <p>ii. for all other aspects of this service: those contracted by private industry only.</p> <p>B. <u>Waste Management</u> (CPC 9402**)</p> <p>Refuse disposal services:</p> <p>i. consultancy relating to refuse disposal;</p> <p>ii. for all other aspects of this service: those contracted by private industry only.</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

<sup>5</sup> New Zealand's commitments on environmental services exclude the collection, purification and distribution of water, including water for human use.



Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Sanitation and similar services: (CPC 9403<sup>**</sup>)</p> <p>i. Consultancy relating to sanitation and similar services;</p> <p>ii. for all other aspects of this service: those contracted by private industry only.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>C. <u>Protection of ambient air and climate: consultancy only</u> (CPC 9404<sup>**</sup>)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>D. <u>Remediation and clean-up of soil and water: consultancy only</u> (CPC 9406<sup>**</sup>)<sup>6</sup></p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>E. <u>Noise and vibration abatement: consultancy only</u> (CPC 9405<sup>**</sup>)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>F. <u>Protection of biodiversity and</u></p>	<p>1) None</p>	<p>1) None</p>	

<sup>6</sup> New Zealand's commitments under item 6.D and 6.F combine to cover the entirety of CPC 9406 services with respect to consultancy.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>landscape: consultancy only</u> (CPC 9406**) <sup>7</sup>	2) None 3) None	2) None 3) None	
G. <u>Other environmental and ancillary services: consultancy only</u> (CPC 9409**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>7. FINANCIAL SERVICES</b>			
<p>New Zealand undertakes its specific commitments on Financial Services in accordance with the provisions of the WTO GATS Understanding on Commitments in Financial Services (the Understanding).</p> <p>These commitments on financial services are subject to the general limitations contained in the Horizontal Commitments section of this Schedule.</p> <p>Market Access and National Treatment commitments in Modes 1 and 2 are bound to the extent of the obligations in paragraphs B.3 and B.4 of the Understanding.</p> <p>The admission to the market of new financial services or products may be subject to the existence of, and consistency with, a regulatory framework aimed at achieving the objectives indicated in Article 4 of Chapter 11 (General Provisions and Exceptions).</p> <p>Mode 3 commitments are subject to the provisions of the <i>Financial Reporting Act 1993</i> and the <i>Companies Act 1993</i>. These require overseas companies to prepare financial statements on an annual basis comprising a balance sheet, a profit and loss statement and (if required by an applicable financial reporting standard approved by the Accounting Standards Review Board) a statement of cash flows. The Acts also require such financial statements in relation to an overseas company's New Zealand business. The Acts require the following</p>			

<sup>7</sup> New Zealand's commitments under items 6.D and 6.F combine to cover the entirety of CPC 9406 services with respect to consultancy.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>companies to deliver annual audited financial statements to the Registrar of Companies for registration:</p> <ul style="list-style-type: none"> <li>(a) issuers (i.e. those which have raised investment from the public);</li> <li>(b) overseas companies;</li> <li>(c) subsidiaries of companies or bodies corporate incorporated outside New Zealand; and</li> <li>(d) companies in which 25 per cent or more of the shares are held or controlled by: <ul style="list-style-type: none"> <li>(i) a subsidiary of a company or body corporate incorporated outside New Zealand or a subsidiary of that subsidiary;</li> <li>(ii) a company or body corporate outside New Zealand; or</li> </ul> </li> </ul> <p>(iii) a person not ordinarily resident in New Zealand.</p>			
<p>A. <u>Insurance and insurance-related services</u></p> <p>a) Life insurance services (CPC 8121)</p> <p>b) Non-life insurance services (CPC 8129)</p>	<p>3) None</p> <p>1), 3) The <i>Accident Rehabilitation and Compensation Insurance Act 1992</i> provides for compulsory worker's compensation insurance via levies on vehicle owners, employers and the self-employed. The Act is administered by the Accident Rehabilitation and Compensation Insurance Commission.</p> <p>1), 3) The Earthquake</p>	<p>3) None</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>c) Reinsurance and retrocession (CPC 81299)</p> <p>d) Insurance intermediation, such as brokerage and agency services (CPC 8140**)</p>	<p>Commission is the sole insurer of residential property disaster insurance for replacement cover up to NZ\$100,000 per dwelling and NZ\$20,000 on personal property. These amounts may be increased by regulation.</p> <p>1), 2) &amp; 3) Unbound for marketing and sales related to products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261.</p> <p>3) None</p> <p>1), 3) The <i>Accident Rehabilitation and Compensation Insurance Act 1992</i> provides for compulsory worker's compensation insurance via levies on vehicle owners, employers, employees and the self-employed. The Act is administered by the Accident</p>	<p>3) None</p> <p>3) None</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>e) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services (CPC 8140*)</p> <p>B. <u>Banking and other financial</u></p>	<p>Rehabilitation and Compensation Insurance Corporation.</p> <p>1), 3) Under the <i>Wheat Producers Levy Act 1987</i> (or regulations enacted under the <i>Commodities Levy Act 1990</i>), United Wheat growers (NZ) Ltd) has the power to organise compulsory disaster insurance on behalf of growers and to require them to pay a levy to recover the premium amount of this insurance.</p> <p>1), 2), 3) Unbound for loss of products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261.</p> <p>3) None</p> <p>3) None</p>	<p>3) None</p> <p>3) None</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>services (excluding insurance)</u></p> <p>a) Acceptance of deposits and other repayable funds from the public; (CPC 81115-81119)</p> <p>b) Lending of all types, including consumer credit, mortgage, credit, factoring and financing of commercial transaction; (CPC 8113)</p> <p>c) Financial leasing; (CPC 8112)</p> <p>d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts; (CPC 81339**)</p> <p>e) Guarantees and commitments; (CPC 81199**)</p> <p>f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or</p>			

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>otherwise, the following:</p> <ul style="list-style-type: none"> <li>i) money market instruments (cheques, bills, certificates of deposits etc.); (CPC 81339**)</li> <li>ii) foreign exchange; (CPC 81333)</li> <li>iii) derivative products including, but not limited to, futures and options; (CPC 81339**)</li> <li>iv) exchange rates and interest rate instruments, including products such as swaps, forward rate agreements etc.; (CPC 81339**)</li> <li>v) transferable securities; (CPC 81321)</li> <li>vi) other negotiable instruments and financial assets, including bullion. (CPC 81339**)</li> </ul>			

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>g) 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; (CPC 8132)</p> <p>h) Money broking; (CPC 81339**)</p> <p>i) Asset management, such as cash or portfolio management; all forms of collective investment management, pension fund management, custodial, depository and trust services; (CPC 8119**, 81323*)</p> <p>j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments; (CPC 81339**, 81319**)</p> <p>k) Provision and transfer of</p>			



Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>financial information, and financial data processing and related software by providers of other financial services; (CPC 8131)</p> <p>l) Advisory, intermediation, and other auxiliary financial services on all the activities listed in (a) to (k) above, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy. (CPC 8131, 8133)</p>			
<p>9. TOURISM AND TRAVEL-RELATED SERVICES</p> <p>A. <u>Hotels and restaurants</u> (CPC 641-643)</p> <p>B./ C. <u>Travel agencies, tour guides and tour operator services</u> (CPC 7471, 7472)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>11. TRANSPORT SERVICES</p> <p>A. <u>Maritime transport services</u></p> <p>International transport (freight and passengers) (CPC 7211 and 7212 less cabotage – as defined in Attachment A)</p> <p><u>Maritime Auxiliary Services</u></p> <p>Storage and warehousing services (CPC 742)</p> <p>Maritime freight forwarding services</p>	<p>General condition applicable to all maritime service sectors: marketing and sales of maritime transport services for products covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261; unbound.</p> <p>1) None 2) None 3) Unbound for establishment of registered company for the purpose of operating a fleet under the New Zealand flag.</p> <p>1) Unbound* 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) Unbound as described in the market access column.</p> <p>1) Unbound* 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Air Transport Services</u></p> <p>Selling and marketing of air transport services<sup>8</sup></p> <p>Computer reservation system services (CPC 7523**) <sup>9</sup></p> <p>Aircraft repair and maintenance services<sup>10</sup></p> <p>Cargo and baggage handling services (CPC 741**)</p>	<p>1) 2) Unbound for products &amp; 3) covered under CPC 01, 02, 211, 213-216, 22, 2399 and 261.</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) Unbound* 2) Unbound* 3) Unbound*</p> <p>1) Unbound* 2) None 3) None</p>	
<p>E. <u>Rail transport services</u> (CPC 711)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>F. <u>Commercial road transport</u></p>	<p>1) None</p>	<p>1) None</p>	

<sup>8</sup> As defined in paragraph 6(b) of the GATS Annex on Air Transport Services.

<sup>9</sup> As defined in paragraph 6(a) of the GATS Annex on Air Transport Services.

<sup>10</sup> As defined in paragraph 6(a) of the GATS Annex on Air Transport Services.

Sector or subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>services (passenger, goods, rental and vehicle recovery)</u> (CPC 712 except 71235)  G. <u>Pipeline transport</u> (CPC 713)	2) None 3) None  1) None 2) None 3) None	2) None 3) None  1) None 2) None 3) None	
12. OTHER SERVICES NOT INCLUDED ELSEWHERE  A. Other services  Washing, cleaning and dyeing service (CPC 9701)	1) None 2) None 3) None	1) None 2) None 3) None	

\* Unbound due to lack of technical feasibility.

\*\* The service specified constitutes only part of the total range of activities covered by the CPC concordance.

## ATTACHMENT A TO THE SCHEDULE OF NEW ZEALAND

### NOTES TO THE SCHEDULE

1. Specific commitments in this schedule are prepared in accordance with the WTO Secretariat paper entitled "Scheduling of Initial Commitments on Trade in Services: Explanatory Note" (MTN.GNS/W/164). The classification of sectors in this schedule is based on the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office, while the ordering reflects the classification system used by the WTO Secretariat in MTN.GNS/W/120. In the context of CPC listings in the schedule, the use of \*\* against individual CPC listings indicates that the service specified constitutes only part of the total range of activities covered by the CPC concordance.

#### Maritime Transport Services

2. Cabotage: for purposes of this schedule only, cabotage is defined as the transportation of passengers or goods between a port located in New Zealand and another port located in New Zealand and traffic originating and terminating in the same port located in New Zealand.
3. Maritime Freight Forwarding Services: the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.

## REFERENCE PAPER FOR THE SCHEDULE OF NEW ZEALAND

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.<sup>1</sup>

### Definitions

**Users** mean service consumers and service suppliers.

**Essential facilities**<sup>2</sup> mean facilities of a public telecommunications transport network or service that

- a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- b) cannot feasibly be economically or technically substituted in order to provide a service.

**A major supplier** is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- a) control over essential facilities; or
- b) use of its position in the market.

### 1. Competitive safeguards

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<sup>1</sup> This applies only to suppliers of basic telecommunications services and not to end-users of such services.

<sup>2</sup> The definition of "essential facilities" will be applied only to the extent consistent with New Zealand's competition policy regime, which regulates the activities of "dominant suppliers".

## 1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

## 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- a) engaging in anti-competitive cross-subsidisation;
- b) using information obtained from competitors with anti-competitive results; and
- c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier.

### 2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;

- b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

### 2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

### 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

### 2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- a) at any time or
- b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

## 3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain.



Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures<sup>3</sup> for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

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<sup>3</sup> Such procedures may be administered by means of a variety of mechanisms, including laws and regulations, public tendering processes and consultative processes.

## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

### SCHEDULE OF NIUE

Modes of Supply:    (1) Cross-border supply        (2) Consumption abroad        (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>1. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) Foreign enterprises seeking to carry on business activities in Niue require registration by Cabinet. <sup>2</sup> Registration is granted subject to meeting an economic needs test on the basis of established criteria <sup>3</sup> in relevant laws and regulations. <sup>4</sup>		
	3) Investors from other Parties must source capital from overseas. Investors from other Parties and		

<sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>2</sup> For the purpose of this limitation, foreign enterprises mean enterprises in which 50 per cent or more of the voting shares or power are not held Niueans, or where 50 per cent or more of the shares are not beneficially owned or controlled by Niueans, or where the enterprise does not have its central management or control in Niue.

<sup>3</sup> The economic needs test is based on the following criteria: impact on local employment and upgrade of local skills; economic impact, including magnitude of local value added and use of local resources, external trade, income, infrastructure demand, and secondary effects on other activities; environmental and cultural impact. For greater clarity, Cabinet approval can be conditional on compliance with aspects of the criteria mentioned above.

<sup>4</sup> This entry in the schedule is in accordance with Niue's foreign investment rules at time of entry into force of the Agreement, which principally consist of the Development Investment Act 1992 and related instruments. Niue has interest in further refining and improving its laws regulating foreign investment. Should Niue adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>their investments are prohibited from accessing the loan facility of the Niue Development Bank.</p>	<p>3) Enterprises that are not wholly-owned by Niueans may be required to provide training to local employees.</p> <p>3) Natural persons who are not Niueans and enterprises that are not wholly-owned by Niueans are prohibited from owning or acquiring land or any interest in land.</p>	
	<p>3) Unbound for measures in relation to the transfer or disposal of government-owned entities or assets.</p>	<p>3) Unbound for measures in relation to the transfer or disposal of government-owned entities or assets.</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. Sector-Specific Commitments</b>			
1. BUSINESS SERVICES			
A. Professional Services			
a) Legal Services	1) None 2) None 3) None	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Integrated engineering	1) None	1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services (CPC 8673)	2) None 3) None	2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Medical and dental services (CPC 9312)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Computer and Related Services (CPC 84)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Research and Development Services			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) None	1) None 2) None 3) None	
b) R&D services on social sciences and humanities (CPC 852)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Interdisciplinary R&D services (CPC 853)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>E. Rental/Leasing Services without Operators</b>			
a) Relating to ships (CPC 83103)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Relating to other machinery and equipment (CPC 83106-83109)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Services incidental to fishing (CPC 882**)	1) None 2) None	1) None 2) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Consists of specialized consultancy services only, related to fisheries. Does not include fishing.	3) None	3) None	
h) Services incidental to mining (CPC 883)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Services incidental to manufacturing (CPC 884)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Services incidental to energy distribution (CPC 997**)	1) None 2) None 3) None	1) None 2) None 3) None	
Covers specialised consultancy services only, in relation to energy distribution.			



