THE AGREEMENT ON CLIMATE CHANGE, TRADE AND SUSTAINABILITY

PREAMBLE

The Republic of Costa Rica, hereinafter referred to as "Costa Rica",

Iceland,

New Zealand,

and

The Swiss Confederation, hereinafter referred to as "Switzerland", hereinafter referred to each individually as "Party" and collectively as the "Parties",

ACKNOWLEDGING the urgent action all nations must take to combat climate change as well as loss of biodiversity, pollution and other serious environmental challenges in order to achieve sustainable development objectives;

RECALLING their rights and obligations under multilateral environmental and trade agreements to which they are a party;

AFFIRMING their commitment to take action to reduce greenhouse gas emissions, biodiversity loss and pollution with the aim of strengthening the global response to the serious challenges they pose;

DETERMINED to complement the various efforts to promote closer international collaboration on trade and environment issues, and to further strengthen the multilateral trading system in a way that contributes to sustainable development, building on their respective rights and obligations under the Marrakesh Agreement establishing the World Trade Organization done at Marrakesh on 15 April 1994 (WTO Agreement) and the agreements negotiated thereunder;

RECOGNISING the importance of active stewardship, guardianship and protection of natural surroundings;

EMPHASISING the essential role the environment plays in the well-being of citizens and communities, including Indigenous Peoples, among others, and the importance of their contribution to efforts to pursue sustainable development objectives;

REAFFIRMING their commitment to pursue sustainable development and recognising the importance of coherence and mutual supportiveness of trade and environment in this respect;

DETERMINED to enhance the contribution of trade and trade policy as important levers in the transition to net-zero emissions, more resource-efficient and circular economies, thereby improving economies and raising incomes;

DESIRING also to promote openness, inclusiveness and transparency;

RECOGNISING that trade and trade policy can and must support climate change mitigation and adaptation, pollution prevention and control, and the sustainable use, protection or restoration of biodiversity, ecosystems and natural resources, including water and marine resources;

ACKNOWLEDGING in that regard that tariff elimination on an ambitious and environmentally credible list of goods encourages more environmentally sustainable production, consumption and investment;

AND ACKNOWLEDGING in that regard the contribution of liberalised trade in environmental and environmentally related services based on a credible list;

RECOGNISING that harmful fossil fuel subsidies constitute a major obstacle to tackling climate change, and undermine sustainable development and shared commitments to uphold the objectives of the United Nations Framework Convention on Climate Change (UNFCCC) done at New York on 8 May 1992 as well as the goals of the Paris Agreement done at Paris on 12 December 2015 and the Parties' respective goals to achieve net zero emissions;

RECOGNISING the contribution that high-integrity and high-quality voluntary eco-labelling programmes can make to climate, environmental, trade and sustainable development objectives, building on existing international work on eco-labelling and related issues;

REAFFIRMING the right of each Party to regulate within its territory in order to meet legitimate national policy objectives;

ACKNOWLEDGING the importance of good corporate governance and responsible business conduct for sustainable development, and affirming their aim to encourage enterprises to observe internationally recognised guidelines and principles in this respect, such as the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, the OECD Principles of Corporate Governance, the United Nations Global Compact and the United Nations Guiding Principles on Business and Human Rights;

RECOGNISING the need for a just transition, the particular challenges faced by developing countries and their vulnerability to the impacts of climate change;

RECOGNISING the importance of ensuring an agreement that is able to respond to developments in climate, environmental, trade and sustainable development objectives through the inclusion of additional trade policy actions;

DESIRING to expand participation to this Agreement and provide momentum towards an eventual multilateral set of outcomes;

HAVE AGREED to conclude this Agreement:

Chapter 1. INITIAL AND GENERAL PROVISIONS

Article 1.1. Objective

The objective of this Agreement is to foster the contribution of international trade in addressing climate change and other serious environmental challenges, including loss of biological diversity and pollution, thereby contributing to the achievement of sustainable development, through such actions as:

(a) removing tariffs on environmental goods;

(b) liberalising trade in environmental and environmentally related services;

(c) disciplining and eliminating harmful fossil fuel subsidies in order to mitigate their adverse impact on the environment and contribute to global efforts to rapidly reduce greenhouse gas emissions resulting from production and consumption of fossil fuels; and

(d) providing guidelines for voluntary eco-labelling programmes and mechanisms.

Article 1.2. Geographical Scope

Unless otherwise provided, this Agreement shall apply:

(a) for Costa Rica, to the national territory including air and maritime space, where the State exercises complete and exclusive sovereignty or special jurisdiction in accordance with Articles 5 and 6 of the Constitución Política de la República de Costa Rica and international law;

(b) for Iceland:

(i) to the land territory, internal waters and the territorial sea, and the air-space above the territory of Iceland, in accordance with international law; and

(ii) to the exclusive economic zone and the continental shelf, in accordance with international law;

(c) for New Zealand, to the territory of New Zealand and the exclusive economic zone, seabed and subsoil over which New Zealand exercises sovereign rights with respect to natural resources in accordance with international law, but does not include Tokelau; and

(d) for Switzerland, to the territory of Switzerland, including land, internal waters and air-space, in accordance with international law and its domestic law.

Article 1.3. Definitions

For the Purposes of this Agreement:

(a) “days” means calendar days;

(b) “export duty” means any duty or charge of any kind imposed on, or in connection with, the exportation of a good, except where any suchduty or charge is:

(i) adopted or maintained on that good when destined for domestic consumption; or

(ii) imposed in conformity with Article VIII of GATT 1994;

(c) “Harmonized System” or “HS” means the Harmonized Commodity Description and Coding System, including its General Rules of Interpretation, Section Notes, Chapter Notes and Subheading Notes as adopted and implemented by the Parties in their respective laws;

(d) “GATS” means the General Agreement on Trade in Services, set out in Annex 1B to the WTO Agreement;

(e) “GATT 1994” means the General Agreement on Tariffs and Trade 1994, set out in Annex 1A to the WTO Agreement. For greater certainty, references in this Agreement to articles in GATT 1994 include the interpretative notes;

(f) “import duty” means any duty or charge of any kind imposed on, or in connection with, the importation of a good, except where any such duty or charge is:

(i) in conformity with Article III of GATT 1994;

(ii) an anti-dumping or countervailing duty applied in conformity with GATT 1994, the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, set out in Annex 1A to the WTO Agreement, and the SCM Agreement; or

(iii) in conformity with Article VII of GATT 1994; and

(g) "SCM Agreement" means the Agreement on Subsidies and Countervailing Measures, set out in Annex 1A to the WTO Agreement.

Article 1.4. Relation to other International Agreements

1. Recognising the Parties' intention for this Agreement to coexist with their existing international agreements, each Party affirms:

(a) in rrelation to existing international agreements to which all Parties are party, its existing rights and obligations with respect to the other Parties; and

(b) in relation to existing international agreements to which that Party and at least one other Party are party, its existing rights and obligations with respect to that other Party or Parties, as the case may be.

2. If a Party considers that a provision of this Agreement is inconsistent with a provision of another agreement to which it and at least one other Party are party, the relevant Parties to the other agreement shall, upon request, consult with a view to reaching a mutually satisfactory solution taking into consideration general principles of international law. This paragraph is without prejudice to a Party's rights and obligations under Chapter 7 (Dispute Settlement).

3. As a result of the customs union established by the Customs Treaty of 29 March 1923 between Switzerland and Liechtenstein, Switzerland shall represent Liechtenstein in matters covered thereby.

Article 1.5. Most-Favoured-Nation Application

The Parties affirm their intention to apply this Agreement in accordance with their obligations under paragraph 1 of Article I of GATT 1994 and paragraph 1 of Article II of GATS.

Article 1.6. Transparency

1. Each Party shall promptly publish, or otherwise make publicly available, its laws, regulations, judicial decisions, administrative rulings of general application as well as its respective international agreements that may affect the operation of this Agreement.

2. Each Party shall respond without undue delay to specific questions and provide, upon request, information to other Parties on matters referred to in paragraph 1.

3. To the extent possible, each Party shall promote public awareness of this Agreement and its related laws, regulations and practices, take the necessary measures to make information relevant to this Agreement easily accessible to the public by electronic means and provide access to the public upon request to such information, in accordance with its laws and regulations. Each Party undertakes to be open to receive and take into consideration input from the public on matters relevant to this Agreement in accordance with its laws and regulations.

4. Nothing in this Agreement shall be construed to require any Party to disclose information, if the Party considers that such disclosure would:

(a) be contrary to the public interest;

(b) be contrary to its domestic law;

(c) impede law enforcement; or

(d) prejudice the legitimate commercial interests of any economic operator.

5. In case of inconsistency between this Article and provisions relating to transparency in other chapters of this Agreement, the latter shall prevail to the extent of the inconsistency.

Article 1.7. Cooperation In International Fora

The Parties shall strive to strengthen their cooperation on trade and environmental issues of mutual interest in relevant bilateral, regional and multilateral fora in which they participate.

Article 1.8. Security Exceptions

1. For the purposes of this Agreement, Article XXI of GATT 1994 shall apply and is hereby incorporated into and made part of this Agreement, mutatis mutandis.

2. For the purposes of this Agreement, Article XIVbis of GATS shall apply and is hereby incorporated into and made part of this Agreement, mutatis mutandis.

Article 1.9. Restrictions to Safeguard the Balance of Payments

1. Where a Party is in serious balance of payments and external financial difficulties or under threat thereof, it may:

(a) in the case of trade in environmental goods covered by this Agreement, in accordance with the conditions provided for under GATT 1994 and the WTO Understanding on the Balance-of- Payments Provisions of the General Agreement on Tariffs and Trade 1994, set out in Annex 1A to the WTO Agreement, adopt restrictive import measures;

(b) in the case of trade in environmental and environmentally related services, in accordance with the conditions provided for under Article XII of GATS, adopt or maintain restrictions on services on which it has undertaken commitments under this Agreement, including on payments or transfers for transactions related to such commitments.

2. Any restrictions adopted or maintained by a Party under paragraph 1, or any changes thereto, shall be notified promptly to the other Parties. A notification by a Party in accordance with its international obligations as set out in paragraph 1 shall be deemed equivalent to a notification under this Agreement.

Article 1.10. Taxation

1. for the purposes of this Article:

(a) "tax convention" means a convention for the avoidance of double taxation or other international taxation agreement or arrangement; and

(b) taxation measures do not include import duties and export duties as defined in Article 1.3 (Definitions).

2. Except as provided in this Article, nothing in this Agreement shall apply to taxation measures.

3. Nothing in this Agreement shall affect the rights and obligations of a Party under any tax convention. In the event of any inconsistency between this Agreement and any such tax convention, the latter shall prevail to the extent of the inconsistency. The competent authorities under that tax convention shall have the sole responsibility to determine whether

an inconsistency exists between this Agreement and that tax convention. The determination shall be issued within six months of referral to the competent authorities, to the extent possible. An arbitration panel established under Chapter 7 (Dispute Settlement) to consider a dispute related to a taxation measure shall accept as binding a determination of the competent authorities of the Parties made under this paragraph.

4. Subject to paragraph 3, the provisions referred to hereafter shall apply to taxation measures:

(a) Chapter 3 (Trade in Environmental Services); and

(b) Chapter 4 (Fossil Fuel Subsidies).

Article 1.11. Tiriti O Waitangi / Treaty of Waitangi

1. Provided that such measures are not used as a means of arbitrary or unjustified discrimination against persons of the other Parties or as a disguised restriction on trade in goods, trade in services and investment, nothing in this Agreement shall preclude the adoption by New Zealand of measures it deems necessary to accord more favourable treatment to Maori in respect of matters covered by this Agreement including in fulfilment of its obligations under the Tiriti o Waitangi / Treaty of Waitangi.

2. The Parties agree that the interpretation of the Tiriti o Waitangi / Treaty of Waitangi, including as to the nature of the rights and obligations arising under it, shall not be subject to the dispute settlement provisions of this Agreement. Chapter 7 (Dispute Settlement) shall otherwise apply to this Article. An arbitral tribunal established under Article 7.7 (Establishment of an Arbitral Tribunal) may be requested by another Party to determine only whether any measure referred to in paragraph 1 is inconsistent with its rights under this Agreement.

Chapter 2. TRADE IN ENVIRONMENTAL GOODS

Article 2.1. Objective

The objective of this Chapter is to promote the liberalisation of trade in environmental goods as a means of contributing to the transition to a low-emission, climate-resilient, circular and sustainable economy, and increasing the uptake of, and investment in, relevant technologies and products that address pressing environmental needs.

Article 2.2. Scope

This Chapter shall apply exclusively to trade in environmental goods listed in Annex II (List of Environmental Goods)

Article 2.3. Environmental Goods

1. Environmental goods listed in Annex II (List of Environmental Goods) are goods that substantially contribute to:

(a) climate change adaptation and mitigation;

(b) pollution prevention and control;

(c) the sustainable use, protection or restoration of natural resources, biodiversity and ecosystems;

(d) the transition to a circular economy; (e) the sustainable development objectives of the Parties; or

(e) other wider environmental goals of the Parties.

2. The list of environmental goods contained in Annex II (List of Environmental Goods) is not intended to include goods which significantly harm any purpose referred to in paragraph 1.

3. The list of environmental goods contained in Annex II (List of Environmental Goods) shall be reviewed regularly, including with respect to the matters referred to in paragraphs 1 and 2, with a view to updating the list pursuant to Article 2.10 (Review).

Article 2.4. Conservation and Sustainable Management Relevant for the Production of Environmental Goods

1. Acknowledging the importance to the objective of this Agreement of the conservation and sustainable management of

ecosystems relevant for the production of environmental goods, the Parties commit to, inter alia:

(a) promote trade in sustainably produced environmental goods;

(b) ensure transparency of domestic policies and measures pertaining to sustainable production of environmental goods;

(c) foster cooperation on improving and strengthening standards, ptactices and guidelines for sustainably produced environmental goods, where applicable;

(d) strive to ensure that their respective environmental laws and policies provide for and encourage high levels of environmental protection, and continue to improve their respective levels of environmental protection;

(e) engage in discussions on the possible equivalence of relevant domestic sustainability instruments, policies and systems of other Parties as adequately fulfilling the sustainability objectives of their respective standards and regulations, even where the instruments, policies and systems differ from their own (1);

(f) undertake to ensure the conservation and sustainable management of the ecosystems relevant for the production of environmental goods, with the objective of reducing greenhouse gas emissions and biodiversity loss, including those resulting from deforestation, forest degradation, land use and land-use change including for agricultural and mining activities; and

(g) promote the effective use of existing international instruments pertinent to subparagraphs (a) to (f).

2. For greater certainty, the Parties affirm their right to adopt or maintain measures in accordance with their international obligations in order to achieve legitimate objectives in relation to environmental goods under this Agreement, including due diligence systems or certification schemes to verify that the relevant commodities and products have been produced in a sustainable and lawful manner.

3. With regard to environmental goods classified under HS subheadings of Chapter 44 and HS subheading 9406.10 listed in Annex II (List of Environmental Goods):

(a) a Party may adopt or maintain measures referred to in paragraph 2 to verify that such commodities and products have been produced in a sustainable and lawful manner;(2) and

(b) if a Party considers that the elimination of import duties would be detrimental to the conservation or sustainable management of forests and related ecosystems, notwithstanding Article 2.5 (Elimination of Import Duties), it may postpone the elimination of tariffs on such environmental goods for a period of up to 18 months following the entry into force of this Agreement for that Party. That Party may extend the postponement for a further 18 months, if necessary for introducing appropriate instruments to address these concems. Any postponement under this subparagraph shall be subject to prior notification to the other Parties.

(1) In relation to environmental goods classified under HS subheadings of HS Chapter 44 and HS subheading 9406.10 specified in Annex II (List of Environmental Goods), a Party shall, upon request, give positive consideration to accepting as equivalent, to the extent it is consistent with that Partyâs international obligations and domestic laws and regulations, sustainability instruments, policies and systems of the requesting Party or Parties, even if these differ from its own, provided it is satisfied that these sustainability instruments, policies and systems adequately fulfil the objectives of its own sustainability instruments, policies and systems.

(2) In the case of Costa Rica, Annex XI (Party-Specific Institutional Arrangements) shall apply.

Article 2.5. Elimination of Import Duties

1. Each Party shall eliminate import duties on all environmental goods listed in Annex II (List of Environmental Goods), except as otherwise provided for in that Annex.

2. A Party shall not introduce new import duties on any environmental good listed in Annex II (List of Environmental Goods).

Article 2.6. Elimination of Export Duties

1. Each Party shall eliminate existing export duties on all environmental goods listed in Annex II (List of Environmental Goods), except as may be agreed upon accession to this Agreement, to the extent strictly necessary and for a period not exceeding five years, as provided for in Annex II (List of Environmental Goods). A Party that has postponed the elimination of

export duties on goods in Annex II (List of Environmental Goods) shall endeavour to autonomously minimise the application and level of those duties.

2. A Party shall not introduce new export duties on any environmental good listed in Annex II (List of Environmental Goods).

Article 2.7. Temporary Special Mechanism

1. Reaffirming their shared aim to encourage increased participation of WTO Members to this Agreement, the Parties recognise that, for some economies, covering critical mass of international trade in environmental goods may be desirable before trade in certain environmental goods is liberalised.

2. Notwithstanding Article 2.5 (Elimination of Import Duties) and provided the conditions in paragraphs 3 and 4 are fulfilled:

(a) a Party may postpone the elimination of import duties on an environmental good at the time it accedes to this Agreement, provided that such postponement is specified in Annex II (List of Environmental Goods); and

(b) if new items are added to Annex II (List of Environmental Goods) in accordance with Article 6.2 (Functions of the Joint Commission), the respective decision by the Joint Commission shall indicate for which of the new items, if any, a Party may postpone the elimination of import duties (3).

3. The temporary postponement of the elimination of import duties is available for a period of 12 years from the date of entry into force of this Agreement, and such import duties once reduced or eliminated shall not be increased or re-introduced.

4. At the time a Party accedes to this Agreement, it may postpone the elimination of import duties on up to 8% of the number of items contained in Annex II (List of Environmental Goods) for a period six years after this Agreement enters into force for that Party, and up to 4% thereafter. Postponement under this paragraph shall in no case exceed the period set forth in paragraph 3.

5. A Party shall not postpone the elimination of import duties pursuant to paragraph 2 on more than half of the environmental goods classified in a single HS Chapter. Where a Party postpones the elimination of import duties pursuant to paragraph 2 on more than one environmental good, it shall not select goods classified in the same HS Chapter. This paragraph only applies where Annex II (List of Environmental Goods) includes more than one item classified in a particular HS Chapter.

(3) In the case of Costa Rica, Annex XI (Party-Specific Institutional Arrangements) shall apply.

Article 2.8. General Exceptions

1. For the purposes of this Chapter, Article XX of GATT 1994 shall apply and is hereby incorporated into and made part of this Agreement, mutatis mutandis.

2. The Parties understand that the measures referred to in Article XX(b) of GATT 1994 include environmental measures necessary to protect human, animal or plant life or health, and that Article XX(g) of GATT 1994 applies to measures relating to the conservation of living and non-living exhaustible natural resources.

Article 2.9. Sub-Committee on Trade In Environmental Goods

1. A Sub-Committee on Trade in Environmental Goods ("the Sub-Committee") is hereby established, consisting of representatives of each Party.

2. The Sub-Committee may consider any matter arising under this Chapter.

3. In relation to a matter referred to in paragraph 2, the functions of the Sub- Committee shall include:

(a) monitoring the implementation and operation of this Chapter;

(b) exchanging information including available data as a means to measure trade flows of environmental goods and monitoring growth of trade in environmental goods;

(c) performing the review set out in Article 2.10 (Review);

(d) monitoring and supporting the Parties' efforts under paragraph 1 of Article 2.4 (Conservation and Sustainable Management relevant for the Production of Environmental Goods), including with regard to any recognition assessments requested by a Party or Parties, and identifying further action under this Agreement contributing to conservation and sustainable management relevant for the production of environmental goods; and

(e) reporting, and making recommendations as necessary, to the Joint Commission.

4. The Sub-Committee shall meet within 18 months of the date of entry into force of this Agreement and thereafter as required under this Chapter or as agreed by the Parties.

Article 2.10. Review

1. The Sub-Committee shall review the list of environmental goods contained in Annex II (List of Environmental Goods) with a view to propose:

(a) necessary amendments related to the classification of goods under the HS for the application of Annex I (List of Environmental Goods);

(b) refinements of the additional product specification as appropriate, based on implementation experience by customs authorities; or

(c) the inclusion of additional products and other amendments to the list in line with the objective of this Agreement including the potential removal of products, refinements of the additional product specifications and the environmental benefits description in the light of, inter alia, emerging environmental challenges and environmental considerations, technological innovation, market, policy and regulatory developments.

2. Any proposal under subparagraph 1(c) shall be accompanied by a corresponding justification based on the environmental benefits of the goods concerned and reference to their environmental purposes listed in Annex I (Environmental Purposes - Trade in Environmental Goods).

3. The Sub-Committee shall undertake a review as provided for in paragraph 1 no later than one year after the adoption of the Recommendations concerning the periodic amendments of the HS by the Customs Co-operation Council, unless the Parties agree otherwise.

4. Upon completion of the review, the Sub-Committee may recommend that the Joint Commission modifies the Annexes to this Chapter pursuant to Article 6.2 (Functions of the Joint Commission).

Article 2.11. Annexes

The following Annexes, including their Appendices, if any, form an integral part of this Chapter:

(a) Annex I (Environmental Purposes - Trade in Environmental Goods); and

(b) Annex II (List of Environmental Goods).

Chapter 3. TRADE IN ENVIRONMENTAL SERVICES

Article 3.1. Objective

The objective of this Chapter is to promote the liberalisation of trade in environmental and environmentally related services that support climate change mitigation, climate change adaptation, the transition to a circular economy, pollution prevention and control, or the sustainable use, protection or restoration of biodiversity, ecosystems and natural resources, including water and marine resources.

Article 3.2. Scope

1. This Chapter shall apply to measures by Parties affecting trade in the environmental and environmentally related services listed in Annex IV (List of Environmental and Environmentally Related Services).

2. For the purposes of this Chapter, trade in environmental and environmentally related services is defined as the supply of an environmental and environmentally related service:

(a) from the territory of one Party into the territory of any other Party;

(b) in the territory of one Party to the service consumer of any other Party;

(c) by a service supplier of one Party, through commercial presence in the territory of any other Party;

(d) by aservice supplier of one Party, through presence of natural persons of a Party in the territory of any other Party.

Article 3.3. Definitions

For the purposes of this Chapter:

(a) “commercial presence” means any type of business or professional establishment, including through:

(i) the constitution, acquisition or maintenance of a juridical person; or

(ii) the creation or maintenance of a branch or a representative office, within the territory of a Party for the purpose of supplying a service;

(b) “direct taxes” comprises all taxes on total income, on total capital or on elements of income or of capital, including taxes on gains from the alienation of property, taxes on estates, inheritances and gifts, and taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation;

(c) “environmental and environmentally related services” means servicesthat:

(i) contribute substantially to the environmental goals in Article 3.1 (Objective) by:

(A) having as primary purpose a purpose listed in Annex III (Environmental Purposes – Trade in Environmental Services);

(B) directly serving a purpose listed in Annex III (Environmental Purposes – Trade in Environmental Services);

(C) being directly related to goods whose use is beneficial for a purpose listed in Annex III (Environmental Purposes – Trade in Environmental Services), including adapted goods; or

(D) being directly related to a technical process, installations or equipment, methods or knowledge whose primary purpose is listed in Annex III (Environmental Purposes – Trade in Environmental Services); and

(ii) do not significantly harm any purpose listed in Annex III(Environmental Purposes – Trade in Environmental Services);

(d) “juridical person” means any legal entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association;

(e) “juridical person of another Party” means a juridical person which is either:

(i) constituted or otherwise organised under the law of that other Party, and is engaged in substantive business operations in the territory of that Party or any other Party; or

(ii) in the case of the supply of a service through commercial presence, owned or controlled by:

(A) natural persons of that other Party; or

(B) juridical persons of that other Party identified under subparagraph (i);

(f) a “juridical person” is:

(i) “owned” by persons of a Party if more than 50 per cent of the equity interest in it is beneficially owned by persons of that Party;

(ii) “controlled” by persons of a Party if such persons have the power to name a majority of its directors or otherwise to legally direct its actions;

(iii) “affiliated” with another person when it controls, or is controlled by, that other person, or when it and the other person are both controlled by the same person;

(g) “measure” means any measure by a Party, whether in the form of a law, regulation, rule, procedure, decision, administrative action, or any other form;

(h) “measures by Parties” means measures taken by:

(i) central, regional or local governments and authorities; and

(ii) non-governmental bodies in the exercise of powers delegated by central, regional or local governments or authorities.

