

AUSTRIA

Schedule of Specific Commitments

(This is authentic in English only)

Throughout this schedule, "ex" combined with a CPC-number indicates that the service specified constitutes only a part of the total range of activities covered by the respective CPC-number.

AUSTRIA - SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>1. HORIZONTAL COMMITMENTS</p> <p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p>	<p><u>Real estate</u></p> <p>3) None</p> <p><u>Investment laws</u></p> <p>3) None</p>	<p><u>Real estate</u></p> <p>3) The acquisition, purchase as well as rent or lease of real estate by foreign natural persons and juridical persons requires an authorization by the competent regional authorities (Länder) which will consider whether important economic, social or cultural interests are affected or not</p> <p><u>Investment laws</u></p> <p>3) Branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung) are required to obtain an authorization of the Federal Ministry which is competent for the type of business in question; authorization is subject to the discretion of the competent authority.</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
	Limitations on market access	Limitations on national treatment	Limitations on national treatment	Additional commitments
	<p><u>Presence of natural persons</u></p> <p>4) Unbound except for measures concerning the entry, temporary stay and work* of natural persons falling within the following categories, without requiring compliance with an economic needs test and under the condition that all other requirements of Austria's laws and regulations regarding entry, stay and work shall continue to apply:</p> <ul style="list-style-type: none"> i) the entry, temporary stay and work, as intra-corporate transferees**, of natural persons in the following categories, provided that the service supplier is a juridical person and that the persons concerned have been employed by it or have been partners in it for at least the year immediately preceding such entry: 	<p><u>Presence of natural persons</u></p> <p>4) Unbound except for measures concerning the categories of natural persons referred to in the market access column</p> <p>Service suppliers when supplying services in Austria are obliged to observe local working conditions (e.g. working hours, health and safety at work), provisions on social security and minimum wages applicable in Austria, whether based on national or subnational laws, regulations or collective agreements.</p>		

* The precise duration of "temporary stay and work" is defined by the relevant Austrian laws and regulations.

** An "intra-corporate transferee" is defined as a natural person working within a juridical person other than a non-profit making organization, established in the territory of a WTO Member, and being temporarily transferred in the context of the supply of a service through commercial presence in the territory of Austria; the juridical persons concerned must have their principal place of business in the territory of a WTO Member other than Austria, and the transfer must be to an establishment (office, branch or subsidiary) of that juridical person, effectively providing like services in the territory of Austria.

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>a) Persons working in a senior position within a juridical person, who primarily direct the management of the establishment, receiving general supervision or direction principally from the board of directors or stockholders of the business or their equivalent, including:</p> <ul style="list-style-type: none"> - directing the establishment or a department or subdivision of the establishment; - supervising and controlling the work of other supervisory, professional or managerial employees; - having the authority personally to hire and fire or recommend hiring, firing or other personnel actions. 		

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
	Limitations on market access	Limitations on national treatment		Additional commitments
	<p>b) Persons working within a juridical person who possess uncommon knowledge essential to the establishment's service, research equipment, techniques or management. In assessing such knowledge, account will be taken not only of knowledge specific to the establishment, but also of whether the person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership of an accredited profession.</p> <p>ii) the entry, temporary stay and work of natural persons in the following categories:</p>			

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>a) Persons not residing in the territory of Austria, who are representatives of a service supplier and are seeking entry and temporary stay for the purpose of negotiating for the sale of services or entering into agreements to sell services for that service supplier, where those representatives will not be engaged in making direct sales to the general public or in supplying services themselves.</p> <p>b) Persons working in a senior position, as defined in i) a) above, within a juridical person, who are responsible for the setting up, in Austria, of a commercial presence of a service supplier of a Member when:</p> <ul style="list-style-type: none"> - the representatives are not engaged in making direct sales or supplying services, and 		

