

**MULTILATERAL TRADE
NEGOTIATIONS
THE URUGUAY ROUND**

RESTRICTED

MTN.TNC/W/53/Rev.1*

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Trade Negotiations Committee

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COMMUNICATION FROM THE EUROPEAN COMMUNITIES

Revision

**Preliminary Conditional Offer by the European Communities
of Initial Commitments on Trade in Services**

The attached is a preliminary offer by the European Communities of initial commitments under the future General Agreement on Trade in Services. This offer is conditional.

The Community is tabling this offer with a view to facilitating progress in this week's negotiations. Its maintenance and its adjustment will depend on the achievement of a satisfactory outcome in those negotiations regarding the General Agreement itself as well as the associated annexes. The proposal is furthermore based on the assumption that the draft decision regarding procedures for the negotiation of initial commitments contained in document MTN.TNC/W/35/Rev.1 will also be accepted as part of the outcome of the Ministerial Conference.

*English only/Anglais seulement/Inglés solamente

PRELIMINARY CONDITIONAL OFFER OF INITIAL COMMITMENTS
BY THE EUROPEAN COMMUNITIES ON TRADE IN SERVICES

The Community is putting forward the attached preliminary offer on initial commitments for negotiation in the framework of the future General Agreement on Trade in Services (GATS). It is made with a view to the simultaneous entry into force of the entire package of GATS, sectoral annexes and initial commitments.

This offer is conditional on the outcome of the current negotiations on the GATS and its associated sectoral annexes. The Community reserves its right to withdraw its offer should no satisfactory result be reached in this respect.

The assessment of this result will be based on the following considerations:

The GATS itself must be based on effective application of the m.f.n. principle, universal sectoral coverage, and the binding of all regulatory bodies, whether national or sub-national, governmental or non-governmental. A firm commitment must also be made by parties not to take any measures which would improve their negotiating positions. The Community has also expressed specific concerns regarding the treatment of activities involving the exercise of public authority and the temporary movement of equipment necessary for the provision of a service.

The points which the Community has made in a number of sectors, as expressed in various written and oral submissions to the GNS and its working groups, should be adequately addressed through sectoral annexes for: financial services, telecommunications, transport and audiovisual services. In addition, the Community assumes that a satisfactory Annex on labour movement will also be included in the GATS.

The content of the offer itself is conditional and the Community reserves the right to modify, extend or reduce it. The Community's readiness to confirm the offer will be dependent on the willingness of its negotiating partners to assume, taking into account their individual levels of development, a level of commitment comparable to that proposed by the Community, in terms both of the sectors in which commitments are made and of the depth of liberalization therein. The Community also expects that its partners will, in common with its own approach, be ready to undertake commitments which represent a step towards liberalization rather than a potential deliberalization.

The Community and its Member States maintain at present certain reciprocity measures. The fact that the GATS is based on an obligation of unconditional m.f.n. would imply the renunciation of possible future recourse to such measures. The Community's readiness to do so would be dependent on both adequate mechanisms within the framework to ensure an adequate balance of commitments in certain sectors and the assumption by others of a satisfactory level of commitment.

Finally, the Community reserves its rights to correct this offer to take into account inaccuracies resulting from the time constraints under which it has been prepared.

Additional notes

1. In many instances the offer refers to a commitment of standstill. In such cases the Community would, unless otherwise indicated, be prepared to bind the régime in force on 7 December 1990. In some of those instances the entry in the table indicates that there are no limitations; this affirmation is currently subject to final verification and may be amended should it become apparent that some restrictions do in fact exist. Some additional clarifications and/or amendments may also be necessary where there is already an indication of some limitation. In any case any amendments would be limited to the insertion of those measures applying on the reference date.
2. The proposal in relation to movement of personnel on page 1 of the table ("All Sectors") indicates a willingness to envisage some degree of commitment in this area. However, due both to the shortage of time available for the preparation of the offer and to the variations between the régimes applied in different Member States of the Community, no detailed proposal is made. The applicable régimes would be set out in detail in the final Schedule of the Community's commitments, following negotiations during the course of 1991.
3. The nomenclature used is in most instances that set out in MTN.GNS/W/50. Exceptions relate to financial services, transport, telecommunications, legal and management services.
4. The layout of the offer is based on the draft schedule attached to MTN.GNS/35. It does not reflect changes in format and nomenclature introduced in MTN.TNC/W/35.