In fulfilling its obligations and commitments under the Agreement, each Party shall take such reasonable measures as may be available to it to ensure their observance by regional and local governments and authorities and non-governmental bodies within its territory;

(i) “measures by Parties affecting trade in services” includes measures in respect of:

(i) the purchase, payment or use of a service;

(ii) the access to, and use of, in connection with the supply of a service, services which are required by those Parties to be offered to the public generally;

(iii) the presence, including commercial presence, of persons of a Party for the supply of a service in the territory of another Party;

(j) “natural person of another Party” means a natural person who resides in the territory of that other Party or any other WTO Member, and who under the law of that other Party:

(i) is a national of that other Party; or

(ii) has the right of permanent residence in that other Party, in the case of a Party which:

(A) does not have nationals; or

(B) accords substantially the same treatment to its permanent residents as it does to its nationals in respect of measures affecting trade in services, as notified in its acceptance of or accession to the WTO Agreement, provided that no Party is obligated to accord to such permanent residents treatment more favourable than would be accorded by that other Party to such permanent residents;

(k) “person” means either a natural person or a juridical person;

(l) “sector” of a service means:

(i) with reference to a specific commitment, one or more, or all, subsectors of that service, as specified in a Party’s Schedule;

(ii) otherwise, the whole of that service sector, including all of itssubsectors;

(m) “services” means any service listed in Annex IV (List of Environmental and Environmentally Related Services) except for services supplied in the exercise of governmental authority;

(n) “service consumer” means any person that receives or uses a service;

(o) “service of another Party” means a service which is supplied:

(i) 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 which supplies the service through the operation of a vessel and/or its use in whole or in part; or

(ii) 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;

(p) “service 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;

(q) “service supplier” means any person that supplies a service; (4) and

(r) “supply of a service” includes the production, distribution, marketing, sale and delivery of a service.

(4) Where the service is not supplied directly by a juridical person but through other forms of commercial presence such as a branch or a representative office, the service supplier (i.e. the juridical person) shall, nonetheless, through such presence be accorded the treatment provided for service suppliers under this Chapter. 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 service supplier located outside the territory where the service is supplied.

Article 3.4. Government Procurement

Article 3.5 (Market Access) and Article 3.6 (National Treatment) shall not apply to laws, regulations or requirements governing the procurement by governmental agencies of services purchased for governmental purposes and not with a view to commercial resale or with a view to use in the supply of services for commercial sale.

Article 3.5. Market Access

1. With respect to market access through the modes of supply identified in paragraph 2 of Article 3.2 (Scope), each Party shall accord services and service suppliers of any other Party treatment no less favourable than that provided for under the terms, limitations and conditions agreed and specified in its Schedule. (5)

2. In sectors listed in Annex IV (List of Environmental and Environmentally Related Services) where market-access commitments are undertaken, the measures which 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, are defined as:

(a) limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;

(b) limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test;

(c) limitations on 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; (6)

(d) limitations on the total number of natural persons that may be employed in a particular service sector or that 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) measures which restrict or require specific types of legal entity or joint venture through which a service supplier may supply a service; and

(f) limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment.

(5) If a Party undertakes a market-access commitment in relation to the supply of a service through the mode of supply referred to in subparagraph 2(a) of Article 3.2 (Scope) and if the cross-border movement of capital is an essential part of the service itself, that Party is thereby committed to allow such movement of capital. If a Party undertakes a market-access commitment in relation to the supply of a service through the mode of supply referred to in subparagraph 2(c) of Article 3.2 (Scope), it is thereby committed to allow related transfers of capital into its territory.

(6) This subparagraph does not cover measures of a Party which limit inputs for the supply of services.

Article 3.6. National Treatment

1. In the sectors listed in Annex IV (List of Environmental and Environmentally Related Services) inscribed in its Schedule, and subject to any conditions and qualifications set out therein, each Party shall accord to services and service suppliers of any other 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. (7)

2. A Party may meet the requirement of paragraph 1 by according to services and service suppliers of any other Party, either formally identical treatment or formally different treatment to that 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 like services or service suppliers of any other Party.

(7) 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 3.7. Additional Commitments

Parties may negotiate commitments with respect to measures affecting trade in environmental and environmentally related services not subject to scheduling under Article 3.5 (Market Access) or Article 3.6 (National Treatment), including those regarding qualifications, standards or licensing matters. Such commitments shall be inscribed in a Party's Schedule.

Article 3.8. Movement of Natural Persons

1. This Article shall apply to measures affecting natural persons who are service suppliers of a Party, and natural persons of a Party who are employed by a service supplier of a Party, in respect of the supply of an environmental and environmentally related service.

2. This Chapter shall not apply to measures affecting natural persons seeking access to the employment market of a Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.

3. Natural persons covered by a specific commitment shall be allowed to supply the service in accordance with the terms of that commitment.

4. This Chapter shall not prevent a Party from applying measures to regulate the entry of natural persons of another Party into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to any Party under the terms of a specific commitment. (8)

(8) The sole fact of requiring a visa for natural persons shall not be regarded as nullifying or impairing benefits under a specific commitment.

Article 3.9. Transparency

1. Each Party shall publish promptly and, except in emergency situations, at the latest by the time of their entry into force, all relevant measures of general application which pertain to or affect the operation of this Chapter. International agreements pertaining to or affecting trade in environmental and environmentally related services to which a Party is a signatory shall also be published.

2. Where publication as referred to in paragraph 1 is not practicable, such information shall be made otherwise publicly available.

Article 3.10. Domestic Regulation

1. In sectors where specific commitments are undertaken, each Party shall ensure that all measures of general application affecting trade in environmental and environmentally related services are administered in a reasonable, objective and impartial manner.

2. 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. Where such procedures are not independent of the agency entrusted with the administrative decision concerned, the Party shall ensure that the procedures in fact provide for an objective and impartial review.

3. Where authorisation is required by a Party for the supply of a service on which a specific commitment has been made, the competent authorities of that Party shall, within a reasonable period of time after the submission of an application considered complete under that Partyâs domestic laws and regulations has been submitted, inform the applicant of the decision concerning the application. At the request of the applicant, the competent authorities of that Party shall provide, without undue delay, information concerning the status of the application.

4. With a view to ensuring that measures relating to qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services, the Joint Commission shall take a decision aiming at incorporating into this Agreement any disciplines developed in the WTO pursuant to paragraph 4 of

Article VI of GATS, which states that such disciplines shall aim to ensure that such requirements 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.

5. In sectors in which a Party has undertaken specific commitments under this Agreement, pending the entry into force of disciplines developed in these sectors pursuant to paragraph 4, that Party shall not apply licensing and qualification requirements and technical standards that nullify or impair such specific commitments in a manner which: (9)

(a) does not comply with the criteria outlined in subparagraphs 4(a), 4(b) or 4(c); and

(b) could not reasonably have been expected of that Party at the time the specific commitments in those sectors were made.

6. In determining whether a Party is in conformity with the obligations of patagraph 5, account shall be taken of international standards of relevant international organisations (10) applied by that Party.

7. In sectors where specific commitments regarding professional services are undertaken with regard to services listed in Annex IV (List of Environmental and Environmentally Related Services), each Party shall provide for adequate procedures to verify the competence of professionals of any other Party.

8. The Parties are encouraged to undertake as additional commitments, in accordance with Article 3.7 (Additional Commitments), the disciplines on domestic regulation contained in Section II and II of the WTO Joint Statement Initiative on Domestic Regulation Reference Paper (INF/SDR/2).

(9) For the purposes of this Agreement, the application of paragraph 5 shall be subject to such reservations as may be recorded, upon agreement between the Parties, in a Party's schedule.

(10) The term "relevant international organisations" refers to international bodies whose membership is open to the relevant bodies of at least all Parties.

Article 3.11. Payments and Transfers

1. Except under the circumstances envisaged in Article 1.9 (Restrictions to Safeguard the Balance of Payments), 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 the Parties under the Articles of Agreement of the International Monetary Fund, including the use of exchange actions which are in conformity with the Articles of Agreement of the International Monetary Fund, provided that a Party shall not impose restrictions on capital transactions inconsistent with its specific commitments regarding such transactions, except under Article 1.9 (Restrictions to Safeguard the Balance of Payments) or at the request of the Fund.

Article 3.12. General Exceptions

1. For the purposes of this Chapter, Article XIV of GATS shall apply and is hereby incorporated into, and made part of, this Agreement, mutatis mutandis.

2. The Parties understand that the measures referred to in Article XTV(b) of GATS include environmental measures necessary to protect human, animal or plant life or health.

Article 3.13. Schedules of Specific Commitments

1. Each Party shall set out in a schedule the specific commitments it undertakes under Article 3.5 (Market Access), Article 3.6 (National Treatment) and Article 3.7 (Additional Commitments) in sectors and subsectors listed in Annex IV (List of Environmental and Environmentally Related Services). With respect to the sectors and subsectors where commitments are undertaken, each schedule of specific commitments shall specify:

(a) terms, limitations and conditions on market access; (b) conditions and qualifications on national treatment;

(c) undertakings relating to additional commitments referred to in Article 3.7 (Additional Commitments); and

(d) where appropriate, the time-frame for implementation of such commitments and the date of entry into force of such commitments.

2. Measures inconsistent with both Article 3.5 (Market Access) and Article 3.6 (National Treatment) shall be inscribed in the column relating to Article 3.5 (Market Access). Such inscription shall be considered to provide a condition or qualification to Article 3.6 (National Treatment).

3. The respective schedules of specific commitments of the Parties are set out in Annex V (Schedules of Specific Commitments).

Article 3.14. Modification of Schedules

The Parties shall, upon written request by a Party, hold consultations to consider any modification or withdrawal of a specific commitment in the requesting Partyâs schedule of specific commitments. The consultations shall be held within three months of the request. In the consultations, the Parties shall aim to ensure that a general level of mutually advantageous commitments no less favourable to trade than that provided for in the schedule of specific commitments prior to such consultations is maintained. Modifications of schedules are subject to the procedures set out in Article 6.2 (Functions of the Joint Commission) and in Article 8.5 (Amendments).

Article 3.15. Review

1. The Joint Commission may, upon reasoned request from a Party or in the context of the general review referred to in Article 6.7 (General Review), undertake a review of this Chapter, including Annex III (Environmental Purposes - Trade in Environmental Services), taking into account in particular on-going work under the auspices of the WTO and other fora.

2. The Joint Commission shall, upon reasoned request from at least one Party or in the context of the general review referred to in Article 6.7 (General Review), undertake a review of Annex IV (List of Environmental and Environmentally Related Services) and modify it, where appropriate.

3. The following procedure shall apply to the review referred to in paragraph 2:

(a) a Party may, individually or jointly with another Party, propose a modification to Annex IV (List of Environmental and Environmentally Related Services);

(b) the Joint Commission shall assess the proposed change in accordance with the definition of environmental and environmentally related services in Article 3.3 (Definitions). It may also take other relevant matters into account, as appropriate;

(c) upon completion of its assessment, the Joint Commission may modify Annex IV (List of Environmental and Environmentally Related Services) in accordance with Article 6.2 (Functions of the Joint Commission). Such modification decision shall include a consolidated version of Annex IV (List of Environmental and Environmentally Related Services), as modified; and

(d) any new specific commitment or withdrawal of a specific commitment undertaken by a Party in a sector or subsector shall be reflected in that Party's schedule of specific commitments. Each Party concerned shall submit a draft modified consolidated schedule of specific commitments, reflecting the modifications of the Annex IV (List of Environmental and Environmentally Related Services), to the Joint Commission. Provided that the Joint Commission does not object, such schedule shall be modified in accordance with Article 6.2 (Functions of the Joint Commission).

Article 3.16. Annexes

The following Annexes form an integral part of this Chapter:

(a) Annex III (Environmental Purposes - Trade in Environmental Services);

(b) Annex IV (List of Environmental and Environmentally Related Services);

(c) Annex V (Schedules of Specific Commitments); and

(d) Annex VI (Financial Services).

Chapter 4. FOSSIL FUEL SUBSIDIES

Article 4.1. Objective

The objective of this Chapter is to discipline and eliminate harmful fossil fuel subsidies in order to mitigate their adverse impact on the environment and contribute to global efforts to rapidly reduce greenhouse gas emissions resulting from production and consumption of fossil fuels. This Chapter aims to, inter alia, support the global transition to renewable energy and clean energy, contribute to sustainable growth and development, increase transparency and further the objectives of the UNFCCC and the goals of the Paris Agreement, including by pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels.

Article 4.2. Scope

1. This Chapter applies to fossil fuel subsidies as set forth in paragraph 2 of Article 4.3 (Definitions).

2. Nothing in this Chapter shall apply to production or consumption subsidies to products that are produced from fossil fuels but not used as a source of energy.

3. Nothing in this Chapter shall apply to the allocation of units in the emission trading scheme of a Party.

4. Nothing in this Chapter shall apply to government procurement.

Article 4.3. Definitions

For the purposes of this Agreement:

1. “Fossil fuel” means a fuel derived from the remains of ancient plant and animal life, such as coal, natural gas and petroleum, as listed in Annex VII (List of Goods considered as Fossil Fuels).

2. A “fossil fuel subsidy” shall be deemed to exist if:

(a)(1) there is a financial contribution by a government or any public body within the territory of a Party (referred to in this Chapter as “government”), i.e. where:

(i) a government practice involves a direct transfer of funds (e.g. grants, loans, and equity infusion), potential direct transfers of funds or liabilities (e.g. loan guarantees);

(ii) government revenue that is otherwise due is foregone or not collected (e.g. fiscal incentives such as tax credits) (11);

(iii) a government provides goods or services other than general infrastructure, or purchases goods;

(iv) a government makes payments to a funding mechanism, or entrusts or directs a private body to carry out one or more of the type of functions illustrated in (i) to (iii) above which would normally be vested in the government and the practice, in no real sense, differs from practices normally followed by governments; or

(a)(2) there is any form of income or price support; and

(b) a benefit is thereby conferred, i.e. where:

(i) the financial contribution, or income or price support, is primarily targeting the following economic activities: exploration, extraction, refining, processing, manufacturing, storage, transport, pipeline transportation, distribution, trade, or marketing of fossil fuels and it reduces the costs of such activities or increases revenues retained by actors engaged therein (“production subsidy”);

(ii) the financial contribution, or income or price support, is primarily targeting the generation or manufacturing of the items listed in Annex VIII (List of energy products considered as fossil fuels), and it reduces the cost of their generation or manufacturing or increases revenues retained by actors engaged therein, provided that those items are generated or manufactured predominantly through the combustion of fossil fuels resulting in emissions exceeding the limits specified in Annex VIII (List of energy products considered as fossil fuels) (“subsidy to generation or manufacturing of energy products considered as fossil fuels”); or

(iii) the financial contribution, or income or price support, reduces the cost of fossil fuel use (“consumption subsidy”). For a Party that uses the SCRM mechanism provided for under Article 4.4 (SCRM Mechanism), a benefit is deemed to be conferred

to the extent that, as a consequence of such financial contribution, or income or price support, the SCRM falls below that Party's commitment according to Annex X (Schedules of Commitments – Fossil Fuel Subsidies).

3. "Standardised Carbon Rate Measurement" (SCRM), means the net total price applying to Carbon Dioxide (CO2) emissions from fossil fuel use as a result of policy instruments that increase or decrease the CO2 price, including carbon and energy taxes. Value-added taxes and the price effects of product and production regulations shall not be included in the calculation of the SCRM.

(11) In accordance with the provisions of Article XVI of GATT 1994 (Note to Article XVI) and the provisions of Annexes I through III of the SCM Agreement, the exemption of an exported product from duties or taxes borne by the like product when destined for domestic consumption, or the remission of such duties or taxes in amounts not in excess of those which have accrued, shall not be deemed to be a fossil fuel subsidy.

Article 4.4. SCRM Mechanism

1. A Party may choose whether to use the SCRM Mechanism provided for in this Article.

2. A Party intending to use the SCRM Mechanism shall undertake a SCRM commitment by notifying such commitment:

(a) when that Party notifies the completion of its ratification, acceptance or approval procedures pursuant to paragraph 1 of Article 8.3 (Entry into Force) or when it deposits its instrument of accession pursuant to subparagraph 4(a) of Article 8.6 (Accession); or

(b) after the entry into force of this Agreement for that Party, subject to approval by the Joint Commission.

3. For any Party using the SCRM Mechanism:

(a) that Party's SCRM commitment shall be set out in Annex X (Schedules of Commitments - Fossil Fuel Subsidies); and

(b) that Party's SCRM commitment shall be consistent with the climate targets of that Party, including under the Paris Agreement. A Party shall endeavour to increase the level of ambition of its SCRM commitments to reflect developments in its climate policy.

4. A Party may increase its SCRM commitment at any time by notifying such increase to all Parties. Another Party may request within 60 days of the receipt of the notification by all Parties confirmation by the Joint Commission that the new SCRM commitment constitutes an increase in ambition. Absent such request, or if it provides that confirmation, the Joint Commission shall modify Annex X (Schedules of Commitments - Fossil Fuel Subsidies) in accordance with Article 6.2 (Functions of the Joint Commission) to incorporate such change.

Article 4.5. Prohibition and Scheduling of Fossil Fuel Subsidies

1. A Party shall not introduce or maintain fossil fuel subsidies listed in Annex IX (List of Prohibited Fossil Fuel Subsidies).

2. A Party shall not introduce new fossil fuel subsidies, unless:

(a) the yearly aggregate amount of fossil fuel subsidies in place, introduced by that Party after this Agreement entered into force for it, does not exceed a de minimis limit of SDR 1 million (12) or another limit agreed by the Joint Commission; and

(b) fossil fuel subsidies within the de minimis limit provided for in sub- paragraph (a) are not listed in Annex IX (List of Prohibited Fossil Fuel Subsidies).

3. Each Party shall either eliminate or schedule existing fossil fuel subsidies that do not fall under paragraph 2 and shall not introduce any policy changes that increase an existing scheduled fossil fuel subsidy or enlarge its eligible group of recipients. (13) The scheduled fossil fuel subsidies of a Party are set out in Annex X (Schedules of Commitments - Fossil Fuel Subsidies) .

4. Each Party shall periodically review its scheduled fossil fuel subsidies with a view to assessing their possible elimination.

5. Paragraphs 1 to 4 shall not apply to production subsidies (14) for oil classified under HS 2707 and 2709-2710 and for gas classified under HS 2711 as set out in Annex VII (List of Goods considered as Fossil Fuels), when such subsidies are granted in the form of tax revenue foregone falling under subparagraph 2(a)(1)(ii) of Article 4.3 (Definitions). For greater certainty, the obligations provided for in Article 4.7 (General Cooperation), Article 4.9 (Transparency), and Article 4.10 (Review) are applicable.

(12) For the purpose of this provision, this amount is expressed in constant 2024 SDR.

(13) For greater certainty, increases of the total amount of a subsidy resulting solely from increased supply and demand of fossil fuels and not from the amendment of relevant laws, regulations or policies, are not considered an increase of existing subsidies through policy changes.

(14) For greater certainty, production subsidies referred to in this paragraph primarily target the economic activities listed in subparagraph 2(b)(i) of Article 4.3 (Definitions).

Article 4.6. Specific Exceptions

1. The Parties reaffirm their commitment to the objectives of the UNFCCC, the goals of the Paris Agreement, and the achievement of net zero emissions by reducing greenhouse gas emissions from fossil fuels and transitioning away from fossil fuels towards cleaner and renewable energies.

2. Nothing in this Chapter shall prevent a Party from introducing or maintaining subsidies that contribute significantly to the fulfilment of at least one of the following policy goals:

(a) support for decommissioning fossil fuel infrastructure provided such decommissionning results in a reduction in the capacity to extract fossil fuels; and provided that the Party has used all means reasonably available to it in accordance to its domestic law to require any entity previously engaged in production activities to take the necessary steps;

(b) targeted support to the reduction of greenhouse gas emissions or other forms of pollution that result from the supply or use of fossil fuels, including support to research and development;

(c) targeted support to low-income, remote or vulnerable communities or population groups, including where such support is designed to:

(i) ensure the availability of public transport, including air and sea transport to remote or outlying areas, while no lower-emission alternative is reasonably available to deliver equivalent services; or

(ii) reduce the disparity in access to and cost of energy across social groups and geographical regions;

(d) public or compulsory stockholding of fossil fuels for the improvement of energy security;

(e) temporary support for the response to, direct relief of, or recovery from, the effects of unexpected events causing significant hardship to that Party, such as natural disasters, emergencies or crises, including severe economic hardship or instability;

(f) energy supply for the provision of essential public services for education and health, or of humanitarian and emergency services;

(g) time-limited support to enable the generation of electricity needed to ensure the security of the domestic energy supply of that Party as part of its transition to increased use of renewable energy; and

(h) support biologically sustainable fishing activity of a Party, provided that the supported activity shall in total account for no more than (15):

(i) 0.5% of global marine capture per most recent FAO data for developing countries or 0.05% for developed countries; and

(ii) 1% of that Party's total domestic consumption of fossil fuels for developing countries or 0.5% for developed countries.

3. Nothing in this Chapter shall prevent a Party from maintaining subsidies to fulfil its existing international obligations, such as the Convention on International Civil Aviation done at Chicago on 7 December 1944, the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961 and the Revised Rhine Navigation Act done at Mannheim on 17 October 1868. A Party may maintain detaxation of maritime shipping fuels unless a binding international instrument enables their taxation subject to a review of this matter by the Joint Commission pursuant to Article 4.10 (Review).

4. With regard to measures within the scope of this Chapter, a Party may only invoke Article 1.8 (Security Exceptions) if this Article is not applicable.

(159 In the case of Costa Rica, Annex XI (Party-Specific Institutional Arrangements) shall apply.

Article 4.7. General Cooperation

1. The Parties recognise the importance of cooperation to implement this Chapter, strengthen the Parties joint and individual capacities to undertake fossil fuel subsidy reform as well as promote the importance of fossil fuel subsidy reform with non- parties in furtherance of international efforts to address climate change.

2. Accordingly, the Parties shall, as appropriate and as the resources of each Party allow, cooperate between themselves, in international fora, and together with non- parties, on fossil fuel subsidy reform, with the aim to discipline and eliminate harmful fossil fuel subsidies. Such cooperation may include:

(a) exchanging information and experiences on the development of best practices for reform policies, for example through dialogue, workshops, collaborative programmes and projects, sharing of information, joint analysis and the exchange of experts;

(b) joint advocacy to advance fossil fuel subsidy reform at the WTO, for example in the context of Trade Policy Reviews, at the WTO Committee on Trade and Environment, and in the Trade and Environmental Sustainability Structured Discussions, as well as through Joint Ministerial Statements;

(c) joint advocacy to advance fossil fuel subsidy reform within the relevant United Nations processes, organisations and agencies, including in the context of the United Nations Environment Programme (UNEP), the UNFCCC, the Paris Agreement, and the 2030 Agenda for Sustainable Development (including the United Nations Sustainable Development Goals);

(d) joint advocacy and strengthening cooperation to advance fossil fuel subsidy reform under the agreements mentioned in paragraph 3 of Article 4.6 (Specific Exceptions);

(e) encouraging Multilateral Development Banks (MDBs) and the International Monetary Fund (IMF) to increase their support to fossil fuel subsidy reform, which may include financial support, technical assistance, capacity building and policy advice;

(f) technical cooperation, including through information sharing and capacity building activities undertaken with international and civil society organisations, to facilitate and support non-parties to develop and apply best practice approaches for the elimination of harmful fossil fuel subsidies including through adherence to the disciplines set out in this Chapter;

(g) supporting and encouraging non-parties, on a voluntary basis, to submit to and engage in self-review or peer-review mechanisms offered by international organisations in order to assist in the identification and reform of harmful fossil fuel subsidies;

(h) increasing the transparency of fossil fuel subsidies globally, including by supporting and encouraging non-parties to report fossil fuel subsidies through notification to international bodies as appropriate, and collaborating on the development and adoption of international standards for transparency; and

(i) any other cooperation measures as appropriate.