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>- the service supplier has its principal place of business in the territory of a WTO Member other than Austria and has no representative office, branch or subsidiary in Austria.</p> <p>Commitments regarding movement of personnel do not apply in cases where the intent or effect of such movement is to interfere with or otherwise affect the outcome of any labour/management dispute or negotiation.</p>	<p><u>Residency requirements</u></p> <p>4) Managing directors of branches and juridical persons have to be resident in Austria; natural persons responsible within a juridical person or a branch for the observance of the Austrian Trade Act must be resident in Austria.</p> <p><u>Subsidies and tax incentives</u></p> <p>2) None</p> <p>4) Unbound</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
		<p>1), 3), 4) Treatment accorded to subsidiaries of third country companies formed in accordance with the law of an EEA Member State and having their registered office, central administration or principal place of business within an EEA Member State may not be extended to branches or agencies established in a EEA Member State by a third-country company.</p> <p>Treatment less favourable may be accorded to subsidiaries of third country companies formed in accordance with the law of an EEA Member State having only their registered office in the territory of an EEA Member State unless they show that they possess an effective and continuous link with the economy of one of the EEA Member States.</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
a) Legal advice activities on home country law and international law excluding EEA/EC-law (ex 861)	<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated below: At the request of a consumer legal advisors may temporarily move into the territory of Austria in order to supply a <u>specific</u> service</p>	<p>1) Foreign legal advisors are required to be members of their national Bar Association; they may use their professional title only with reference to the place of registration in their home country</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the market access column</p> <p>See entry under 1)</p>	
b), c) Accounting, auditing, bookkeeping services and taxation services (862, 863)	<p>1) None</p> <p>2) None</p>	<p>1) No representation before competent authorities; no audits provided for in specific Austrian laws (e.g. joint stock companies law, stock exchange law, banking law, etc.)</p> <p>2) None</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>d) Architectural services (8671)</p>	<p>3) Foreign accountants, auditors' and tax advisors' (who must be authorized according to the law of their home country) equity participation and shares in the operating results of any Austrian legal entity may not exceed 25 per cent; this applies only to non-members of the Austrian Professional Body</p> <p>4) Unbound except as indicated in Part I; in addition to the horizontal commitments at the request of a consumer accountants, auditors and tax advisors may temporarily move into the territory of Austria in order to supply a <u>specific</u> service; however, as a rule natural persons supplying accounting, auditing, bookkeeping and taxation services are required to have their professional centre (commercial presence) in Austria.</p>	<p>3) None</p> <p>4) Unbound except as indicated in Part I and in the market access column</p> <p>See entry under 1)</p>	
<p>d) Architectural services (8671)</p>	<p>1) None</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I and: commercial presence required</p>	<p>1) None for pure planning services; the submission of plans for approval by the competent authorities requires co-operation with an established supplier of planning services</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I and in the market access column</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
e) Engineering services (8672)	1) None 2), 3) None 4) Unbound except as indicated in Part I and: commercial presence required	1) None for pure planning services; the submission of plans for approval by the competent authorities requires co-operation with an established supplier of planning services 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	
f) Integrated engineering services (8673)	1) None 2), 3) None 4) Unbound except as indicated in Part I and: commercial presence required	1) None for pure planning services; the submission of plans for approval by the competent authorities requires co-operation with an established supplier of planning services 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	
g) Urban planning and landscape architectural services (8674)	1) None 2), 3) None	1) None for pure planning services; the submission of plans for approval by the competent authorities requires co-operation with an established supplier of planning services 2), 3) None	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>h) Medical and dental services (9312)</p> <p>i) Veterinary services (932)</p> <p>j) Services provided by:</p> <ul style="list-style-type: none"> - Midwives - Nurses - Physiotherapists - Occupational therapists - Logotherapists - Dieticians and nutritionists (ex 93191) 	<p>4) Unbound except as indicated in Part I and commercial presence required</p> <p>1) Unbound*</p> <p>2) None</p> <p>3), 4) Unbound</p> <p>1) Unbound*</p> <p>2) None</p> <p>3), 4) Unbound</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) Access restricted to natural persons only</p> <p>4) Unbound except as indicated in Part I; natural persons from WTO-Members may establish a professional practice in Austria provided that the person concerned has practised the profession in question at least three years preceding the setting up of the professional practice in Austria</p>	<p>4) Unbound except as indicated in Part I and in the market access column</p> <p>1) Unbound*</p> <p>2) None</p> <p>3), 4) Unbound</p> <p>1) Unbound*</p> <p>2) None</p> <p>3), 4) Unbound</p> <p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I and in the market access column</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
- Psychologists and psychotherapists	1) Unbound* 2), 3) None	1) Unbound* 2), 3) None	
k) Other: - Interior design services (ex 87907)	4) Unbound except as indicated in Part I 1), 2), 3) None	4) Unbound except as indicated in Part I 1), 2), 3) None	
E. <u>Computer and related services</u>	4) Unbound except as indicated in Part I and: commercial presence required	4) Unbound except as indicated in Part I and in the market access column	
a) Consultancy services related to the installation of computer hardware (8410)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
b) Software implementation services (842)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
c) Data processing services (843)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
d) Data base services (844)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
e) Other (845, 8491)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
C. <u>Research and development services</u>			
a) R & D services on natural sciences (851)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
b) R & D services on social sciences and humanities (852)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
c) Interdisciplinary R & D services (853)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
D. <u>Real estate services</u>			
a) Involving own or leased property (8210)	1), 2), 3) None 4) Unbound except as indicated in Part I and commercial presence required	1), 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	