EC OFFER <ul style="list-style-type: none"> 1. Cross-border trade; 2. Movement of consumers; 3. Commercial presence; 4. Movement of personnel 	Sector/ sub-sector Undertakings with respect to market access	Undertakings with respect to national treatment
<u>All Sectors*</u>	<p>3. So far as entry to the Community market in the form of establishment is concerned, this offer covers entry by a commercial presence in any form (subsidiary, branch, representative office, etc.)</p> <p>- <u>Limitations</u></p> <p>3. No limitation other than:</p> <ul style="list-style-type: none"> - D: some limitation on real estate purchase by non-EC persons (to be completed) - GR: purchase of real estate by foreign, natural or juridical persons, limited in frontier zones. - P: direct investments realized by companies controlled by persons not part of the EC are subject to a prior declaration. Tacit authorization is given by the Ministry of Economy, Finances and the Budget, within a period of one month, unless the right of postponement for reasons of national interest is exercised. - P: authorization required for the subscription or acquisition of more than 20 per cent of the capital share of Portuguese companies, by natural or juridical persons non-residents or not having their corporate base within the EC. 	

* It is understood that the limitations and offers "all sectors" are applicable to each sector/sub-sector individually

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- <u>Offer</u>	<p>2. Restrictions on the export of foreign currency (E, IRL, GR, P) eliminated at end of 1992 (E, IRL) and at the latest end of 1995 (GR, P)</p> <p>3. The provisions of the EEC Treaty (Art.58) generally confer Community treatment to subsidiaries of foreign companies formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the Community. This treatment is not extended to branches established in a Member State by a non-Community company, but does not prevent a Member State from extending national treatment to branches established in another Member State by a non-Community company as regards its operation in its territory.</p> <p>4. Subject to further consideration</p>	

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
<u>Business Services</u>		
<u>Rental/Leasing of Equipment without Crew</u>		
- transport: cars, trucks, aircraft, ships, etc.	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- non-transport: computers, construction/demolition, etc.	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
<u>Real Estate Services (not including rental of land)</u>		
- involving own or leased property	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- on a fee or contract basis (e.g. property evaluation, estate management, etc.)	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
<u>Installation and Assembly Work</u> (other than construction)	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
<u>Maintenance and Repair of Equipment (excluding aircraft and fixed structures)</u>		<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
<u>Professional Services*</u>		
- Legal services	<p>Legal advice activities on home country law and international law</p> <ol style="list-style-type: none"> 1. No limitation other than: <ol style="list-style-type: none"> D: to be completed L: to be completed P: to be completed E: to be completed GR: to be completed 2. No limitation STANDSTILL 3. No limitation other than: <ol style="list-style-type: none"> D: to be completed L: to be completed P: to be completed E: to be completed GR: to be completed F: to be completed <p>- Accountancy</p> <ol style="list-style-type: none"> 1. No limitation other than: <ol style="list-style-type: none"> DK, GR: to be completed F: audit activities 2. No limitation STANDSTILL 3. No limitation other than: <ol style="list-style-type: none"> DK, GR: to be completed F: conditions of nationality 	<p>1. No limitation (to be completed) STANDSTILL</p> <p>2. No limitation STANDSTILL</p> <p>3. No limitation (to be completed) STANDSTILL</p> <p>1. No limitation STANDSTILL</p> <p>2. No limitation STANDSTILL</p> <p>3. No limitation STANDSTILL</p>

* The supply of these services are in general subject to certain regulations and qualifications. Certain professions are subject to rules or Code of Ethics.

Some of the activities covered by these services constitute the exercise of governmental functions and are therefore excluded from the purview of the Agreement (Article I.3(b)).