Article 4.8. Assistance for Capacity Building

1. A Party in a position to do so shall strive to assist other Parties with limited capacity or specific needs in the successful implementation of their obligations under this Chapter, including, but not limited to, in the design of measures to effectively carry out the tasks required to discipline, eliminate, or notify fossil fuel subsidies.

2. A Party in a position to do so shall strive to assist non-parties with limited capacity or specific needs in reforming their fossil fuel subsidies, with a view to facilitate their pursuance of accession to this Agreement.

Article 4.9. Transparency

1. Each Party shall notify the other Parties of any fossil fuel subsidy:

(a) that is introduced, maintained or extended in accordance with paragraph 2 of Article 4.5 (Prohibition and Scheduling of Fossil Fuel Subsidies);

(b) that is maintained in accordance with paragraph 3 of Article 4.5 (Prohibition and Scheduling of Fossil Fuel Subsidies);

(c) that is referred to in paragraph 5 of Article 4.5 (Prohibition and Scheduling of Fossil Fuel Subsidies); and

(d) that is introduced, maintained or extended in accordance with Article 4.6 (Specific Exceptions).

2. Each Party shall include the following information in its notifications under paragraph 1:

(a) identification of the subsidy and the laws, regulations, or policies under which the subsidy is granted;

(b) the policy objective or purpose of the subsidy, including any modifications thereof;

(c) the subsidy per unit in local currency or, in cases where this is not possible, the total amount or the annual amount budgeted for that subsidy. With regard to subsidies granted in accordance with paragraph 2 of Article 4.5 (Prohibition and Scheduling of Fossil Fuel Subsidies), the aggregate annual amount budgeted for that subsidy shall be included;

(d) the form of the subsidy (grant, loan, tax concession, etc);

(e) the intended recipient or recipients;

(f) the duration of the subsidy or other time-limits attached to it;

(g) any available information demonstrating the mitigation of greenhouse gas emissions, if relevant; and

(h) for asubsidy notified pursuant to subparagraph 1(d), the compatibility of that subsidy with the climate policy of that Party.

3. Each Party shall provide consolidated information regarding the measures that fall under subparagraph 2(b)(ii) of Article 4.3 (Definitions) but do not confer a benefit on the use of fossil fuels because the SCRM does not fall below the Party's commitment. Such information shall include:

(a) identification of the laws, regulations, or policies under which the measure is granted;

(b) policy objective or purpose of the measure where it exists;

(c) support per unit in local currency;

(d) the form of the measure;

(e) the intended recipient or recipients;

(f) the duration of the measure or other time-limits attached to it; and

(g) the information relevant for the calculation of the SCRM concerning that measure.

4. Any notification or information provided under this Chapter shall be without prejudice as to whether the measure is consistent with this Agreement or any other international agreement, including the SCM Agreement.

5. Each Party shall provide to the other Parties notifications pursuant to paragraphs 1 and 2 and consolidated information pursuant to paragraph 3 within six months of the date of entry into force of this Agreement for that Party. Thereafter each Party shall update its notifications pursuant to paragraphs 1 and 2 and consolidated information pursuant to paragraph 3 every two years if any new subsidy or measure is introduced, or if a subsidy or measure has been modified. If the subsidies or measures remain unchanged compared with its previous notification or submission of consolidated information, the Party shall inform the other Parties thereof.

6. The Joint Commission shall examine new and updated notifications submitted pursuant to paragraphs 1 and 2, and consolidated information submitted pursuant to paragraph 3.

Article 4.10. Review

1. The Joint Commission shall undertake a review of this Chapter, including with regard to the following items, with the aim to further discipline and eliminate harmful fossil fuel subsidies:

(a) the inclusion of additional relevant measures, such as export restrictions or dual pricing schemes, under subparagraph 2(a)(2) of Article 4.3 (Definitions);

(b) the functioning of the SCRM Mechanism enshrined in paragraph 3 of Article 4.3 (Definitions);

(c) Article 4.5 (Prohibition and Scheduling of Fossil Fuel Subsidies), including Annex IX (List of Prohibited Fossil Fuel Subsidies);

(d) Annex VIII (List of Energy Products Considered as Fossil Fuels) and Annex X (Schedules of Commitments – Fossil Fuel Subsidies);

(e) the application of Article 4.5 (Prohibition and Scheduling of Fossil Fuel Subsidies) to production subsidies in the form of tax revenue forgone;

(f) Article 4.6 (Specific Exceptions);

(g) the implementation and operation of this Chapter; and

(h) any other matters as agreed by the Parties.

2. The Joint Commission shall undertake reviews provided for in paragraph 1 in temporal alignment with general reviews referred to in Article 6.7 (General Review), or upon request of a Party.

3. In conducting a review under paragraph 1, the Joint Commission shall take into account, inter alia, relevant:

(a) technological developments;

(b) new developments in domestic and international policy related to climate, environment, and trade; and

(c) academic research and developments with respect to climate, environment and trade policy challenges.

4. Upon completion of a review under paragraph 1, the Joint Commission may submit to the Parties proposals to amend this Agreement or modify Annexes to this Agreement or their Appendices pursuant to Article 6.2 (Functions of the Joint Commission).

Article 4.11. Annexes

The following Annexes, including their Appendices, form an integral part of this Chapter:

(a) Annex VII (List of Goods considered as Fossil Fuels);

(b) Annex VIII (List of Energy Products considered as Fossil Fuels);

(c) Annex IX (List of Prohibited Fossil Fuel Subsidies); and

(d) Annex X (Schedules of Commitments - Fossil Fuel Subsidies).

Chapter 5. ECOLABELLING

Article 5.1. Objective

The objective of the Guidelines provided for in Article 5.4 (Guidelines for Voluntary Ecolabelling Programmes) is to inform the development and

implementation of high-quality and high-integrity voluntary ecolabelling programmes in order to promote more transparent and sustainable trade.

Article 5.2. Scope and Definitions

1. This Chapter applies to voluntary ecolabelling programmes and ecolabels developed under them, for goods or services. (16)

2. For the purposes of this Chapter, "ecolabel" means a written or pictorial statement or claim attached to or provided with a good or service including by producers, traders, manufacturers, retailers or service providers relating to its environmental impact or aspects. An ecolabel may be:

(a) on a product;

(b) on a package label;

(c) in product documentation; or

(d) in a technical bulletin.

(16) For greater certainty, this Chapter does not apply to mandatory ecolabelling programmes and ecolabels developed under them.

Article 5.3. General Principles

The Parties recognise that high-integrity and high-quality voluntary ecolabelling programmes can contribute to, inter alia:

(a) promoting good environmental performance throughout supply chains by facilitating demand for, and supply of, sustainable goods and services;

(b) enhancing the potential commercial benefits and competitive advantage of using environmental performance in marketing; and

(c) empowering consumers, businesses and other stakeholders to make more sustainable choices through the provision of reliable information about aspects of the environmental performance of goods and services.

Article 5.4. Guidelines for Voluntary Ecolabelling Programmes

1. The Parties shall promote the following principle-based guidelines for the development and implementation of high-quality and high-integrity voluntary ecolabelling programmes: (17)

(a) an ecolabel should provide truthful, not misleading, reliable, comparable, substantiated and verifiable information on the environmental aspects of goods and services;

(b) an ecolabel should provide information that assists in differentiating environmentally preferable goods and services in a way that is meaningful to the market;

(c) where relevant, an ecolabel should strive for a holistic approach and may consider aspects other than environmental impacts in order to support other sustainable development objectives;

(d) an ecolabel should be based on, and take into account, scientific and technical information based on robust methodology;

(e) an ecolabel should be developed and implemented using fair and transparent processes. In the development of an ecolabel, relevant and appropriate information should be made available to stakeholders in an accessible manner without prejudice to relevant national legal requirements for protection of confidential information. Systems should be free from undue influence and where appropriate, a diverse and balanced range of interested stakeholders should have opportunities to participate in the process of developing and implementing an ecolabel;

(f) an ecolabel should follow a least trade restrictive approach and not create unnecessary barriers to trade;

(g) an ecolabel should not discriminate between goods or services on the basis of their origin;

(h) an ecolabel should be aligned with relevant international standards, recommendations or guidelines, support harmonisation of best practices and avoid duplication with international standards and international instruments;

(i) where relevant, ecolabel criteria and product category rules should take fitness for purpose and levels of performance into account;

(j) an ecolabel should seek to foster best practice and improvement over time in relation to environmental performance. Where relevant, ecolabel criteria and product category rules should be set with a pre- defined validity period and be reviewed before the end of that period;

(k) an ecolabel should take the most significant environmental impacts of the productâs life cycle into account. Where appropriate, ecolabels should be based on miulti-aspect and circular economy considerations;

(l) methodologies under an ecolabelling programme should aim to minimise compliance costs and complexity for businesses where possible and without negatively impacting environmental performance; and

(m) if an ecolabel requires third party verification or certification, such verification or certification should be performed by an

independent accredited body and according to relevant and recognised international standards, guidelines and recommendations.

(17) For greater certainty, the Guidelines provided for in this Article are not legally binding.

Article 5.5. National Contact Points

1. Each Party shall designate a National Contact Point and notify It to the other Parties in writing within 90 days of the date of entry into force of this Agreement for that Party.

2. Each Party shall promptly notify the other Parties of any change to its designated National Contact Point.

3. National Contact Points shall meet on an annual basis, or as otherwise agreed by the Parties, through appropriate means, including electronic mail or videoconferencing.

4. The responsibilities of each National Contact Point shall include:

(a) making reasonable efforts to inform all interested stakeholders within the territory of its Party of the existence and availability of the National Contact Points;

(b) promoting awareness of the Guidelines and making them available by appropriate means, including through online information;

(c) as appropriate, cooperating with relevant stakeholders concerning their application of the Guidelines;

(d) responding to enquiries and requests about the Guidelines from other National Contact Points and other interested stakeholders operating within their Party's territory;

(e) cooperating with other National Contact Points, where appropriate, on matters related to the Guidelines, including sharing best practices and experiences;

(f) facilitating engagement between interested stakeholders and the relevant ecolabel operators; and

(g) reporting to the Joint Commmission or any subsidiary body that may be established to deal with ecolabelling, on their activities and responses to requests made under this Article.

5. While a National Contact Point is considering a request under paragraph 4, all matters relating to the request shall be kept confidential, in accordance with domestic laws, regulations and procedures of its Party. A National Contact Point shall make its response to any request received under paragraph 4 publicly available, where appropriate.

6. In considering requests made under paragraph 4, a National Contact Point may:

(a) seek advice from relevant authorities, business communities, non- governmental organisations, and experts;

(b) consult the National Contact Point of another Party; and (c) seek guidance from the Joint Commission.

Article 5.6. Cooperation

1. The Parties recognise the importance of cooperation as a mechanism to implement this Chapter and to enhance its objectives and benefits.

2. Cooperation may be undertaken through any means the Parties consider appropriate, including bilaterally or plurilaterally amongst the Parties. Where possible and appropriate, the Parties shall seek to complement their existing cooperation, including by voluntary peer evaluations, capacity building and training, and by taking into account relevant work of regional and international organisations.

3. All cooperative activities under this Chapter are subject to the availability of funds and of human and other resources, and to the applicable laws and regulations of the participating Parties.

Article 5.7. Consultations

1. Chapter 7 (Dispute Settlement) shall not apply to any matter arising under this Chapter.

2. Without prejudice to paragraph 1, a Party may request consultations with another Party to foster understanding or address specific matters or general practices under this Chapter. The other Party shall give sympathetic consideration to that request. If consultations are not taking place in the Joint Commission, it should be informed thereof.

Chapter 6. INSTITUTIONAL PROVISIONS

Article 6.1. Establishment of the Joint Commission

The Parties hereby establish a Joint Commission consisting of government representatives of each Party. Each Party shall be responsible for the composition of its delegation. (18)

(18) In the case of Costa Rica, Annex XI (Party-Specific Institutional Arrangements) shall apply.

Article 6.2. Functions of the Joint Commission

1. The Joint Commission Shall:

(a) Monitor and Review the Implementation of this Agreement;

(b) oversee the general functioning and further development of this Agreement;

(c) undertake general reviews of this Agreement in accordance with Article 6.7 (General Review);

(d) consider ways of promoting accessions to the Agreement, and approve the terms of accession;

(e) consider any proposal by a Party or a subsidiary body to amend this Agreement;

(f) supervise the work of subsidiary bodies established under this Agreement; and

(g) consider any other matter that may affect the operation of this Agreement.

2. The Joint Commission may:

(a) in accordance with the Agreement's objectives, and subject to completion of any necessary legal requirements by each Party, adopt modifications to:

(i) Annexes I to V, and VII to XI, including their Appendices; (19) and

(ii) Annex VI.

(b) adopt interpretations of the provisions of this Agreement;

(c) submit to the Parties proposals to amend this Agreement;

(d) consider ways to further actions in the trade policy area to support this Agreementâs objectives;

(e) seek to resolve differences or disagreements that may arise regarding the interpretation or application of this Agreement, including on proposed measures or measures not yet in force;

(f) where appropriate, seek the advice of non-governmental persons or groups and international organisations on any matter falling within the Joint Commission's functions; and

(g) take such other action in the exercise of its functions as the Parties may agree.

3. The Joint Commission may establish, merge or dissolve subsidiary bodies. It may refer matters to any subsidiary body for advice, consider matters raised and adopt decisions proposed by subsidiary bodies. Except where otherwise provided for in this Agreement, the subsidiary bodies shall work under a mandate established by the Joint Commission.

(19) In the case of Costa Rica, Annex XI (Party-Specific Institutional Arrangements) shall apply.

Article 6.3. Meetings and Rules of Procedure of the Joint Commission

1. The Joint Commission shall meet within 18 months of the date of entry into force of this Agreement and then normally every two years, or as otherwise agreed by the Parties. Meetings of the Joint Commission shall be chaired successively by each Party or as otherwise agreed by the Parties.

2. A Party may request at any time, through written notice to the other Parties, that a special meeting of the Joint Commission be held. That meeting shall take place within 60 days of receipt of the request, unless the Parties agree otherwise. Upon request of a Party, the meeting shall take place in a format allowing for virtual participation.

3. The Party chairing a meeting of the Joint Commission shall provide any necessary administrative support for the meeting, and shall circulate to the other Parties the outcomes of the meeting.

4. The Joint Commission shall carry out its work through whatever means it considers appropriate, which may include electronic mail or videoconferencing.

5. The Joint Commission shall establish the rules of procedure for the conduct of its work at its first meeting or as otherwise agreed by the Parties.

Article 6.4. Decision-making of the Joint Commission

1. The Joint Commission shall take decisions as provided for in this Agreement, and make recommendations on any matter within its functions, by consensus. The Joint Commission shall be deemed to have taken a decision by consensus if no Party represented at the meeting when a decision is taken objects to the proposed decision.

2. In case the Joint Commission considers that an issue affects exclusively some Parties, it may adopt decisions or recommendations relating to that issue by consensus among those affected Parties only. Those decisions or recommendations shall only take effect for those affected Parties.

3. If a Party has accepted a decision of the Joint Commission subject to the fulfilment of domestic legal requirements, the decision shall enter into force on the date the last Party notifies the Depositary that its domestic legal requirements have been fulfilled, unless the decision itself specifies a later date. The Joint Commission may decide that the decision shall enter into force for those Parties that have fulfilled their domestic legal requirements.

4. If the domestic legislation of a Party so permits and if decided by the Joint Commission, that Party may apply a decision of the Joint Commission provisionally until that decision enters into force for that Party.

Article 6.5. Functioning of Subsidiary Bodies

1. Each subsidiary Body shall act by consensus.

2. Meetings of each subsidiary body shall be chaired successively by a representative of each Party, unless the Parties agree otherwise.

3. Each subsidiary body shall report to the Joint Commission on the outcomes of each of its meetings.

4. Each subsidiary body shall organise and carry out its work as it sees fit and through whatever means it considers appropriate, including electronic mail or videoconferencing.

Article 6.6. Cooperation and Implementation of this Agreement

1. The Parties shall cooperate as appropriate and necessary in order to facilitate the implementation of this Agreement and to maximise the benefits arising from it, taking into consideration the Parties' respective needs and resources. The cooperative activities may include:

(a) information exchanges, dialogues or meetings;

(b) joint activities to promote this Agreement, including with the aim of increasing participation in this Agreement; and

(c) other activities as Parties may agree to.

2. The Parties may set out the details of cooperative activities in non-binding arrangements.

3. In relation to their cooperative activities, the Parties may take into consideration the work undertaken by relevant international organisations and may, where appropriate, coordinate efforts with them.

4. Any cooperative activities envisaged or undertaken under this Agreement shall be subject to the availability of resources and to the respective laws, regulations and policies of the Parties. Costs of cooperative activities shall be borne in such manner as may be determined between the Parties.

5. Each Party shall endeavour, in accordance with its laws, regulations and ptactices, to inform and, where appropriate, consult, or otherwise engage with, relevant stakeholder or partner communities, on the implementation of this Agreement. That engagement shall include representatives of Indigenous Peoples or any other relevant stakeholders as required by a Party's domestic or international obligations.

Article 6.7. General Review

1. The Joint Commission shall undertake a general review of the Agreement, in order to assess its general functioning and to develop the Agreement, within five years of its entry into force and thereafter as agreed by the Parties, but normally every five years. The intervals between general reviews shall not exceed seven years.

2. The conduct of general reviews shall normally coincide with regular meetings of the Joint Commission.

3. In conducting a general review pursuant to paragraph 1, the Joint Commission shall take into account, in particular:

(a) the work of all subsidiary bodies established under this Agreement;

(b) the experiences of the Parties in implementing the Agreement;

(c) progress achieved in expanding participation to this Agreement;

(d) input sought from relevant non-governmental persons, groups or communities;

(e) relevant developments in international fora; and

(f) other relevant developments such as the application of trade remedies on environmental goods covered by this Agreement.

4. As part of general reviews, the Joint Commission shall consider ways to further the Agreement's objectives, including through the launch of negotiations among the Parties with a view to adding to this Agreement additional trade rules and mechanisms that contribute to addressing climate change and other serious environmental challenges. For example, such topics may include non-tariff measures related to sustainability objectives.

5. Upon completion of a general review, the Joint Commission may submit to the Parties proposals to amend this Agreement or modify the Annexes to this Agreement, including their Appendices, pursuant to Article 6.2 (Functions of the Joint Commission).

Article 6.8. Contact Points

1. Each Party shall designate an overall contact point to facilitate communications between the Parties on any matter relating to this Agreement, as well as other contact points as required by this Agreement.

2. Except as otherwise provided in this Agreement, each Party shall notify the other Parties in writing of its designated contact points within 60 days of the date of entry into force of this Agreement for that Party. A Party shall notify its designated contact points to another Party for which this Agreement enters into force at a later date within 30 days of the date of entry into force of this Agreement for that other Party.

3. Each Party shall promptly notify the other Parties of any change to its designated contact point.

Article 6.9. Annex

Annex XI (Party-Specific Institutional Arrangements) forms an integral part of this Chapter.

Chapter 7. DISPUTE SETTLEMENT

Article 7.1. Objective

The objective of this Chapter is to provide an effective, efficient and transparent process for consultations and settlement of disputes among the Parties concerning their rights and obligations under this Agreement.

Article 7.2. Scope and Coverage

1. Unless otherwise provided in this Agreement, the provisions of this Chapter shall apply with respect to the avoidance or settlement of any disputes between the Parties concerning the interpretation or application of this Agreement.

2. Unless otherwise provided in this Agreement or agreed between the disputing parties, the settlement of disputes between the Parties under this Chapter shall be governed by the Rules of Procedure to be adopted by the Joint Commission at its first meeting (Rules of Procedure).

Article 7.3. Mutually Satisfactory Resolution

1. The Parties shall at all times endeavour to agree on the interpretation and application of this Agreement, and shall make every attempt to arrive at a mutually satisfactory resolution of any matter raised under this Chapter.

2. The disputing parties shall inform the other Parties of any mutually agreed resolution of a matter raised under this Chapter.

Article 7.4. Choice of Forum

1. If a dispute regarding the same matter arises under this Agreement and under another international trade agreement to which the disputing parties are parties, the complaining Party may select the forum in which to settle the dispute.

2. Once a complaining Party has requested the establishment of, or referred a matter to, an arbitration panel or other tribunal under this Agreement, or another agreement referred to in paragraph 1, the forum selected shall be used to the exclusion of other fora.

Article 7.5. Good Offices, Conciliation and Mediation

1. Parties are encouraged to, and may at any time agree to, voluntarily undertake an alternative method of dispute resolution, such as good offices, conciliation or mediation.

2. Proceedings that involve good offices, conciliation or mediation, including positions taken by the disputing parties during these proceedings, shall be confidential and without prejudice to the rights of any Party in any other proceedings.

3. A Party participating in proceedings under this Article may suspend or terminate those proceedings at any time.

4. If the disputing parties agree, good offices, conciliation or mediation may continue while the dispute proceeds for resolution before a panel established under Article 7.7 (Establishment of an Arbitration Panel).

Article 7.6. Consultations

1. A Party may request in writing consultations with another Party if it considers that a measure is inconsistent with this Agreement. The Party requesting consultations shall at the same time notify the other Parties in writing of the request. The Party to which the request is made shall reply no later than 10 days after receipt of the request.

2. Any request for consultations made pursuant to paragraph 1 shall give the reasons for the request, including identification of the measures at issue and an indication of the legal basis for the complaint.

3. A Party other than a disputing party that considers it has a substantial trade interest, or another substantial interest relevant under the Agreement, in the consultations shall be entitled, on delivery of a written notice to the disputing parties no later than seven days after the notification of the request for consultations, to participate in the consultations. The Party shall include in its notice an explanation of its substantial interest in the matter.

4. Consultations shall commence no later than 30 days after receipt of the request for consultations. Consultations on urgent matters shall commence no later than 15 days after receipt of the request for consultations.

5. Each disputing party shall provide sufficient information to enable a full examination of whether the measure is inconsistent with this Agreement and treat as confidential any information which has been designated as confidential by the Party submitting the information.

6. In consultations under this Article, a disputing party may request that another disputing party make available personnel of its government agencies or other regulatory bodies who have expertise in the matter at issue.

7. Consultations shall be confidential and without prejudice to the rights of any Party in any other proceedings.

8. Consultations may be held in person or by any technological means decided by mutual agreement of the disputing parties. If the consultations are held in person, they shall take place in a location decided by mutual agreement of the disputing parties, failing which, they shall be held in the capital of the Party to which the request for consultations was made.

Article 7.7. Establishment of an Arbitration Panel

1. A Party that requested consultations under paragraph 1 of Article 7.6 (Consultations) may request the establishment of an arbitration panel by means of a written request to the responding Party, if:

(a) the consultations fail to settle a dispute within 60 days, or 30 days in relation to urgent matters, of receipt of the request for consultations by the responding Party; or

(b) the Party to which the request is made does not reply within 10 days, or does not enter into consultations within 30 days, of receipt of the request for consultations, or within 15 days for urgent matters.