AUSTRIA (continued)

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments		
b) on a fee or contrac. basis (8220)	1), 2), 3) None 4) Unbound except as indicated in Part I and: commercial presence required	1), 2), 3) None 4) Unbound except as indicated in Part I and in the market access column			
E. <u>Rental and leasing services without operators</u>					
a) Relating to ships (83103)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I			
b) Relating to aircraft (83104)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I			
c) Relating to other transport equipment (83101, 83102, 83105)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I			
d) Relating to other machinery and equipment (83106 - 83109, 518)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I			

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>F. <u>Other business services</u></p> <p>a) Advertising services (871)</p> <p>b) Market research and public opinion polling services (864)</p> <p>c) Management consulting services (865)</p> <p>d) Services related to management consulting (866)</p> <p>e) Technical testing and analysis services (8676)</p> <p>f), g), h) Advisory and consulting services relating to forestry, agriculture, hunting, fishing and mining</p>	<p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I and commercial presence required</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I and commercial presence required</p>	<p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I and in the market access column</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I and in the market access column</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
i) Services incidental to manufacturing (884, 885; except: 88412, 88442)	1), 2), 3) None 4) Unbound except as indicated in Part I and: commercial presence required	1), 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	
l) Investigation and security services (873)	1), 2), 3) None 4) Unbound except as indicated in Part I and: commercial presence required	1), 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	
m) Engineering related scientific and technical consulting services (8675)	1), 2), 3) None 4) Unbound except as indicated in Part I and: commercial presence required	1), 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	
n) Maintenance and repair of equipment (633, 8861 - 8866; except: vessels, aircraft and other transport equipment, fire arms and ammunition)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
o) Building-cleaning services (874)	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
p) Photographic services (875)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
q) Packaging services (87e)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
r) Printing and publishing services (88442)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
s) Convention services:			
- Exhibition management services (ex 87909)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
t) Other:			
- Translation and interpretation services (87905)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
- Collection agency services (87902)	1), 2), 3) None 4) Unbound except as indicated in Part I and: commercial presence required	1), 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>2. COMMUNICATION SERVICES</p> <p>B. <u>Courier services</u> (ex 7512; special delivery services only)</p> <p>C. <u>Telecommunication services</u></p> <p>The setting up and the operation of telecommunication networks as well as the provision of voice telephone, telegraph and telex services are excluded (public monopoly).</p>	<p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p>	
<p>Value-added services including:</p> <ul style="list-style-type: none"> - Electronic mail - Voice mail - On-line information and data base retrieval - Data processing - Electronic data interchange - Code and protocol conversion - Packet and circuit switched data services 	<p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Mobile and satellite services	1) Unbound 2) None 3), 4) Unbound	1) Unbound 2) None 3), 4) Unbound	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. <u>General construction work for buildings</u> (512)	1) Unbound* 2), 3) None 4) Unbound except as indicated Part I and: commercial presence required	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	
B. <u>General construction work for civil engineering</u> (513)	1) Unbound* 2), 3) None 4) Unbound except as indicated Part I and: commercial presence required	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
C. <u>Installation and assembly work</u> (514, 516)	1) Unbound* 2), 3) None 4) Unbound except as indicated Part I and: commercial presence required	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	
D. <u>Building completion and finishing work</u> (517)	1) Unbound* 2), 3) None 4) Unbound except as indicated Part I and: commercial presence required	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	
E. <u>Other:</u> - Pre-erection work at construction sites and special trade construction work (511, 515)	1) Unbound* 2), 3) None 4) Unbound except as indicated Part I and: commercial presence required	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	
4. DISTRIBUTION SERVICES (Excluding distribution of pyrotechnical goods, ignitable articles and blasting devices, firearms, ammunition and military equipment, tobacco and tobacco products, pharmaceutical products, medical and surgical devices, toxic substances, certain medical substances and objects for medical use)			