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Architects	<ul style="list-style-type: none"> 1. No limitation other than: D: to be completed STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Doctors and Dentists	<ul style="list-style-type: none"> 1. Unbound 2. No limitation STANDSTILL 3. No limitation other than: D, GR: to be completed F: conditions of nationality for doctors STANDSTILL 	<ul style="list-style-type: none"> 1. Unbound 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Veterinary Surgeons	<ul style="list-style-type: none"> 1. No limitation (to be completed) STANDSTILL 2. No limitation STANDSTILL 3. No limitation (to be completed) STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation (to be completed) STANDSTILL 2. No limitation STANDSTILL 3. No limitation (to be completed) STANDSTILL
- Agriculture, forestry and fishing	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Mining and oil-field services	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Management and administrative services (including management consultancy)	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Advertising	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Market research and opinion polling	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Surveying and exploration services	1. No limitation STANDSTILL 2. No limitation STANDSTILL. 3. No limitation F: conditions of nationality for surveyors undertaking public works. STANDSTILL	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Advisory and Consultative Engineering Services	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Industrial Engineering	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Engineering Design	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Urban Planning Services	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Interior Design Services	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Computer-related services (including hardware-related consulting, installation, data processing)	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Software development (including software implementation)	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Travel agencies and tour operators	<p>1. No limitation other than: B; travel agencies are required to have a permanent corporate base in Belgium. STANDSTILL</p> <p>2. No limitation STANDSTILL</p> <p>3. No limitation other than: B; investments, by companies that are not part of the EC, in travel agencies and the commercial presence thereof, are authorized provided the company can demonstrate that it has a permanent corporate base in Belgium.</p> <p>P; in order to allow the presence of a foreign travel agency, it has to be constituted under the form of a commercial company having its corporate base in Portugal with a minimum capital of 20 million Escudos totally subscribed and of which the sole corporate object is the pursuit of activities strictly related to travel agencies and tourism. The function of director of a travel agency can only be exercised by foreigners who have worked at least one year in a national agency and who speak the Portuguese language correctly.</p> <p>STANDSTILL</p>	<p>1. No limitation STANDSTILL</p> <p>2. No limitation STANDSTILL</p> <p>3. No limitation STANDSTILL</p>

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Tourist Guides	<p>1. No limitation other than: I, E: the right to exercise the profession is reserved for the local organizations of tourist guides.</p> <p>E, GR, F, I, P: access to the activity is subject to certain conditions of nationality. STANDSTILL</p> <p>2. No limitation STANDSTILL</p> <p>3. No limitation other than: E, GR, F, I, P: access to the activity is subject to certain conditions of nationality. STANDSTILL</p>	<p>1. No limitation STANDSTILL</p> <p>2. No limitation STANDSTILL</p> <p>3. No limitation STANDSTILL</p>
- Economic and behavioural research	<p>1. No limitation STANDSTILL</p> <p>2. No limitation STANDSTILL</p> <p>3. No limitation STANDSTILL</p>	<p>1. No limitation STANDSTILL</p> <p>2. No limitation STANDSTILL</p> <p>3. No limitation STANDSTILL</p>

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Labour recruitment and provision of personnel*	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation other than: D, I: State monopoly STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Investigation and security activities	<ul style="list-style-type: none"> 1. Limitations in all Member States except UK and IRL (to be completed) STANDSTILL 2. No limitation STANDSTILL 3. Limitations in all Member States except UK and IRL (to be completed) STANDSTILL 	<ul style="list-style-type: none"> 1. Limitations in all Member States except UK and IRL (to be completed) STANDSTILL 2. No limitation STANDSTILL 3. Limitations in all Member States except UK and IRL (to be completed) STANDSTILL
- Public relations services	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

* The service involved related to the supply of personnel already available on the labour market of the Community Member State concerned.