2. The Party requesting the establishment of an arbitration panel shall at the same time notify the other Parties in writing of the request.

3. The request for the establishment of an arbitration panel shall identify the specific measure at issue and provide a brief summary of the legal basis of the complaint.

4. The date of establishment of the arbitration panel shall be the date on which its chair is appointed.

5. Unless the disputing parties agree otherwise no later than 20 days after receipt of the request for the establishment of the arbitration panel, the terms of reference for the arbitration panel shall be:

(a) to examine, in light of the relevant provisions of this Agreement, the matter referred to in the request for the establishment of an arbitration panel;

(b) to make findings of law and fact, together with any reasons therefore, as provided for in this Chapter. The panel may make recommendations for the implementation of the ruling by the responding Party; and

(c) issue a report, in accordance with Article 7.15 (Arbitration Panel Reports).

6. Where more than one Party requests the establishment of an arbitration panel relating to the same matter, or where the request involves more than one responding Party and those responding Parties agree, a single arbitration panel should be established to examine complaints relating to the same matter, whenever feasible.

Article 7.8. Arbitration Panel Composition

1. The arbitration panel shall comprise three members. Each disputing party shall appoint one arbitrator and notify the other disputing party no later than 30 days after receipt of the request to establish an arbitration panel. The disputing parties shall agree on the appointment of the third arbitrator, who shall chair the arbitration panel, no later than 45 days after receipt of the request to establish an arbitration panel.

2. All arbitrators shall be chosen on the basis of their qualifications as provided in Article 7.9 (Qualifications of Arbitrators) as well as their objectivity, reliability and sound judgment.

3. In the appointment of arbitrators, the importance of achieving diversity shall be duly considered.

4. If all the arbitrators have not been appointed within 45 days of receipt of the request to establish an arbitration panel, a disputing party may request the Secretary- General of the Permanent Court of Arbitration (PCA) to make the necessary appointments within 30 days from the date the Secretary-General of the PCA receives that request.

5. In exercising its functions under this Agreement, the Secretary-General of the PCA may require from any disputing party and the arbitrators the information it deems necessary and it shall give the disputing parties and, where appropriate, the arbitrators, an opportunity to present their views in any manner it considers suitable.

Article 7.9. Qualifications of Arbitrators

1. All arbitrators shall:

(a) have relevant expertise or experience in one or more of the following areas: law, international trade, environmental matters, other matters covered by this Agreement or the resolution of disputes arising under international agreements; and

(b) be independent and impartial, including serving in their individual capacities and not be affiliated with, or take instructions from, any disputing party or third party or have dealt with the case in any capacity.

2. At least one arbitrator shall have relevant expertise or experience in environmental matters and at least one in international trade, unless the disputing parties agree such expertise or experience is not necessary in light of the scope of the dispute.

3. Unless the disputing parties agree otherwise, the chair of the arbitration panel shall not be a national of any disputing party or third party and shall not have their usual place of residence in any disputing party.

Article 7.10. Conduct, Challenge and Replacement of Arbitrators

1. A prospective arbitrator shall disclose in writing to the disputing parties any information which may give rise to justifiable doubts as to their impartiality or independence. For the duration of their appointment, an arbitrator shall disclose such information as soon as they become aware of them.

2. All arbitrators shall comply with the standards of conduct in the Rules of Procedure.

3. An arbitrator may be challenged as provided for in the Rules of Procedure if circumstances give rise to justifiable doubts as to their compliance with this Chapter or the Rules of Procedure.

4. Where an arbitrator has to be replaced during the course of the arbitral proceedings, a substitute arbitrator shall be appointed pursuant to the procedure provided for in Article 7.8 (Arbitration Panel Composition).

Article 7.11. Third Party Participation

1. A Party which is not a disputing party and which considers it has an interest in the matter before the arbitration panel shall be entitled, on delivery of a written notice to the disputing parties, to make written submissions to the arbitration panel, receive written submissions, including annexes, from the disputing parties, attend hearings and make oral statements.

2. The Party referred to in paragraph 1 shall provide written notice no later than 10 days after the notification of the request for the establishment of the arbitration panel under Article 7.7 (Establishment of an Arbitration Panel).

Article 7.12. Functions of the Arbitration Panel

1. The function of an arbitration panel is to make an objective assessment of the matter before it, which includes an examination of the facts and the applicability of, and conformity with, this Agreement, and to make the findings and recommendations as are called for in its terms of reference provided for in paragraph 5 of Article 7.7 (Establishment of an Arbitration Panel).

2. The arbitration panel shall examine the matter referred to it in the request for the establishment of an arbitration panel in light of the relevant provisions of this Agreement considered in accordance with the rules of interpretation of public international law. The arbitration panel may also consider relevant interpretations in WTO panel and appellate reports.

3. The arbitration panel shall take its decisions by a majority of its members. Any member may furnish separate opinions on matters not unanimously agreed. The arbitration panel shall not disclose, including in its initial and final reports, which members are associated with majority or minority opinions.

4. An arbitration panel shall give the disputing parties adequate opportunity to develop a mutually satisfactory solution at any stage of the proceedings prior to release of the final report.

Article 7.13. Procedures of the Arbitration Panel

1. Unless otherwise provided in this Agreement or agreed between the disputing parties, the procedures of the arbitration panel shall be governed by the Rules of Procedure.

2. Hearings may be held in person or by any technological means decided by mutual agreement of the disputing parties.

The location of any hearing of the arbitration panel, if it is held in person, shall be decided by mutual agreement of the disputing parties, failing which, it shall be held in the capital of the responding Party.

3. The hearings of the arbitration panel shall be open to the public, unless the disputing parties decide otherwise or the arbitration panel decides to close the hearing for the duration of any discussion of confidential information.

4. The Parties shall treat as confidential the information submitted to the arbitration panel which has been designated as such by the Party submitting the information.

Article 7.14. Right to Seek Information

1. Upon the request of a disputing party or on its own initiative, the arbitration panel may seek any information it deems appropriate from any relevant source. The arbitration panel may also seek the opinion of experts, as it deems appropriate, and subject to any terms and conditions agreed by the disputing parties, where applicable.

2. The disputing parties shall have an opportunity to comment on any information or advice obtained under this Article.

Article 7.15. Arbitration Panel Reports

1. The arbitration panel shall submit an initial report containing its findings and rulings to the disputing parties no later than 90 days after the date of establishment of the arbitration panel.

2. In exceptional cases, if the arbitration panel considers that it cannot release its initial report within the time-period specified in paragraph 1, it shall inform the disputing parties in writing of the reasons for the delay together with an estimate of when it will issue its report. A delay shall not exceed an additional period of 30 days unless the disputing parties agree otherwise.

3. The initial report shall contain:

(a) findings of law and fact;

(b) the determination of the arbitration panel as to whether:

(i) the measure at issue is inconsistent with obligations in this Agreement; or

(ii) a Party has otherwise failed to carry out its obligations in this Agreement;

(c) any other determination requested in the terms of reference;

(d) recommendations for the implementation of the ruling, if any; and

(e) the reasons for the findings and determinations.

4. A disputing party may submit written comments to the arbitration panel no later than 14 days after receipt of the initial report.

5. After considering any written comments by the disputing parties on the initial report, the arbitration panel may modify its report and make any further examination it considers appropriate. The findings of the final report shall include a discussion of the arguments made by the disputing parties at the interim review stage.

6. The arbitration panel shall submit to the disputing parties a final report no later than 30 days after the submission of the initial report.

7. The final report, as well as any report under Article 7.17 (implementation of the Final Report), shall be communicated to the Parties. Subject to the protection of any confidential information, final reports issued under this Chapter shall be made public.

8. Any ruling of the arbitration panel under any provision of this Chapter shall be final and binding upon the disputing parties.

Article 7.16. Suspension or Termination of Arbitration Panel Proceedings

1. Where the disputing parties agree, an arbitration panel shall suspend its work at any time for a period not exceeding 12 months. If the work of an arbitration panel has been suspended for more than 12 months, the arbitration panel's authority

for considering the dispute shall lapse, unless the disputing parties agree otherwise.

2. Suspended panel proceedings shall resume on request of any disputing party. 3. A complaining Party may withdraw its complaint at any time before the initial report has been issued. Such withdrawal is without prejudice to its right to introduce a new complaint regarding the same issue at a later point in time.

4. The disputing parties may agree at any time to terminate the proceedings of an arbitration panel established under this Chapter by jointly notifying in writing the chair of that arbitration panel.

Article 7.17. Implementation of the Final Report

1. The responding Party shall promptly comply with the ruling in the final report. If it is impracticable to comply immediately, the disputing parties shall endeavour to agree on a reasonable period of time to do so. In the absence of such agreement within 45 days of the issuance of the final report, either disputing party may request the original arbitration panel to determine the length of the reasonable period of time, in light of the particular circumstances of the case. The ruling of the arbitration panel shall be given no later than 45 days after receipt of that request.

2. The responding Party shall notify the complaining Party and the Joint Commission of the measure adopted in order to comply with the ruling in the final report, including the date the measure comes into effect, as well as provide a detailed description of how the measure ensures compliance sufficient to allow the complaining Party to assess the measure.

3. In case of disagreement between the disputing parties as to the existence of a measure complying with the ruling in the final report or to the consistency of that measure with the ruling, such disagreement shall be decided by the same arbitration panel upon the request of either disputing party. A copy of this request shall be communicated to the other Parties. The Party making the request shall at the same time notify the other Parties in writing of the request. The ruling of the arbitration panel shall be rendered no later than 90 days after receipt of that request.

Article 7.18. Non-Implementation of the Final Report

1. If the responding Party notifies the complaining Party that it does not intend to comply with the ruling in the final report, or if it fails to comply within the reasonable period of time pursuant to paragraph 1 of Article 7.17 (implementation of the Final Report), subject to any compliance proceedings brought under paragraph 3 of Article 7.17 (Implementation of the Final Report), the responding Party shall, if so requested by the complaining Party, enter into consultations no later than 30 days after receipt of that request with a view to agreeing on mutually acceptable compensation.

2. Compensation referred to in paragraph 1 shall foster the contribution of international trade in addressing climate and other serious environmental challenges. Such compensation is voluntary and shall be consistent with this Agreement and other international agreements to which the disputing parties are parties.

3. If no agreement has been reached on mutually acceptable compensation within 90 days from the date of receipt of the request, the representatives of the responding Party shall not be permitted to chair the Joint Commission or any subsidiary body established under this Agreement. The complaining Party may suspend its cooperation activities under Article 6.6 (Cooperation and Implementation of the Agreement) with the responding Party.

4. As long as the measure found to be inconsistent with this Agreement remains in force, in the absence of compensation pursuant to paragraph 1, and provided that the disputing parties have not resolved the dispute otherwise:

(a) the implementation of the ruling in the final report, including any measures taken pursuant to paragraph 3, shall be put on the agenda of any regular or special meeting of the Joint Commission; and

(b) the responding Party shall submit every three months a report to the Joint Commission informing it of its intentions with respect to the implementation of the ruling in the final report. The report, together with statements, if any, by the other Parties in relation to the matter, and a summary by the complaining Party of the measures taken under paragraph 3, shall be made public. Any Party may refer to such documents in any fora and on any platform it deems appropriate.

5. The Joint Commission shall decide on further measures aimed at ensuring effective compliance with panel reports and any criteria for their application. A complaining Party may apply any such measure in the context of a particular dispute after application of the measures provided for in paragraphs 3 and 4.

6. Compensation pursuant to paragraph 1 and the measures provided for in paragraphs 3 and 4 shall be temporary and shall only be applied until the measure found to be inconsistent with this Agreement has been withdrawn or amended so as to bring it into conformity with this Agreement, or until the disputing parties have resolved the dispute otherwise. Full

implementation of the ruling in the final report or a mutually satisfactory resolution of the dispute are preferred to the measures provided for in this Article.

Article 7.19. Time Periods

1. Any time period mentioned in this Chapter may be extended by mutual agreement of the disputing parties or, on request of a Party, by the arbitration panel.

2. All time periods laid down in this Chapter shall be calculated from the day following the act or fact to which they refer. If the last day of such period is an official holiday or a non-working day in the Party to which the communication is addressed, the period is extended to the next working day. The disputing parties shall inform each other of their respective official holidays and non-working days when commencing the arbitration.

Article 7.20. Notifications and Contact Points

1. Unless otherwise agreed by the disputing parties, a request, notice, written submission or other document shall be considered received when it has been delivered to the designated contact points referred to in paragraph 3 by a means of communication that provides a record of receipt thereof, including registered post, courier or electronic transmission. In case the delivery was not made electronically, a copy of the written communication shall be provided simultaneously in electronic format to the designated contact points referred to in paragraph 3.

2. A disputing party shall transmit its written communications at the same time to the arbitration panel, the other disputing party or parties and, where relevant, third patties.

3. Each Party shall designate a contact point for the effective implementation and operation of this Chapter and the Rules of Procedure. Each Party shall notify the other Parties in writing of its designated contact point, including electronic mail addresses, within 60 days of the date of entry into force of this Agreement for that Party. Each Party shall promptly notify the other Parties of any change to the contact point or its contact details.

Chapter 8. FINAL PROVISIONS

Article 8.1. Fulfilment of Obligations

Each Party is fully responsible for the observance of all provisions in this Agreement and shall take such reasonable measures as may be available to it to ensure their observance by, as applicable, its regional and local governments and authorities, and non-governmental bodies in the exercise of governmental powers delegated to them within its territory.

Article 8.2. Annexes, Appendices and Footnotes

The Annexes to this Agreement, including their Appendices, and footnotes constitute an integral part of this Agreement.

Article 8.3. Entry Into Force

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective legal requirements of each Party. The completion of ratification, acceptance or approval procedures shall be notified to the Depositary.

2. This Agreement shall enter into force on the first day of the third month following the date on which at least three signatories to this Agreement have notified the Depositary in writing of the completion of their applicable legal procedures.

3. For any signatory to this Agreement for which this Agreement has not entered into force under paragraph 2, this Agreement shall enter into force on the first day of the third month following the date on which that signatory has notified the Depositary in writing of the completion of its applicable legal procedures.

Article 8.4. Amended or Successor International Agreements

If any International Agreement referred to in, or incorporated into, this Agreement is amended or succeeded, the Parties shall upon request of a Party consult on whether it is necessary to amend this Agreement.

Article 8.5. Amendments

1. This Agreement may be amended by agreement in writing of all the Parties. Any Party may submit proposals for amendments to this Agreement to the Joint Commission for consideration. Amendments shall be subject to ratification, acceptance or approval in accordance with the respective legal requirements of each Party.

2. An amendment to this Agreement shall enter into force for those Parties that have ratified, accepted or approved it on the first day of the third month following the date on which at least three-fourths of the Parties have notified the Depositary of the completion of their ratification, acceptance or approval procedures, or on such other date as the Parties may agree. If a Party notifies the completion of its ratification, acceptance or approval after the amendment has entered into force, the amendment shall enter into force for that Party on the first day of the third month following its notification.

3. If its respective legal requirements permit, a Party may apply an amendment provisionally, pending its entry into force for that Party. Provisional application of an amendment shall be notified to the Depositary.

Article 8.6. Accession

1. This Agreement shall be open to requests for accessions from any WTO Member, who may accede subject to such terms and conditions as may be agreed between the Parties and the accession candidate and approved in accordance with the applicable legal procedures of each Party.

2. An accession candidate may seek to accede to this Agreement by submitting a request in writing to the Depositary.

3, If the Joint Commission, in accordance with Article 6.2 (Functions of the Joint Commission), adopts a decision approving the terms for an accession and inviting an accession candidate to become a Party, that decision shall specify a period, which may be subject to extension by agreement of the Parties, during which the accession candidate may deposit an instrument with the Depository indicating that it accepts the terms for the accession.

4. An accession candidate shall become a Party to this Agreement, subject to the terms for the accession approved in the Joint Commission's decision pursuant to paragraph 3, either:

(a) on the first day of the third month following the date on which the accession candidate deposits an instrument of accession with the Depositary indicating that it accepts the terms for the accession; or

(b) on the first day of the third month following the date on which all the Parties have notified the Depositary that they have completed their respective applicable legal procedures for the approval of the terms for the accession, whichever is later.

5. Without prejudice to paragraph 1, an expedited accession process may be considered for WTO Members that participated in the negotiation of this Agreement.

Article 8.7. Withdrawal

Any Party may withdraw from this Agreement by providing written notice of withdrawal to the Depositary. Such withdrawal shall take effect six months after the notice of withdrawal is received by the Depositary. If a Party withdraws, this Agreement shall remain in force for the other Parties.

Article 8.8. Depositary

1. New Zealand Is Hereby Designated as the Depositary of this Agreement.

2. The Depositary shall transmit certified copies of this Agreement and any amendment to this Agreement to all signatories and Parties to this Agreement as well as accession candidates.

3. The Depositary shall notify all signatories and Parties to this Agreement as well as accession candidates as appropriate of:

(a) each ratification, acceptance or approval in accordance with Article 8.3 (Entry into Force), Article 8.5 (Amendments) and Article 8.6 (Accession);

(b) the respective dates on which this Agreement or an amendment enters into force in accordance with Article 8.3 (Entry into Force), Article 8.5 (Amendments) and Article 8.6 (Accession);

(c) any notification of withdrawal received in accordance with Article 8.7 (Withdrawal); and

(d) the date on which a withdrawal enters into effect in accordance with Article 8.7 (Withdrawal).

Article 8.9. Authentic Texts

The English, French and Spanish Texts of this Agreement are equally authentic. In the event of any divergence between those texts, the English text shall prevail.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE the fifteenth day of November, two thousand and twenty-four, in one original in the English, French and Spanish languages.

ANNEX III. REFERRED TO IN ARTICLE 3.3 (DEFINITIONS). ENVIRONMENTAL PURPOSES – TRADE IN ENVIRONMENTAL SERVICES

The environmental purposes referred to in subparagraph (c) of Article 3.3 (Definitions) are:

(a) environmental protection purposes, which are the prevention, reduction, control, and elimination of pollution and other forms of degradation of the environment by means of the following activities:

(i) protection of ambient air;

(ii) wastewater management;

(iii) waste management;

(iv) protection and remediation of soil, groundwater, and surface water;

(v) noise, light and vibration abatement (excluding workplace protection);

(vi) protection and restoration of biodiversity, ecosystems and landscape;

(vii) protection against radiation (excluding external safety);

(viii) research and development for environmental protection; or

(ix) other environmental protection activities;

(b) resource management purposes, which are preserving and maintaining the stock of natural resources, including sustainable use and the transition to a circular economy by means of the following activities:

(i) preserving and maintaining the stock of mineral and energy resources;

(ii) preserving and maintaining the stock of timber resources;

(iii) preserving and maintaining the stock of aquatic and marine resources;

(iv) preserving and maintaining the stock of biological resources;

(v) preserving and maintaining the stock of water;

(vi) research and development for resource management; or

(vii) other resource management activities; and

(c) climate change adaptation and mitigation purposes.

ANNEX IV. REFERRED TO IN ARTICLE 3.2 (SCOPE). LIST OF ENVIRONMENTAL AND ENVIRONMENTALLY RELATED SERVICES

INTERPRETATIVE NOTES

1. This List only covers the services sectors, subsectors, or parts thereof that comply with the definition of "environmental and environmentally related services" in Article 3.3 (Definitions).

2. For greater certainty, this List only refers to services supplied in compliance with domestic laws and regulations.

3. The horizontal ex-outs * and ** apply to all sectors and subsectors of this List.

HORIZONTAL EX-OUTS

* This List excludes parts of services subsectors which may significantly harm one or more environmental purposes in Annex III (Environmental Purposes – Trade in Environmental Services). Certain parts of service sectors or subsectors marked with * were identified as having a greater risk of significantly harming an environmental purpose in Annex III (Environmental Purposes – Trade in Environmental Services).

** This List excludes any services supplied in relation to the following activities because they are deemed to significantly harm at least one environmental purpose:

(a) Unsustainable logging;

(b) Mining (including, inter alia, mining for coal, oil and gas); and

(c) Oil, gas and coal exploration and extraction, as well as any related activities.

Certain services sectors or subsectors marked with ** were identified as having a greater risk of being related to these activities.

*** Parts of services sectors or subsectors marked with *** are excluded where their supply or the goods they relate to directly involve the use of non-renewable energy sources or emit CO2.

No.	W/120 Subsector	CPC	Title	Justification	Ex-out
	1. Business Services				
	A. Professional Services				
1	(d) Architectural services	86711	Advisory and pre-design architectural services	Services related to preliminary studies addressing climatic and environmental concerns and other issues affecting the nature of the design and construction of a project, as well as maintenance, renovation, restoration, or recycling of buildings and building materials can contribute to more efficient buildings and lead to emissions reduction. Such services are directly related to technical processes, methods, and knowledge to reduce pollution, preserve natural resources, and adapt to climate change risks.	
2		86712	Architectural design	Services related to schematic design, design development and final design services, for instance on material to be used or structural, mechanical, and electrical systems, can contribute to the prevention and reduction of pollution in construction and beyond. Such services can contribute to designing	

			services	more operationally efficient buildings, or buildings with lower whole-of-life embodied carbon footprint. Such services are directly related to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources	

processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources.

3 86713 Contract administration services

Advice and technical assistance services to ensure conformity with final drawings and specifications of construction projects can support more efficient buildings and thus emissions reduction. Such services are directly related to technical processes, installations, and knowledge to prevent and reduce pollution and preserve natural resources.

4 86714 Combined architectural design and contract administration services

Combined architectural services, including post construction assessment of deficiencies in construction and advice on correcting measures can support more efficient buildings and thus, emissions reduction. Such services are directly related to goods, and to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources.

5 (e) Engineering services

86721 Advisory and

consultative
engineering
services
Assistance and advice on engineering matters, including preparatory technical feasibility studies and project impact studies such as the environmental impact suitability of projects and materials can contribute to reduce emissions, manage waste, protect sites, adapt to climate change risks and create passive buildings. Such
IV-4
No. W/120
Subsector
CPC Title Justification Ex-out
services are directly related to goods, and to technical processes, installations, methods and knowledge to prevent and reduce pollution and preserve natural resources.
6 86722 Engineering
design services
for the
construction of
foundations and
building
structures
Structural engineering design services, including working drawings, specifications regarding materials to be used or method of installation, as well as services during the construction phase can directly contribute to climate change adaptation, reduction of emissions, waste management, and protection of ecosystems. Such services are directly related to goods, and to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources, and to climate change adaptation.
7 86723 Engineering

design services
for mechanical
and electrical
installations for
buildings
Mechanical and electrical engineering design services can contribute to energy savings in heating, ventilation, air conditioning, refrigeration and in other mechanical installations. Such services are directly related to goods, and to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources.
8 86724 Engineering
design services
for the
construction of
civil
Design of civil engineering works related to services covered by CPC 94, such as water distribution systems, sewage, industrial and solid waste treatment, and certain other civil engineering works such as dams, flood control works and tunnels, directly contribute to environment
*, **
IV-5
No. W/120
Subsector
CPC Title Justification Ex-out
engineering
works
protection or natural resource management. Such services also cover design of installations for climate change adaptation to events such as landslides or flooding, as well as protective infrastructure where the primary purpose is to contribute to environment protection or natural resource management.