AUSTRIA (continued)

Means of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
A. <u>Commission agents' services</u> (621)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
B. <u>Wholesale trade services</u> (622)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
C. <u>Retailing services</u> (631, 632, 6111, 6113, 6121)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
D. <u>Franchising</u> (8929)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
5. EDUCATIONAL SERVICES			
A. B. <u>Primary and secondary education services</u> (921, 922)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	
D. <u>Adult education</u> (9240 except education services for adults by means of radio or television broadcasting)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>6. ENVIRONMENTAL SERVICES</p> <p>A. <u>Sewage services</u> (9401)</p> <p>B. <u>Refuse disposal services</u> (9402)</p> <p>C. <u>Sanitation and similar services</u> (9403)</p>	<p>1) Unbound*</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound*</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound*</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I and commercial presence required</p>	<p>1) Unbound*</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound*</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound*</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I and in the market access column</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>D. <u>Other:</u></p> <ul style="list-style-type: none"> - Cleaning services of exhaust gases (9404) - Noise abatement services (9405) - Nature and landscape protection services (9406) - Other environmental protection services n.e.c. (9405) 	<p>1) Unbound*</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I and commercial presence required</p>	<p>1) Unbound*</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I and in the market access column</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
7. FINANCIAL SERVICES*			

* Unlike foreign subsidiaries, branches established directly in an EEA Member State by a non-EEA financial institution are not, with certain limited exceptions, subject to prudential regulations harmonized at EEA level which enable such subsidiaries to benefit from enhanced facilities to set up new establishments and to provide cross-border services throughout the EEA. Therefore, such branches receive an authorization to operate in the territory of an EEA Member State under conditions equivalent to those applied to domestic financial institutions of that EEA Member State, and may be required to satisfy a number of specific prudential requirements such as, in the case of banking and securities, separate capitalization and other solvency requirements and reporting and publication of accounts requirements or, in the case of insurance, specific guarantee and deposit requirements, a separate capitalization, and the localization in Austria of the assets representing the technical reserves and at least one third of the solvency margin. The restrictions indicated in this schedule may be applied only with regard to the direct establishment from a third country of a commercial presence or to the provision of cross-border services from a third country; therefore, Austria may not apply these restrictions, including those concerning establishment, to third country subsidiaries established in other EEA Member States, unless these restrictions can also be applied to companies or nationals of other EEA Member States in conformity with Austrian law.

This schedule does not prejudice the application of prudential measures, subject to the conditions specified in Art. 2.1 of the Financial Services Annex, such as, in the securities area, non-discriminatory regulations concerning the organization of securities markets and trading rules concerning dealing in securities.

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 Art. 2.1 of the Financial Services Annex.

EEA treatment of third country financial service suppliers established in another EEA Member State may be refused if Austrian financial service suppliers receive less favourable treatment in that third country compared to financial service suppliers of another EEA Member State.