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Photographic Services	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
<u>Business Services not included elsewhere</u>		
- Cleaning of buildings and similar activities	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Waste disposal and processing	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Translation Services	1. No limitation STANDSTILL	1. No limitation STANDSTILL
	2. No limitation STANDSTILL	2. No limitation STANDSTILL
	3. No limitation STANDSTILL	3. No limitation STANDSTILL
- Exhibition Management Services	1. No limitation STANDSTILL	1. No limitation STANDSTILL
	2. No limitation STANDSTILL	2. No limitation STANDSTILL
	3. No limitation STANDSTILL	3. No limitation STANDSTILL
- Printing and Publishing	1. No limitation STANDSTILL	1. No limitation STANDSTILL
	2. No limitation STANDSTILL	2. No limitation STANDSTILL
	3. No limitation other than: E: non-Community participation is limited to 20 per cent of the capital share or of the voting rights in companies publishing works in the French language.	3. No limitation STANDSTILL

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
Telecommunications*		
- value added services**	1. No limitation from 1 January 1992	1. No limitation from 1 January 1992
	2. No limitation STANDSTILL	2. No limitation STANDSTILL
	3. No limitation from 1 January 1992	3. No limitation from 1 January 1992
- packet and circuit- switched data services***	1. STANDSTILL from entry into force. No limitation as from 1 January 1996, subject to further consideration.	1. STANDSTILL from entry into force No limitation as from 1 January 1996
	2. STANDSTILL from entry into force. No limitation as from 1 January 1996, subject to further consideration.	2. STANDSTILL from entry into force No limitation as from 1 January 1996
	3. STANDSTILL from entry into force. No limitation as from 1 January 1996, subject to further consideration.	3. STANDSTILL from entry into force No limitation as from 1 January 1996
- other types of satellite mobile services	1. Subject to further consideration 2. Subject to further consideration 3. Subject to further consideration	1. Subject to further consideration 2. Subject to further consideration 3. Subject to further consideration

*This offer is based on the draft annex, dated 19 November 1990.

**This does not include voice telephony, telegraph and telex.

***The provision of these services may be subject to licensing requirements (Directive No. 90/388/EEC).

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
<u>Audiovisual Services</u>		
Non-cultural services	1. Subject to further consideration 2. Subject to further consideration 3. Subject to further consideration	1. Subject to further consideration 2. Subject to further consideration 3. Subject to further consideration
<u>Other Communication Services</u>		
News and press agency services	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
<u>Construction and Related Engineering Services</u>		
	1. No limitation STANDSTILL Progressive elimination of technical barriers in the Community market, product by product or range of products by range of products, according to the progress achieved in the harmonization of European standards.	1. No limitation STANDSTILL Progressive elimination of technical barriers in the Community market, product by product or range of products by range of products, according to the progress achieved in the harmonization of European standards.
	2. Not applicable	2. Not applicable
	3. No limitation STANDSTILL	3. No limitation STANDSTILL

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
<u>Distribution Services*</u>		
- Merchanting (wholesale trade)	1. No limitation STANDSTILL	1. No limitation STANDSTILL
	2. No limitation STANDSTILL	2. No limitation STANDSTILL
	3. No limitation STANDSTILL	3. No limitation STANDSTILL
- Retail trade	1. No limitation STANDSTILL	1. No limitation STANDSTILL
	2. No limitation STANDSTILL	2. No limitation STANDSTILL
	3. No limitation STANDSTILL	3. No limitation STANDSTILL
- Agent fees and commissions related to distribution	1. No limitation STANDSTILL	1. No limitation STANDSTILL
	2. No limitation STANDSTILL	2. No limitation STANDSTILL
	3. No limitation STANDSTILL	3. No limitation STANDSTILL

* Excluding trade in arms, chemical products, explosives and precious metals

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Countertrading Services	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation other than F: conditions of nationality STANDSTILL	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