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	1) None 2) None 3) None	1) None 2) None 3) None	
o) Building-cleaning services (CPC 874)	1) None 2) None 3) None	1) None 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
q) Packaging services (CPC 876)	1) None 2) None 3) None	1) None 2) None 3) None	
r) Printing, publishing (CPC 88442)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Other (CPC 8790)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>2. COMMUNICATION</b>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>SERVICES</b>			
B. Courier Services (CPC 7512)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Audiovisual services			
a) Motion picture and videotape production and distribution <sup>5</sup> services (CPC 9611)	1) None 2) None 3) None	1) None 2) None 3) Foreign suppliers wishing to film in Niue may be subject to higher permit fees.	
b) Motion picture projection services (CPC 9612)	1) None 2) None 3) None	1) None 2) None 3) Foreign suppliers wishing to film in Niue may be subject to higher permit fees.	
e) Sound recording	1) None 2) None 3) None	1) None 2) None 3) Foreign suppliers wishing to film in Niue may be subject to	

<sup>5</sup> For greater clarity, distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		higher permit fees.	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>  <b>A. General construction work for buildings (CPC 512)</b>  <b>B. General construction work for civil engineering (CPC 513)</b>  <b>C. Installation and assembly work (CPC 514 +516)</b>  <b>D. Building completion and finishing work (CPC 517)</b>  <b>E. Other (CPC 511 + 515 + 518)</b>	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>4. DISTRIBUTION SERVICES</b> (excluding distribution services in relation to alcohol, tobacco, oil, and handicrafts)</p> <p>A. <u>Commission agent's services</u> (CPC 621, 61111**, 6113**, 6121**)</p> <p>B. <u>Wholesale trade services</u> (CPC 622, 61111**, 6113**, 6121** )</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p><b>5. EDUCATIONAL SERVICES</b> (limited to services provided by privately-owned institutions)</p> <p>B. <u>Secondary education services</u> (CPC 922)</p> <p>C. <u>Higher education services</u> (CPC 923)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. <u>Adult education</u> (CPC 924)	1) None 2) None 3) None	1) None 2) None 3) None	
E. <u>Other education services</u> (CPC 929)	1) None 2) None 3) None	1) None 2) None 3) None	
<p>6. ENVIRONMENTAL SERVICES</p> <p>Consultancy related to the provision of the following environmental services:</p> <p>A. Sewage Services (CPC 9401**)</p> <p>B. Refuse disposal services (CPC 9402**)</p> <p>C. Sanitation and similar services (CPC 9403**)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Other (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None	
<p data-bbox="168 528 607 563">7. FINANCIAL SERVICES</p> <p data-bbox="168 603 607 1118">Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p> <p data-bbox="168 1198 607 1265">A. Insurance and insurance-related services</p> <p data-bbox="168 1305 607 1340">(i) Direct insurance (including</p>	1) None	1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
co-insurance): (A) life  (B) non-life	2) None 3) None	2) None 3) None	
(ii) Reinsurance and retrocession;	1) None 2) None 3) None	1) None 2) None 3) None	
(iii) Insurance intermediation, such as brokerage and agency;	1) None 2) None 3) None	1) None 2) None 3) None	
(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.	1) None 2) None 3) None	1) None 2) None 3) None	
B. Banking and other financial services (excl. insurance)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b> (limited to services provided by privately-owned institutions)			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>A. Hospital Services (CPC 9311**)</p> <p>B. Other Human Health Services (CPC 9319**)</p> <p>C. Social Services (CPC 933**)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. Hotels and restaurant (incl. catering) (CPC 641, 642, 643)</p> <p>B. Travel agencies and tour operators services (CPC 7471)</p> <p>C. Tourist guide services (CPC 7472)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment Services (CPC 9619)	1) None 2) None 3) None	1) None 2) None 3) None	
B. News agency services (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Libraries, archives, museums, and other cultural services (CPC 963)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Sporting and other recreational services (CPC 964**)	1) None 2) None 3) None	1) None 2) None 3) None	
- Excluding gambling and betting			
<b>11. TRANSPORT SERVICES</b>			
A. Maritime Transport Services	1) Conditional on the granting of a	1) None	The following services at the port

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)	<p>license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters. Local agent or registration in Niue required.</p> <p>2) None</p> <p>3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of Niue: unbound</p> <p>3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none</p>	<p>2) None</p> <p>3)(a) Unbound</p> <p>3)(b) None</p>	<p>are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisioning, fueling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations including communications, water and electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth and berthing services</li> </ol>
d) Maintenance and repair of vessels (CPC 8868**)	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	
<b>MARITIME AUXILIARY SERVICES</b>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Maritime Freight Forwarding Services (as defined in Annex)</p> <p>Maritime Agency Services (as defined in Annex)</p>	<p>1) None 2) None 3) None</p> <p>1) Suppliers of maritime transport services are required to go through a local agent established in Niue. 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>C. Air Transport Services<sup>6</sup></p> <p>Aircraft repair and maintenance services;</p> <p>Selling and marketing of air transport services;</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

<sup>6</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Computer reservation system services;	1) None 2) None 3) None	1) None 2) None 3) None	
Ground handling services.	1) None 2) None 3) None	1) None 2) None 3) None	
Specialty air services	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	
<b>H. Services Auxiliary to All Modes of Transport</b>			
a) Cargo-handling services, except maritime and air cargo handling (CPC 741**)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Storage and warehouse services (CPC 742)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency services, except maritime freight agency services (CPC	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
748**) d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	

## **ANNEX TO SCHEDULE OF NIUE: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

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

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

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. “Maritime agency services” means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

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

– acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

4. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

### SCHEDULE OF PALAU

Modes of supply:                    1)      Cross-border supply    2)      Consumption abroad    3)      Commercial presence

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>I. HORIZONTAL COMMITMENTS</b>			
<b>ALL SECTORS INCLUDED IN THIS SCHEDULE</b>	3) A foreign investment approval certificate must be obtained pursuant to the Foreign Investment Act 1990 <sup>2</sup> and subsequent amendments before investors of another Party can establish a business enterprise in Palau. Approval of an investment is subject to an economic needs criteria <sup>3</sup>	3) The Palau Constitution prohibits natural persons that are not citizens of Palau and enterprises that are not wholly-owned by Palauans from owning land, or acquiring any interest in or control over land in Palau, whether by purchase, receipt of gift, transfers by operation of law, or any other means	

<sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991

<sup>2</sup> Should Palau adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

<sup>3</sup> The economic needs test is based on the following criteria: (a) the economic need for the proposed activity; (b) the current availability of the service in the Republic; (c) the likely impact on same or similar activities currently being carried on by citizens; (d) the overall benefit to the national economy; (e) the bona fides, financial capacity, experience and expertise of the applicant; (f) the technical and economic viability of the proposed project; (g) the overall contributions to the national economy; (h) the extent of direct and indirect employment generation; (i) the extent of import earnings or import savings; (j) the extent of utilization of domestic raw materials and natural resources, including the benefits or adverse impact of such utilization; (k) the extent of transfer of managerial and technical skills to citizens, including well-defined training programs for achieving such transfer; (l) the size of the foreign investment as well as the total investment required for the project; (m) the impact of the proposed activity upon the social and cultural values upon the environmental integrity of the Republic, and (n) whether the capital investment and technical and managerial skills required for a business are such as to be within the capacity of citizens.



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>and non-discriminatory requirements and the fulfilment of the minimum investment and local ownership requirements in sections 105 and 106 of the Foreign Investment Act 1990 and subsequent amendments.</p>	<p>other than as provided in the following paragraph.</p> <p>Lease of land is limited to 50 years for foreign natural persons and enterprises that are not wholly owned by Palauans.</p> <p>3) Enterprises that are not wholly-owned by Palauans are required to pay a yearly levy for each non-citizen employee.<sup>4</sup></p> <p>3) Palau citizens must constitute 20 per cent of employees of enterprises that are not wholly-owned by Palau citizens when the value of the initial investment is less than US\$500,000 or, in the case of hotel or other short-term lodging facility, US\$5 million.</p> <p>3) Authorities require foreign investors to deposit a stipulated sum of money with a bank in Palau and maintain it there during the validity of the investment.</p>	

<sup>4</sup> For information: in 2015, this levy was of US\$500 per year for each foreign employee. This amount may be adjusted in the future to take account of inflation.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>3) Enterprises engaging solely in the supply of legal services or medicine are exempted from this economic needs test.</p> <p>3) The following business activities are reserved exclusively for citizens and business enterprises in which Palauans have an ownership interest:</p> <ul style="list-style-type: none"> <li>(a) handicraft and gift shops except those located on the premises of hotels or at the Palau International Airport;</li> <li>(b) bakeries;</li> <li>(c) bar services not associated and contained within a restaurant or hotel complex having at least 50 rooms;</li> <li>(d) equipment rentals for both land and water within the Republic, including equipment for purpose of tourism.</li> </ul>		
II. SECTOR-SPECIFIC COMMITMENTS			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>1. BUSINESS SERVICES</p> <p>a) <u>Professional Services</u></p> <p>(a) Legal Services (CPC 861)</p> <p>(b) Accounting, auditing and bookkeeping services (CPC 862)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	
<p>(c) Taxation Services (CPC 863)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	
<p>(d) Architectural Services (CPC 8671)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(e) Engineering Services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	
(f) Integrated Engineering Services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
(g) Urban Planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
(h) Medical and Dental Services (CPC 9312)	1) None 2) None 3) None	1) None 2) None 3) None	
(i) Veterinary Services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
(j) Midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>B. <u>Computer and Related Services</u> (CPC 84)</b>  (a) Consultancy services related to installation of computer hardware (CPC 841)  (b) Software implementation services (CPC 842)  (c) Data processing services (CPC 843)  (d) Database services (CPC 844)  (e) Other (CPC 845 + 849)	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>C. Research and Development Services</u> (a) R&D Services on natural sciences (CPC 851)  (b) R&D Services on social sciences and humanities (CPC 852)  (c) Interdisciplinary R&D Services (CPC 853)	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	
<u>D. Real Estate Services</u>  a) Involving own or leased property (CPC 821)  b) On a fee or contract basis (CPC 822)	1) Unbound 2) Unbound 3) None  1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None  1) Unbound 2) Unbound 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>E. Rental/Leasing Services without Operators</u>  a) Relating to ships: - Limited to rental services of sea- going vessels without operator, for international maritime transport (CPC 83103**)  b) Relating to aircraft: limited to rental services of aircraft, excluding spacecraft, without operator, for international air transport (CPC 83104**)  d) Relating to other machinery and equipment (CPC 83106-83109)  e) Other (CPC 832)	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>F. Other Business Services</u>  a) Advertising services (CPC 871)  b) Market Research and public opinion polling services (CPC 864)  c) Management consulting services (CPC 865)	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)  e) Technical testing and analysis services (CPC 8676)  f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>g) Services incidental to fishing (CPC 882**)</p> <p>Consists of specialized consultancy services only, related to fisheries. Does not include fishing.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>i) Services incidental to manufacturing (CPC 884)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>j) Services incidental to energy distribution (CPC 997**)</p> <p>Covers specialised consultancy services only, in relation to energy distribution.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>k) Placement and supply services and personnel (CPC 872)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>l) Investigation and</p>	<p>1) None</p>	<p>1) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
security (CPC 873)	2) None 3) None	2) None 3) None	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866**), except repair of footwear.	1) None 2) None 3) None	1) None 2) None 3) None	
o) Building-cleaning services (CPC 874)	1) None 2) None 3) None	1) None 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
q) Packaging services (CPC 876)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
s) Convention services (CPC 87909*)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Other (CPC 8790)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>2. COMMUNICATION SERVICES</b>			
B. <u>Courier Services</u> (CPC 7512)	1) None 2) None 3) None	1) None 2) None 3) None	
C. <u>Telecommunication Services</u> <sup>5</sup>	1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound	
<u>D. Audiovisual Services</u>	1) None	1) None	

<sup>5</sup> Palau has interest in introducing competition in the telecommunications market and in further developing appropriate regulatory frameworks, including to ensure universal service. Should competition be introduced and adequate regulatory frameworks be introduced in the future, Palau would consider reflecting, where appropriate, these under PACER Plus through an amended schedule of specific commitments on Trade in Services.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) Motion picture and video tape production and distribution <sup>6</sup> (CPC 9611)	2) None 3) None	2) None 3) None	
b. Motion picture projection services (CPC 9612)	1) None 2) None 3) None	1) None 2) None 3) None	
e. Sound recording	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>6</sup> For greater clarity, distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use.

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>A. <u>General Construction Work for Buildings</u> (CPC 512)</p> <p>B. <u>General Construction Work for Civil Engineering</u> (CPC 513)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. <u>Installation and assembly work</u> (CPC 514+516)  D. <u>Building completion and finishing work</u> (CPC 517)  E. <u>Other</u> (CPC 511+515+518)	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	
4. DISTRIBUTION SERVICES  D. Franchising (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	
5. EDUCATIONAL SERVICES (limited to services provided by privately-owned institutions)			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. Secondary education services (CPC 922**)	1) Subject to approval by authorities on the basis of need. 2) None 3) Subject to approval by authorities on the basis of need.	1) None 2) None 3) None	
C. Higher education services in private institutions (CPC 923**)	1) Subject to approval by authorities on the basis of need. 2) None 3) Subject to approval by authorities on the basis of need.	1) None 2) None 3) None	
D. Adult education (CPC 924)	1) Subject to approval by authorities on the basis of need. 2) None 3) Subject to approval by authorities on the basis of need.	1) None 2) None 3) None	
E. Other education services (CPC 929)	1) Subject to approval by authorities on the basis of need. 2) None 3) Subject to approval by authorities on the basis of need.	1) None 2) None 3) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>6. ENVIRONMENTAL SERVICES</p> <p>Consultancy related to the provision of the following environmental services:</p> <p>A. Sewage Services (CPC 9401**)</p> <p>B. Refuse disposal services (CPC 9402**)</p> <p>C. Sanitation and similar services (CPC 9403**)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>D. Other environmental services (CPC 9404-9409)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES</p> <p>Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p>			
<p><u>A. Insurance and insurance-related services</u></p> <p>(i) Direct insurance (including co-</p>	<p>1) Unbound, except for international marine, aviation, and transport insurance,</p>	<p>1) Unbound, except for international marine, aviation, and transport</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>insurance) :</p> <p>(A) life</p> <p>(B) non-life, except third party vehicle insurance</p> <p>(iii) Insurance intermediation, such as brokerage and agency;</p> <p>(ii) Reinsurance and retrocession;</p> <p>(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.</p>	<p>where: none.</p> <p>2) Unbound, except for international marine, aviation, and transport insurance, where: none.</p> <p>3) None</p> <p>1) Unbound, except for international marine, aviation, and transport insurance, where: none.</p> <p>2) Unbound, except for international marine, aviation, and transport insurance, where: none.</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>insurance, where: none.</p> <p>2) Unbound, except for international marine, aviation, and transport insurance, where: none.</p> <p>3) None</p> <p>1) Unbound, except for international marine, aviation, and transport insurance, where: none.</p> <p>2) Unbound, except for international marine, aviation, and transport insurance, where: none.</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>B. <u>Banking and Other Financial Services</u> (excl. insurance)</p> <p>(v) Acceptance of deposits and other repayable funds from the public</p> <p>(vi) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction</p> <p>(vii) Financial leasing</p> <p>(viii) All payments and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts.</p> <p>(ix) Guarantees and commitments</p>	<p>1) Unbound, except for 7.B.(xv) and (xvi), where: none.</p> <p>2) Unbound, except for 7.B.(xv) and (xvi), where: none.</p> <p>3) None</p>	<p>1) Unbound, except for 7.B.(xv) and (xvi), where: none.</p> <p>2) Unbound, except for 7.B.(xv) and (xvi), where: none.</p> <p>3) Higher minimum capital requirements are imposed on enterprises that are not wholly-owned by Palauans. For branches, a minimum capital requirement in Palau is required depending on the deposit insurance extended for activities in Palau.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>(x) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- money market instruments (including cheques, bills, certificate of deposits);</li> <li>- foreign exchange;</li> <li>- derivative products including, but not limited to, futures and options;</li> <li>- exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;</li> <li>- transferable securities;</li> <li>- other negotiable</li> </ul>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
instruments and financial assets, including bullion.			
<p>(xi) 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</p> <p>(xii) Money broking</p> <p>(xiii) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</p> <p>(xiv) Settlement and clearing services for financial assets, including</p>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>securities, derivative products, and other negotiable instruments</p> <p>(xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services</p> <p>(xvi) Advisory, intermediation and other auxiliary financial services on all the activities listed in the subparagraphs under 7.B. (Banking services and other financial services (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.</p>			