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>Insurance and insurance related services as defined in the "ANNEX ON FINANCIAL SERVICES" (para. 5.1 a) - 5.1 d))</p> <p>Licensing of foreign insurers (subsidiaries and branches) is subject to the condition that the other country in its turn offers competitive opportunities, effective market access and national treatment equivalent to those offered by Austria (reciprocity).</p> <p>However, for the period indicated in the "Second Annex on Financial Services" and the "Decision on Financial Services" the reciprocity requirement will not apply to WTO Members.</p> <p>Commitments with respect to insurance and insurance related services are undertaken in accordance with the "Annex on Financial Services" and the "Understanding on Commitments in Financial Services" with the following limitations on Market Access and National Treatment.</p>	<p>1), 2) Only the transactions indicated in numbers 3 and 4 of the "Understanding" are covered</p> <p>Canvassing and intermediation on behalf of a non-established insurer (except for reinsurance and retrocession) are prohibited</p> <p>Compulsory air transport liability insurance can be placed only with established insurers</p>	<p>1), 2) Higher premium tax is due for insurance contracts (except for contracts on reinsurance and retrocession) written by non-established insurers; the higher premium tax applies to the purchase of a policy from non-established insurers by a consumer: resident in Austria, either directly at the supplier's establishment outside Austria or by correspondence.</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>3) Austria requires as a general rule and in a non-discriminatory manner that insurers incorporated in Austria must adopt a specific legal form (joint stock company; mutual insurance company); foreign insurers establishing a branch office must have a comparable legal form in their home country</p> <p>Representative offices and agencies of insurers are not allowed to write insurance contracts</p> <p>4) Unbound except as indicated in Part I</p>	<p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>The directors of a branch of a foreign insurer must be resident in Austria</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>Banking and other financial services as defined in the "ANNEX ON FINANCIAL SERVICES" (para 5.1 e) - 5.1 p))</p>			
<p>Licensing of foreign branches and subsidiaries of foreign banks is subject to the condition that the other country in its turn offers competitive opportunities, effective market access and national treatment equivalent to those offered by Austria (reciprocity). In addition licensing may be refused, if the planned activity is not in accordance with national economic interests.</p> <p>However, for the period indicated in the "Second Annex on Financial Services" and the "Decision on Financial Services" the reciprocity and economic interest test requirement will not apply to WTO Members.</p> <p>Commitments with respect to banking and other financial services are undertaken in accordance with the "Annex on Financial Services" and the "Understanding on Commitments in Financial Services" with the following limitations on Market Access and National Treatment; most entries on the following pages do not constitute limitations on Market Access or National Treatment, they mainly serve transparency purposes.</p>			
	<p>Monopoly or exclusive rights as indicated in number 1 of the "Understanding":</p> <p>The management of governmental debts, the administration of export credit insurance on behalf and for the account of the government, the settlement of payment transactions for the government and activities related to the distribution of governmental subsidies a.e reserved to special banking institutions or legal entities</p>		

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>1) None</p> <p>2) Only transactions indicated in number 3 of the "Understanding" are covered</p> <p>3) None</p> <p>Establishment and a certain legal form (joint stock company, limited liability company) are required</p> <p>Licensing of branches or subsidiaries of foreign banks may be subject to an economic interest test</p> <p>Only members of the Austrian Stock Exchange may engage in securities trading at the Stock Exchange. An application to the Austrian Stock Exchange and authorization for certain banking activities of the Ministry of Finance are required (Stock Exchange Law para. 15.1)).</p> <p>For trading in foreign exchange and foreign currency authorization of the Austrian National Bank according to Foreign Exchange Law and of the Ministry for Economic Affairs according to the Austrian Trade Act (para. 243 e)) is required!</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitment
	<p>Mortgage bonds and municipal bonds may be issued by banks specialized and authorized only for this activity (Mortgage Bank Law; Banking Law para. 1.1) 9)</p> <p>Services of investment fund management (investment companies) may be provided by banks specialized and authorized only for this business (Banking Law para 1.1) 13; Investment Fund Law para. 2.2))</p> <p>Only banks authorized for the safe custody business (Banking Law para. 1.1) 5) can act as depositories of the assets of investment funds (Investment Fund Law para. 23.1))</p> <p>For carrying out services of pension fund management a specialized company only for this activity and incorporated as a stock company in Austria is required (Pension Fund Law paras. 1.3), 6.1)).</p> <p>4) Unbound except as indicated in Part I</p>	<p>4) Unbound except as indicated in Part I</p> <p>At least one member of the Board of Directors of a bank must reside in Austria and have a good command of the German language (Banking Law para. 5.1) 10, 11)</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>8. HEALTH RELATED AND SOCIAL SERVICES</p> <p>A. <u>Hospital services</u> (9311)</p> <p>B. <u>Other human health services provided through resident in health facilities like health resort hotels and therapeutic bath services</u> (93193)</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) Limitation of the number of beds; authorization required according to the national health-service plan is based on the criteria of need; when authorizing the establishment of hospitals due consideration on a case-by-case basis is taken of the density of population, existing facilities, traffic infrastructure, topographical conditions and the distance between hospitals</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound*</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) Unbound*</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound*</p> <p>2), 3) None</p> <p>4) Unbound except as indicated in Part I</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
C. <u>Social services</u> (933)	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I and: commercial presence required	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I and in the market access column	
9. TOURISM AND TRAVEL RELATED SERVICES			
A. <u>Hotels and restaurants</u> <u>including catering</u> (641-643)	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I	
B. <u>Travel agencies and tour</u> <u>operators services</u> (7471)	1) None 2), 3) None 4) Unbound except as indicated in Part I	1) None 2), 3) None 4) Unbound except as indicated in Part I	
C. <u>Tourist guides services</u> (7472)	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services)</p>			
<p>A. <u>Entertainment services including theatre, live bands and circus services</u> (9619)</p>	<p>1), 2), 3) None 4) Unbound except as indicated in Part I</p>	<p>1), 2), 3) None 4) Unbound except as indicated in Part I</p>	
<p>B. <u>News agency services</u> (962)</p>	<p>1), 2), 3) None 4) Unbound except as indicated in Part I</p>	<p>1), 2), 3) None 4) Unbound except as indicated in Part I</p>	
<p>C. <u>Libraries, archives, museums and other cultural services</u> (963)</p>	<p>1), 2), 3) None 4) Unbound except as indicated in Part I</p>	<p>1), 2), 3) None 4) Unbound except as indicated in Part I</p>	
<p>D. <u>Sporting and other recreational services other than ski school services, ski and mountain guide services, gambling and betting services</u> (964)</p>	<p>1), 2), 3) None 4) Unbound except as indicated in Part I</p>	<p>1), 2), 3) None 4) Unbound except as indicated in Part I</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