9 86725 Engineering
design services
for industrial
processes and
production
Certain engineering design services related to industrial processes and production could result in more energy efficient installations and reduction of emissions, including through production of renewable energy and carbon capture and storage, increasing repairability, reuse, re-manufacture and re-circulation of materials. They can contribute to the production of goods whose use is beneficial for resource management and are directly related to technical processes, installations, or methods beneficial for environmental protection and natural resource management.
*, **
10 86726 Engineering
design services
not elsewhere
classified
(n.e.c.)
Other engineering services, such as acoustical and vibration engineering design, traffic control systems design and other specialty engineering design services can contribute to emissions reduction and to increasing reparability and re-use. They can directly serve environmental protection and natural resource management purposes or be directly related to technical processes, methods, and knowledge to prevent and reduce pollution and preserve natural resources.
*, **

CPC Title Justification Ex-out

11 86727 Other
engineering
services during
the construction
and installation
phase
Advisory and technical assistance services during construction and installation to ensure that construction work is in conformity with the final design, including environmental requirements, can contribute to reducing emissions and increase repairability and re-use of materials to prevent and reduce pollution and preserve natural resources. Such services can also be directly related to technical processes, methods, and knowledge to prevent and reduce pollution and preserve natural resources.
*, **

12 86729 Other
engineering
services
Other engineering services include geotechnical engineering; groundwater engineering, including groundwater resources assessment; contamination studies and quality management; corrosion engineering services, including inspection, detection and corrosion control programmes; failure investigation; environmental engineering; chemical engineering; agricultural engineering; and forest engineering services, which can directly serve or be directly related to technical processes, methods and knowledge to prevent and reduce emissions, including through production of renewable energy and carbon capture and storage, pollution and preserve natural resources.
*, **

13 (f) Integrated
engineering
services
86731 Integrated
engineering
services for
transportation
Developing mass transport infrastructure and certain infrastructure related to multimodal transport of goods can help to reduce emissions of transportation. The OECD (International Transport Forum) has identified that
***
Limited to services related to
mass transportation and
IV-7
No. W/120
Subsector
CPC Title Justification Ex-out
infrastructure
turnkey projects
improved design, operations and planning of transport systems contribute to decarbonization. Therefore, such services can be directly related to an installation beneficial to prevent and reduce pollution and preserve natural resources.
multimodal transport of goods to
reduce emissions.
14 86732 Integrated
engineering and
project
management
services for
water supply
and sanitation
works turnkey

projects

Services related to sanitation including integrated engineering design services and project management services for water supply and sanitation works turnkey projects (related to services covered by CPC 9401 – Sewage services and CPC 9403 – Sanitation and similar services) have as primary purpose wastewater management and are directly related to technical processes, methods, and knowledge to prevent and reduce pollution and preserve water and aquatic resources. Water supply projects are directly related to technical processes, methods, and knowledge to preserve natural resources.

15 86733 Integrated engineering services for the construction of manufacturing turnkey projects

Integrated engineering services including site selection, pollution and effluent control, emission reduction technology such as carbon capture and storage, and plant design, can be directly related to technical processes, methods, and knowledge to prevent and reduce pollution and preserve natural resources.

**

16 86739 Integrated engineering services for

Integrated engineering services covering projects with an environmental purpose directly serve or are directly related to technical processes, methods, and knowledge to prevent and reduce pollution, and preserve natural

**

Subsector	CPC	Title	Justification	Ex-out
other turnkey projects			resources. Such services include services that are directly related to the operation of environment-related facilities; renewable energy power projects and waste management projects; engineering services for renewable energy power projects (CPC 2.1 83324); engineering services for hazardous and non-hazardous waste management projects (CPC 2.1 83326); and emission reduction technology such as carbon capture and storage.	
17 (g) Urban planning and landscape architectural services	86741	Urban planning services	Such services cover development services of programme regarding land use, site selection, control and use, road systems and servicing of land with a view to creating and maintaining systematic and coordinated urban development. Such services include impact and economic assessments for sustainable urban development, such as bike lanes, public transport, mitigation of flooding or landslide risks, sustainable use of water, waste management, biodiversity, and ecosystems within cities. Such services can directly serve environmental protection and resource management purposes and can also enable goods or be directly related to technical processes, methods, and knowledge to prevent and reduce pollution and preserve natural resources.	
18	86742	Landscape architectural		

services

Even with a primarily aesthetic goal, certain landscaping architecture services including renaturing, ground desealing, biotope restoration, and restoring or preserving local vegetation can directly serve to protect biodiversity and landscape or preserve natural resources as well as

Limited to services related to maintaining, restoring, or regenerating ecosystems, natural landscapes, and biodiversity.

IV-9

No. W/120

Subsector

CPC Title Justification Ex-out

contribute to ecosystem-based adaptation to climate change.

B. Computer and Related Services

19 (a) Consultancy services related to the installation of computer hardware

841 Consultancy services related to the installation of computer hardware

Certain consultancy services are directly related to environmental goods and to the installation of equipment that may have as a primary purpose environmental protection or resource management, including

consultancy services for installation of energy and resource efficient, repairable, and long-lasting equipment. Furthermore, the installation of computer networks is key to undertake monitoring, data collection and data analysis to comply with environmental protection and resource management purposes. Computer networks enable the implementation of the Internet of Things (IoT) infrastructures, which are essential for environmental monitoring and energy efficiency. Therefore, such services may be directly related to environmental goods or to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources.

*,**

Limited to services related to hardware that does not imply an excessive consumption of energy.

20 (b) Software implementation services

842 Software implementation services

Certain software implementation services are key to address environmentally related concerns in different industries such as improving energy efficiency,

*,**

IV-10

No. W/120

Subsector

CPC Title Justification Ex-out

minimizing CO2 emissions in supply chain management, predicting environmental impacts or performance, modelling environmental variables or upgrading existing

software to improve environmentally related outcomes. Thus, software implementation services may directly serve an environmental purpose or be directly related to methods knowledge and technical processes to reduce pollution and preserve resources or to R&D for environmental protection and natural resource management.

Limited to software related to an environmental purpose.

21 (c) Data processing services

843 Data processing services

Certain data processing services contribute to reveal patterns that enable solutions to environmental concerns. An example is satellite image analysis using machine learning algorithms to detect deforestation or identify patterns in climate change. Also, data processing services can enable advanced analysis of environmental issues, such as air quality. Thus, data processing may directly serve an environmental purpose such as R&D for environmental protection and resource management or be directly related to methods, knowledge, and technical processes to reduce pollution and preserve natural resources.

*,**

Limited to services that do not imply an excessive consumption of energy.

22 (d) Database services

844 Database services

Environmental monitoring and data collection

increasingly require robust database services to deal with the complexity of data storage and analysis required by companies to address environmental concerns and provide solutions for improved environmental protection

*, **

Limited to databases for environmental data collection.

IV-11

No. W/120

Subsector

CPC Title Justification Ex-out

and resource management. For example, database services can support the implementation of Environmental Management Systems (EMS), which are key tools for companies seeking to minimize their environmental impact. A company can use a database to track its energy and resource use, waste generation, and greenhouse gas emissions, to then identify opportunities for improvement. Certain database services may directly serve an environmental purpose such as R&D for environmental purposes and resource management or be directly related to methods knowledge, and technical processes to reduce pollution and preserve natural resources.

23 (e) Other 845 Maintenance and repair services of office machinery and equipment including computers

Certain maintenance and repair services for office machinery and equipment, including reconditioning electronic goods are key for the circular economy, being

directly related to resource management and lower use of resources (including metal and energy). Repair of office machinery, including computers, helps to reduce e-waste, which is one of the fastest growing waste flows, and can support environmental goods. Such services directly serve to prevent and reduce pollution and to preserve mineral and energy resources.

24 84910 Data preparation services

Certain data preparation services, as part of data science, contribute to identifying patterns by analysing large data loads, which is necessary for finding solutions to environmental concerns. Certain data processing services

*,**

IV-12

No. W/120

Subsector

CPC Title Justification Ex-out

may directly serve an environmental purpose such as R&D for environmental protection and natural resource management or be directly related to methods, knowledge, and technical processes to reduce pollution and preserve natural resources.

25 84990 Other computer services n.e.c.

Training of computer specialists in software and technologies used to achieve environmental purposes, such as environmental protection and energy efficiency, is key to further advancing such purposes. For example, training services are essential for awareness of, and competency on, sustainability in the ICT sector, while certain training programs can help software developers become more resource-efficient in running programs and applications. Hence, training of computer specialists in certain cases is directly related to methods, knowledge,

and technical processes to reduce pollution and preserve natural resources.

Limited to training of computer specialists in software and technologies used to achieve environmental purposes.

C. Research and Development Services

26 (a) R&D services on natural sciences

85101 Research and experimental development services on physical sciences

Certain research and experimental development in physical sciences can be key to understanding and combating climate change, such as through researching mitigation and adaptation strategies or concerning other environmental concerns. Examples are studies on atmospheric pollution, models on emissions and research

**

IV-13

No. W/120

Subsector

CPC Title Justification Ex-out

on climate. Services covered have as primary purpose research and experimental development for environmental protection and natural resource management.

27 85102 Research and experimental

development

services on

chemistry and

biology

Certain research and experimental development services on chemistry and biology can be key to addressing environmental concerns, for example to understand and provide solutions to sustainable use and protection of water, transition to the circular economy, prevention and reduction of pollution, as well as to protect and restore biodiversity and ecosystems. Services covered have as primary purpose research and experimental development for environmental protection and natural resource management.

*, **

28 85103 Research and

experimental

development

services on

engineering and

technology

Certain research and experimental development services on engineering and technology can be key to addressing environmental concerns, for example research on renewable energy, energy efficiency, resources use, and carbon capture and storage. Services covered have as primary purpose research and experimental development for environmental protection and natural resource management.

**

29 85104 Research and

experimental

development

services on

Certain research and experimental development services

on agricultural sciences can be key to addressing environmental concerns, for example research on services related to organic agriculture, and to sustainable use and reduced risks of pesticides and fertilisers, as well as

*, **

IV-14

No. W/120

Subsector

CPC Title Justification Ex-out

agricultural

science

improvements in their application methods, dosage and effectiveness, pest and disease control and bioinputs such as organic pesticides. Services covered have as primary purpose research and experimental development for environmental protection and natural resource management.

30 85109 Research and

experimental

development

services on

agricultural

other natural

sciences

Certain research and experimental development services on other natural sciences can be key to addressing environmental concerns. Services covered have as primary purpose research and experimental development for environmental protection and natural resource management.

*, **

31 (c)

Interdisciplinary

R&D services

85300 Interdisciplinary

research and
experimental
development
services
Certain research and experimental development services on interdisciplinary sciences, involving environmental sciences can be key to addressing environmental concerns. Services covered have as primary purpose research and experimental development for environmental protection and natural resource management.
Limited to research and experimental development services on environmental sciences.
E.
Rental/Leasing
IV-15
No. W/120
Subsector
CPC Title Justification Ex-out
Services
Without
Operators
32 (c) Relating to
other transport
equipment
83101* Leasing or
rental services
concerning
private cars
without operator
Leasing or renting of private cars can support the sharing economy and maximisation of resource efficiency, thereby contributing to a lower emissions footprint for users. Services covered directly contribute to

environmental protection and natural resource

management.

***

33 83102* Leasing or

rental services

concerning

goods transport

vehicles without

operator

Leasing or renting of goods transport vehicles can support

the sharing economy and maximisation of resource

efficiency, thereby contributing to a lower emissions

footprint for users.

***

34 83105 Leasing or

rental services

concerning

other land

transport

equipment

without operator

Leasing or renting of land transport equipment can

support the sharing economy and maximisation of

resource efficiency, thereby contributing to a lower

emissions footprint for users.

***

F. Other

Business

Services

IV-16

No. W/120

Subsector

CPC Title Justification Ex-out

35 (e) Technical

testing and

analysis services

86761 Composition

and purity

testing and

analysis services

Services testing air, water, waste, fuels, captured carbon, and soil can be key to ensuring compliance with environmental standards and regulations. Such services also directly serve scientific research, as well as other environmental services such as sewage, refuse disposal and sanitation. Services covered can contribute to technical processes and knowledge to prevent and reduce pollution and preserve natural resources.

36 86762 Testing and

analysis services

of physical

properties

Testing and analysis services may directly contribute to energy or resource efficiency. Such services also directly serve scientific research and are related to goods or technical processes and knowledge to prevent and reduce pollution and preserve natural resources.

**

37 86763 Testing and

analysis services

of integrated

mechanical and

electrical

systems

Testing and analysis services may directly contribute to energy or resource efficiency. Such services can assess the energy efficiency of machinery, motors, automobiles, tools, appliances and other equipment incorporating mechanical and electrical components to assess performance and behavioural characteristics. Such

services also directly serve scientific research and are related to goods or technical processes and knowledge to prevent and reduce pollution and preserve natural resources.

**

38 86764 Technical inspection services Certain technical and scientific inspection can be key to ensure compliance with regulations, standards, or labels. Such services can be directly related to goods or technical

**

Subsector CPC Title Justification Ex-out

processes to prevent and reduce pollution and preserve natural resources.

39 86769 Other technical testing and analysis services Certain technical testing and analysis services can directly serve or be related to environmental performance or to goods or technical processes and knowledge to prevent and reduce pollution and preserve natural resources.

**

40 (f) Services incidental to agriculture, hunting and forestry

8811 Services incidental to agriculture

Certain consultancy services supporting sustainable farming practices, on-farm climate change mitigation or adaptation practices, natural resource management and conservation, or organic agriculture can help reduce the negative impacts of agriculture and adapt to and mitigate climate change. Such services can directly contribute to technical processes for environmental protection and natural resource management through prevention and reduction of pollution.

Limited to agricultural consultancy services directly contributing to:

(i) sustainable farming practices;

(ii) on-farm climate change mitigation or adaptation practices;

(iii) organic agriculture; or

(iv) natural resource management and conservation.

41 8814 Services related to forestry and logging, which include forest management and forest damage assessment

Services related to sustainable forest management, including forest damage assessment, can contribute to the development of carbon sinks, and to adaptation and mitigation to increased risks of landslides and flooding. Such services can directly serve climate change adaptation, air pollution reduction, and preserve natural resources, in particular timber and water, and biodiversity.

Limited to services directly
linked to sustainable forest
management, including
consultancy in these areas.
IV-18
No. W/120
Subsector
CPC Title Justification Ex-out
42 (g) Services
incidental to
fishing
882 Services
incidental to
fishing
Consultancy services on sustainable fishing, such as on monitoring catches and stocks, can directly serve management of aquatic and marine resources. Services related to sustainable aquaculture can contribute to lowering the impact of fishing. Such services can directly serve or be directly related to technical processes and knowledge to prevent and reduce pollution and preserve natural resources, in particular aquatic and marine resources.
Limited to consultancy for
sustainable fishing.
43 (i) Services
incidental to
manufacturing
88493
Recycling on a
fee or contract
basis
Such services include the services described in CPC 2.1 89410, 89420 (processing services of metal and nonmetal waste and scrap recovery for further use as

intermediate goods, stripped of harmful waste). Reclaiming such goods can be beneficial for natural resource management, and save mineral, energy, timber, and other resources. Recycling is key to a circular economy. Such services directly serve waste management and reduction of resource use.

44 (j) Services incidental to energy distribution

887 Services incidental to energy distribution

Services incidental to energy distribution include transmission and distribution services on a fee or contract basis of electricity, steam and hot water to household, industrial, commercial, and other users. Such services are enabling services related to technical processes and knowledge to prevent and reduce pollution and preserve natural resources in the context of decarbonising or adapting energy systems.

Limited to services related to electricity, steam and hot water produced with renewable energy.

IV-19

No. W/120

Subsector

CPC Title Justification Ex-out

45 (m) Related scientific and technical consulting services

8675 Engineering
related scientific
and technical
consulting
services
Certain geological, geophysical, geochemical, and other scientific prospecting, surveying and mapmaking services are directly related to technical processes, methods, and knowledge to prevent and reduce pollution and emissions, including through production of renewable energy and carbon capture and storage, and preserve natural resources.
Limited to geological,
geophysical, geochemical, and
subsurface surveying services
necessary in the development of
geothermal energy and the
production and storage of
captured carbon including
mineralisation.
46 (n) Maintenance
and repair of
equipment
633 Repair services
of personal and
household
goods
Maintenance and repair services for goods is key for the circular economy, being directly related to resource management and lower use of resources (including metal and energy). Such services directly serve to prevent and reduce pollution and to preserve natural resources.
47 8861 Repair services
of fabricated
metal products,

except
machinery and
equipment, on a
fee or contract
basis
Maintenance and repair services for goods is key for the circular economy, being directly related to resource management and lower use of resources (including metal and energy). Such services directly serve to prevent and reduce pollution and to preserve natural resources. Repairing metal goods typically requires less energy than producing new ones, making this beneficial for resource management.
*
48 8862 Repair services
of machinery
and equipment
n.e.c., on a fee
or contract basis
Maintenance and repair of machinery is a key service to a circular economy with lower use of resources. Such services directly serve to prevent and reduce pollution and to preserve natural resources.
, *
IV-20
No. W/120
Subsector
CPC Title Justification Ex-out
49 8863 Repair services
n.e.c. of office,
accounting and
computing
machinery, on a
fee or contract
basis

Maintenance and repair of machinery is a key service to a circular economy, being directly related to resource management and lower use of resources. Such services directly serve to prevent and reduce pollution and to preserve natural resources.

*

50 8864 Repair services of electrical machinery and apparatus n.e.c., on a fee or contract basis

Repairing of electrical machinery reduces resource use and is a key service to a circular economy. Such services directly serve to prevent and reduce pollution and to preserve natural resources.

*, **

51 (o) Building cleaning services

87409 Other building cleaning services

Certain cleaning services for reservoirs and tanks, furnaces and chimneys, and of incinerators, boilers, ventilation ducts and exhaust units can contribute to air pollution control and provides environmental remediation. Such services directly serve or are related to technology or methods with the primary purpose of preventing and reducing pollution and preserving natural resources.

Limited to cleaning services for:

(i) reservoirs and tanks;

(ii) furnaces and chimneys; and

(iii) incinerators, boilers,

ventilation ducts and exhaust

units.

3. Construction

and Related

Engineering

Services

IV-21

No. W/120

Subsector

CPC Title Justification Ex-out

52 A. General

construction

work for

buildings

5121

For one- and

two-dwelling

buildings

Construction of energy-efficient buildings and buildings with lower whole-of-life carbon footprint, and renovation work utilising more efficient construction products save resources. Such services are directly related to goods, and to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources.

*

53 5122

For multidwelling

buildings

Construction of energy-efficient buildings and buildings with lower whole-of-life carbon footprint, and renovation work utilising more efficient construction products save resources. Such services are directly related to goods, and to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve

natural resources.

*

54 5124 For commercial

buildings

Construction of energy-efficient buildings and buildings with lower whole-of-life carbon footprint, and renovation work utilising more efficient construction products save resources. Such services are directly related to goods, and to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources.

*

55 5126 For hotel,

restaurant and

similar

buildings

Construction of energy-efficient buildings and buildings with lower whole-of-life carbon footprint, and renovation work utilising more efficient construction products save resources. Such services are directly related to goods, and to technical processes, installations, methods, and

*

Subsector

CPC Title Justification Ex-out

knowledge to prevent and reduce pollution and preserve natural resources.

56 5127

For educational

buildings

Construction of energy-efficient buildings and buildings with lower whole-of-life carbon footprint, and renovation work utilising more efficient construction products save resources. Such services are directly related to goods, and

to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources.

*

57 5128 For health buildings Construction of energy-efficient buildings and buildings with lower whole-of-life carbon footprint, and renovation work utilising more efficient construction products save resources. Such services are directly related to goods, and to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources.

*

58 51290 Other buildings Construction of energy-efficient buildings and buildings with lower whole-of-life carbon footprint, and renovation work utilising more efficient construction products save resources. Such services are directly related to goods, and to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources.

*

59 B. General construction 5131 For highways (except elevated Railways can contribute to climate change mitigation and certain construction methods can help avoid floods and

*, **

Subsector CPC Title Justification Ex-out work for civil

engineering
highways),
streets, roads,
railways and
airfield runways
landslides. Railways are an efficient land transport infrastructure. Certain types of urban infrastructure such as railways, pedestrian walkways and cycleways support clean means of transportation. Such services can be directly related to installations to prevent and reduce pollution and preserve natural resources.
Limited to general construction services for railways, pedestrian walkways and cycleways.
60 5132 For bridges, elevated highways, tunnels and subways
Tunnel and subways for rail transport serve efficient land transport infrastructure, reduction of landscape loss and improved biodiversity. Such services can be directly related to installations to prevent and reduce pollution and preserve natural resources.
*, **
Limited to general construction services for railways, pedestrian walkways, and cycleways.
61 5133 For waterways, harbours, dams and other waterworks
Dams and certain waterworks can directly serve water management, improved adaptation to droughts, or contribute to clean electricity production. They can

contribute to services covered by CPC 94 (water supply and sanitation works, such as water distribution systems; and water, sewage, industrial and solid waste treatment). Such services can directly serve to prevent and reduce pollution and preserve natural resources provided that conservation requirements are met.

*

Limited to services related to the construction of dams, including hydroelectricity projects, and irrigation and flood control waterworks.

62 5134 For long distance pipelines, communication and power lines

Pipelines and power lines are efficient modes of transporting water or cleaner energy (such as hydrogen and electricity) which contributes to strengthening the grid. Such services can be directly related to installations to prevent and reduce pollution and preserve natural resources.

*, **

Limited to construction services for power lines that carry cleaner energy and pipelines that carry water, sewage, hydrogen gas, or

Subsector

CPC Title Justification Ex-out

captured carbon for storage, including mineralisation.

63 5135 For local

pipelines and
cables; ancillary
works
Certain construction work of water and sewer mains have as a primary purpose water and wastewater management. Such services reduce inefficiencies in transport due to loss and leakage. Pipelines and power lines are efficient modes of transporting water and cleaner energy (such as hydrogen and electricity) which contributes to strengthening the grid. Such services can be directly related to technical processes, methods, and knowledge to prevent and reduce pollution and preserve natural resources.
*, **
Limited to construction services for power lines that carry cleaner energy and limited to pipelines that carry water, sewage, or hydrogen gas or captured carbon for storage, including mineralisation.
64 5136 For
constructions
for mining and
manufacturing
Includes some construction services related to power plants for the production of renewable energy. Such services are related to goods or technical methods and processes to reduce pollution and preserve resources.
**
Limited to the construction of power plants for renewable energy.
65 C. Installation
and assembly

work

5161 Heating,

ventilation and

air conditioning

work

Heating, ventilation and air conditioning techniques are key to producing, and renovating to create energy efficient buildings. Such services are directly related to technical processes, installations, methods and knowledge to prevent and reduce pollution and preserve natural resources, and contribute to climate change adaptation and mitigation.

*, ***

IV-25

No. W/120

Subsector

CPC Title Justification Ex-out

66 5162 Water plumbing

and drain laying

work

Plumbing has as primary purpose water and wastewater management.

67 51641 Electrical wiring

and fitting work

Electrical wiring and fitting work is instrumental for the installation of renewable energy production in buildings and is a pre-requisite for electrification of energy consumption. This includes electrical work related to heat pumps, battery chargers and other renewable energy source. Such services are enablers for goods and are directly related to technical processes, installations, methods and knowledge to prevent and reduce pollution and preserve natural resources.

Limited to the installation of

electrical wiring or fittings for

renewable energy.

68 51649 Other electrical

construction

work

Certain electrical work arising from the installation of efficient appliances is directly related to environmental goods and to preventing and reducing pollution and preserve natural resources.

Limited to the installation of

electrical wiring or fittings for

renewable energy.

69 51650 Insulation works

(electrical

wiring, water,

heat, sound)

Thermal or acoustic insulation directly serves the reduction of energy consumption in dwellings. From the point of view of energy efficiency, industries use insulation to avoid heat loss, achieve fuel savings and reduce emissions. Insulation of wiring is necessary for the electrification of the energy system and insulating pipes is directly related to wastewater management as it prevents pipeline damage. Such services, when directly related to increasing energy efficiency, serve or are directly related to technical processes, installations, methods, and

knowledge to prevent and reduce pollution and preserve resources.

70 D. Building

completion and

finishing work

5171 Glazing work

and window

glass installation

work

Installing insulation for windows for the purposes of increasing energy efficiency is directly related to environmental goods and aims to prevent and reduce pollution and preserve natural resources.

71 E. Other 5113 Site formation and clearance work

Certain work aimed at preparing sites for construction, including blasting, test drilling and rock removal work are related to geothermal energy, and carbon capture and mineralisation production. Such services can be directly related to technical processes, installations, methods, and knowledge to prevent and reduce pollution and preserve natural resources.