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. <u>Hotel and Restaurants</u> (including catering) (CPC 641-643**), excluding accommodation on ships.</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</p> <p>A. Entertainment Services (CPC 9619)</p> <p>B. News agency services (CPC 962)</p> <p>C. Libraries, archives, museums, and other cultural services (CPC</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
963)  D. Sporting and other Recreational services (CPC 964**)  - Excluding: gambling and betting; and fishing and diving guides and tours.	1) None 2) None 3) None	1) None 2) None 3) None	



Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>11. TRANSPORT SERVICES</p> <p>A. Maritime Transport Services</p> <p>International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)</p>	<p>1)(a) For all international shipping, except passenger transportation and transport of petrol:</p> <ul style="list-style-type: none"> <li>- Conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters.</li> <li>- Licenses granted preferably to carriers owned by Palau citizens, that employ Palauans, and that conduct training for Palauans.</li> <li>- Vessels owned and operated by the Palau government do not require a license to be granted on the basis of the criteria mentioned above.</li> <li>- Local agent in Palau or registration in Palau required.</li> </ul>	<p>1)(a) none</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> </ol>

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	1)(b) For international passenger transportation and international shipping of petrol: none.  2) None  3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound  3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none	1)(b) None  2) None  3)(a) Unbound  3)(b) None	7. Shore-based operational services essential to ship operations including communications, water and electrical supplies  8. Emergency repair facilities  9. Anchorage, berth and berthing services
d) Maintenance and repair of vessels (CPC 8868**)	1) None 2) None 3) None	1) None 2) None 3) None	
MARITIME AUXILIARY SERVICES			
Customs Clearance Services (as defined in	1) None 2) None	1) None 2) None	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
Annex)	3) None	3) None	
<b>C. Air Transport Services<sup>7</sup></b>			
Aircraft repair and maintenance services	1) None 2) None 3) None	1) None 2) None 3) None	
Selling and marketing of air transport services	1) None 2) None 3) None	1) None 2) None 3) None	
Computer reservation system services	1) None 2) None 3) None	1) None 2) None 3) None	
<b>G. Pipeline Transport (CPC 713)</b>	1) None 2) None 3) None	1) None 2) None 3) None	
<b>H. Services Auxiliary to All Modes of Transport</b>			
a) Cargo-handling	1) None	1) None	

<sup>7</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services, except maritime and air cargo handling (CPC 741**)	2) None 3) None	2) None 3) None	
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	

\* Indicates that the service specified is a component of a more aggregated CPC item specified elsewhere in the sectoral classification list on which this schedule is based (See WTO document S/L/92).

\*\* The service specified constitutes only part of the total range of activities covered by the CPC concordance.

## **ANNEX TO THE SCHEDULE OF PALAU: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

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

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

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. “Customs clearance services” (alternatively “customs house brokers’ services”) means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

4. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

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**ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)**

**SCHEDULE OF THE REPUBLIC OF THE MARSHALL ISLANDS**

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>1. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) Application for a business license under the Foreign Business License Act is required in order to establish an enterprise that is not wholly-owned by citizens of the Republic of the Marshall Islands, or to acquire an interest in an existing enterprise in the Republic of the Marshall Islands.<sup>2</sup></p> <p>Investors of other Parties must incorporate as a domestic limited company or register as a foreign company.</p> <p>3) The following activities are reserved for the Republic of the</p>	<p>3) Natural persons that are not citizens of the Republic of the Marshall Islands and enterprises that are not wholly-owned by citizens of the Republic of the Marshall Islands are prohibited from owning or acquiring land or any interest in land.</p> <p>3) Foreign owned companies must pay a levy per quarter for each non-resident employee, to be paid into the resident workers training account.</p>	

<sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>2</sup> Should the Republic of the Marshall Islands adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Modes of supply: Sector or Sub-sector <sup>1</sup>	(1) Cross-border supply Limitations on Market Access	(2) Consumption abroad Limitations on National Treatment	(3) Commercial presence Additional Commitments
	Marshall Islands citizens and enterprises wholly-owned by the Republic of the Marshall Islands citizens: Bakeries and pastry shops Motor garages and filling stations Taxis Motor vehicle rental Small retail shops <sup>3</sup> Laundromat and dry cleaning Tailoring / sewing shops Video rental Handicraft shops Delicatessen, Deli shop, and food take-out. <sup>4</sup>		

<sup>3</sup> “Small retail shops” is defined as shops with a turnover of less than US\$1,000 per quarter. This threshold may be adjusted in the future.

<sup>4</sup> For greater certainty, nothing in section II of this schedule (Sector-Specific Commitments) can be taken to somehow lessen or modify the limitations listed in this section.



Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR-SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
a) Legal Services (CPC 861)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672) <sup>5</sup> excluding CPC 7421: geologies and prospecting	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>5</sup>The Republic of the Marshall Islands has excluded Geological and Prospecting Activities given that deep sea mining policy and legislation is still in initial stages and thus not feasible to commit. Weather forecasting is excluded as it is provided by Government Agency.

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
activities.  f) Integrated engineering services (CPC 8673)  g) Urban planning and landscape architectural services (CPC 8674)  h) Medical and dental services (CPC 9312)  i) Veterinary services (CPC 932)  j) Midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	
B. Computer and Related Services (CPC 84)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>C. Research and Development Services</b>			
a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) None	1) None 2) None 3) None	
b) R&D services on social sciences and humanities (CPC 852)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Interdisciplinary R&D services (CPC 853)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>E. Rental/Leasing Services without Operators</b>			
a) Relating to ships (CPC 83103)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Relating to other transport	1) None	1) None	

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
equipment (CPC 83101+83102+83105)	2) None 3) None	2) None 3) None	
d) Relating to other machinery and equipment (CPC 83106-83109)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Other	1) None 2) None 3) None	1) None 2) None 3) None	
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
e) Technical testing and analysis services (CPC 8676) specific to testing activities in the field of food hygiene, including veterinary testing and control in relation to food production, testing of physical characteristics and performance of materials such as strength, thickness, durability, certification of products for consumer goods including motor vehicles, periodic road-safety testing of motor vehicles etc.	1) None 2) None 3) None	1) None 2) None 3) None	
f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Services incidental to mining (CPC 883) excluding for Deep Sea Mining	1) None 2) None 3) None	1) None 2) None 3) None	
i) Services incidental to manufacturing (CPC 884)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
k) Placement and supply services and personnel (CPC 872)	1) None 2) None 3) None	1) None 2) None 3) None		
l) Investigation and security (CPC 873) excluding security activities in the field of public transportation such as luggage and passenger inspection at the airports.	1) None 2) None 3) None	1) None 2) None 3) None		
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None		
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	1) None 2) None 3) None	1) None 2) None 3) None		
o) Building-cleaning services (CPC 874)	1) None 2) None 3) None	1) None 2) None 3) None		
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None		

Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
q) Packaging services (CPC 876)	1) None 2) None 3) None	1) None 2) None 3) None	
r) Printing, publishing (CPC 88442)	1) None 2) None 3) None	1) None 2) None 3) None	
s) Convention services (CPC 87909*)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Other (CPC 8790) excluding reading of gas, water and electricity meters	1) None 2) None 3) None	1) None 2) None 3) None	
<b>2. COMMUNICATION SERVICES</b>			
B. Courier Services (CPC 7512)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>C. Telecommunication Services<sup>6</sup></b> a) Voice telephone services (CPC 7521) b) Packet-switched data transmission services (CPC7523**) c) Circuit-switched data transmission services (CPC 7523**) d) Telex services (CPC 7523**) e) Telegraph services (CPC 7522) f) Facsimile service (CPC 7521**+7529** ) g) Private leased circuit services (CPC 7522**+7523**) h. Electronic mail (CPC 7523**) i) Voice mail (CPC 7523** ) j) On-line information and data base retrieval (CPC 7523**) k) Electronic data interchange	1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound	

<sup>6</sup> The Republic of the Marshall Islands has interest in introducing competition in the telecommunications sector and in further developing appropriate regulatory frameworks, including ensuring universal service. Should competition and adequate regulatory frameworks be introduced in the future, the Republic of the Marshall Islands would reflect these, where appropriate, under PACER Plus through a revised Schedule of Commitments on Trade in Services.



Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(EDI) (CPC 7523**) <ul style="list-style-type: none"> <li>l) Enhanced/value-added facsimile services, incl. store and forward, store and retrieve (CPC 7523**)</li> <li>m) Code and protocol conversion</li> <li>n) Online information and/or data processing (incl. transaction (CPC 834**))</li> <li>o) Other</li> </ul>			
D. Audiovisual services <ul style="list-style-type: none"> <li>a) Motion picture and videotape production and distribution<sup>7</sup> services (CPC 9611)</li> <li>b) Motion picture projection services (CPC 9612)</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> </ul> <ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> </ul> <ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> </ul>	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			

<sup>7</sup> For greater clarity, distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use.

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. General construction work for buildings (CPC 512)	1) None 2) None 3) None	1) None 2) None 3) None	
B. General construction work for civil engineering (CPC 513)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Installation and assembly work (CPC 514+516)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Building completion and finishing work (CPC 517)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other (CPC 511+515+518)	1) None 2) None 3) None	1) None 2) None 3) None	
4. DISTRIBUTION SERVICES (excluding distribution services in relation to alcohol, tobacco, and handicrafts)			
A. Commission agents' services (CPC 621, 61111**, 6113**,	1) None 2) None	1) None 2) None	

Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
6121**)	3) None	3) None	
B. Wholesale trade services (CPC 622, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Retailing services (CPC 631, 632, 61112, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
- Excluding small retail shops <sup>8</sup> (including mobile retail shops, open air vendors/take-outs), food take-out, delicatessen, deli shop, tailor / sewing shops, bakeries and pastry shops.			
- Excluding retail sale via stall and markets. <sup>9</sup>			
-			
D. Franchising (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>5. EDUCATIONAL SERVICES</b>			

<sup>8</sup> “Small retail shops” is defined as shops with a turnover of less than US\$1,000 per quarter. This threshold may be adjusted in the future.

<sup>9</sup> Note retail sale of any kind of product usually movable stall along public roads.

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(limited to services provided by privately-owned institutions)			
A. Pre-Primary Education including special education for handicapped students at this level	1) None 2) None 3) None	1) None 2) None 3) None	
Primary education services (CPC 921**) including special education for handicapped students at this level	1) None 2) None 3) None	1) None 2) None 3) None	
B. Secondary education services (CPC 922**) including special education for handicapped students at this level.	1) None 2) None 3) None	1) None 2) None 3) None	
C. Higher education services in private institutions (CPC 923**)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Adult education (CPC 924**)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other education services (CPC 929**) including sports,	1) None 2) None	1) None 2) None	

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
recreational education and cultural education.  F. Technical and Vocational Education (CPC 8522**) including instruction for tourist guides, nautical training, training for hairdressing and cosmetology, instructions for chefs, hoteliers and restaurants, computer repair training, driving schools for occupational drivers e.g. trucks, buses and coaches and also specialized for handicapped students at this level.	3) None  1) None 2) None 3) None	3) None  1) None 2) None 3) None		
<b>6. ENVIRONMENTAL SERVICES</b>  Consultancy related to the provision of the following environmental services:  A. Sewage Services (CPC 9401**) <p>B. Refuse disposal services (CPC</p>	1) None 2) None 3) None  1) None	1) None 2) None 3) None  1) None		

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
9402**) <p>C. Sanitation and similar services (CPC 9403**)</p>	2) None 3) None  1) None 2) None 3) None	2) None 3) None  1) None 2) None 3) None	
D. Other environmental services (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None	
7. FINANCIAL SERVICES <p>Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p>			

Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>A. Insurance and insurance-related services</b>			
(i) Direct insurance (including co-insurance) :	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
(A) life			
(B) non-life			
(ii) Reinsurance and retrocession;	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
(iii) Insurance intermediation, such as brokerage and agency;	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
<b>B. Banking and other financial services (excluding insurance)</b>			
(a) Acceptance of deposits and other repayable funds from the	1) None 2) None	1) None 2) None	

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>public;</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction;</p> <p>(c) Financial leasing;</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;</p> <p>(e) Guarantees and commitments;</p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p>	<p>3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	



Modes of supply: Sector or Sub-sector <sup>1</sup>	(1) Cross-border supply Limitations on Market Access	(2) Consumption abroad Limitations on National Treatment	(3) Commercial presence Additional Commitments
<p>(i) money market instruments (including cheques, bills, certificates of deposits) ;</p> <p>(ii) foreign exchange;</p> <p>(iii) derivative products including, but not limited to, futures and options;</p> <p>(iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;</p> <p>(v) transferable securities;</p> <p>(vi) other negotiable instruments and financial assets, including bullion.</p> <p>(g) 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;</p> <p>(h) Money broking;</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p> <p>2) None</p> <p>3) None</p>	

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services	1) None 2) None 3) None	1) None 2) None 3) None		
(j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;	1) None 2) None 3) None	1) None 2) None 3) None		
(k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;	1) None 2) None 3) None	1) None 2) None 3) None		
(l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv) , including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	1) None 2) None 3) None	1) None 2) None 3) None		

Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>8. HEALTH RELATED AND SOCIAL SERVICES</b> (limited to services provided by privately-owned institutions)</p> <p>A. Hospital Services (CPC 9311**)</p> <p>B. Other Human Health Services (CPC 9319**)</p> <p>C. Social Services (CPC 933**)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p><b>9. TOURISM AND TRAVEL RELATED SERVICES</b></p> <p>A. Hotels (four and five star) and specialised restaurants (incl. catering) (CPC 641, 642**, 643), in four and five star hotels. - Excluding small Delicatessen,</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Deli Shops or Food take-out, bakeries and pastry shops and canteens  Bed and Breakfast Services in outer islands  B. Travel agencies and tour operators services (CPC 7471)  C. Tourist guides services (CPC 7472)	1) None 2) None 3) Formation of Joint Venture with local Marshallese investor. The share of JV to be negotiated between the local and foreign investors.	1) None 2) None 3) Formation of Joint Venture with local Marshallese investor. The share of JV to be negotiated between the local and foreign investors.	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>  A. Entertainment Services (CPC 9619)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. News agency services (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Libraries, archives, museums, and other cultural services (CPC 963)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Sporting and other recreational services (CPC 964**) Excluding gambling and betting	1) None 2) None 3) None	1) None 2) None 3) None	
11. TRANSPORT SERVICES	1) 2) (a) Liner shipping:	1) 2) (a) None	
A. Maritime Transport Services  International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)	<ul style="list-style-type: none"> <li>- Conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters.</li> <li>- Licenses granted preferably</li> </ul>		<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and</li> </ol>

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>to carriers owned by the Republic of the Marshall Islands citizens, and that employ the Republic of the Marshall Islands citizens, and that conduct training for the Republic of the Marshall Islands citizens.</p> <p>- Vessels owned and operated by the the Republic of the Marshall Islands government do not require a license to be granted on the basis of the criteria mentioned above.</p> <p>1), 2)(b) Bulk, tramp, and other international shipping, including passenger transportation: None</p> <p>3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound</p>	<p>1), 2)(b) None</p> <p>3)(a) Unbound</p>	<p>ballast waste disposal</p> <p>5. Port Captain's services</p> <p>6. Navigation aids</p> <p>7. Shore-based operational services essential to ship operations including communications, water and electrical supplies</p> <p>8. Emergency repair facilities</p> <p>9. Anchorage, berth and berthing services</p>

Modes of supply:

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none	3)(b) None	
d) Maintenance and repair of vessels (CPC 8868**) f) Supporting services for maritime transport (CPC 745**)	1) None 2) None 3) None 1) None 2) None 3) None	1) None 2) None 3) None 1) None 2) None 3) None	
MARITIME AUXILIARY SERVICES Customs Clearance Services (as defined in Annex) Container Station and Depot Services (as defined in Annex)	1) None 2) None 3) None 1) None 2) None 3) None	1) None 2) None 3) None 1) None 2) None 3) None	

Modes of supply:			
	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>C. Air Transport Services<sup>10</sup></b>			
Aircraft repair and maintenance services	1) None 2) None 3) None	1) None 2) None 3) None	
Selling and marketing of air transport services	1) None 2) None 3) None	1) None 2) None 3) None	
Computer reservation system services	1) None 2) None 3) None	1) None 2) None 3) None	
Supporting services for Air Transport (CPC746)	1) None 2) None 3) None	1) None 2) None 3) None	
Airport operation services	1) None 2) None 3) None	1) None 2) None 3) None	
Other supporting services for air transport including ground	1) None 2) None	1) None 2) None	

<sup>10</sup> As defined in Article 1 of Chapter 7 (Trade in Services).