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>a) b) Passenger and freight transportation (7211, 7212)</p> <p>C. <u>Air transport services as defined in the Air Transport Annex:</u></p> <p>- Aircraft repair and maintenance services</p>	<p>1), 2) None</p> <p>3) In order to obtain the Austrian flag establishment of a registered company is required; nationality, residency and ownership requirements as defined by the Maritime Shipping Act 1981 (e.g. national ownership exceeding 75 per cent required); exemptions from the citizenship requirement are admitted if the activity meets with particular economic interests of Austria</p> <p>4) Unbound except as indicated in Part I</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>1), 2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1), 2), 3) None</p> <p>4) Unbound except as indicated in Part I</p>	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
- Selling and marketing of air transport services	1), 2), 3) None	1), 3) For distribution through CRS of air transport services provided by CRS parent carrier: unbound 2) None	
- Computer reservation system (CRS) services	4) Unbound except as indicated in Part I 1), 2), 3) None	4) Unbound except as indicated in Part I 1), 3) For obligation of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries: unbound 2) None	
D. <u>Space transport</u> (733)	4) Unbound except as indicated in Part I 1), 2), 3) None	4) Unbound except as indicated in Part I 1), 2), 3) None	
F. <u>Road transport services</u>	4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	
d) Maintenance and repair of road transport equipment (6112, 8867)	1), 2), 3) None 4) Unbound except as indicated in Part I	1), 2), 3) None 4) Unbound except as indicated in Part I	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
H. <u>Services auxiliary to all modes of transport</u>			
b) Storage and warehousing services (742)	1) Unbound* 2), 3) None	1) Unbound* 2), 3) None	
c) Freight transport agency services (748)	4) Unbound except as indicated in Part I 1), 2), 3) None	4) Unbound except as indicated in Part I 1), 2), 3) None	
12. OTHER SERVICES NOT INCLUDED ELSEWHERE			
- Hairdressing services (97021)	1) Unbound* 2), 3) None	1) Unbound* 2), 3) None	
- Cosmetic treatment, manicuring and pedicuring services (97022)	4) Unbound except as indicated in Part I 1) Unbound* 2), 3) None	4) Unbound except as indicated in Part I 1) Unbound* 2), 3) None	
	4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	

AUSTRIA (continued)

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or subsector	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
	Limitations on market access	Limitations on national treatment	Limitations on national treatment	Additional commitments
- Other beauty treatment services n.e.c (97029)	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I	1) Unbound* 2), 3) None 4) Unbound except as indicated in Part I	