*, **

Limited to services directly related to production of geothermal energy production and carbon capture and storage, including mineralisation.

72 5153 Roofing and water proofing

Roofing and water proofing skills are key to renovation and improvements to insulation of buildings, which contributes to climate change mitigation and adaptation. Such services can be directly related to technical processes, methods and knowledge to prevent and reduce pollution and preserve natural resources.

4. Distribution Services

73 A. Commission agents’ services

62114 Sales on a fee or
contract basis of
machinery,
Certain distribution services are directly related to
distributing goods whose use is beneficial for pollution
reduction, energy efficiency or saving resources.
*, ***
Limited to services related to the
distribution of goods, including
IV-27
No. W/120
Subsector
CPC Title Justification Ex-out
industrial
equipment and
vehicles other
than motor
vehicles,
bicycles and
motorcycles
adapted goods, whose use is
beneficial for an environmental
purpose listed in Annex III
(Environmental Purposes –
Trade in Environmental
Services). Such goods include
goods that form part of the
circular economy and goods
covered by Chapter 2 (Trade in
Environmental Goods).
74 62115 Sales on a fee or
contract basis of
furniture,
household
goods, hardware

and

ironmongery

Certain distribution services are directly related to distributing goods whose use is beneficial for pollution reduction, energy efficiency or saving resources.

*, **

Limited to services related to the distribution of goods, including adapted goods, whose use is beneficial for an environmental purpose listed in Annex III (Environmental Purposes – Trade in Environmental Services). Such goods include goods that form part of the circular economy and goods covered by Chapter 2 (Trade in Environmental Goods).

IV-28

No. W/120

Subsector

CPC Title Justification Ex-out

75 62118 Sales on a fee or contract basis of goods n.e.c

Certain distribution services are directly related to distributing goods whose use is beneficial for pollution reduction, energy efficiency or saving resources.

*, ***

Limited to services related to the distribution of goods, including adapted goods, whose use is beneficial for an environmental purpose listed in Annex III (Environmental Purposes –

Trade in Environmental Services

). Such goods include goods that

form part of the circular

economy and goods covered by

Chapter 2 (Trade in

Environmental Goods).

76 B. Wholesale

trade services

62242 Wholesale trade

services of

household

appliances

Certain distribution services are directly related to

distributing goods whose use is beneficial for pollution

reduction, energy efficiency or saving resources.

*

Limited to services related to the

distribution of goods, including

adapted goods, whose use is

beneficial for an environmental

purpose listed in Annex III

(Environmental Purposes –

Trade in Environmental

Services). Such goods include

goods that form part of the

circular economy and goods

covered by Chapter 2 (Trade in

Environmental Goods).

IV-29

No. W/120

Subsector

CPC Title Justification Ex-out

77 62266 Wholesale trade

services of

sports goods

(including
bicycles)
Certain distribution services are directly related to distributing goods whose use is beneficial for pollution reduction, energy efficiency or saving resources. Including only sports goods that encourage sustainable mobility.
*
Limited to services related to the distribution of goods, including adapted goods, whose use is beneficial for an environmental purpose listed in Annex III (Environmental Purposes – Trade in Environmental Services). Such goods include goods that form part of the circular economy and goods covered by Chapter 2 (Trade in Environmental Goods).
78 62278 Wholesale trade services of waste and scrap and materials for recycling
Recycling of waste, scrap and other materials can reduce energy consumption and greenhouse gas emissions and also reduce pressure on waste disposal facilities. Recycling is key to a circular economy as it encourages re-use over production of new items. Such services directly serve preventing and reducing pollution and preserving natural resources.
*

Subsector
CPC Title Justification Ex-out
79 62282 Wholesale trade
services of
transport
equipment and
other motor
vehicles,
motorcycles and
bicycles
Certain distribution services are directly related to
distributing goods whose use is beneficial for pollution
reduction, energy efficiency or saving resources.
*, ***
Limited to services related to the
distribution of goods, including
adapted goods, whose use is
beneficial for an environmental
purpose listed in Annex III
(Environmental Purposes –
Trade in Environmental
Services). Such goods include
goods that form part of the
circular economy and goods
covered by Chapter 2 (Trade in
Environmental Goods).
80 C. Retailing
services
63232 Retail sales of
household
appliances
Certain distribution services are directly related to
distributing goods whose use is beneficial for pollution
reduction, energy efficiency or saving resources.
*

Limited to services related to the distribution of goods, including adapted goods, whose use is beneficial for an environmental purpose listed in Annex III (Environmental Purpose – Trade in Environmental Services). Such goods include goods that form part of the circular economy and goods covered by Chapter 2 (Trade in Environmental Goods).

IV-31

No. W/120

Subsector	CPC	Title	Justification	Ex-out
5. Educational Services				
	81	B. Secondary education services		
		C. Higher education services		
	922-923	Secondary and higher education	Certain education services are key to improving knowledge about environmental topics and means to address environmental concerns, for example programmes that address pollution prevention and control and management of natural resources. Such services are directly related to methods and knowledge to prevent and reduce pollution and preserve natural resources.	

Limited to services directly
related to environmental studies.
82 D. Adult
education
924 Adult education
services n.e.c.
Certain education services are key to improving
knowledge about environmental topics and means to
address environmental concerns, for example
programmes that address pollution prevention and control
and management of natural resources. Such services are
directly related to methods and knowledge to prevent and
reduce pollution and preserve natural resources.
Limited to services directly
related to environmental studies.
6.
Environmental
Services
83 A. Sewage
services
9401 Sewage services The primary purpose of such services is wastewater
management.

Subsector
CPC Title Justification Ex-out
84 B. Refuse
disposal
services
9402 Refuse disposal
services
The primary purpose of such services is waste
management.
85 C. Sanitation
and similar

services

9403 Sanitation and

similar services

The primary purpose of sanitation services may be waste

management.

86 D. Other 9404 Cleaning

services of

exhaust gases

Cleaning services of exhaust gases have as a primary

purpose protection of ambient air.

87 9405 Noise abatement

services

The primary purpose of such services is prevention,

reduction, and abatement of noise pollution.

88 9406 Nature and

landscape

protection

services

The primary purpose of such services is protection of

biodiversity, ecosystems, and landscape, as well as

preserving and maintaining resources.

89

9409 Other

environmental

protection

services n.e.c.

The primary purpose of such services is prevention,

reduction, control and elimination of pollution and other

forms of environmental degradation.

7. Financial

Services

IV-33

No. W/120

Subsector

CPC Title Justification Ex-out

90 A. Insurance
and insurancerelated
services
(i) Direct
insurance
(including coinsurance):
nonlife
Certain insurance services reduce the risk of investing in goods, installations or equipment that contribute to reducing pollution and natural resource management, such as renewable energy production or energy efficiency. Insurance services may contribute to climate adaptation through data sharing and rewarding preventative actions taken by policy holders. They may foster the deployment of such technologies. Such services directly serve climate change adaptation, or are directly related to goods, installations or equipment whose purpose is emission reduction or elimination of pollution or resource management.
*, **, ***
Limited to services related to an environmental purpose.
91 (ii) Reinsurance
and retrocession
Certain insurance services reduce the risk of investing in goods, installations or equipment that contribute to reducing pollution and natural resource management, such as renewable energy production or energy efficiency. Re-insurance services may contribute to climate adaptation through data sharing and rewarding preventative actions taken by policy holders. They may foster the deployment of such technologies. Such services directly serve climate change adaptation, or are directly related to goods, installations or equipment whose purpose is emission reduction or elimination of pollution

or resource management.

*, **

Limited to services related to an

environmental purpose

92 (iv) Services

auxiliary to

insurance, such

Certain insurance services reduce the risk of investing in

goods, installations or equipment that contribute to

reducing pollution and natural resource management,

*, **

IV-34

No. W/120

Subsector

CPC Title Justification Ex-out

as consultancy,

actuarial, risk

assessment and

claim settlement

services

such as renewable energy production or energy

efficiency. Insurance services may contribute to climate

adaptation through data sharing and rewarding

preventative actions taken by policy holders. They may

foster the deployment of such technologies. Such services

directly serve climate change adaptation, or are directly

related to goods, installations or equipment whose

purpose is emission reduction or elimination of pollution

or resource management.

Limited to services related to an

environmental purpose

93 B. Banking and

other financial

services

(excluding

insurance)

(vi) Lending of

all types,

including

consumer credit,

mortgage credit,

factoring and

financing of

commercial

transaction

Certain financial services are instrumental to finance the purchase of goods, installations or equipment that contribute to reducing pollution and natural resource management, such as renewable energy production or energy efficiency. They may foster the deployment of such technologies. Such services directly serve environmental purposes or are directly related to goods, installations or equipment whose purpose is emission reduction or elimination of pollution or resource management.

, *

Limited to instruments to

finance green infrastructure or

equipment, or industrial R&D

according to specific criteria as

in domestic or foreign

regulations or voluntary industry

standards.

94 (vii) Financial

leasing

Certain financial services are instrumental to finance the purchase of goods, installations or equipment that contribute to reducing pollution and natural resource management, such as renewable energy production or energy efficiency. They may foster the deployment of

such technologies. Such services directly serve environmental purposes or are directly related to goods, installations or equipment whose purpose is emission

, *

Limited to instruments to finance green infrastructure or equipment, or industrial R&D according to specific criteria as in domestic or foreign

IV-35

No. W/120

Subsector

CPC Title Justification Ex-out

reduction or elimination of pollution or resource management.

regulations or voluntary industry standards.

95 (ix) Guarantees and commitments

Certain financial services are instrumental to finance the purchase of goods, installations or equipment that contribute to reducing pollution and natural resource management, such as renewable energy production or energy efficiency. They may foster the deployment of such technologies. Such services directly serve environmental purposes or are directly related to goods, installations or equipment whose purpose is emission reduction or elimination of pollution or resource management.

, *

Limited to instruments to finance green infrastructure or equipment according to specific criteria as in domestic or foreign

regulations or voluntary industry standards.

96 (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

Certain financial services, such as third party verification of issuances of green and sustainability linked bonds, are instrumental to finance the purchase of goods, installations or equipment that contribute to reducing pollution and natural resource management, such as renewable energy production or energy efficiency. They may foster the deployment of such technologies. Such services directly serve environmental purposes or are directly related to goods, installations or equipment whose purpose is emission reduction or elimination of pollution or resource management.

, * Limited to instruments to finance green infrastructure or equipment according to specific criteria as in domestic or foreign regulations or voluntary industry standards.

IV-36

No. W/120

Subsector

CPC Title Justification Ex-out

97 (xiii) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services

Certain financial instruments are designed to help investors to channel capital towards projects that contribute to pollution reduction and natural resource management. Certain services specialise in transmitting information on and in fostering the deployment of such projects and technologies. Such services directly serve environmental purposes or are directly related to goods, installations or equipment whose purpose is emission reduction or elimination of pollution or resource management.

, *

Limited to instruments to finance green infrastructure or equipment according to specific criteria as in domestic or foreign regulations or voluntary industry standards.

98 (xv) Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services

Certain financial instruments are designed to help investors to channel capital towards projects that contribute to reducing pollution and natural resource management. Certain services specialise in transmitting information on, and in fostering the deployment of, such projects and technologies. Such services directly serve environmental purposes or are directly related to goods, installations or equipment whose purpose is emission reduction or elimination of pollution or resource management.

, *

Limited to provision of information according to specific criteria as in domestic or foreign regulations or voluntary industry standards

99 (xvi) Advisory, intermediation

Certain financial instruments are designed to help investors to channel capital towards projects that

, *

IV-37

No. W/120

Subsector

CPC Title Justification Ex-out

and other

auxiliary

financial

services on all

the activities

under (v)

through (xv) ,

including credit

reference and

analysis,

investment and

portfolio

research and

advice, advice

on acquisitions

and on corporate

restructuring

and strategy.

contribute to reducing pollution and natural resource management. Certain services specialise in transmitting information on, and in fostering the deployment of, such projects and technologies. Such services directly serve environmental purposes or are directly related to goods, installations or equipment whose purpose is emission reduction or elimination of pollution or resource management.

Limited to provision of

information to finance green

infrastructure or equipment

according to specific criteria as

in domestic or foreign

regulations or voluntary industry

standards.

11. Transport

Services

100 A. Maritime

transport

services

(a) Passenger

transportation

7211 Passenger

transportation

Transport by seagoing vessels may result in less greenhouse gas emissions per capita than other means of transport. This is reinforced by the uptake by passenger transportation of renewable energy and zero or near zero greenhouse emission technologies. Such services are directly related to prevention and reduction of pollution

Excludes leisure cruises.

IV-38

No. W/120

Subsector

CPC Title Justification Ex-out

through protecting ambient air and addressing climate change.

Limited to services supplied by vessels powered by renewable or zero emission1 energy only.

101 (b) Freight

transportation

7212 Freight

transportation

Transport by seagoing vessels may result in less greenhouse gas emissions per ton of goods transported than other means of transport. This is reinforced by the uptake by international shipping of renewable energy and zero or near zero greenhouse emission technologies. Such services are directly related to prevention and reduction of pollution by means of protecting ambient air and

addressing climate change.

**

Limited to services supplied by

vessels powered by renewable or

zero emission2 energy only.

102 (e) Pushing and

towing services

7214 Pushing and

towing services

Pushing and towing services related to offshore wind

industry facilitate the development of wind power and

contribute to generation of renewable energy and

emission reduction.

Limited to services related to

offshore wind power.

103 (f) Supporting

services for

maritime

transport

7454 Vessel salvage

and refloating

Services related to removing distressed and sunk vessels

directly serve to prevent pollution of marine and coastal

ecosystems and landscape, thus preserving biodiversity

and marine environment.

1 Vessels powered by “near-zero” emission energy shall be included by a decision of the Joint Commission, in accordance with Article 6.2 (Functions of the Joint Commission), once

the meaning of “near-zero” emission is agreed by the International Maritime Organisation (IMO).

2 Vessels powered by “near-zero” emission energy shall be included by a decision of the Joint Commission, in accordance with Article 6.2 (Functions of the Joint Commission), once

the meaning of “near-zero” emission is agreed by the International Maritime Organisation (IMO).

No. W/120

Subsector

CPC Title Justification Ex-out

104 B. Internal

waterways

transport

(b) Freight

transportation

72221 Transportation

of frozen or

refrigerated

goods

Inland waterways transport may be more efficient than other means of transportation, due to its use of environmentally friendlier infrastructure such as canals, rivers, or lakes. Such services are directly related to prevention and reduction of pollution by means of protecting ambient air and addressing climate change and preserve energy resources.

***

105 72222 Transportation

of bulk liquids

or gases

Inland waterways transport may be more efficient than other means of transportation, due to its use of environmentally friendlier infrastructure such as canals, rivers, or lakes. Such services are directly related to prevention and reduction of pollution by means of protecting ambient air and addressing climate change and preserve energy resources.

***,**

106 72229 Transportation

of other freight

Inland waterways transport may be more efficient than other means of transportation, due to its use of environmentally friendlier infrastructure such as canals, rivers, or lakes. Such services are directly related to prevention and reduction of pollution by means of protecting ambient air and addressing climate change and

preserve energy resources.

***, **

107 E. Rail

transport

services

(a) Passenger

transportation

71111 Interurban

passenger

transportation

Rail transportation is more sustainable and energyefficient

than other methods of mass transportation. Such

services are directly related to prevention and reduction of

pollution by means of protecting ambient air and

addressing climate change.

***

IV-40

No. W/120

Subsector

CPC Title Justification Ex-out

108 71112 Urban and

suburban

passenger

transportation

Rail transportation is more sustainable and energyefficient

than other methods of mass transportation. Such

services are directly related to prevention and reduction of

pollution by means of protecting ambient air and

addressing climate change.

***

109 (b) Freight

transportation

7112 Freight

transportation

Rail transportation is more sustainable and energyefficient

than other methods of transportation. Such services are directly related to prevention and reduction of pollution by means of protecting ambient air and addressing climate change.

***

110 (c) Pushing and towing services

7113 Pushing or towing services

Pushing and towing services are auxiliary services necessary to support rail transport operations. Rail transportation is a more sustainable and energy-efficient method of mass transport. Such services are directly related to prevention and reduction of pollution by means of protecting ambient air and addressing climate change.

***

111 (d) Maintenance and repair of rail transport equipment

8868 Maintenance and repair of rail transport equipment

Maintenance and repair services are key for the circular economy, being directly related to resource management. Relevant auxiliary services to rail transport equipment includes upgrading and retrofitting rolling stock to improve energy efficiency. Such auxiliary services are necessary to support rail transportation, which is a more efficient method of mass transportation and is directly related to reducing air pollution and protecting the climate.

Subsector

CPC Title Justification Ex-out

112 F. Road

transport

services

(a) Passenger

transportation

71211-

14

Urban and

suburban

regular and

special

transportation

Interurban

regular and

special

transportation

Mass transportation is more sustainable and energyefficient

than other methods of transportation. Such

services are directly related to prevention and reduction of

pollution by means of protecting ambient air and

addressing climate change.

***

113 71219 Other scheduled

passenger

transportation

Mass transportation by mechanised land vehicles, such as

scheduled cable cars, is a more sustainable, energyefficient

method of transport. Such services are directly

related to prevention and reduction of pollution by means

of protecting ambient air and addressing climate change.

***

114 G. Pipeline

transport

7139 Transportation

of other goods

Transportation of hydrogen and captured carbon for

storage (CSS) or mineralisation by pipelines contributes

to reducing emissions.

Limited to services for the

transportation of hydrogen and

captured carbon for storage and

mineralisation.

ANNEX V. REFERRED TO IN ARTICLE 3.13 (ANNEXES). SCHEDULES OF SPECIFIC COMMITMENTS

APPENDIX 1 TO ANNEX V

COSTA RICA - SCHEDULE OF SPECIFIC COMMITMENTS

EXPLANATORY NOTES

1. For the purpose of this Schedule, the term “none” indicates a services sector or sub-sector where there are no terms, limitations and conditions

on market access or conditions and qualifications on national treatment. The term “unbound” indicates that no national treatment or market

access commitments have been made.

2. The absence of specific reservations in a given services sector or sub-sector is without prejudice to the horizontal reservations that apply.

3. Services sectors or subsectors not mentioned in the list below are not committed.

4. The level of commitments in a particular services sector shall not supersede the level of commitments undertaken with respect to any other

services sector to which such service is an input for the particular service or to which it is otherwise related.

5. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements

(including any concession, permit, register and other authorisation) and procedures when they do not constitute market access or national

treatment limitations, conditions and qualifications within the meaning of Articles 3.5 (Market Access) and 3.6 (National Treatment). Such

measures (for example, need to obtain a licence, universal service obligations, need to obtain recognition of qualifications in regulated sectors,

need to pass specific examinations, including language examinations, non-discriminatory requirements that certain services may not be carried

out in environmental protected zones or areas of particular historic and artistic interest), even if not listed, apply in any case to services and

services suppliers of another Party.

6. CPC numbers indicated in parenthesis in the “Sector or subsector” column are references to the United Nations Provisional Central Product

Classification (Statistical Papers, Series M, N° 77, Provisional Central Product Classification, Department of International Economics and

Social Affairs, Statistical Office of the United Nations, New York, 1991), except as otherwise indicated.

V-1-2

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. HORIZONTAL COMMITMENTS

This Part sets out the commitments that apply to trade in services in all scheduled services sectors unless otherwise specified. The

commitments that apply to trade in specific services sectors are listed in Part II (SECTOR-SPECIFIC COMMITMENTS).

ALL SECTORS AND SUBSECTORS INCLUDED IN THIS SCHEDULE

1. The obligation under paragraph 5 of Article 3.10 (Domestic Regulation) to comply with the criteria outlined in subparagraph 4(b) of that

Article shall not apply to Costa Rica.

2. Treatment accorded to subsidiaries of juridical persons of another Party constituted in accordance with the Costa Rican legislation and

having their registered office, central administration or principal place of business within the territory of Costa Rica is not extended to

branches, agencies or representative offices established in the territory of Costa Rica by a juridical person of another Party.

Treatment less favorable may be accorded to subsidiaries of a juridical person of another Party constituted in accordance with the Costa

Rican legislation, which have only their registered office or central administration in the territory of Costa Rica; unless it can be proved

that they maintain substantive business operations in the territory of Costa Rica.

3. Associations located abroad that would like to act in Costa Rica are obliged to constitute and maintain in the country a power of attorney;

likewise, foreign juridical persons that have or want to open branches in the territory of Costa Rica are obliged to constitute and maintain

in the country a power of attorney for the branch’s business.

4. Shall not be permanently removed from State ownership any power that may be obtained from public waters within the national territory;

deposits of coal, wells and deposits of oil and any other hydrocarbons, as well as any deposits of radioactive minerals existing within the

national territory; and wireless services. They may be exploited only by the public administration or by private parties, in accordance with

the law or under a special concession granted for a limited time and on the basis of conditions and stipulations to be established by the

Legislative Assembly.

I I I

V-1-3

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

5. The State exercises complete and exclusive sovereignty over its territorial waters within a distance of 12 miles measured from the lowtide

mark along its shores, over its continental shelf, and its insular undersea base, in accordance with principles of international law. It

also exercises special jurisdiction over the seas adjacent to its territory within a distance of two hundred miles measured from the same

mark, in order to protect, preserve, and exploit exclusively all the natural resources and wealth existing in the waters, soil, and subsoil of

those zones, in accordance with those principles.

6. National railroads, ports, and airports – the latter while in use – may not be sold, leased or encumbered, directly or indirectly, or be

otherwise removed from State ownership and control. The railroads, railways, docks and international airports, new or existing, as well

as the services there supplied, shall only be granted in concession through the stipulated proceedings in the national legislation. In the

case of Limón, Moín, Caldera and Puntarenas ports shall only be given in concession the new works or the additions that are being done,

not the existing ones. All enterprises holding railroads, ports or airports concessions must be constituted under Costa Rican legislation

and domiciled in Costa Rica.

7. For concessions of public works contracts and the concessions of public works with public services contracts defined in accordance with

the Costa Rican legislation, in case of a tie in the selection parameters in conformity with the notice rules, the Costa Rican tenderer shall

be awarded the contract over the foreigner. The adjudicatory stays obliged to constitute a national anonymous society with which the

concession’s contract shall be concluded. Also, it shall be jointly responsible with this anonymous society.

8. Services considered as public services1, as defined and regulated in its national laws and regulations, may be subject to a public monopoly

or to exclusive rights granted to natural persons or juridical persons, public or private. To be a public service supplier the respective

concession or permit shall be obtained from the competent public entity. Are excluded from this obligation the institutions and public

enterprises that, as a legal mandate, supply any of these services. The suppliers shall not have any monopolistic right over a public service

1 Public services include: electric energy supply, including generation, transmission, distribution and commercialization; supply of sewage and water services which

includes drinkable water, collection, treatment and evacuation of sewage, residual and pluvial waters, as well as the installation, operation, and maintenance of hydrant services;

fuel supply derivatives from hydrocarbons, including petroleum, asphalts, gas and naphthas, destined to supply national demand in distribution stations, as well as the derivatives

from petroleum, asphalts, gas and naphthas destined to the final consumer; irrigation and drainage; remunerated public transport of persons, except for air transportation;

maritime and air services in national ports; freight transport by railroad; recollection and treatment of solid and industrial wastes; social services of postal communication; and

any other services that, given their importance for the sustainable development of the country, are qualified and regulated as such by the Costa Rican Legislative Assembly.

I I I

V-1-4

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

that they exploit and shall be subject to the limitations and changes imposed by the legislation. New concessions, permits or authorisations

shall be granted as long as the demand of services justifies it, or that those services could be offered in better conditions for the user.

Priority shall be given to the concessionaires that are supplying the service. State monopolies created by law or granted in administration,

are excluded from the above mentioned.