Modes of supply:	(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
handling	3) None	3) None	
F. Road Transport Services			
a) Passenger transportation (CPC 7121+7122)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Freight transportation (CPC 7123)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Rental of commercial vehicles with operator (CPC 7124)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Maintenance and repair of road transport equipment (CPC 6112+8867)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Supporting services for road transport services (CPC 744)	1) None 2) None 3) None	1) None 2) None 3) None	
G. Pipeline Transport			
a) Transportation of fuels	1) Unbound	1) Unbound	

Modes of supply:		(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
(CPC 7131 )	2) Unbound 3) Unbound	2) Unbound 3) Unbound		
b) Transportation of other goods (CPC 7139)	1) Unbound 2) Unbound 3) Unbound	1) Unbound 2) Unbound 3) Unbound		
<b>H. Services Auxiliary to All Modes of Transport</b>				
a) Cargo-handling services, except maritime and air cargo handling (CPC 741**)	1) None 2) None 3) None	1) None 2) None 3) None		
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None		
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None		
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None		

\*\* The service specified constitutes only part of the total range of activities covered by the CPC concordance.

## **ANNEX TO THE SCHEDULE OF THE REPUBLIC OF THE MARSHALL ISLANDS: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

1. Without prejudice to the scope of activities which may be considered as “cabotage” under the relevant national legislation, this schedule does not include “maritime cabotage services”, which are assumed to cover transportation of passengers or goods between a port located in the Republic of the Marshall Islands and another port located in the RMI, traffic originating and terminating in the same port located in the Republic of the Marshall Islands provided that this traffic remains within the Republic of the Marshall Islands’s territorial waters, and traffic between a port located in the Republic of the Marshall Islands and installations or structures situated in the EEZ or relating to the continental shelf of the Republic of the Marshall Islands.

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

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;

(d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of :

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

7. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

**ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)**

**SCHEDULE OF SAMOA**

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>1. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p>3) Unbound for measures: a) as part of the act of devolving a service that is provided in the exercise of</p>	<p>3) Non-Samoan natural and juridical persons may lease but not own land. Land may be leased for up to 30 years renewable once in the case of land leased or licensed for industrial purposes or a hotel and 20 years renewable once in the other cases.</p> <p>3) Foreign service suppliers may be required to provide training to local employees.</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>governmental authority at the time the Agreement enters into force; or,  b) regarding the sale or disposal of government-owned entities or assets.</p> <p>1), 2) and 3) Unbound with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public transport and public housing.</p>		

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
(a) Legal Services Legal advisory services on foreign and international law	(1) None (2) None (3) None	(1) None (2) None (3) None	
(b) Accounting and Bookkeeping Services (CPC 862**)¹: Excluding Financial Auditing services (CPC 86211)	(1) None (2) None (3) Joint venture with local partner required	(1) None (2) None (3) None	
(d) Architectural services (CPC 8671)	(1) None (2) None (3) Joint venture with local partner required	(1) None (2) None (3) None	
(e) Engineering services (CPC 8672)	(1) None (2) None (3) Only through incorporation in Samoa	(1) None (2) None (3) None	

<sup>1</sup> For greater transparency, foreign and local accountants must comply with the requirements of the Samoa Institute of Accountants.



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(f) Integrated engineering services (CPC 8673)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(h) Veterinary services (CPC 932)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>B. Computer and Related Services</b>			
Computer and Related Services (CPC 84)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>E. Rental/Leasing Services without Operators</b>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(a) Relating to ships (CPC 83103)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(b) Relating to aircraft (CPC 83104)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(d) Relating to other machinery and equipment (CPC 83106-83109)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(e) Other except leasing or rental of video tapes (CPC 83202)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>F. Other Business Services</b>			
(a) Advertising services (CPC 871)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(b) Market research and public opinion polling services (CPC 864)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(c) Management consulting	(1) None	(1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services (CPC 865)  (d) Services related to management consulting (CPC 866)	(2) None (3) None  (1) None (2) None (3) None	(2) None (3) None  (1) None (2) None (3) None	
(e) Technical testing and analysis services, including ship survey services: - Testing and Analysis Services of Physical Properties (CPC 86762) - Testing and Analysis Services of Integrated Mechanical and Electrical Systems (CPC 86763) - Technical Inspection Services (CPC 86764)  (h) Services incidental to mining (CPC 883+5115)	(1) None (2) None (3) None          (1) None (2) None (3) None	(1) None (2) None (3) None          (1) None (2) None (3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(k) Placement and supply services and personnel (CPC 872)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(m) Related scientific and technical consulting services (CPC 8675)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transportation equipment) (CPC 6122, 633+8861-8866)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(o) Building-cleaning services (CPC 874)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(q) Packaging services (CPC 876)	(1) None (2) None (3) None	(1) None (2) None (3) None	
t) Other			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Translation and interpretation services (CPC 87905)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Mailing list compilation and mailing services (CPC 87906)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Convention services (part of CPC 87909)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>2. COMMUNICATION SERVICES</b>			
<b>B. Courier Services</b>			
Courier Services, including express delivery services <sup>2</sup> in all areas except for the following services:  (a) the collection, transport and delivery of domestic and cross-border addressed mail to PO Boxes in the	(1) None (2) None (3) None	(1) None (2) None (3) None	

<sup>2</sup> Express delivery services include the collection, transport and delivery of documents, printed matter, parcels and/or other goods on an expedited basis, while tracking and maintaining control of these items throughout the supply of the service.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
following categories: (i) addressed letters weighing not more than 100 grams; (ii) small packages weighing up to 2 kg; (b) the collection, transport and delivery to PO Boxes of domestic and international postal parcels weighing up to 20 kg; (c) the provision of PO Boxes; and (d) issuing of postage stamps.			
<b>C. Telecommunication services<sup>3</sup></b>			
Basic Services  (a) Voice telephone services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services	(1) None (2) None (3) None	(1) None (2) None (3) None	The Independent State of Samoa undertakes to adopt the regulatory principles contained in the Reference Paper attached hereto.

<sup>3</sup> Excluding Broadcasting, which is defined as the uninterrupted chain of transmission required for the distribution of television and radio program signals to the general public, but does not cover contribution links between operators.

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Telex services (e) Telegraph services (f) Facsimile services (g) Private leased circuit services			
Value-added services  (h) Electronic mail (i) Voice mail (j) On-line information and data base retrieval (k) Electronic data interchange (EDI) (l) Enhanced/value-added facsimile services, including store and forward, store and retrieve (m) Code and protocol conversion (n) On-line information and/or data processing (o) Other	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>D. Audiovisual Services</b>			
(a) Motion picture and video	(1) None	(1) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
distribution services (CPC 96113**) <sup>4</sup> (b) Motion Picture projection service (CPC 9612) (c) Radio and television programme distribution services (CPC 9613**) <sup>5</sup> Television and radio broadcasting and transmission services, as well as the production of radio and television programmes, are specifically excluded (d) Sound recording (n.a.)	(2) None (3) None	(2) None (3) None	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			

<sup>4</sup> For the purposes of this commitment, distribution means licensing of motion pictures or video to other enterprises, for exhibition, broadcasting, other transmission, or other use.

<sup>5</sup> For the purposes of this commitment, distribution means licensing of radio and television programs to other enterprises, for exhibition, broadcasting, other transmission, or other use.



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>A. General construction work for buildings</b> (CPC 512)	(1) None (2) None (3) Incorporation in Samoa required	(1) None (2) None (3) None	
<b>B. General construction work for civil engineering</b> (CPC 513)	(1) None (2) None (3) Incorporation in Samoa required	(1) None (2) None (3) None	
<b>4. DISTRIBUTION SERVICES</b>			
<b>(excluding distribution services in relation to alcohol and tobacco)</b>			
<b>A. Commission agents' services</b> (CPC 621)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>B. Wholesale trade services</b> a) 6224 – wholesale services of household appliances, articles and equipment b) 6228 – wholesale services of machinery, equipment and	(1) None (2) None (3) None	(1) None (2) None (3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
supplies			
<b>D. Franchising (CPC 8929)</b>	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>5. EDUCATIONAL SERVICES IN PRIVATE INSTITUTIONS</b>			
<b>A. Primary education services (CPC 921**)</b>	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>B. Secondary education services (CPC 922**)</b>	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>C. Higher education services (CPC 923**)</b>	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>D. Adult education (CPC 924**)</b>	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>E. Other education services (CPC 929**)</b>	(1) None (2) None (3) None	(1) None (2) None (3) None	
- Training services (e.g.	(1) None (2) None (3) None	(1) None (2) None (3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
language training; driver's education; executive/management training; information technology training); education testing services after-school courses; educational programs offered during school breaks; tutoring and preparatory courses.			
<b>6. ENVIRONMENTAL SERVICES</b>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>A. Sewage services</b> (CPC 9401)	(1) None (2) None (3) Joint venture with local partner required	(1) None (2) None (3) None	
<b>B. Refuse disposal services</b> (CPC 9402)	(1) None (2) None (3) Joint venture with local partner required	(1) None (2) None (3) None	
<b>C. Sanitation and similar services</b> (CPC 9403)	(1) None (2) None (3) Joint venture with local partner required	(1) None (2) None (3) None	
<b>D. Other</b> (CPC 9404 - 9406)	(1) None (2) None (3) Joint venture with local partner required	(1) None (2) None (3) None	
<p><b>7. FINANCIAL SERVICES</b></p> <p>Excluding:</p> <ul style="list-style-type: none"> <li>- activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies;</li> <li>- activities forming part of a statutory system of social security or public retirement plans; and</li> <li>- other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</li> </ul>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>A. All Insurance and Insurance-Related Services</b>			
i. Direct Insurance (including co-insurance)  (a) Life Insurance Services	(1) Unbound (2) Unbound (3) None	(1) Unbound (2) Unbound (3) None	
(b) Non-life Insurance Services	(1) Unbound, except insurance relating to marine shipping and commercial aviation and space launching (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 arising there from, where none  (2) Unbound, except insurance relating to marine shipping and commercial aviation and space launching (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle	(1) Unbound, except as for services covered in the market access column, where none  (2) Unbound, except as for services covered in the market access column, where none  (3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	transporting the goods and any liability arising there from, where none (3) None		
ii. Reinsurance and retrocession	(1) None (2) None (3) None	(1) None (2) None (3) None	
iii. Insurance intermediation, such as brokerage and agency	(1) Unbound, except insurance services for which commitments have been undertaken under (i) and (ii), where none (2) Unbound (3) None	(1) Unbound, except insurance services for which commitments have been undertaken under (i) and (ii), where none (2) Unbound (3) None	
iv. Services auxiliary to insurance such as consultancy, actuarial, risk assessment and claim settlement services.	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>B. Banking and Other Financial services</b>			
v. Acceptance of deposits and other repayable funds from	(1) Unbound, except for items (xv) and (xvi) listed in the sectors and	(1) Unbound, except for items (xv) and (xvi)	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>the public</p> <p>vi. Lending of all types, including consumer credit, mortgage, credit, factoring and financing of commercial transactions</p> <p>vii. Financial leasing</p> <p>viii. All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts</p> <p>ix. Guarantees and commitments</p>	<p>sub-sectors column, where none.</p> <p>(2) None</p> <p>(3) None</p>	<p>listed in the sectors and sub-sectors column, where none.</p> <p>(2) None</p> <p>(3) None</p>	
<p>x. Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- money market instruments (including cheques, bills, certificates of deposits);</li> <li>- foreign exchange;</li> <li>- derivative products including, but not limited to, futures and</li> </ul>			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<ul style="list-style-type: none"> <li>options;</li> <li>- exchange rate and interest rate instruments, including products such as swaps, forward rate agreements;</li> <li>- transferable securities; and</li> <li>- other negotiable instruments and financial assets, including bullion.</li> </ul>			
<ul style="list-style-type: none"> <li>xi. 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</li> <li>xii. Money broking</li> <li>xiii. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services</li> </ul>			



Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>xiv. Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments</p> <p>xv. Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services.</p> <p>xvi. Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.</p>			
<b>8. HEALTH RELATED AND SOCIAL SERVICES</b>			
(limited to services provided by privately-owned institutions)			

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>A. Hospital Services (CPC 93110**)</b>	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>9. TOURISM AND TRAVEL RELATED SERVICES</b>			
<p><b>A. Hotel and Restaurant Services</b>            (a) Hotel lodging services (3 and above star hotels only) (CPC 6411)            (b) Food serving services (CPC 642)            (c) Beverage serving services without entertainment (CPC 6431)</p> <p><b>B. Tour Operators Services</b>            Tour Operator Services are services of organising and arranging package tours (all-inclusive tours). Such a package usually includes passenger and baggage transportation, accommodation, sightseeing arrangements and similar</p>	<p>(1) None (2) None (3) Only through incorporation in Samoa</p> <p>(1) Unbound (2) None (3) None</p>	<p>(1) None (2) None (3) None</p> <p>(1) Unbound (2) None (3) None</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services provided during a package tour (part of CPC 7471)			
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
<b>A. Cinema theatre operation services</b> (part of CPC 96199)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>B. News agency services</b> (CPC 962)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>C. Libraries, archives, museums</b> - Library and Archive Services (CPC 9631) - Museum services except for historical sites and buildings (CPC 96321)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>D. Sporting and other recreational services</b> (CPC 964**) - Excluding gambling and betting	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>11. TRANSPORT SERVICES</b>			
<b>A. Maritime Transport</b>	1) (a) Liner shipping:	1) (a) None	The following services at the

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>Services</b> International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)</p>	<ul style="list-style-type: none"> <li>- Conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on the services provided by other transporters.</li> <li>- Vessels owned and operated by the Samoa government do not require a license to be granted on the basis of the criteria mentioned above.</li> <li>- Local agent in Samoa, or registration in Samoa, required.</li> </ul> <p>1) (b) Bulk, tramp, and other international shipping, including passenger transportation: Local agent in Samoa, or registration in Samoa, required.</p> <p>2) None</p>	<p>1) (b) None</p> <p>2) None</p>	<p>port are made available to the international maritime transport suppliers on reasonable and non-discriminatory terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage;</li> <li>2. Towing and tug assistance;</li> <li>3. Provisioning, fuelling and watering;</li> <li>4. Garbage collection;</li> <li>5. Port Captain's Services;</li> <li>6. Navigation Aids;</li> <li>7. Shore-based operational services essential to ship operations including communications, water and electrical supplies; and</li> <li>8. Anchorage, berth and berthing services.</li> </ol>
	<p>3) (a) Establishment of registered company for the purpose of operating a</p>	<p>3) (a) Unbound</p>	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	fleet under the national flag of the State of establishment: unbound  3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none	3)(b) None	
(d) Maintenance and repair of vessels (CPC 8868**)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>MARITIME AUXILIARY SERVICES</b>  Customs Clearance Services (as defined in Annex)  Container Station and Depot Services (as defined in Annex)  Maritime Freight Forwarding Services (as defined in Annex)	(1) None (2) None (3) None  (1) None (2) None (3) None  (1) None (2) None (3) None	(1) None (2) None (3) None  (1) None (2) None (3) None  (1) None (2) None (3) None	

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Maritime Cargo Handling Services (as defined in Annex)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Storage and Warehousing Services	(1) None (2) None (3) None	(1) None (2) None (3) None	
Maritime Agency Services (as defined in Annex)	(1) Suppliers of maritime transport services are required to go through a local agent established in Samoa (2) None (3) None	(1) None (2) None (3) None	
<b>B. Air Transport Services</b> <sup>6</sup> - Selling and marketing of air transport services - Computer reservation system services - Aircraft repair and maintenance services	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>H. Services Auxiliary to All</b>			

<sup>6</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of Supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Movement of Natural Persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>Modes of Transport</b></p> <p>a) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)</p> <p>c) Freight transport agency services, except maritime freight agency services (CPC 748**)</p> <p>d) Other (CPC 7490)</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	

\*\* Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance. Unless otherwise stated all CPC references correspond to the United Nations Provisional Central Product Classification.