Sector / sub-sector	Undertakings with respect to market access			Undertakings with respect to national treatment
Education Services	1. No limitation other than D, GR: to be completed STANDSTILL	2. No limitation STANDSTILL	3. No limitation other than D, GR: to be completed STANDSTILL	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
Health Related Services (not including personal care)				
Hospital Services and Other Sanitary Services	1. Unbound	2. No limitation STANDSTILL	3. No limitation other than: B, F, L: the number of beds authorized is limited by a health services plan established on the basis of needs. B, F, L, P: equipment of heavy material is limited by a health services plan established on the basis of needs. GR: Limitation on establishment STANDSTILL	1. Unbound 2. No limitation STANDSTILL 3. No limitation STANDSTILL
Hotels and Restaurants (including catering)	1. No limitation STANDSTILL	2. No limitation STANDSTILL	3. No limitation STANDSTILL	1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
Personal Services (not included elsewhere)		
- House cleaning and maintenance services	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
- Nursing and other personal care services (including day-care)	<ul style="list-style-type: none"> 1. No limitation other than: F: not authorized for nurses STANDSTILL 2. No limitation STANDSTILL 3. No limitation other than: F: conditions of nationality for nurses STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL
<u>Leisure Services</u>		
Sporting and other recreational services (not including radio/film/TV) other than cultural services (libraries, archives, museums and other cultural services)	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation other than: E: foreign participation in capital of casinos cannot exceed 25 per cent. F: the exercise of the function of casino director is subject to conditions of nationality. GR, NL: casinos are public monopolies. STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation STANDSTILL 2. No limitation STANDSTILL 3. No limitation STANDSTILL

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
<u>Banking and Other Services* excluding insurance)**</u>	<p>Unlike foreign subsidiaries, branches established directly in a Member State by a non-Community company are not subject to prudential regulations harmonized at Community level which enable such subsidiaries to benefit from enhanced facilities to set up new establishments and to provide cross-border services throughout the Community. Therefore such branches receive an authorization to operate under conditions equivalent to those applied to domestic companies which is limited in principle to the territory of the Member State concerned, and may be required to satisfy a number of prudential requirements such as separate capitalization and other solvency requirements, and reporting and publication of accounts requirements.</p> <ol style="list-style-type: none"> 1. No limitation other than: DK: information related to payments systems such as payment cards concerning persons residing in Denmark must be registered or data processed only in Denmark. 2. No limitation other than: DK: residents who hold deposits abroad must file a declaration with the Central Bank; foreign securities of Danish bonds acquired abroad must be deposited in a Danish bank; securities may be held abroad in a foreign institution subject to reporting rules similar to those applied to deposit accounts held abroad [the need for a reservation on this item will depend on the final text of the agreement or of the annex]. 	

* This offer is based on the "Elements of a financial Annex" presented by the Chairman of the Working Group on Financial Services on 21 October 1990; the indication of limitations on cross-border services refers only to those cross-border services indicated in the unbracketed text of Articles XVI.A.2 and 3 of the text of 21 October 1990.

** Establishment, cross-border provision of financial services and operating conditions are subject to normal prudential considerations, such as capacity to provide financial services, reporting requirements and application of various solvency and liquidity requirements, etc.

**Undertakings With respect
to market access**

Sector/sub-sector

Banking (cont'd)	<p>3. No limitation other than ***: DK - information related to payment systems such as payment cards concerning persons residing in Denmark must be registered or data processed only in Denmark. GR - participation by foreign investors in the share capital of a bank established in Greece is limited in principle to 40 per cent. IRL - the right of establishment does not cover the establishment of representative offices of foreign banks. IT - foreign shareholding in "banks of national interest" is restricted. E, IRL, P - the establishment of non-EC banks may be subject to a test of economic need.</p>	<p>3. No limitation other than ***: All Member States - only firms having their registered office in the Community can act as depositaries of the assets of investment funds (Articles 8.1 and 15.1 of the UCITS Directive, 85/611/EEC); B, UK - branches of foreign banks need a prior authorization to act as lead managers on underwritings of securities issued in local currency on local capital markets. NL - permission is needed for foreign banks to act as lead-managers of guilders-denominated issues. D - branches of foreign banks are not authorized to lead manage issues denominated in deutsche marks. IRL - citizenship requirement for more than half of the Board of Directors of banks. GR: the majority of the members of the Board of Directors of a bank established in Greece must be Greek nationals, residing in Greece. IRL: in the case of unit trusts and collective investment schemes constituted as variable capital companies (other than undertakings for collective investment in transferable securities), the trustees or depository, management company or investment company may be required to be incorporated in the State or in another Member State of the Community.</p>
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*** The establishment of banks and/or other financial companies, or access to certain activities, is or may be subject to reciprocity requirements in nine Member States and according to Community legislation. As regards the non-application of these clauses, see paragraph 7 of the cover note.