9. In accordance with the Costa Rican legislation, the investment of private capital in services reserved to the State is prohibited. If that

legislation is modified to allow the investment of private capital in such services, Costa Rica reserves the right to adopt or maintain

limitations on national treatment or market access with respect to foreign investment participation.

10. A concession is required to perform any type of development or activity in the maritime-terrestrial zone, as defined in the Costa Rican

legislation.2

A concession in the maritime terrestrial zone shall not be granted to or held by: (a) foreign nationals that have not resided in the country

for at least five years; (b) enterprises with bearer shares; (c) enterprises domiciled abroad; (d) enterprises incorporated in Costa Rica solely

by foreign nationals; or (e) enterprises where more than 50 percent of the capital shares or stocks are owned by foreigners.

Within the maritime-terrestrial zone, no concession may be granted within the first 50 meters counted from the high tide line nor in the

area comprised between the high tide line and the low tide line.

The entities or its partners that have concessions in the maritime terrestrial zone shall not yield or transfer quotas or shares to foreigners.

Only Costa Rican natural or juridical persons that may have concessions shall intervene in touristic developments in the maritimeterrestrial

zone or with access to it. Likewise, foreign entities shall intervene as long as they are tourism enterprises, whose development

capital belongs in more than 50 percent to Costa Ricans.

2 The maritime-terrestrial zone is the 200-meter strip located along the entire length of the Atlantic and Pacific coast lines of Costa Rica, measured horizontally from the

ordinary high tide line. The maritime-terrestrial zone also covers all islands located within the Costa Rican territorial waters.

I I I

V-1-5

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

A concession may also be required to perform any type of development or activity in coastal urban zones, as defined in the Costa Rican

legislation.3 A concession in a coastal urban zone is subject to an urban regulatory plan and the conditions in Law No. 9221. Economic

needs tests may apply and priority will be given to concessionaires that already had a concession before the coastal urban zone was

declared as such and to occupants on a precarious basis (ocupantes a título precario).

A concession in the urban coastal zone shall not be granted to or held by: (a) foreign nationals that have not resided in the country for at

least five years; (b) foreign nationals with an irregular migratory status; (c) enterprises domiciled abroad; or (d) enterprises where more

than fifty percent of the capital shares or stocks are owned by foreigners. This percentage shall be maintained throughout the period of

the concession. Enterprises that hold concessions in coastal urban zones shall report any changes in the composition of their equity.

Excluding land that is under private domain and has legitimate title, all other land within the 2000 meters-wide zone which is alongside

Costa Rica’s borders with Nicaragua and Panama is inalienable and cannot be acquired by denuncio or possession. In case of natural

persons, a foreign national must have permanent resident status in Costa Rica, and prove it through a certification issued by the General

Directorate of Migration and Alien Affairs, to obtain a concession in these lands. A juridical person shall be domiciled in Costa Rica to

obtain a concession in these lands. Juridical persons, whose shares, stocks or capital belongs to foreign nationals in more than 50% may

not obtain a concession. Juridical persons whose members are more than 50% foreigners may not obtain a concession. In case of juridical

persons whose capital is owned by foreign nationals, they shall demonstrate that these natural persons have permanent

resident status in

Costa Rica, and prove it through a certification issued by the General Directorate of Migration and Alien Affairs.

11. Enterprises established in the Free Zone Regime under the category of Export Processing Industries that produce, process or assemble for

export or re-export, may introduce into the national customs territory up to 25 percent of their total sales.

A non-producer exporter commercial enterprise, established in the Free Zone in Costa Rica that simply handles, re-packs or redistributes

non-traditional goods and products for exportation or re-exportation, cannot introduce any percentage of its total sales into Costa Rica's

customs territory.

3 A coastal urban zone is a territory in the coast, also considered as an urban area, and previously declared as coastal urban area by the competent authorities.

I I I

V-1-6

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

12. Only the professional services suppliers duly incorporated to the respective professional association in Costa Rica are authorised to

practice the profession in the Costa Rican territory, including advisory and consulting. Incorporation is subject to nationality and residency

requirements at the time of applying for membership. In some cases, the hiring of foreign professional services suppliers on behalf of

State or private institutions can only happen when there are no Costa Rican professional services suppliers willing to supply the service

in the required conditions, or under the declaration of inopia.

13. Costa Rica reserves the right to adopt or maintain any measure:

(a) that grants rights or preferences to social or economic groups under disadvantage or to native groups; or

(b) with respect to the provision of law enforcement and correctional services, and the following services to the extent 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 sewage services, and water supply services.

14. With respect to services included in this Schedule, any market access and national treatment limitations maintained at local governments'

level are consolidated; nevertheless such limitations are not scheduled.

15. Costa Rica reserves the right to adopt or maintain any measure with respect to subsidies or grants it provides, including governmentsupported

loans, guarantees, and insurance.

16. Commitments under Mode 4 are unbound, except for measures concerning the entry and temporary stay of business persons falling within

the categories defined in paragraphs A, B and C below. A business person means a natural person of a Party engaged in trading goods,

providing services or conducting activities related to commercial presence. Authorisation is granted subject to the limitations and

conditions set out herein and in the migratory and labour regulations for entry of natural persons into, or their temporary stay in, its

territory, including those necessary to ensure border security, the orderly movement of natural persons across its borders and to protect

the domestic labour force and permanent employment in their respective territories. The sole fact of requiring a visa for a natural person

shall not be regarded as nullifying or impairing benefits under this Agreement. The national relevant professional bodies may adopt or

maintain at their discretion requirements, standards or criteria for the authorisation, licensing or certification for the exercise of a

I I I

V-1-7

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

profession. Numerical quotas and economic needs tests are required for categories A, B and C. Any limitations scheduled for specific

sectors and subsectors shall also apply.

A. Business visitors: a natural person of a Party engaged in trading goods, providing services or conducting activities related to commercial

presence; seeking to engage in one of the following business activities in the territory of Costa Rica:

- Meetings and Consultations: Business persons attending meetings, seminars or conferences, or engaged in advising clients.

- Research and Design: Technical, scientific and statistical researchers conducting independent research or research for an enterprise

located in a Party to the Agreement on Climate Change, Trade and Sustainability.

- Manufacture and Production: Purchasing and production management personnel conducting commercial transactions for an

enterprise located in a Party to this Agreement.

- Marketing: Market researchers and analysts conducting independent research or analysis or research or analysis for an enterprise

located in a Party to this Agreement. Trade fair and promotional personnel attending a trade convention.

- Sales: Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise located in a

Party to this Agreement but not delivering goods or providing services. Buyers purchasing for an enterprise located in a Party to

this Agreement.

- After-Sales Services: Installers, repair, maintenance and supervising personnel, that have specialised knowledge essential to a

seller's contractual obligation, and that supplies services or trains workers to perform those services pursuant to a warranty or

other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software,

purchased from an enterprise located outside of Costa Rica, during the warranty period or service agreement.

- General Services:

- Managing and supervision personnel engaging in business operations for an enterprise located in a Party to this Agreement.

- Public relations and advertising personnel that supply consulting services to clients or participating in conventions.

- Translators or interpreters that supply services as personnel of an enterprise located in a Party to this Agreement, except for

those services that in accordance with the legislation of Costa Rica must be provided by authorised translators.

- Services suppliers of information and communication technologies that attend meetings, seminars or conferences; or

undertaking consultancies.

- Sellers and advisors in franchise development that wish to offer their services in Costa Rica.

I I I

V-1-8

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. 1) Traders: A business person in a capacity that is supervisory, executive or that involves essential skills, seeking to carry on

substantial trade in goods or services principally between Costa Rica and another Party.

2) Investors: a natural person seeking to supply services through commercial presence in which that person has committed, or is in

the process of committing, a substantial amount of capital, amount which is determined by domestic law.

C. Intra-Corporate Transferees: A business person employed by an enterprise located in another Party who is transferred to perform as

an executive, manager or specialist in that enterprise's parent entity or subsidiary, provided that the business person and that enterprise

complies with existing immigration measures applicable to temporary entry. Costa Rica may require the business person to have been

employed continuously by the enterprise for one year within the three-year period immediately preceding the date of the application for

admission.

17. The senior management, boards of directors and other related positions within public institutions and public enterprises are reserved to

Costa Rican nationals.

II. SECTOR-SPECIFIC COMMITMENTS

1. BUSINESS SERVICES

A. Professional services

(d) Architectural services

Advisory and pre-design

architectural services

(CPC 86711)

1) None

2) None

1) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality

and residency requirements at the

time of applying for membership.

2) None

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

3) None

4) Unbound except as indicated in

horizontal commitments

3) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality

and residency requirements at the

time of applying for membership.

4) Unbound except as indicated in

horizontal commitments

Architectural design services

(CPC 86712)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality

and residency requirements at the

time of applying for membership.

2) None

3) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality

and residency requirements at the

time of applying for membership.

4) Unbound except as indicated in

horizontal commitments

Contract administration

services

(CPC 86713)

1) None

2) None

1) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality

and residency requirements at the

time of applying for membership.

2) None

V-1-10

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

3) None

4) Unbound except as indicated in horizontal commitments

3) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

4) Unbound except as indicated in horizontal commitments

Combined architectural design and contract administration services (CPC 86714)

1) None

2) None

3) None

4) Unbound except as indicated in horizontal commitments

1) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

2) None

3) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

4) Unbound except as indicated in horizontal commitments

(e) Engineering services

Advisory and consultative engineering services (CPC 86721)

1) None 1) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality
and residency requirements at the
time of applying for membership.
V-1-11
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
2) None
3) None
4) Unbound except as indicated in
horizontal commitments
2) None
3) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality
and residency requirements at the
time of applying for membership.
4) Unbound except as indicated in
horizontal commitments
Engineering design services
for the construction of
foundations and building
structures
(CPC 86722)
1) None
2) None
3) None
4) Unbound except as indicated in
horizontal commitments
1) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality

and residency requirements at the
time of applying for membership.
2) None
3) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality
and residency requirements at the
time of applying for membership.
4) Unbound except as indicated in
horizontal commitments
Engineering design services
for mechanical and electrical
installations
(CPC 86723)
1) None
2) None
1) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality
and residency requirements at the
time of applying for membership.
2) None
V-1-12
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
3) None
4) Unbound except as indicated in
horizontal commitments
3) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality
and residency requirements at the
time of applying for membership.

4) Unbound except as indicated in horizontal commitments

Engineering design services for the construction of civil engineering works (CPC 86724)

1) None

2) None

3) None

4) Unbound except as indicated in horizontal commitments

1) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

2) None

3) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

4) Unbound except as indicated in horizontal commitments

Engineering design services for industrial processes and production (CPC 86725)

1) None

2) None

1) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

2) None

V-1-13

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

3) None

4) Unbound except as indicated in

horizontal commitments

3) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality

and residency requirements at the

time of applying for membership.

4) Unbound except as indicated in

horizontal commitments

Engineering design services

n.e.c.

(CPC 86726)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality

and residency requirements at the

time of applying for membership.

2) None

3) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality

and residency requirements at the

time of applying for membership.

4) Unbound except as indicated in
horizontal commitments
Other engineering services
during the construction and
installation phase
(CPC 86727)
1) None
2) None
1) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality
and residency requirements at the
time of applying for membership.
2) None
V-1-14
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
3) None
4) Unbound except as indicated in
horizontal commitments
3) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality
and residency requirements at the
time of applying for membership.
4) Unbound except as indicated in
horizontal commitments
Other engineering services
(CPC 86729)
1) None
2) None
3) None
4) Unbound except as indicated in

horizontal commitments

1) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

2) None

3) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

4) Unbound except as indicated in horizontal commitments

(f) Integrated engineering services

Integrated engineering services for transportation infrastructure turnkey projects

1) None 1) Incorporation to the Professional Association of Architects and Engineers is subject to nationality

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 (CPC 86731)

2) None

3) None

4) Unbound except as indicated in horizontal commitments and residency requirements at the time of applying for membership.

2) None

3) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

4) Unbound except as indicated in horizontal commitments

Integrated engineering and project management services for water supply and sanitation works turnkey projects

(CPC 86732)

1) None

2) None

3) None

4) Unbound except as indicated in horizontal commitments

1) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

2) None

3) Incorporation to the Professional Association of Architects and Engineers is subject to nationality and residency requirements at the time of applying for membership.

4) Unbound except as indicated in horizontal commitments

Integrated engineering services for the construction of manufacturing turnkey

projects

1) None 1) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality

V-1-16

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

(CPC 86733)

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

and residency requirements at the

time of applying for membership.

2) None

3) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality

and residency requirements at the

time of applying for membership.

4) Unbound except as indicated in

horizontal commitments

Integrated engineering

services for other turnkey

projects

(CPC 86739)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Incorporation to the Professional

Association of Architects and

Engineers is subject to nationality
and residency requirements at the
time of applying for membership.
2) None
3) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality
and residency requirements at the
time of applying for membership.
4) Unbound except as indicated in
horizontal commitments
(g) Urban planning and
landscape architecture
services
V-1-17
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
Landscape architecture
services (86742)
1) None
2) None
3) None
4) Unbound except as indicated in
horizontal commitments
1) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality
and residency requirements at the
time of applying for membership.
2) None
3) Incorporation to the Professional
Association of Architects and
Engineers is subject to nationality

and residency requirements at the
time of applying for membership.
4) Unbound except as indicated in
horizontal commitments
B. Computer and related
services
(a) Consultancy services
related to the installation
of computer hardware
Consultancy services related
to the installation of
computer hardware (CPC
841)
1) None
2) None
3) None
4) Unbound except as indicated in
horizontal commitments
1) None
2) None
3) None
4) Unbound except as indicated in
horizontal commitments
(b) Software implementation
services

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
Software implementation
services (CPC 842)
1) None
2) None
3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

(c) Data processing services

Data processing services

(CPC 843)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

(d) Database services

Database services

(CPC 844)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

(e) Other

Maintenance and repair

services of office machinery

and equipment including

computers

(CPC 84500)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

V-1-19

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

Data preparation services

(CPC 84910)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

Other computer services

n.e.c.

(CPC 84990)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

C. Research and

development services

(a) R&D services on natural

sciences

Physical Sciences

(CPC 85101)

1) None 1) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting4 services with

regard to biodiversity5 in Costa

Rica shall designate a legal

4 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

5 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

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

2) None

3) None

representative that resides in Costa

Rica.

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

2) None

3) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting6 services with

regard to biodiversity7 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

6 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

7 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

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		
4) Unbound except as indicated in horizontal commitments		
A licence for scientific or cultural collection of species, scientific hunting, and scientific or cultural fishing shall be issued for a maximum of one year for nationals or residents, and six months or less for all other foreigners. Nationals and residents shall pay a lower fee than nonresident foreigners to obtain this licence.		
4) Unbound except as indicated in horizontal commitments		
Chemistry and biology (CPC 85102)		
1) None	1) Foreign nationals or enterprises domiciled abroad that supply scientific research and bioprospecting[8] services with regard to biodiversity[9] in Costa Rica shall designate a legal representative that resides in Costa Rica.	

8 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins, microorganisms, and other products with real or potential economic value found in biodiversity.

9 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui generis registry systems.

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

2) None

3) None

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

2) None

3) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting10 services with

regard to biodiversity11 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

A licence for scientific or cultural

collection of species, scientific

10 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

11 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

V-1-23

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

4) Unbound except as indicated in

horizontal commitments

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

4) Unbound except as indicated in

horizontal commitments

Engineering and technology

(CPC 85103)

1) None 1) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting12 services with

regard to biodiversity13 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

A licence for scientific or cultural

collection of species, scientific

12 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

13 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

V-1-24

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

2) None

3) None

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

2) None

3) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting14 services with

regard to biodiversity15 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

14 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

15 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

V-1-25

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

4) Unbound except as indicated in

horizontal commitments

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

4) Unbound except as indicated in

horizontal commitments

Agricultural science

(CPC 85104)

1) None 1) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting16 services with

regard to biodiversity17 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

16 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

17 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

V-1-26

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

2) None

3) None

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

2) None

3) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting18 services with

regard to biodiversity19 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

18 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

19 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

V-1-27

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

4) Unbound except as indicated in

horizontal commitments

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

4) Unbound except as indicated in

horizontal commitments

Other natural sciences

(CPC 85109)

1) None 1) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting20 services with

regard to biodiversity21 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

20 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

21 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

V-1-28

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

2) None

3) None

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

2) None

3) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting22 services with

regard to biodiversity23 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

22 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

23 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

V-1-29

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

4) Unbound except as indicated in

horizontal commitments

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

4) Unbound except as indicated in

horizontal commitments

(c) Interdisciplinary R&D

services

Interdisciplinary research

and experimental

development services (CPC

85300)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

E. Rental/Leasing Services

without Operators

(c) Relating to other transport

equipment

Leasing or rental services

concerning private cars

without operator

(CPC 83101)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

Concerning goods transport

vehicles without operator

(CPC 83102)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

V-1-30

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

Other land transport

equipment without operator

(CPC 83105)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

F. Other Business Services

(e) Technical testing and

analysis services

Composition and purity

testing and analysis services

(CPC 86761)

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

Testing and analysis services

of physical properties

(CPC 86762)

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

Testing and analysis services

of integrated mechanical and

electrical systems

(CPC 86763)

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal 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

Technical inspection

services

(CPC 86764)

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

Other technical testing and

analysis services

(CPC 86769)

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

(f) Services incidental to

agriculture, hunting and

forestry

Services incidental to

agriculture

(CPC 8811)

1) None 1) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting24 services with

regard to biodiversity25 in Costa

Rica shall designate a legal

24 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

25 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and

individual or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual

property rights or sui generis registry systems.

V-1-32

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

2) None

3) None

representative that resides in Costa

Rica.

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

2) None

3) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting26 services with

regard to biodiversity27 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

26 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

27 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and

individual or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual

property rights or sui generis registry systems.

V-1-33

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

4) Unbound except as indicated in

horizontal commitments

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

4) Unbound except as indicated in

horizontal commitments

Services related to forestry

and logging, which include

forest management and

forest damage assessment

(CPC 88140)

1) None 1) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting28 services with

regard to biodiversity29 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

28 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

29 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

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

2) None

3) None

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

2) None

3) Foreign nationals or enterprises

domiciled abroad that supply

scientific research and

bioprospecting30 services with

regard to biodiversity31 in Costa

Rica shall designate a legal

representative that resides in Costa

Rica.

30 “Bioprospecting” includes the systematic search, classification, and investigation, for commercial purposes, of new sources of chemical compounds, genes, proteins,

microorganisms, and other products with real or potential economic value found in biodiversity.

31 “Biodiversity” includes the variability of live organisms of any source, found in land, air, marine, aquatic, or other ecological ecosystems, as well as the diversity within

each species and between species and the ecosystems of which they are a part. Biodiversity also includes intangible elements such as: the knowledge, innovation, and individual

or collective traditional practice, with real or potential economic value, associated with genetic and bio-chemical resources protected or not by intellectual property rights or sui

generis registry systems.

V-1-35

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

4) Unbound except as indicated in

horizontal commitments

A licence for scientific or cultural

collection of species, scientific

hunting, and scientific or cultural

fishing shall be issued for a

maximum of one year for

nationals or residents, and six

months or less for all other

foreigners. Nationals and residents

shall pay a lower fee than nonresident

foreigners to obtain this

licence.

4) Unbound except as indicated in

horizontal commitments

(i) Services incidental to

manufacturing

Recycling on a fee or

contract basis

(CPC 88493)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

(n) Maintenance and repair of

equipment

Repair services of personal

and household goods

(CPC 633)

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) Presence of natural persons

Sector or Subsector Limitations on Market Access Limitations on National Treatment

Additional

Commitments

4) Unbound except as indicated in horizontal commitments

4) Unbound except as indicated in horizontal commitments

Repair services of fabricated metal products, except machinery and equipment, on a fee or contract basis (CPC 8861)

1) None

2) None

3) None

4) Unbound except as indicated in horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in horizontal commitments

Repair services of machinery, except office machinery and transport and office equipment, on a fee or contract basis (CPC 8862)

1) None

2) None

3) None

4) Unbound except as indicated in horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in horizontal commitments

Repair services of electrical
machinery and apparatus,
except for office machinery
and non-transport and nonoffice
equipment, on a fee or
contract basis
(CPC 8864)
1) None
2) None
3) None
4) Unbound except as indicated in
horizontal commitments
1) None
2) None
3) None
4) Unbound except as indicated in
horizontal commitments
(o) Building cleaning services
Other building cleaning
services
(CPC 87409)
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) Presence of natural persons
Sector or Subsector Limitations on Market Access Limitations on National Treatment
Additional
Commitments
4) Unbound except as indicated in
horizontal commitments
4) Unbound except as indicated in

horizontal commitments

3. CONSTRUCTION AND

RELATED

ENGINEERING

SERVICES

A. General construction

work for buildings

For hotel, restaurant and

similar buildings

(CPC 5126)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

For educational

buildings/For health

buildings/Other buildings

(CPC 5127, 5128, 51290)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

B. General construction

work for civil engineering

For highways (except

elevated highways), streets,

roads, railways and airfield

runways

(CPC 5131)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

V-1-38

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

For bridges, elevated

highways, tunnels and

subways

(CPC 5132)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

For waterways, harbours,

dams and other waterworks

(CPC 5133)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

For long distance pipelines,

communication and power

lines

(CPC 5134)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

For local pipelines and

cables; ancillary works

(CPC 5135)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

C. Installation and assembly

work

Roofing and water proofing 1) None 1) None

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

(CPC 5153) 2) None

3) None

4) Unbound except as indicated in

horizontal commitments

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

Heating, ventilation and air

conditioning work

(CPC 5161)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

Water plumbing and drain

laying work

(CPC 5162)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

Electrical wiring and fitting

(CPC 51641)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

Insulation

(CPC 51650)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

V-1-40

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. Building completion and

finishing work

Glazing work and window

glass installation work

(CPC 5171)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

E. Other

Site formation and clearance

work

(CPC 5113)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

4. DISTRIBUTION

SERVICES

(excluding distribution of

arms, munitions, explosives

and other war material)

A. Commission agents'

services

V-1-41

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

Sales on a fee or contract

basis of machinery,

industrial equipment and

vehicles other than motor

vehicles, bicycles and

motorcycles

(CPC 62114)

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

Sales on a fee or contract

basis of furniture, household

goods, hardware and

ironmongery

(CPC 62115)

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

B. Wholesale trade services

Wholesale trade services of

household appliances

(CPC 62242)

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

Retail sales of household

appliances

(CPC 6323232)

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

32 For greater certainty, the commitment in CPC 63232 excludes wholesale trade services of energy products.

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

5. EDUCATIONAL

SERVICES

(only services that are

wholly privately funded)

Secondary education

services (CPC 922)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

Higher education services

(CPC 92390)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

Adult education services

n.e.c.

(CPC 924)

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

1) None

2) None

3) None

4) Unbound except as indicated in

horizontal commitments

6. ENVIRONMENTAL

SERVICES

A. Sewage services

Sewage services

(CPC 9401)

1) Unbound, except for consulting

services.

2) None

1) Unbound, except for consulting

services.

2) None

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

3) Unbound

4) Unbound except as indicated in

horizontal commitments

3) Unbound

4) Unbound except as indicated in

horizontal commitments

B. Refuse disposal services

Refuse disposal services

(CPC 9402)

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

C. Sanitation and similar

services

Sanitation and similar

services

(CPC 9403)

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

D. Other

Cleaning services of exhaust

gases

(CPC 9404)

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

V-1-44

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

Noise abatement services

(CPC 9405)

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

Nature and landscape

protection services

(CPC 9406)

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

Other environmental

protection services n.e.c.

(CPC 9409)

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound, except for consulting

services.

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

7. FINANCIAL SERVICES

1. The commitments taken in Modes 1 and 2 do not oblige Costa Rica to permit financial services suppliers of another Party to do business

or solicit in the territory of Costa Rica. Costa Rica may define “doing business” and “solicitation”, provided that such definitions are not

inconsistent with the commitments taken in Modes 1 and 2.