## **ANNEX TO THE SCHEDULE OF SAMOA: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

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

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

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;



(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of :

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

7. "Freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

## TELECOMMUNICATION REFERENCE PAPER FOR THE SCHEDULE OF SAMOA

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### Definitions

User means service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) its position in the market.

### 1. Competitive Safeguards

#### 1.1 Prevention of Anti-Competitive Practices in Telecommunications

Appropriate measures shall be maintained for the purposes of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

#### 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

### 2. Interconnection

This section applies to linking with suppliers providing public telecommunications transport network or services in order to allow the users of one supplier and to access services provided by another supplier, where specific commitments are undertaken.

#### 2.1 Interconnection to be Ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.2 Public Availability of the Procedures for Interconnection Negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.3 Transparency of Interconnection Arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.4 Interconnection: Dispute Settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known; or
- (c) to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for Interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal Service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public Availability of Licensing Criteria

Where a licence is required, the following will be made publicly available:

(a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence;  
and

(b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent Regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of Scarce Resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

**ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)**

**SCHEDULE OF SOLOMON ISLANDS**

Modes of supply: (1) Cross-border supply      2) Consumption abroad      (3) Commercial presence			
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>1. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	(3) Unbound for measures: a) as part of the act of devolving a service that is provided in the exercise of governmental authority at the time the Agreement enters into force; or, b) regarding the sale or disposal of government-owned entities or assets.	3) Pursuant to the <i>Foreign Investment Act 2005</i> and <i>Foreign Investment Regulations 2006</i> , as at the date of signature of the PACER Plus, a certificate of registration must be obtained by investors of another Party that intends to conduct an investment activity. <sup>2</sup>  3) Natural persons that are not citizens of the Solomon Islands and enterprises that are not wholly-owned by citizens of the Solomon	

<sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>2</sup> Should Solomon Islands adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any changes under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Modes of supply: (1) Cross-border supply      2) Consumption abroad      (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		Islands are prohibited from owning or acquiring land or any interest in land. Land may be leased from government and land-holding groups.	
<b>II. Sector-Specific Commitments</b>			
<b>BUSINESS SERVICES</b>			
A. Professional Services			
a) Legal services (CPC 861)	1) None 2) None 3) Commercial presence must take the form of a sole proprietorship or partnership.	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Taxation Services (CPC863)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: (1) Cross-border supply      2) Consumption abroad      (3) Commercial presence

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Integrated engineering Services (CPC8673)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Medical and dental services (CPC 9312)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Computer and related services (CPC 84)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Research and Development Services			

Modes of supply:			
(1) Cross-border supply	(2) Consumption abroad	(3) Commercial presence	
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) None	1) None 2) None 3) None	
b) R&D services on social sciences and humanities (CPC 852)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Interdisciplinary R&D services (CPC 853)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	



Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
q) Packaging services (CPC 876)	1) None 2) None 3) None	1) None 2) None 3) None	
r) Printing, publishing (CPC 88442)	1) None 2) None 3) None	1) None 2) None 3) None	
s) Convention services (CPC 87909*)	1) None 2) None	1) None 2) None	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	3) None	3) None	
2. COMMUNICATION SERVICES  B. Courier Services (CPC 7512)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Telecommunication services  Basic Services a) Voice telephone services	1) None 2) None 3) None	1) None 2) None 3) None	The Solomon Islands undertakes to adopt the regulatory principles contained in the Reference Paper attached hereto.
b) Packet-switched data transmission services  c) Circuit-switched data transmission services  d) Telex services	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	

Modes of supply:

(1) Cross-border supply

2) Consumption abroad

(3) Commercial presence

<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
e) Telegraph services	1) None 2) None 3) None	1) None 2) None 3) None	
f) Facsimile services	1) None 2) None 3) None	1) None 2) None 3) None	
g) Private leased circuit services	1) None 2) None 3) None	1) None 2) None 3) None	
Value-added services			
h) Electronic mail	1) None 2) None 3) None	1) None 2) None 3) None	
i) Voice mail	1) None 2) None 3) None	1) None 2) None 3) None	
j) On-line information and data base retrieval	1) None 2) None 3) None	1) None 2) None 3) None	
k) Electronic data interchange	1) None	1) None	

Modes of supply:			
	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(EDI)	2) None 3) None	2) None 3) None	
l) Enhanced/value-added facsimile services, including store and forward, store and retrieve	1) None 2) None 3) None	1) None 2) None 3) None	
m) Code and protocol conversion	1) None 2) None 3) None	1) None 2) None 3) None	
n) On-line information and/or data processing	1) None 2) None 3) None	1) None 2) None 3) None	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for buildings (CPC 512)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
B. General construction work for civil engineering (CPC	1) Unbound* 2) None	1) Unbound* 2) None	

Modes of supply: (1) Cross-border supply      2) Consumption abroad      (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
513)  C. Installation and assembly work (CPC 514+516)  D. Building completion and finishing work (CPC 517)	3) None  1) Unbound* 2) None 3) None  1) Unbound* 2) None 3) None	3) None  1) Unbound* 2) None 3) None  1) Unbound* 2) None 3) None	
4. DISTRIBUTION SERVICES Commitments in this sector exclude: - distribution services relating to alcohol, tobacco, handicrafts and cultural art crafts, and gold.  A. Commission agents' services (CPC 621, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Wholesale trade services (CPC 622, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of supply: (1) Cross-border supply      2) Consumption abroad      (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>5. EDUCATIONAL SERVICES (limited to services provided by privately-owned institutions)</p> <p>B. Secondary education services (CPC 922**)</p> <p>C. Higher education services in private institutions (CPC 923**)</p> <p>D. Adult education (CPC 924)</p> <p>E. Other education services (CPC 929)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>6. ENVIRONMENTAL SERVICES</p> <p>Consultancy related to the</p>			

Modes of supply: (1) Cross-border supply 2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
provision of the following environmental services:  A. Sewage Services (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Refuse disposal services (CPC 9402**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Sanitation and similar services (CPC 9403**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>7. FINANCIAL SERVICES</b> Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans;			

Modes of supply: (1) Cross-border supply      2) Consumption abroad      (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>- and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p> <p>A. <u>All insurance and insurance related services</u> (CPC 812)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>B. <u>Banking and other financial services (excl. insurance)</u> (CPC 811-813)</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	
<p>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. Hotels and Restaurants (including catering) (CPC 641, 642**, 643**) - Except restaurants, cafes and other eating and drinking establishments of</p>	<p>1) Unbound* 2) None 3) None</p>	<p>1) Unbound* 2) None 3) None</p>	



Modes of supply:			
	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
less than 25m <sup>2</sup> .			
B. Travel agencies (excluding tour operator services) (CPC 7471**)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>11. TRANSPORT SERVICES</b>			
A. Maritime Transport Services	1) Local agent or registration in Solomon Islands required.	1) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions
International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)	2) None	2) None	
	3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound  3(b) Other forms of commercial presence for the supply of international maritime transport services (as defined in paragraph 2 of the Annex below: None	3)(a) unbound  3)(b) none	
			<ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations including communications, water and electrical supplies</li> </ol>

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence

Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			8. Emergency repair facilities 9. Anchorage, berth and berthing services.
d) Maintenance and repair of vessels (CPC 8868**)	1) Unbound* 2) None 3) None	1) Unbound* 2) None 3) None	
<b>MARITIME AUXILIARY SERVICES</b>  Container Station and Depot Services (as defined in Annex)  Maritime Freight Forwarding Services (as defined in Annex)  Storage and Warehousing Services	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	1) None 2) None 3) None  1) None 2) None 3) None  1) None 2) None 3) None	
Maritime Agency Services (as defined in Annex)	1) Suppliers of maritime transport services are required to go through a local agent established in	1) None 2) None 3) None	

Modes of supply:			
	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	Solomon Islands. 2) None 3) None		
<b>C. Air Transport Services<sup>3</sup></b>			
Aircraft repair and maintenance services	1) None 2) None 3) None	1) None 2) None 3) None	
Selling and marketing of air transport services	1) None 2) None 3) None	1) None 2) None 3) None	
Computer reservation system services	1) None 2) None 3) None	1) None 2) None 3) None	
Ground handling services	1) None 2) None 3) None	1) None 2) None 3) None	
Specialty air services	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>3</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
H. Services Auxiliary to All Modes of Transport			
a) Cargo-handling services, except maritime and air cargo handling (CPC 741**)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None	

\* Unbound due to lack of technical feasibility.

\*\* The service specified constitutes only part of the total range of activities covered by the CPC concordance.

## **ANNEX TO THE SCHEDULE OF SOLOMON ISLANDS: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

1. Without prejudice to the scope of activities which may be considered as “cabotage” under the relevant national legislation, this schedule does not include “maritime cabotage services”, which are assumed to cover transportation of passengers or goods between a port located in the Solomon Islands and another port located in the Solomon Islands, traffic originating and terminating in the same port located in the Solomon Islands provided that this traffic remains within the Solomon Islands’ territorial waters, and traffic between a port located in the Solomon Islands and installations or structures situated in the EEZ or relating to the continental shelf of the Solomon Islands.
2. “Other forms of commercial presence for the supply of international maritime transport services” means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross- border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of :

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

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

– acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

7. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

## TELECOMMUNICATION REFERENCE PAPER FOR THE SCHEDULE OF SOLOMON ISLANDS

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### Definitions

User means service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) its position in the market.

### 1. Competitive Safeguards

#### 1.1 Prevention of Anti-Competitive Practices in Telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

#### 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:



- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

This section applies to linking with suppliers providing public telecommunications transport network or services in order to allow the users of one supplier and to access services provided by another supplier, where specific commitments are undertaken.

### 2.1 Interconnection to be Ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

### 2.2 Public Availability of the Procedures for Interconnection Negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

### 2.3 Transparency of Interconnection Arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

#### 2.4 Interconnection: Dispute Settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known; or
- (c) to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for Interconnection within a reasonable period of time, to the extent that these have not been established previously.

#### 3. Universal Service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

#### 4. Public Availability of Licensing Criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence;  
and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

#### 5. Independent Regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of Scarce Resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocate frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

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## ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)

### SCHEDULE OF TONGA

1. The inscription ‘none’ means that, for the listed sector or sub-sector, no limitations to the obligations of national treatment are maintained. The inscription ‘unbound’ means that no commitments are taken with respect to a particular subsector or area. Limitations listed in the horizontal section condition all sector-specific commitments.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE		(3) All foreign investors require a Foreign Investment Registration Certificate. <sup>2</sup> For greater certainty, the granting of certificates, as well as their renewal, are not conditional on an economic needs test or the level of foreign ownership.	

<sup>1</sup> The approach to classification and scheduling is generally based on the WTO’s *Guidelines for the Scheduling of Specific Commitments* (S/L/92). As far as possible, Tonga has scheduled its commitments on the basis of the WTO’s Services Sectoral Classification List (MTN.GNS/W/120), and corresponding definitions from the Provisional Central Product Classification, United Nations, 1991 (otherwise commonly referred to as CPC). The inscription “\*\*” means the service specified constitutes only a part of the total range of activities covered by the CPC concordance.

<sup>2</sup> Holders of such certificates notably have to pay related fees and to produce an annual status report for the authorities. This entry in the schedule is in accordance with Tonga's foreign investment rules at time of entry into force of the Agreement, which principally consists of the Foreign Investment Act 2002. Should Tonga adopt, after entry into force, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(3) Unbound for measures:</p> <ul style="list-style-type: none"> <li>a) a) as part of the act of devolving a service that is provided in the exercise of governmental authority at the time the Agreement enters into force; or,</li> <li>b) b) regarding the sale or disposal of government-owned entities or assets.</li> </ul> <p>(1,2,3) Unbound with respect to the provision of law enforcement and correctional services, and the following services to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public transport and public housing.</p>	<p>(3) The Tongan Constitution prohibits the sale of land. Foreigners can only attain land through leasing, with the right to lease land for up to 99 years as well as sub-lease property.</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>I. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
(a) Legal Services (CPC 861)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(c) Taxation services (CPC 863)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(d) Architectural Services (CPC 8671)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(e) Engineering services (CPC 8672)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(f) Integrated engineering services (CPC 8673)	(1) None (2) None (3) None	(1) None (2) None (3) None	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

<b>Sectors and sub-sectors<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(g) Urban planning and landscape architectural services (CPC 8674)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(h) Medical and dental services(CPC 9312)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(i) Veterinary services (CPC 932)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(j) Midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b><u>B. Computer and Related Services</u></b>			
(a) Consultancy services related to installation of computer hardware (CPC 841)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(b) Software implementation service(CPC 842)	(1) None (2) None (3) None	(1) None (2) None (3) None	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Data processing services (CPC 843)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(d) Database services (CPC 844)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(e) Other (CPC 845 + 849)	(1) None (2) None (3) None	(1) None (2) None (3) None	
<b>C. <u>Research and Development Services</u></b>			
(a) R&D services on natural sciences (CPC 851)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(b) R&D services on social sciences and humanities (CPC 852)	(1) None (2) None (3) None	(1) None (2) None (3) None	
(c) Interdisciplinary R&D services (CPC 853)	(1) None (2) None (3) None	(1) None (2) None (3) None	



Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. <u>Real Estate Services</u>                      (a) Involving own or leased property (CPC 821)                       (b) On a fee or contract basis (CPC 822)</p>	<p>(1) Unbound                      (2) None                      (3) None                       1) Unbound                      (2) None                      (3) None</p>	<p>(1) Unbound                      (2) None                      (3) None                       1) Unbound                      (2) None                      (3) None</p>	
<p>E. <u>Rental/Leasing Services without Operators</u>                       a) Relating to ships (CPC 83103)                       b) Relating to aircraft (CPC 83104)                       d) Relating to other machinery and equipment (CPC 83106-83109)                       e) Other (CPC 832)</p>	<p>(1) None                      (2) None                      (3) None                       (1) None                      (2) None                      (3) None                       (1) None                      (2) None                      (3) None                       (1) None                      (2) None</p>	<p>(1) None                      (2) None                      (3) None                       (1) None                      (2) None                      (3) None                       (1) None                      (2) None                      (3) None                       (1) None                      (2) None</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(3) None	(3) None	
<b>F. <u>Other Business Services</u></b> a) Advertising services (CPC 871)  b) Market research and public opinion polling services (CPC 864)	(1) None (2) None (3) None  (1) None (2) None (3) None	(1) None (2) None (3) None  (1) None (2) None (3) None	
c) Management consulting services (CPC 865)  d) Services related to management consulting (CPC 866)	(1) None (2) None (3) None  (1) None (2) None (3) None	(1) None (2) None (3) None  (1) None (2) None (3) None	
e) Technical testing and analysis services (CPC 8676)  g) Services incidental to fishing	(1) None (2) None (3) None  (1) None (2) None	(1) None (2) None (3) None  (1) None (2) None	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(3) None	(3) None	
h) Services incidental to mining(CPC 883)	(1) None (2) None (3) None	(1) None (2) None (3) None	
i) Services incidental to manufacturing (CPC 884)	(1) None (2) None (3) None	(1) None (2) None (3) None	
j) Services incidental to energy distribution (CPC 887)	(1) None (2) None (3) None	(1) None (2) None (3) None	
k) Placement and supply services of personnel (CPC 872)	(1) None (2) None (3) None	(1) None (2) None (3) None	
l) Related scientific and technical consulting services	(1) None (2) None (3) None	(1) None (2) None (3) None	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC	(1) None (2) None (3) None	(1) None (2) None (3) None	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
633+8861-8866)  o) Building-cleaning services (CPC 874)  p) Photographic services (CPC 875)	(1) None (2) None (3) None  (1) None (2) None (3) None	(1) None (2) None (3) None  (1) None (2) None (3) None	
q) Packaging services (CPC 876)  r) Printing, publishing (CPC 88442)  s) Convention services (CPC 87909**)  t) Other (CPC 87903-87907)	(1) Unbound (2) None (3) None  (1) Unbound (2) None (3) None  (1) Unbound (2) None (3) None  (1) Unbound (2) None (3) None	(1) Unbound (2) None (3) None  (1) Unbound (2) None (3) None  (1) Unbound (2) None (3) None  (1) Unbound (2) None (3) None	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>2. COMMUNICATION SERVICES</p> <p>A. <u>Postal Services</u>            Consultancy related to the provision of Postal Services (CPC 7511**)</p> <p>B. <u>Courier Services</u>            Courier Services (CPC 7512)</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	
<p>C. <u>Telecommunication Services</u></p> <p>Basic telecommunications:            (a) Voice telephone services (CPC 7521)            (b) Packet-switched data transmission services (CPC 7523**)            (c) Circuit-switched data transmission services (CPC 7523**)            (d) Telex services (CPC 7523**)            (e) Telegraph services (CPC</p>	<p>(1) None (2) None (3) None</p>	<p>(1) None (2) None (3) None</p>	<p>Tonga subscribes to the principles set forth in the reference paper attached.</p>

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
7522) (f) Facsimile services (CPC 7521**+ 7529**) (g) Private leased circuit services(CPC 7522**+ 7523**)			
Value-added telecommunications services, including: (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, incl. store and forward, store and retrieve(CPC 7523**) (m) Code and protocol conversion (n) On-line information and/or data processing (including transaction processing) (CPC 843**) (o) Other	(1) None (2) None (3) None	(1) None (2) None (3) None	Tonga subscribes to the principles set forth in the reference paper attached.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>D. <u>Audio-visual Services</u></p> <p>(a) Motion Picture and video tape distribution services (CPC 9611**) to other industries for public entertainment, television broadcasting, or sale or rental to others<sup>3</sup></p> <p>(b) Motion Picture projection service (CPC 9612)</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	<p>(1) (2) (3) None, except unbound for support programmes established to preserve or promote the cultural identity of Tonga and of countries with which Tonga has bilateral and plurilateral agreements now or in the future.</p> <p>(1) (2) (3) None, except unbound for support programmes established to preserve or promote the cultural identity of Tonga and of countries with which Tonga has bilateral and plurilateral agreements now or in the future.</p>	

<sup>3</sup> For the purpose of this commitment, distribution means licensing of motion pictures or videotapes.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Radio and television distribution services (CPC 9613**) <sup>4</sup> Broadcasting services for radio and television programs are specifically excluded	(1) None (2) None (3) None	(1) (2) (3) None, except unbound for support programmes established to preserve or promote the cultural identity of Tonga and of countries with which Tonga has bilateral and plurilateral agreements now or in the future.	
(e) Sound recording	(1) None (2) None (3) None	(1) (2) (3) None, except unbound for support programmes established to preserve or promote the cultural identity of Tonga and of countries with which Tonga has bilateral and plurilateral agreements now or in the future.	

<sup>4</sup> For the purpose of this commitment, distribution means licensing of radio and television programs.



Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>A. <u>General construction work for buildings</u> (CPC 512)</p> <p>B. <u>General construction work for civil engineering</u> (CPC 513)</p> <p>C. <u>Installation and assembly work</u> (CPC 514 +516)</p> <p>D. <u>Building completion and finishing work</u> (CPC 517)</p> <p>E. <u>Other</u> (CPC 511 + 515 + 518)</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>4. DISTRIBUTION SERVICES</p> <p>(excluding distribution services in relation to alcohol, tobacco, green and mature coconuts, and handicrafts)</p>			
A. <u>Commission agent's services</u> (CPC 621)	(1) Unbound (2) Unbound (3) None	(1) Unbound (2) Unbound (3) None	
B. <u>Wholesale trade services</u> (CPC 622)	(1) None (2) None (3) Unbound	(1) None (2) None (3) Unbound	
C. <u>Retailing services</u> <sup>5</sup>			
Food retailing services (CPC 631) (Food and household provisions for final consumption)	(1) None (2) None (3) Unbound	(1) None (2) None (3) Unbound	
Non-food retailing services (CPC 632**), except sales of used	(1) None (2) None	(1) None (2) None	

<sup>5</sup> Retailing services are here taken to mean the sale of goods for final consumption.

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

<b>Sectors and sub-sectors<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
motor vehicles. (Non-food and non-household provisions for final consumption)	(3) None	(3) None	
D. <u>Franchising</u> (CPC 8929)	(1) None (2) None (3) None	(1) None (2) None (3) None	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>5. EDUCATIONAL SERVICES</p> <p>A. <u>Primary education services</u> (CPC 921)</p> <p>B. <u>Secondary education services</u> (CPC 922)</p> <p>C. <u>Higher education services</u> (CPC 923)</p> <p>D. <u>Adult education</u> (CPC 924)</p> <p>E. <u>Other education services</u> (CPC 929)</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>6. ENVIRONMENTAL SERVICES</p> <p>A. <u>Sewage services / Waste water Services</u> (CPC 9401)</p> <p>B. <u>Refuse disposal service</u> (CPC 9402)</p> <p>C. <u>Sanitation and similar services</u> (CPC 9403)</p> <p>D. <u>Other</u>  Services to reduce exhaust gases and other emissions and improve air quality (CPC 9404)</p> <ul style="list-style-type: none"> <li>- Noise abatement services (CPC 9405)</li> <li>- Treatment, remediation of contaminated/polluted soil and water, Nature and</li> </ul>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

<b>Sectors and sub-sectors<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
landscape protection services (CPC 9406) - Other environmental protection services not classified elsewhere (CPC 9409)			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>7. FINANCIAL SERVICES</p> <p>Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p> <p>A. <u>All insurance and insurance-related services</u></p> <p>(a) Life insurance services</p> <p>(b) Non-life insurance services</p> <p>(c) Reinsurance and retrocession</p> <p>(d) Services auxiliary to insurance, such as consultancy, actuarial, risk</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>assessment and claim settlement services</p> <p>B. <u>Banking and other financial services, (excluding insurance)</u></p> <p>(a) Acceptance of deposits and other repayable funds from the public</p> <p>(b) Lending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction</p> <p>(c) Financial leasing</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers' cheques and bankers drafts</p> <p>(e) Guarantees and commitments</p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <p>(i) money market instruments (including</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p>	



Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>cheques, bills, certificates of deposits)</p> <p>(ii) foreign exchange</p> <p>(iii) derivative products including, but not limited to, futures and options</p> <p>(iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements</p> <p>(v) transferable securities</p> <p>(vi) other negotiable instruments and financial assets, including bullion.</p> <p>(g) 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</p> <p>(h) Money broking</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective</p>			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>investment management, pension fund management, custodial, depository and trust services</p> <p>(j) Settlement and clearing services for financial assets including securities, derivative products, and other negotiable instruments</p> <p>(k) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.</p> <p>(l) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services.</p>			

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
8. HEALTH RELATED AND SOCIAL SERVICES			
A. <u>Hospital services</u> (CPC 9311)	(1) None (2) None (3) None	(1) None (2) None (3) None	
B. <u>Other Human health services</u>	(1) None (2) None (3) None	(1) None (2) None (3) None	
C. <u>Social Services</u>	(1) None (2) None (3) None	(1) None (2) None (3) None	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and Restaurants</u> (including catering) (CPC 641-643)	(1) None (2) None (3) None for investment of TOP 200,000 or more	(1) None (2) None (3) None	
B. <u>Travel Agencies and Tour</u>	(1) None	(1) None	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<u>Operators Services</u> (CPC 7471)  C. <u>Tourist Guide Services</u> (CPC 7472)	(2) None (3) None  (1) None (2) None (3) None	(2) None (3) None  (1) None (2) None (3) None	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES Cinema theatre operation services (part of CPC 96199)  C. Libraries, archives, museums, and other cultural services (CPC 963)  D. Sporting and other recreational services (CPC 964**) <ul style="list-style-type: none"> <li>- Excluding gambling and betting</li> </ul>	(1) None (2) None (3) None  (1) None (2) None (3) None  (1) None (2) None (3) None	(1) None (2) None (3) None  (1) None (2) None (3) None  (1) None (2) None (3) None	
11. TRANSPORT SERVICES A. <u>Maritime Transport</u>	1) Local agent or registration in Tonga is required.	1) None	No measures shall be applied which deny reasonable and non-

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Services</u></p> <p>International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)</p> <p>d) Maintenance and repair of vessels (CPC 8868**)</p> <p><b>MARITIME AUXILIARY SERVICES</b></p> <p>Customs Clearance Services (as defined in Annex)</p>	<p>2) None</p> <p>3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound</p> <p>3) (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	<p>2) None</p> <p>3) (a) Unbound</p> <p>3) (b) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p>	<p>discriminatory access to the following services:</p> <ol style="list-style-type: none"> <li>1. Towing and tug assistance</li> <li>2. Provisioning, fuelling and watering</li> <li>3. Garbage collecting and ballast waste disposal</li> <li>4. Emergency repair facilities</li> <li>5. Lightering and water taxi services</li> <li>6. Ship agencies</li> <li>7. Custom brokers</li> <li>8. Stevedoring and terminal services</li> <li>9. Surveying and classification services</li> </ol> <p>If road, rail, inland waterways and related auxiliary services are not otherwise fully covered in this schedule, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment for multimodal</p>

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Container Station and Depot Services (as defined in Annex)	(1) None (2) None (3) None	(1) None (2) None (3) None	activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations. "Non discriminatory terms and conditions" mean, for the purpose of this additional commitment, the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other multimodal transport operator merchandise which has entered the port at a later date.
Maritime Freight Forwarding Services (as defined in Annex)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Maritime Cargo Handling Services (as defined in Annex)	(1) None (2) None (3) None	(1) None (2) None (3) None	
Storage and Warehousing Services	(1) None (2) None (3) None	(1) None (2) None (3) None	
Maritime Agency Services (as defined in Annex)	(1) Suppliers of international maritime transport services are required to go through a local agent established in Tonga. (2) None (3) None	(1) None (2) None (3) None	

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>C. <u>Air Transport Services</u></p> <p>(d) Aircraft repair and maintenance services<sup>6</sup>;</p> <p>Computer reservation system (CRS) services;</p> <p>(e) Supporting services for air transport</p> <p>Specialty air services;</p> <p>Selling &amp; marketing of air</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None</p>	<p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None (2) None (3) None</p> <p>(1) None</p>	

<sup>6</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Mode of delivery: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural person

Sectors and sub-sectors <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
transport <sup>5</sup>  H. <u>Services auxiliary to all modes of transport</u>  (a) Cargo-handling service excluding maritime services (CPC 741)  (b) Storage and warehouse service excluding maritime services (CPC 742)  (c) Freight transport agency services (CPC 748)	(2) None (3) None  (1) None (2) None (3) None  (1) None (2) None (3) None  (1) None (2) None (3) None	(2) None (3) None  (1) None (2) None (3) None  (1) None (2) None (3) None  (1) None (2) None (3) None	
(d) Other (CPC 749)	(1) None (2) None (3) None	(1) None (2) None (3) None	



## **ANNEX TO THE SCHEDULE OF TONGA: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

1. Without prejudice to the scope of activities which may be considered as “cabotage” under the relevant national legislation, this schedule does not include “maritime cabotage services”, which are assumed to cover transportation of passengers or goods between a port located in Tonga and another port located in Tonga, traffic originating and terminating in the same port located in Tonga provided that this traffic remains within Tonga’s territorial waters, and traffic between a port located in Tonga and installations or structures situated in the EEZ or relating to the continental shelf of Tonga.
2. “Other forms of commercial presence for the supply of international maritime transport services” means the ability for international maritime transport service suppliers of other Parties to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerized information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);

(e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:

(a) the loading/discharging of cargo to/from a ship;

(b) the lashing/unlashing of cargo;

(c) the reception/delivery and safekeeping of cargoes before shipment or after discharge.

4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

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

(b) acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

7. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

## REFERENCE PAPER FOR THE SCHEDULE OF TONGA

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers;
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

### 1. Competitive safeguards

#### 1.1. Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

#### 1.2. Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

### 2. Interconnection

2.1. This section applies to linking with suppliers, providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

#### 2.2. Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is

provided:

- (a) under non-discriminatory terms, conditions (incl. technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (incl. technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3. Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4. Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5. Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

If a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licenses.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

**ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)**

**SCHEDULE OF TUVALU**

Modes of Supply: Sector or Sub-sector <sup>1</sup>	(1) Cross-border supply Limitations on Market Access	2) Consumption abroad Limitations on National Treatment	(3) Commercial presence Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE	3) Investment by natural persons who are not Tuvalu citizens and by enterprises of another Party is subject to approval by the Government. Approval shall be granted to investments which are determined by the Government to likely confer economic benefits on Tuvalu. <sup>2</sup>	3) Natural persons who are not citizens of Tuvalu and enterprises that are not wholly-owned by citizens of Tuvalu may be required to provide short-term training to local employees.  3) Natural persons who are not citizens of Tuvalu and enterprises that are not wholly-owned by citizens of Tuvalu are prohibited from owning land. Land may be leased for a period not exceeding 25 years. Leases have to be approved by the	

<sup>1</sup> References to the CPC in the sectoral column refer to the Provisional Central Product Classification, United Nations, 1991.