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
<u>Insurance and Insurance-Related Services*</u> , **	<p>Unlike foreign subsidiaries, branches established directly in a Member State by a non-Community insurance company are not subject to prudential regulations harmonized at Community level which enable such subsidiaries to benefit from enhanced facilities to set up new establishments and to provide cross-border services throughout the Community. Therefore such branches receive an authorization to operate under conditions equivalent to those applied to domestic insurance companies which is limited in principle to the territory of the Member State concerned, and are required to satisfy a number of prudential requirements such as specific guarantee requirements, a separate capitalization, and localization in the Member State concerned of the assets representing the technical reserves and one third of the solvency margin.</p> <ol style="list-style-type: none"> 1. No other limitation than: D - compulsory air transport liability in insurance can be underwritten only by firms established in Germany. GR - (to be completed) IRL - (to be completed) E - Access to the actuarial profession is subject to a condition of residence. GR - Access to the actuarial profession is subject to specific qualifications (to be completed). 1. No limitation 2. No limitation 3. No other limitation than: IT - citizenship requirement for representation of insurance companies. <ol style="list-style-type: none"> 2. No other limitation than: (to be completed) 	

* This offer is based on the "Elements of a financial services Annex" presented by the Chairman of the Working Group on Financial Services on 21 October 1990; the indication of limitations on cross-border services refers only to those cross-border services indicated in the unbracketed text of Articles XVI.A.2 and 3 of the text of 21 October 1990.

** Establishment, cross-border provision of financial services and operating conditions are subject to normal prudential considerations, such as capacity to provide insurance services, reporting requirements, application of various solvency and liquidity requirements such as the need to maintain a solvency margin and a guarantee fund and a requirement to localize in the Member State of activity the assets representing the technical reserves related to the insurance activities carried out in its territory.

Sector/sub-sector

Undertakings with respect
to market access

Undertakings with respect
to national treatment

- Insurance (cont'd)
3. No other limitations than ***:
DK - only insurance companies, excluding individuals, may act as intermediaries for or assist in effecting direct insurance for persons resident in Denmark and for Danish ships or for property in Denmark, unless otherwise provided by rules laid down by the Minister of Industry.
D - fire insurance business and insurance against certain other damages by natural forces can be carried out in some parts of its territory only by public institutions enjoying monopoly rights.
GR, IRL, E - the right of establishment does not cover the creation of representative offices of insurance companies.
P - the establishment of foreign insurance companies may be subject to a test of economic need.

*** In eight Member States, and according to Community legislation, the establishment of insurance companies is or may be subject to a reciprocity requirement. As regards the non-application of these clauses, see paragraph 7 of the cover note.

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
<u>Transport</u>		
<u>Air transport</u> (freight and passengers) including auxiliary services.		
- Ground handling	<ul style="list-style-type: none"> 1. No limitation (subject to infrastructure capacities). 	<ul style="list-style-type: none"> 1. No limitation other than: E, IRL, NL: foreign airlines are not entitled to supply ground handling services to other air companies. STANDSTILL 2. No limitation - STANDSTILL DK: airport taxes are higher for non-European destinations. IRL: passengers handling charges are higher for non-European destinations. STANDSTILL 3. No limitation other than: E, IRL and NL: foreign airlines are not entitled to supply ground handling services to other air companies. GR: to be completed STANDSTILL
- Sales and marketing	<ul style="list-style-type: none"> 1. No limitation - STANDSTILL 2. No limitation - STANDSTILL 3. No limitation - STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation - STANDSTILL 2. No limitation - STANDSTILL 3. No limitation - STANDSTILL
- Computer reservations system	<ul style="list-style-type: none"> 1. No limitation - STANDSTILL 2. No limitation - STANDSTILL 3. No limitation - STANDSTILL 	<ul style="list-style-type: none"> 1. No limitation - STANDSTILL 2. No limitation - STANDSTILL 3. No limitation - STANDSTILL

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
- Maintenance and repair of aircraft	1. No limitation - STANDELL 2. No limitation - STANDELL 3. No limitation - STANDELL	1. No limitation - STANDELL 2. No limitation - STANDELL 3. No limitation - STANDELL
<u>Space_Launching_and_Freight</u>	1. No limitation - STANDELL 2. No limitation - STANDELL 3. No limitation - STANDELL	1. No limitation - STANDELL 2. No limitation - STANDELL 3. No limitation - STANDELL
Pipelines	1. No limitation (to be completed) STANDELL 2. No limitation - STANDELL 3. No limitation (to be completed) STANDELL	1. No limitation (to be completed) STANDELL 2. No limitation - STANDELL 3. No limitation (to be completed) STANDELL

Sector / sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
<u>Maritime Transport</u>	<p>- Transport (freight and passengers) between the Community and third countries</p> <p>1. Limitations as indicated under National Treatment*</p> <p>- Service auxiliary to transport</p> <p>1. No limitation - STANDSTILL</p> <p>2. Not applicable</p> <p>3. No limitation - STANDSTILL</p> <p>1. Limitations as indicated under National Treatment than: E, F, P; unilateral reservations of certain cargoes for vessels under their national flag. STANDSTILL</p> <p>2. No limitation - STANDSTILL</p> <p>3. Unbound</p> <p>1. No limitation - STANDSTILL</p> <p>2. Not applicable</p> <p>3. No limitation - STANDSTILL</p>	<p>1. No other limitation than: E, F, P; unilateral reservations of certain cargoes for vessels under their national flag. STANDSTILL</p> <p>2. No limitation - STANDSTILL</p> <p>3. Unbound</p>

* In maritime transport, in respect of cross-border trade, market access is not distinct from national treatment.

Sector / sub-sector	Undertakings with respect to market access			Undertakings with respect to national treatment
<u>Land Transport (freight and passengers (including services auxiliary to transport)*)</u>				
- Road transport**	1. Unbound	1. Unbound	1. Unbound - STANDSTILL	
	3. No limitation	3. No limitation	3. No limitation - STANDSTILL as from 1 January 1993 (entry into force of the definitive cabotage system within the Community).	
- Rail transport			1. Unbound	
Provision of combined transport service	1. Unbound - STANDSTILL	3. No limitation - STANDSTILL	3. No limitation - STANDSTILL	
- Inland waterways transport	1. Unbound	1. Unbound	1. Unbound	
	3. No other limitation than: EC Council Regulation No. 2119/85 submits application of the régime reserved by the Rhine Convention to specific nationality requirements.	3. No limitation - STANDSTILL	3. No limitation - STANDSTILL	

* Subject to further consideration. Undertakings to be completed if necessary in this respect.

** This sector is regulated on matters such as safety standards, qualifications, obligations imposed on the personnel, road traffic laws, protection of the integrity of the infrastructure... The level of standards required in this respect is generally getting higher.

Sector/sub-sector	Undertakings with respect to market access	Undertakings with respect to national treatment
<u>Charter Services</u> Leasing of vessels with crew (sea, road, air and space)	1. No limitation (to be completed) STANDSTILL 2. No limitation (to be completed) STANDSTILL 3. No limitation (to be completed) STANDSTILL	1. No limitation (to be completed) STANDSTILL 2. No limitation (to be completed) STANDSTILL 3. No limitation (to be completed) STANDSTILL