<sup>2</sup> This entry in the schedule reflects Tuvalu's foreign investment rules at time of entry into force of this Agreement, which includes the *Foreign Direct Investment Act 1996* as amended by the *Foreign Direct Investment Act 2008* (revised edition). Should Tuvalu adopt, after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

Modes of Supply:			
	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
		Lands Court and by the relevant Minister under a non-discriminatory process.	
<b>II. Sector-Specific Commitments</b>			
<b>BUSINESS SERVICES</b>			
Professional Services			
a) Legal Services (CPC 861)	1) None 2) None 3) Partnership and joint venture with local partner required	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) Commercial presence must take the form of a sole proprietorship or partnership	1) None 2) None 3) None	
c) Taxation services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None	1) None 2) None	



Modes of Supply:			
	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
e) Engineering services (CPC 8672)	2) None 3) None	3) None	
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Medical and dental services (CPC 9312)	1) None 2) None 3) Commercial presence must take the form of a sole proprietorship or partnership	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None 3) Commercial presence must take the form of a sole proprietorship or partnership	1) None 2) None 3) None	

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
j) Midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	1) None 2) None 3) Commercial presence must take the form of a sole proprietorship or partnership	1) None 2) None 3) None	
B. Computer and Related Services (CPC 84)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Research and Development Services			
a) R&D services on natural sciences (CPC 851)	1) None 2) None 3) None	1) None 2) None 3) None	
b) R&D services on social sciences and humanities (CPC 852)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Interdisciplinary R&D services (CPC 853)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Real Estate Services			

Modes of Supply: <b>Sector or Sub-sector<sup>1</sup></b>	(1) Cross-border supply <b>Limitations on Market Access</b>	2) Consumption abroad <b>Limitations on National Treatment</b>	(3) Commercial presence <b>Additional Commitments</b>
a) Involving own or leased property (CPC 821)	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
b) On a fee or contract basis (CPC 822)	1) Unbound 2) Unbound 3) None	1) Unbound 2) Unbound 3) None	
<b>E. Rental/Leasing Services without Operators</b>			
a) Relating to ships (CPC 83103)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Relating to aircraft (CPC 83104)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Relating to other transport equipment (CPC 83101+83102+83105)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Relating to other machinery and equipment (CPC 83106-83109)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
e) Other (CPC 832).	1) None 2) None 3) None	1) None 2) None 3) None	
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: Sector or Sub-sector <sup>1</sup>	(1) Cross-border supply Limitations on Market Access	2) Consumption abroad Limitations on National Treatment	(3) Commercial presence Additional Commitments
f) Services incidental to agriculture, hunting and forestry (CPC 881)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Services incidental to fishing (CPC 882**) (Consists of specialized consultancy services only, related to fisheries. Does not include fishing)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Services incidental to mining (CPC 883)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Services incidental to manufacturing (CPC 884)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Services incidental to energy distribution (CPC 997**) (Covers specialised consultancy services only, in relation to energy distribution)	1) None 2) None 3) None	1) None 2) None 3) None	
k) Placement and supply services and personnel (CPC 872)	1) None 2) None	1) None 2) None	

Modes of Supply:		(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>	
	3) None	3) None		
l) Investigation and security (CPC 873)	1) None 2) None 3) None	1) None 2) None 3) None		
m) Related scientific and technical consulting services (CPC 8675)	1) None 2) None 3) None	1) None 2) None 3) None		
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	1) None 2) None 3) None	1) None 2) None 3) None		
o) Building-cleaning services (CPC 874)	1) None 2) None 3) None	1) None 2) None 3) None		
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None		
q) Packaging services (CPC 876)	1) None 2) None 3) None	1) None 2) None 3) None		

Modes of Supply:			
	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
r) Printing, publishing (CPC 88442)	1) None 2) None 3) None	1) None 2) None 3) None	
s) Convention services (CPC 87909*)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Other (CPC 8790)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>2. COMMUNICATION SERVICES</b>			
B. Courier Services (CPC 7512)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Audiovisual services			
a) Motion picture and	1) None	1) None	

Modes of Supply: <b>Sector or Sub-sector<sup>1</sup></b>	(1) Cross-border supply <b>Limitations on Market Access</b>	2) Consumption abroad <b>Limitations on National Treatment</b>	(3) Commercial presence <b>Additional Commitments</b>
videotape production and distribution <sup>3</sup> services (CPC 9611)	2) None 3) None	2) None 3) None	
b) Motion picture projection services (CPC 9612)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Sound recording services	1) None 2) None 3) None	1) None 2) None 3) None	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for buildings (CPC 512)	1) None 2) None 3) None	1) None 2) None 3) None	
B. General construction work for civil engineering (CPC 513)	1) None 2) None 3) None	1) None 2) None 3) None	

<sup>3</sup> For greater clarity, distribution services in this context may include the licensing of motion pictures or video tapes to other service providers for exhibition, broadcasting, or other transmission, rental, sale or other use.



Modes of Supply: <b>Sector or Sub-sector<sup>1</sup></b>	(1) Cross-border supply <b>Limitations on Market Access</b>	2) Consumption abroad <b>Limitations on National Treatment</b>	(3) Commercial presence <b>Additional Commitments</b>
C. Installation and assembly work (CPC 514+516)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Building completion and finishing work (CPC 517)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other (CPC 511+515+518)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>4. DISTRIBUTION SERVICES</b> (excluding distribution services in relation to alcohol, tobacco, and coconut products)			
A. Commission agents' services (CPC 621, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Wholesale trade services (CPC 622, 61111**, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
C. Retailing services (CPC 631, 632, 61112, 6113**, 6121**)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Franchising (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>5. EDUCATIONAL SERVICES</b> (limited to services provided by privately-owned institutions)			
A. Primary education services (CPC 921**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Secondary education services (CPC 922**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Higher education services in private institutions (CPC 923**)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
D. Adult education (CPC 924)	1) None 2) None 3) None	1) None 2) None 3) None	
E. Other education services (CPC 929)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>6. ENVIRONMENTAL SERVICES</b> Consultancy related to the provision of the following environmental services:			
A. Sewage Services (CPC 9401**)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Refuse disposal services (CPC 9402**)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Sanitation and similar services (CPC 9403**)	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply: Sector or Sub-sector <sup>1</sup>	(1) Cross-border supply Limitations on Market Access	2) Consumption abroad Limitations on National Treatment	(3) Commercial presence Additional Commitments
D. Other environmental services (CPC 9404-9409)	1) None 2) None 3) None	1) None 2) None 3) None	
<p>7. FINANCIAL SERVICES</p> <p>Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p> <p>A. Insurance and insurance-related services</p> <p>(i) Direct insurance (including co- insurance) : (A) life</p>	<p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

Modes of Supply: <b>Sector or Sub-sector<sup>1</sup></b>	(1) Cross-border supply <b>Limitations on Market Access</b>	2) Consumption abroad <b>Limitations on National Treatment</b>	(3) Commercial presence <b>Additional Commitments</b>
(b) non-life			
(ii) Reinsurance and retrocession;	1) None 2) None 3) None	1) None 2) None 3) None	
(iii) Insurance intermediation, such as brokerage and agency;	1) None 2) None 3) None	1) None 2) None 3) None	
(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.	1) None 2) None 3) None	1) None 2) None 3) None	
<b>B. Banking and other financial services (excluding insurance)</b>			
(a) Acceptance of deposits and other repayable funds from the public;	1) Requirement to have a commercial presence in Tuvalu or be represented by an agent that is a natural person resident in Tuvalu. 2) None 3) Incorporation required	1) None 2) None 3) None	
(b) Lending of all types, including consumer credit,			

Modes of Supply: <b>Sector or Sub-sector<sup>1</sup></b>	(1) Cross-border supply <b>Limitations on Market Access</b>	2) Consumption abroad <b>Limitations on National Treatment</b>	(3) Commercial presence <b>Additional Commitments</b>
<p>mortgage credit, factoring and financing of commercial transaction;</p> <p>(c) Financial leasing;</p> <p>(d) All payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts;</p> <p>(e) Guarantees and commitments;</p> <p>(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:</p> <p>(i) money market instruments (including cheques, bills, certificates of deposits);</p> <p>(ii) foreign exchange;</p> <p>(iii) derivative products including, but not limited to,</p>			

Modes of Supply: Sector or Sub-sector <sup>1</sup>	(1) Cross-border supply Limitations on Market Access	2) Consumption abroad Limitations on National Treatment	(3) Commercial presence Additional Commitments
<p>futures and options; (iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements; (v) transferable securities; (vi) other negotiable instruments and financial assets, including bullion.</p> <p>g) 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;</p> <p>h) Money broking;</p> <p>i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services;</p>			

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>j) Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;</p> <p>k) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;</p> <p>(l) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (v) through (xv), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.</p>			
8. HEALTH RELATED AND SOCIAL			



Modes of Supply: Sector or Sub-sector <sup>1</sup>	(1) Cross-border supply Limitations on Market Access	2) Consumption abroad Limitations on National Treatment	(3) Commercial presence Additional Commitments
<p>SERVICES (limited to services provided by privately-owned institutions)</p> <p>A. Hospital Services (CPC 9311**)</p> <p>B. Other Human Health Services (CPC 9319**)</p> <p>C. Social Services (CPC 933**)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>9. TOURISM AND TRAVEL SERVICES</p> <p>A. Hotels and restaurants</p>			

Modes of Supply: Sector or Sub-sector <sup>1</sup>	(1) Cross-border supply Limitations on Market Access	2) Consumption abroad Limitations on National Treatment	(3) Commercial presence Additional Commitments
Hotel lodging services (CPC 64110**) Motel lodging services (CPC 64120**)	<p><u>Four- or five-star hotels<sup>4</sup> and motels</u></p> <p>1) Unbound* 2) None 3) None</p> <p><u>Other hotels and motels, with more than 25 rooms</u></p> <p>1) Unbound* 2) None 3) None</p> <p><u>Speciality restaurants and restaurants located in areas of touristic interest</u></p> <p>1) Unbound* 2) None 3) None</p> <p><u>Other restaurants</u></p> <p>1) Unbound 2) Unbound</p>	<p><u>Four and five-star hotels and motels</u></p> <p>1) Unbound* 2) None 3) None</p> <p><u>Other hotels and motels, with more than 25 rooms</u></p> <p>1) Unbound* 2) None 3) None</p> <p><u>Speciality restaurants and restaurants located in areas of touristic interest</u></p> <p>1) Unbound* 2) None 3) None</p> <p><u>Other restaurants</u></p> <p>1) Unbound 2) Unbound</p>	

<sup>4</sup> This refers to the ratings by the national accreditation system for lodging services.

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
Sector or Sub-sector <sup>1</sup>	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>Meal serving service in self-facilities (CPC 64220**)</p> <p>Beverages serving services for consumption on the premises, without entertainment (CPC 64310**)</p> <p>Beverages serving services for consumption on the premises, with entertainment (CPC 64320**)</p>	<p>3) Unbound</p> <p><u>Self-service facilities in four- or five- star hotels and motels, or in other hotels and motels with more than 25 rooms</u></p> <p>1) Unbound* 2) None 3) None</p> <p><u>Beverages serving services in four- or five-star hotels and motels, or in other hotels and motels with more than 25 rooms</u></p> <p>1) Unbound* 2) None 3) None</p>	<p>3) Unbound</p> <p><u>Self-service facilities in four- or five- star hotels and motels, or in other hotels and motels with more than 25 rooms</u></p> <p>1) Unbound* 2) None 3) None</p> <p><u>Beverages serving services in four- or five-star hotels and motels, or in other hotels and motels with more than 25 rooms</u></p> <p>1) Unbound* 2) None 3) None</p>	
<p>B. Travel agencies and tour operator services</p> <p>Travel agency services (including sales of travel tickets, lodging and package tours on a fee or contract basis)</p>	<p>1) Service must be supplied through a commercial presence 2) None 3) None</p>	<p>1) None 2) None 3) None</p>	

Modes of Supply: Sector or Sub-sector <sup>1</sup>	(1) Cross-border supply Limitations on Market Access	2) Consumption abroad Limitations on National Treatment	(3) Commercial presence Additional Commitments
(corresponding to subclass 67811 of CPC Version 1.0)			
Tour operator services (including services of organizing and arranging package tours (all-inclusive tours) – such a package usually includes passenger and baggage transportation, accommodation, sightseeing arrangements and similar services provided during a package tour (corresponding to subclass 67812 of CPC Version 1.1)	1) None 2) None 3) None	1) None 2) None 3) None	
-Tourist information services (travel information, planning and advice services, accommodation, reservation services, and airline, bus and other reservation services relating to travel (corresponding to subclass 67813 of CPC Version 1.1)	<u>Tourist information services in four- or five-star hotels and motels, or in other hotels and motels with more than 25 rooms</u>  1) None 2) None 3) None  <u>Other tourist information services</u>	<u>Tourist information services in four- or five-star hotels and motels, or in other hotels and motels with more than 25 rooms</u>  1) None 2) None 3) None  <u>Other tourist information services</u>	

Modes of Supply:			
	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector<sup>1</sup></b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
	1) Services must be supplied through a commercial presence 2) None 3) None	1) None 2) None 3) None	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment Services (CPC 9619)	1) None 2) None 3) None	1) None 2) None 3) None	
B. News agency services (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Libraries, archives, museums, and other cultural services (CPC 963)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Sporting and other recreational services (CPC 964**) - Excluding gambling and betting	1) None 2) None 3) None	1) None 2) None 3) None	

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>11. TRANSPORT SERVICES</p> <p>A. Maritime Transport Services</p> <p>International Transport (freight and passengers) (CPC 7211 and 7212), excluding cabotage transport (as defined below)</p>	<p>1)(a) Liner shipping:</p> <p>Local agent in Tuvalu required.</p> <p>Conditional on the granting of a license, the issuance of which is based on such criteria as the frequency, type, and price of the services proposed, as well as the impact on existing service.</p> <p>Licenses granted preferably to carriers owned by Tuvalu citizens, and that employ Tuvalu citizens.</p> <p>Vessels owned and operated by the Tuvalu government do not require a license to be granted on the basis of the criteria mentioned above.</p>	<p>1)(a) None</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory terms and conditions</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations including communications, water and electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth and berthing services</li> </ol>

Modes of Supply: Sector or Sub-sector <sup>1</sup>	(1) Cross-border supply Limitations on Market Access	2) Consumption abroad Limitations on National Treatment	(3) Commercial presence Additional Commitments
	1)(b) Bulk, tramp, and other international shipping, including passenger transportation: local agent in Tuvalu required.  2) None 3) 3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound  3) (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below - 2): none	1)(b) None  2) None  3) (a) Unbound  3)(b) None	
d) Maintenance and repair of vessels (CPC 8868**)	1) None 2) None 3) None	1) None 2) None 3) None	
MARITIME AUXILIARY SERVICES  Container Station and Depot	1) Suppliers of maritime	1) None	

Modes of Supply: <b>Sector or Sub-sector<sup>1</sup></b>	(1) Cross-border supply <b>Limitations on Market Access</b>	2) Consumption abroad <b>Limitations on National Treatment</b>	(3) Commercial presence <b>Additional Commitments</b>
Services (as defined in Annex)	transport services are required to go through a local agent established in Tuvalu. 2) None 3) None	2) None 3) None	
Maritime Freight Forwarding Services (as defined in Annex)	1) Suppliers of maritime transport services are required to go through a local agent established in Tuvalu. 2) None 3) None	1) None 2) None 3) None	
Storage and Warehousing Services (as defined in Annex)	1) Suppliers of maritime transport services are required to go through a local agent established in Tuvalu. 2) None 3) None	1) None 2) None 3) None	
Maritime Agency Services (as defined in Annex)	1) Suppliers of maritime transport services are required to go through a local agent established in Tuvalu. 2) None 3) None	1) None 2) None 3) None	



Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
C. Air Transport Services <sup>1</sup>			
Aircraft repair and maintenance services	1) None 2) None 3) None	1) None 2) None 3) None	
Selling and marketing of air transport services	1) None 2) None 3) None	1) None 2) None 3) None	
Computer reservation system services	1) None 2) None 3) None	1) None 2) None 3) None	
Ground handling services	1) None 2) None 3) None	1) None 2) None 3) None	
Specialty air services	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

<sup>1</sup> As defined in Article 1 of Chapter 7 (Trade in Services).

Modes of Supply:	(1) Cross-border supply	2) Consumption abroad	(3) Commercial presence
<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
H. Services Auxiliary to All Modes of Transport			
a) Cargo-handling services, except maritime and air cargo handling (CPC 741**)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	

## **ANNEX TO THE SCHEDULE OF TUVALU: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

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

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

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel

recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

4. "Customs clearance services" (alternatively "customs house brokers' services") means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

5. "Container station and depot services" means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

6. "Maritime agency services" means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

7. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

**ANNEX 7-A: SCHEDULE OF SPECIFIC SERVICES COMMITMENTS (CHAPTER 7)**

**SCHEDULE OF VANUATU**

Modes of Supply: (1) Cross-border Supply (2) Consumption abroad (3) Commercial Presence (4) Presence of Natural Persons

<b>Sector or Sub-sector</b>	<b>Limitations of Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional commitments</b>
<b>I. HORIZONTAL COMMITMENTS</b>			
All sectors included in this schedule	<p>3) Granting foreign investor certificates, as well as their renewal, is based on objective published criteria and is not conditional on an economic needs test or the level of foreign ownership.</p> <p>3) Unbound for measures: a) as part of the act of devolving a service that is provided in the exercise of governmental authority at the time the Agreement enters into force; or, b) regarding the sale or disposal of government-owned entities or assets.<sup>1</sup></p> <p>3) Unbound with respect to the provision of law enforcement and correctional services, and the</p>	<p>3) The Vanuatu Constitution prohibits freehold ownership of land. Only indigenous Ni-Vanuatu can own land. Indigenous citizens and expatriates can hold land in leasehold.</p>	

<sup>1</sup> Should Vanuatu adopt after entry into force of the Agreement, new or revised laws and regulations on foreign investment, it would consider reflecting, where appropriate, any better treatment under PACER Plus through a revised Schedule of Commitments on Trade in Services.

	following services to the extent that they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities, public transport and public housing.		
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>1. BUSINESS SERVICES</b>			
<b>A. Professional Services</b>			
a) Legal services, home and host country law, including international law (CPC 861)	1) None 2) None 3) Commercial presence must take the form of sole proprietorship or partnership.	1) None 2) None 3) None	
b) Accounting, auditing and bookkeeping services (CPC 862)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Taxation Services (CPC 863)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Architectural services (CPC 8671)	1) None 2) None 3) None	1) None 2) None 3) None	

e) Engineering services (CPC 8672)	1) None 2) None 3) None	1) None 2) None 3) None	
f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None	1) None 2) None 3) None	
g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None	1) None 2) None 3) None	
h) Medical and dental services (CPC 9312)	1) None 2) None 3) None	1) None 2) None 3) None	
i) Veterinary services (CPC 932)	1) None 2) None 3) None	1) None 2) None 3) None	
j) Midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Computer and Related Services (CPC 84)	1) None 2) None 3) None	1) None 2) None 3) None	
C. Research and Development Services			



<p>a) R&amp;D services on natural sciences (CPC 851)</p> <p>b) R&amp;D services on social sciences and humanities (CPC 852)</p> <p>c) Interdisciplinary R&amp;D services (CPC 853)</p>	<p>1) None 2) None 3) Approval is required for the supply of services in Vanuatu's southern maritime borders.</p> <p>1) None 2) None 3) Approval is required for the supply of services in Vanuatu's southern maritime borders.</p> <p>1) None 2) None 3) Approval is required for the supply of services in Vanuatu's southern maritime borders.</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>E. Rental/Leasing Services without Operators</p> <p>a) Relating to ships (CPC 83103)</p> <p>b) Relating to aircraft (CPC 83104)</p> <p>c) Relating to other transport</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None</p>	

equipment (CPC 83101+83102)	2) None 3) None	2) None 3) None	
d) Relating to other machinery and equipment (CPC 83106-83109)	1) None 2) None 3) None	1) None 2) None 3) None	
e) Other (CPC 832)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>F. Other Business Services</b>			
a) Advertising services (CPC 871)	1) None 2) None 3) None	1) None 2) None 3) None	
b) Market research and public opinion polling services (CPC 864)	1) None 2) None 3) None	1) None 2) None 3) None	
(c) Management consulting services (CPC 865)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Services related to management consulting (CPC 866)	1) None 2) None 3) None	1) None 2) None 3) None	
(f) Services incidental to agriculture, hunting and forestry (CPC 88110, 88120)	1) None 2) None 3) None	1) None 2) None 3) None	

<p>(g) Services incidental to fishing (CPC 882**)</p> <p>Consists of specialised consultancy services only, related to fisheries. Does not include fishing.</p> <p>h) Services incidental to mining (CPC 883)</p> <p>i) Services incidental to manufacturing (CPC 884)</p> <p>j) Services incidental to energy distribution (CPC 88110, 88120)</p> <p>Covers specialised consultancy services only, in relation to energy distribution.</p> <p>k) Placement and supply services and personnel (CPC 872)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p>m) Related scientific and technical consulting services</p>	<p>1) None 2) None</p>	<p>1) None 2) None</p>	

(CPC 8675)	3) None	3) None	
n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	1) None 2) None 3) None	1) None 2) None 3) None	
o) Building-cleaning services (CPC 874)	1) None 2) None 3) None	1) None 2) None 3) None	
p) Photographic services (CPC 875)	1) None 2) None 3) None	1) None 2) None 3) None	
q) Packaging services (CPC 876)	1) None 2) None 3) None	1) None 2) None 3) None	
r) Printing, publishing (CPC 88442)	1) None 2) None 3) None	1) None 2) None 3) None	
t) Other (CPC 8790) - Including convention services	1) None 2) None 3) None	1) None 2) None 3) None	
<b>2. COMMUNICATION SERVICES</b>			
B. Courier Services	1) None 2) None	1) None 2) None	

C. Telecommunication Services <sup>2</sup>	3) None	3) None	Vanuatu undertakes the obligations contained in the attached Reference Paper.
a) Voice telephone services	1) None 2) None 3) None	1) None 2) None 3) None	
b) Packet-switched data transmission services	1) None 2) None 3) None	1) None 2) None 3) None	
c) Circuit-switched data transmission services	1) None 2) None 3) None	1) None 2) None 3) None	
d) Telex services	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Telegraph services	1) None 2) None 3) None	1) None 2) None 3) None	
(f) Facsimile services	1) None 2) None	1) None 2) None	

<sup>2</sup> Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and "Market Access Limitations on Spectrum Availability" (S/GBT/W/3), from the WTO.

	3) None	3) None	
g) Private leased circuit services	1) None 2) None 3) None	1) None 2) None 3) None	
h) Electronic mail	1) None 2) None 3) None	1) None 2) None 3) None	
i) Voice mail	1) None 2) None 3) None	1) None 2) None 3) None	
j) On-line information and data base retrieval	1) None 2) None 3) None	1) None 2) None 3) None	
k) Electronic data interchange	1) None 2) None 3) None	1) None 2) None 3) None	
l) Enhanced/value-added facsimile services (including store and forward, store and retrieve)	1) None 2) None 3) None	1) None 2) None 3) None	
m) Code and protocol conversion	1) None 2) None 3) None	1) None 2) None 3) None	

n) On-line information and/or data processing (including transaction processing)	1) None 2) None 3) None	1) None 2) None 3) None	
o) Other	1) None 2) None 3) None	1) None 2) None 3) None	
Mobile services Analogue/Digital cellular services PCS (Personal Communications Services) Paging services Mobile data services			
<b>D. Audiovisual</b>			
(a) Motion picture and videotape production and distribution services (CPC 9611)	1) None 2) None 3) None	(1), (2), (3) None except support programmes established and funded by the Government of Vanuatu to preserve or promote the cultural identity of Vanuatu	
<b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
A. General construction work for buildings (CPC 512)	1) None 2) None 3) None	1) None 2) None 3) None	
B. General construction for civil engineering (CPC 513)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>4. DISTRIBUTION SERVICES</b>			
Excluding kava bars, open air vendors, mobile shops, door to door sales, local trading of sandalwood, export of sandalwood in stick and chips form, export of seeds and other minor forest products, second hand clothing shops, export of kava in root, chips and stick form.			

A. Commission agents' services (CPC 621)	1) None 2) None 3) None	1) None 2) None 3) None	
B. Wholesale trade services (CPC 622)	1) None 2) None 3) None; except Shops where the annual turnover is less than VT 30 million are reserved to Vanuatu citizens and enterprises wholly-owned by Vanuatu citizens.	1) None 2) None 3) None	
C. Retailing services (CPC 631, 632, 6111, 6113, 6121)	1) None 2) None 3) None; except Shops where the annual turnover is less than VT 30 million are reserved to Vanuatu citizens and enterprises wholly-owned by Vanuatu citizens.) None None; except Shops where the annual turnover is less than VT 30 million are reserved to Vanuatu citizens and enterprises wholly-owned by Vanuatu	1) None 2) None 3) None	
D. Franchising services (CPC 8929)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>5. EDUCATIONAL SERVICES</b>			



(CPC 921-929)	1) None 2) None 3) None except services funded from state resources, and subject to approval by the Government of Vanuatu to ensure adequate standards of qualification of individuals and of organisations.	1) None 2) None 3) None except services funded from state resources.	
<b>6. ENVIRONMENTAL SERVICES</b>			
A. Sewage services (CPC 9401)	1) None 2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.	1) None 2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.	
B. Refuse disposal services (CPC 9402)	1) None 2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.	1) None 2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.	
C. Sanitation and similar services	1) None	1) None	

<p>(CPC 9403)</p>          <p>D. Other environmental services (CPC 9404-9409)</p>	<p>2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.</p> <p>1) None 2) None 3) None</p>	<p>2) None 3) None, except that provision of the service at the Central or local level may be subject to public monopoly or exclusive rights granted to private operators, through for instance concession contracts.</p> <p>1) None 2) None 3) None</p>	
<p><b>7. FINANCIAL SERVICES</b></p>			
<p>Excluding: - activities conducted by a central bank or monetary authority or by any other public entity in pursuit of monetary or exchange rate policies; - activities forming part of a statutory system of social security or public retirement plans; - and other activities conducted by a public entity for the account or with the guarantee or using the financial resources of the government.</p>			

<p>A. All insurance and related services (CPC 812)</p> <p>B. Banking and other related services (CPC 811-813)</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) Banks must comply with provisions of relevant banking legislation</p>	<p>1) None 2) None 3) None</p> <p>1) None 2) None 3) None</p>	
<p><b>8. HEALTH RELATED AND SOCIAL SERVICES</b></p>			
<p>A. Hospital services (CPC 9311)</p> <p>C. Social services (CPC 933)</p>	<p>1) None 2) None 3) None, except services funded from state resources</p> <p>1) None 2) None 3) None</p>	<p>1) None 2) None 3) None, except services funded from state resources</p> <p>1) None 2) None 3) None</p>	
<p><b>9. TOURISM AND TRAVEL RELATED SERVICES</b></p>			
<p>A. Hotels and restaurants (CPC 641)</p>	<p>1) None 2) None 3) None, except guest houses if the number of beds is less than 50 or less than ten rooms or annual turnover is less than VT 20 million; bungalows if the annual turnover is less than VT 30 million; hotels and motels if the</p>	<p>1) None 2) None 3) None</p>	

	total value of the investment is less than VT 10 million or the annual turnover is less than VT 20 million; and kava bars.		
B. Travel agencies (excluding tour operating services)	1) None 2) None 3) None	1) None 2) None 3) None	
<b>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
A. Entertainment Services (CPC 9619)	1) None 2) None 3) None	1) None 2) None 3) None	
B. News agency services (CPC 962)	1) None 2) None 3) None	1) None 2) None 3) None	
D. Sporting and other recreational services (CPC 964**) - Excluding lottery, gambling betting and any other related activities	1) None 2) None 3) None	1) None 2) None 3) None	
<b>11. TRANSPORT SERVICES</b>			
A. Maritime Transport Services (a),(b) International Transport (passengers and freight) (CPC	1) Local agent in Vanuatu, or registration in Vanuatu, required. 2) None	1) None 2) None	The following services at the port are made available to international maritime transport suppliers on reasonable and non-discriminatory

7211 and 7212), excluding cabotage transport (as defined below)	<p>3)(a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound</p> <p>3)(b) Other forms of commercial presence for the supply of international maritime transport services (as defined below – 2): none</p>	<p>3)(a) Unbound</p> <p>3)(b) None</p>	<p>terms and conditions:</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and the tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations including communications, water and electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth and berthing services</li> </ol>
(d) Maintenance and repair of vessels (CPC 8868**)	<p>1) None</p> <p>2) None</p> <p>3) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	
<p><b>MARITIME AUXILIARY SERVICES</b></p> <p>Container Station and Depot Services (as defined in Annex)</p> <p>Maritime Freight Forwarding</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1) None</p>	

Services (as defined in Annex)	2) None 3) None	2) None 3) None	
Storage and Warehousing Services	1) None 2) None 3) None	1) None 2) None 3) None	
Maritime Agency Services (as defined in Annex)	1) Suppliers of international maritime transport services are required to go through a local agent established in Vanuatu. 2) None 3) None	1) None 2) None 3) None	
C. Air Transport Services			
(d) Maintenance and repair of aircraft	1) None 2) None 3) None	1) None 2) None 3) None	
(e) Selling and marketing of air transport services	1) None 2) None 3) None	1) None 2) None 3) None	
Computer reservation system services	1) None 2) None 3) None	1) None 2) None 3) None	
Specialty air services	1) Unbound 2) None 3) None	1) Unbound 2) None 3) None	

H. Services Auxiliary to All Modes of Transport			
b) Storage and warehouse services, except maritime storage and warehousing services (CPC 742**)	1) None 2) None 3) None	1) None 2) None 3) None	
c) Freight transport agency services, except maritime freight agency services (CPC 748**)	1) None 2) None 3) None	1) None 2) None 3) None	
d) Other (CPC 749)	1) None 2) None 3) None	1) None 2) None 3) None	

\*\* The service specified constitutes only part of the total range of activities covered by the CPC concordance.

## **ANNEX TO THE SCHEDULE OF VANUATU: DEFINITIONS IN RELATION TO MARITIME TRANSPORT**

1. Without prejudice to the scope of activity which may be considered as “cabotage” under the relevant national legislation, this schedule does not include “maritime cabotage services”, which are assumed to cover transportation of passengers or goods between a port located in Vanuatu and another port located in Vanuatu, traffic originating and terminating in the same port located in Vanuatu provided that this traffic remains within Vanuatu’s territorial waters, and traffic between a port located in Vanuatu and installations or structures situated in the EEZ or relating to the continental shelf of Vanuatu.

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

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);



(e) the setting up of any business arrangement (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. “Container station and depot services” means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

4. “Maritime agency services” means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

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

– acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

5. “Freight forwarding services” means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information. Freight forwarding services do not include postal services or courier services.

## REFERENCE PAPER FOR THE SCHEDULE OF VANUATU

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that:

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

### 1. Competitive safeguards

#### 1.1. Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

#### 1.2. Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidization;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

## 2. Interconnection

2.1. This section applies to linking with suppliers, providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

### 2.2. Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

### 2.3. Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

### 2.4. Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

## 2.5. Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

## 3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive *per se*, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

## 4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all licensing criteria and the period of time normally required to reach a decision concerning an application for a licence; and
- (b) the terms and conditions of individual licenses.

The reasons for the denial of a licence will be made known to the applicant upon request.

## 5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

## 6. Allocation and use of scarce resources

Any procedure for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.