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

2. Without prejudice to other means of prudential regulation of cross-border trade in financial services, Costa Rica may require the

registration of cross-border financial service suppliers of another Party and of financial instruments.

3. In the case of financial services, the differentiated treatment that is set out in the Costa Rican legislation in favour of the State, commercial

state banks and other public institutions, with regard to private banks and financial private institutions (Costa Rican or foreign capital) or

another State, does not constitute a reservation on market access and national treatment.

B. Banking and other

financial services

(excluding insurance):

Lending of all types,

including consumer credit,

mortgage credit, factoring

and financing of commercial

transaction

1) Unbound except none for:

(a) Provision and transfer of

financial information, and

financial data processing and

related software by suppliers of

other financial services

(excluding insurance and

insurance-related services), and

(b) Advisory and other auxiliary

services, excluding

intermediation, relating to

lending of all types (including

consumer credit, mortgage

credit, factoring and financing

1) Unbound except as indicated in

the market access column.

Financial leasing

Provision and transfer of

financial information, and

financial data processing and
related software by suppliers
of other financial services
(excluding insurance and
insurance-related services)
V-1-46
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
of commercial transaction) and
financial leasing.33
2) None
3) Non-bank financial companies
may not provide financial leasing
services, since there are legal
restrictions on the acquisition of
movable and immovable property
by such entities.
Only the Banco Popular y de
Desarrollo Comunal will manage
the funds of the mandatory
contributions made by employers
and employees pursuant to
respective legislation.
Costa Rica reserves the right to
adopt or maintain measures
requiring the incorporation in
Costa Rica of foreign financial
services suppliers34 except for
branches of foreign banks and
Fund Company (Sociedad
Administradora de Fondos de
Inversión).
2) None

3) The State guarantees the liabilities

of the State Banks and of the non-

State banks of Public Law.

Private banks that operate current

accounts and saving sections have

to meet any of the following

requirements:

(a) To maintain permanently a

loan balance in the Fondo de

Crédito para el Desarrollo

equivalent to seventeen

percent of total short-term

deposits (thirty days or less),

once the corresponding

reserve is deducted, both in

domestic and foreign

currencies. In the event that all

deposits are made in domestic

currency, the percentage will

be only 15 percent (15%) on

the same calculation basis.

The resources received from

33 It is understood that auxiliary services do not include lending of all types (including consumer credit, mortgage credit, factoring and financing of commercial transaction)

or financial leasing.

34 This limitation covers new financial services.

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

In the case of financial entities and

those authorised to receive

deposits from the public in Costa

Rica, such as private banks,

branches of foreign banks, nonbank

financial enterprises and
savings and credit cooperatives
are required to be constituted or
organised under Costa Rican law.
private entities by the state
bank(s) managing the Fondo
de Crédito para el Desarrollo,
are exempted from the
requirement of the minimum
legal reserve for the
operations carried out by the
managing state bank(s). Such
managing entities of these
resources will recognize to the
private banks, for the
transferred resources, an
interest rate of 50 percent
(50%) of the basic passive rate
for deposits in domestic
currency and 50 percent
(50%) of the average of the
last three months of the SOFR
(Secured Overnight Financing
Rate), calculated by the
Federal Reserve Bank of New
York, for the resources
transferred in foreign
currency.
(b) Alternatively, to establish at
least four agencies or branches
to provide basic banking

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

services – both passive and

active – in the following

regions: Chorotega, Central

Pacific, Brunca, Atlantic

Huetar, and North Huetar,

dedicating at least ten percent,

once the corresponding

reserve has been deducted, of

total short-term deposits

(thirty days or less), in

domestic or foreign currency,

to credits for programs which,

for these purposes, must be

submitted to the Consejo

Rector, in order to request its

review and approval.

These resources will be placed

to end users at the following

rates:

(i) For resources in colones: at

the basic passive rate

calculated by the Central

Bank of Costa Rica,

adjustable and reviewable

quarterly. This rate shall be

four percent (4%), when

such calculation is lower

than this percentage.

V-1-49

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) For resources in foreign

currency: it shall be the
average net interest rate of
private bank deposits at six
months term, calculated by
the Central Bank of Costa
Rica, adjustable and
revisable every quarterly.
This rate shall be three
percent (3%), if such
calculation is lower than
this percentage.
In the event that private
banks channel funds
through second-tier banks,
the Consejo Rector shall
establish a preferential rate.
The State and public institutions
with state character, as well as the
public institutions the equity of
which belongs mainly to the State
or its institutions, may only make
deposits and operations in current
and savings accounts through State
commercial banks and non-State
banks of Public Law.
V-1-50
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
4) Unbound except as indicated in
horizontal commitments
At least 10 Costa Rican cooperative
organisations are
required to establish and operate a

co-operative bank.

At least 25 Costa Rican solidarity associations are required to establish and operate a solidarity bank.

Trust agreements of the National Telecommunication Fund (Fondo Nacional de Telecomunicaciones) shall be signed with public banks of the National Banking System.

The issues of debt, convertible bonds and structured products are subject to the requirement of obligatory rating, except the issues of State securities and of nonbanking Costa Rican public institutions.

4) Unbound except as indicated in horizontal commitments and it is necessary to be Costa Rican or having legal residency in the country to obtain the credential to be an exchange agent.

11. TRANSPORT SERVICES

V-1-51

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. Rail Transport Services

(a) Passenger transportation

Interurban passenger transportation (CPC 71111)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

Urban and suburban

passenger transportation

(CPC 71112)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

(b) Freight transportation

Freight transportation

(CPC 71121)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

F. Road Transport

Services

(a) Passenger transportation

Urban and suburban regular

and special transportation

(CPC 71211 and 71212)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal 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

Interurban regular and

special transportation (CPC

71213 and 71214)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

Other scheduled passenger

transportation

(CPC 71219)

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

1) Unbound

2) None

3) Unbound

4) Unbound except as indicated in

horizontal commitments

V-2-1

APPENDIX 2 TO ANNEX V

ICELAND - SCHEDULE OF SPECIFIC COMMITMENTS

EXPLANATORY NOTES

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.

2. This schedule should be read in conjunction with Annex IV (List of Environmental and Environmentally Related Services), including horizontal

and specific ex-outs.

V-2-2

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. HORIZONTAL COMMITMENTS

ALL SECTORS

INCLUDED IN THIS

SCHEDULE

3) All foreign currency transfers must be

reported to the Central Bank of Iceland for statistical purposes.
Service providers shall inform the Ministry of Economic Affairs of investments made by non-residents in business enterprises in Iceland and the Central Bank of Iceland of investments made by non-residents in securities in Iceland.
All foreign investment of a Foreign State or companies/organisations owned by a Foreign State requires a special concession.
Non-residents cannot conclude an agreement on real-estate lease without the permission of the Ministry of Justice and Human Rights if the lease is for a period exceeding three years and not for use in conducting its normal business activities.
Managers and the majority of the members of the board of directors in all domestic enterprises must be resident in Iceland. unless exempted from this requirement by the relevant ministry. Citizens of other EEA and EFTA Member States are exempted from the residency requirement
At least one of the auditors of an Icelandic limited liability company must be a resident in Iceland or a competent resident CPA company

Sector or Subsector Limitations on Market Access Limitations on National Treatment

Additional

Commitments

Non-residents may only acquire
real estate in conjunction to their
business activities and can only
obtain ordinary proprietary rights
linked to the real estate. Nonresidents
are thus excluded from
obtaining full property rights of
real estate if unusual rights are
linked to it, such as exploitation
rights as regards waterfalls,
geothermal energy, etc

Contracts concerning ownership
and long-term use of real-estate by
non-residents are not valid until
the relevant ministry has endorsed
it in writing.

4) Unbound, except for the following
categories A), B) and C):

A) Intra-corporate transferees:
Managers, executives and specialists
as intra-corporate transferees,
provided that the service supplier is
the corporation to which these are
attached, shall be permitted without

4) Unbound except for measures
concerning the categories of
natural persons referred to in the
market access column.

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
requiring compliance with labour market tests for a maximum period of one year. Entry and stay shall be subject to a work permit that must be obtained before the natural person enters Iceland.
Definitions:
Executives: persons who primarily direct the management of the organisation covered by this Agreement and establish its goals and generally have a wide decisionmaking authority. Executives would not necessarily perform tasks related to the actual provision of the service.
Managers: persons who direct the organisation covered by this Agreement or its department and are in a senior level responsible of the service providing functions of the organisation by supervising and controlling and having also authority to hire and fire personnel or recommend such and other personnel actions.
V-2-5
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
Specialists: persons within the organisation who possess knowledge at an advanced level of expertise or otherwise essential or proprietal to the

organisation’s service, research equipment, techniques or management.

B) Business Visitors

Entry and stay is subject to a notification requirement. Remuneration must be derived outside of Iceland. Stay is permitted for a maximum of 90 days in one calendar year.

Service sellers: persons who as representatives of a service provider covered by this Agreement are seeking temporary entry for purposes of negotiation for the sale of services or entering into agreements to sell services for that service provider, where this selling activity is not directed to the general public.

V-2-6

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

Installers and maintainers: service providers possessing specialised knowledge essential to a seller’s contractual obligation, supplying services or training workers to supply services pursuant to a warranty or other service contract incidental to the sale or lease of machinery or technical equipment purchased or leased from an enterprise located in their home country throughout the

duration of the warranty or service
contract. It is a condition that the need
for such labour does not extend
beyond three months.
C) Contractual Service Suppliers
Natural persons employed by a
foreign juridical person with no
commercial presence in Iceland, and
on the basis of a service agreement
necessary to fulfil a contract.
Access is subject to the following
conditions:
- A signed service contract must
exist between the Service Supplier

and a corporation engaged in
substantive business in Iceland.
The service contract must include
a statement to the effect that a
condition for the transaction under
the contract is that an employee of
the service supplier is to provide
the service.
- The person providing the service
on behalf of the Service Supplier
must have specialised skills or
qualifications of direct relevance
to the service activity which is the
subject of the contract.
- Stay shall not exceed a period
longer than six months on the

basis of the same service contract.

- Entry and stay shall be subject to
a work permit that must be
obtained before the person enters
Iceland.

Access is granted to the following
services sectors:

- Engineering services (CPC 8673)
- Integrated engineering services
(CPC 8673)

V-2-8

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

All sectors: Subsidies (the
issue of a definition of
subsidies remains to be
determined in the context of
negotiations under Article
XV of the GATS).

- Environmental consulting services
(part of CPC 94)
- Technical testing and analysis
services (CPC 8676)
- Related scientific and technical
consulting services (CPC 8675)

3) None

4) None

3) Eligibility for subsidies may be
limited to juridical persons
established within the territory of
Iceland. Subsidies related to
research and development are
unbound.

4) Subsidies available only to natural

persons may be limited to

Icelandic citizens.

II. SECTOR-SPECIFIC COMMITMENTS

All sector-specific commitments apply solely for services as described in Annex IV (List of Environmental and Environmentally Related

Services) and taking into account the exclusions mentioned under column “ex out”.

1. BUSINESS

SERVICES

A. Professional services

(d) Architectural services

(part of CPC 86711-

86714)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

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

(part of CPC 8672)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

(f) Integrated Engineering

services (part of CPC

8673)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

(g) Urban planning and

landscape architectural

services (part of CPC

8674)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

B. Computer and

Related Services (part of

CPC 84)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) Concession needed if personaldata

is to be processed outside

Icelandic jurisdiction

2) None

3) None

4) Unbound except as indicated in

the horizontal section

C. Research and

Development Services

V-2-10

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

(a) R&D services on

natural sciences (part of

CPC 851)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

(c) Interdisciplinary R&D

services (part of CPC

853)

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

E. Rental/Leasing Services without Operators (part of CPC 831)

1) None

2) None

3) Leasing services must be provided either by corporation with a limited liability (leasing companies) or registered commercial banks or savings banks.

4) Unbound except as indicated in the horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

F. Other Business Services

(e) Technical testing and analysis services (part of CPC 8676)

1) None

2) None

3) None

1) None

2) None

3) None

V-2-11

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

4) Unbound except as indicated in the

horizontal section

4) Unbound except as indicated in

the horizontal section

(f) Advisory and consulting

services incidental to

agriculture and forestry

(parts of CPC 8811,

CPC 8814)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

(g) Advisory and consulting

services related to

fishing (part of CPC

882)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

(i) Services related to

manufacturing (CPC

88493)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

(m)Related scientific and

technical consulting

services (part of CPC

8675)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

Sector or Subsector 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 and CPC

8861-8864)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

(o) Building-cleaning

services (CPC 874)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

3. CONSTRUCTION

AND RELATED

ENGINEERING

SERVICES

A. General Construction

Work for Buildings (CPC

5121-5122, 5124, and 5126-

5129)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

B. General Construction

Work for Civil

Engineering (part of CPC

5131-5136)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

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. Installation and

Assembly Work (part of

CPC 5153, 5161-5162,

51641, 51649 and 51650)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

D. Building Completion

and Finishing Work (CPC

5171)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

E. Other

- Site formation and

clearance for carbon capture

and geothermal related

services, including

geothermal drilling (part of

CPC 5113)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

4. DISTRIBUTION

SERVICES

(excluding trade in arms,

alcoholic beverages,

tobacco and

pharmaceutical products)

A. Commission Agents'

Services (part of CPC 621)

1) None

2) None

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

3) None

4) Unbound except as indicated in

the horizontal section

B. Wholesale Trade

Services (part of CPC 622)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

C. Retailing Services

(part of CPC 63232)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

6. ENVIRONMENTAL

SERVICES

For greater certainty, the commitments listed in this section do not apply to public service functions owned and operated or contracted out

by local, regional or central government.

A. Sewage Services

(CPC 9401)

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) Presence of natural persons

Sector or Subsector Limitations on Market Access Limitations on National Treatment

Additional

Commitments

4) Unbound except as indicated in the

horizontal section

4) Unbound except as indicated in

the horizontal section

B. Refuse Disposal Waste

(CPC 9402)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

C. Sanitation and Similar

Services (CPC 9403)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

D. Other:

- Cleaning services of

exhaust gases (CPC 9404)

- Noise abatement services

(CPC 9405)

- Nature and landscape

protection services (CPC

9406)

- Other (CPC 9409)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

V-2-16

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

1. Iceland undertakes commitments on financial services in accordance with the WTO “Understanding on Commitments in Financial

Services” (the Understanding).

2. Market access commitments with respect to Modes 1) and 2) and bound in this Schedule to the extent of the obligations in B.3 and

B.4 of the Understanding.

A. Insurance and

Insurance related Services

1) The supply of direct insurance is

reserved for Icelandic insurance

undertakings or authorized insurance

undertakings from another EEA and

EFTA Member State.

The supply of insurance mediation is

reserved for insurance intermediaries

authorized by the Financial

Supervisory Authority or insurance intermediaries authorized by competent authorities of another EEA Member State or an EFTA Member State.

1) None

2) None

3) Insurance undertakings not established in an EEA Member State or an EFTA Member State require authorization to establish branch offices in Iceland.

2) None

3) The majority of the founders of an insurance undertaking must be Icelandic residents or legal entities registered in Iceland, citizens of another EEA or EFTA Member State residing in an EEA or EFTA

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
		Member State or legal entities registered in an EEA or EFTA Member State.	
		Any investor, whether resident or non-resident, who acquires or intends to acquire a qualifying holding in an insurance undertaking must give advance notice to the Financial Supervisory Authority. The Authority may refuse the acquisition or the exercise of ownership if it believes	

that the acquisition will affect the
sound functioning of the undertaking.
.
4) Unbound except as indicated in the
horizontal section
Branch offices of non-EEA
insurance undertakings must be
managed by a resident agent.
Insurance intermediaries must be
resident in Iceland or citizens or
legal entities of another EEA
Member State or an EFTA
Member State residing in an EEA
Member State or an EFTA
Member State. The Minister of
Economic Affairs may grant
exemptions from this requirement.
4) Unbound except as indicated in
the horizontal section
B. Banking and Other
Financial Services
(excluding insurance)
1) None
2) None
1) Domestic financial institutions
shall inform the Central Bank of
Iceland of the balances of service
providers' accounts held by nonresidents.
2) None
V-2-18
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
3) Credit institutions and undertakings

engaged in securities services established in a non-EEA Member State or an EFTA Member State can establish a branch or a representative office, subject to authorization by the Financial Supervisory Authority.

3) A founder of a credit institution shall be a natural or legal person resident in Iceland. Citizens and legal persons of other EEA and EFTA Member States are exempted from the residency requirement

Credit institutions and undertakings engaged in securities services can only be established as companies with limited liability.

Commercial banks and savings banks have exclusive rights to accept deposits and other repayable funds from the public.

Public issue of securities shall be conducted by securities undertakings or other parties authorized to provide such services.

Managers and the majority of the board members of credit institutions and undertakings engaged in securities services and UCITS shall be resident in Iceland. Citizens of other EEA and EFTA Member States are exempted from the residency requirement.

Service providers shall inform the

Ministry of Economic Affairs of
investments made by nonresidents
in business enterprises in
Iceland and the Central Bank of
Iceland of investments made by
non-residents in securities in
Iceland.
V-2-19
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
4) Unbound except as indicated in the
horizontal section
4) Unbound except as indicated in
the horizontal section
11. TRANSPORT
SERVICES
A. Maritime Transport
Services
(a), (b) International
transport (freight and
passengers) including
cabotage transport (parts
of CPC 7211 and 7212).
1) None
2) None
3) (a) Establishment of a registered
company for the purpose of operating
a fleet under Icelandic flag: Unbound
except as indicated in the horizontal
section
(b) Other forms of commercial
presence: None
4) (a) Ships' crew: Unbound except as

indicated in the horizontal section

(b) Key personnel employed in

relation to a commercial presence as

defined under Mode 3(b): Unbound

except as indicated in the horizontal

section

1) None

2) None

3) (a) Unbound

(b) None

4) (a) Unbound

(b) Unbound

(e) Pushing and towing

services related to

offshore wind power

(part of CPC 7214)

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) Presence of natural persons

Sector or Subsector Limitations on Market Access Limitations on National Treatment

Additional

Commitments

4) Unbound except as indicated in the

horizontal section

4) Unbound except as indicated in

the horizontal section

F. Road Transport

Services (part of CPC

71211-14 and 71219)

1) None

2) None

3) Authorisation required for

commercial land transport services.

Numerical quotas may be imposed as

well as exclusive licences for certain

areas or routes.

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in

the horizontal section

V-3-1

APPENDIX 3 TO ANNEX V

NEW ZEALAND - SCHEDULE OF SPECIFIC COMMITMENTS

EXPLANATORY NOTES

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 this 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.

2. This Schedule should be read in conjunction with Annex IV (List of Environmental and Environmentally Related Services). In particular, where

Annex IV (List of Environmental and Environmentally Related Services) includes specific ex-outs or *, **, or ***, these are also included in

this Schedule.

Overseas Investment

3. 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 or herself an overseas person.

Maritime Transport Services

4. Cabotage: for the 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.

5. Maritime Freight Forwarding Services is defined as 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.

V-3-2

Domestic Regulation

6. The obligation under paragraph 5 of Article 3.10 (Domestic Regulation) to comply with the criteria outlined in subparagraph 4(b) of that

Article shall not apply to New Zealand

V-3-3

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. HORIZONTAL COMMITMENTS

ALL SECTORS

INCLUDED IN THIS

SCHEDULE

3) Consent under the Overseas

Investment Act 2005 or its successor

legislation is required for the following

investments by an “overseas person”:1

(a) acquisition or control of 25 per cent

or more of the shares or voting

power in a company where either

the consideration for the transfer or

the value of the assets of the

company exceeds NZ$10million;

(b) the establishment of new business

in New Zealand where the total

expenditure in setting up the

business exceeds NZ$10 million;

(c) the acquisition of the assets of the

business where the total
consideration paid or payable for
the assets exceeds NZ$10 million.;
and
(d) the issue or allotment of shares
where the 25 per cent threshold has
already been exceeded or will be
exceeded as a result of the issue
and where the total consideration
1 See paragraph 3 of Explanatory Notes.
V-3-4
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
paid or payable exceeds NZ$10
million.
Consent is required, regardless of
the dollar value of the investment,
for acquisition or control of certain
classes of land that are regarded as
sensitive or require specific
approval according to New
Zealand’s overseas investment
regime.
Consent is required, regardless of
the dollar value, for any transaction
that would result in an overseas
investment in fishing quota.
Unbound for enterprises currently
in State ownership.
(1)(2)(3)(4) Unbound with respect to:
- the provision of public law enforcement
and correctional services; and
- the following, to the extent that they are

social services established for a public
purpose: child-care; health; income
security and insurance; public education;
public housing; public training; public
transport; public utilities; social security
V-3-5
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
and insurance; or social welfare.
(4) Unbound except for measures
concerning the entry and temporary stay
of natural persons of another Party,
employed by a service supplier of
another Party that supplies services
within New Zealand through a
commercial presence, falling within the
following categories;
A. Executives and senior managers, as
intra-corporate transferees, for
periods of initial stay up to a
maximum of three years:
Executives and senior managers
being natural persons who are senior
employees of an organisation, who
have been employed by that
organisation for at least twelve
months prior to their proposed
transfer to New Zealand, and who
are responsible for the entire or a
substantial part of an organisation's
operations in New Zealand, receiving
general supervision or direction
principally from higher level

executives, the board of directors or

(4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.

V-3-6

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
	stockholders of the business; B. Specialist and/or senior personnel, as intra-corporate transferees, for periods of an initial stay up to a maximum of twelve months: Specialist and/or senior personnel being natural persons transferred to undertake a specific or specialist task at a senior level within the company; this may include, for example, short-term specialist development projects; or the establishment in New Zealand of a commercial presence of a service supplier with its head of operations in the territory of another Party and not having any other commercial presence in New Zealand; C. Specialist personnel, subject to labour market tests, as intracorporate transferees, for periods of stay up to a maximum of three years; Specialist personnel being natural persons with trade, technical or professional skills who are		

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

responsible for or employed in a
particular aspect of an organisation's
operations in New Zealand. Skills
are assessed in terms of the
applicant's employment experience,
qualifications, and suitability for the
position;

D. Installers and servicers, as intracorporate
transferees, for periods not
exceeding three months in any
twelve month period;

Installers and servicers being natural
persons who are installers and
servicers of machinery and/or
equipment, where such installation
and/or servicing by the supplying
company is a condition of purchase
of the said machinery or equipment;

E. Service sellers, as business visitors,
for a period or periods not exceeding
in aggregate three months in any
calendar year:

Service sellers being natural persons
who are representatives of a service
supplier of another Member, whether

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

or not that service supplier has a

commercial presence in New

Zealand, and are seeking temporary

entry to New Zealand 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.

(1)(2)(3)(4) Unbound in cases of

labour/management disputes, and also with

respect to ships' crews.

(1)(2)(3)(4) Unbound with respect to all

measures necessary to protect cultural

heritage of national value; including

ethnological, archaeological, historical,

literary, artistic, scientific, or technological

heritage, or measures necessary to support

creative arts2 of national value.

(1)(2)(3)(4) Unbound for subsidies or

grants, including government- supported

2 The term "creative arts" includes ngā toi Māori (Māori arts), the performing arts – including theatre, dance, and music, haka (traditional Māori posture dance), waiata (song or chant) – visual arts and craft –

such as painting, sculpture, whakairo (carving), raranga (weaving), and tā moko (traditional Māori tattoo) – literature, language arts, creative online content, indigenous traditional practice and contemporary cultural

expression, and digital interactive media and hybrid art work, including those that use new technologies to transcend discrete art form divisions. The term "creative arts" encompasses those activities involved in the

presentation, execution and interpretation of the arts; and the study and technical development of these art forms and activities.

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

loans, guarantees, and insurance.

(1)(2)(3)(4) Unbound with respect to all

measures it deems necessary to protect or promote Māori rights, interests, duties and responsibilities in respect of trade enabled by electronic means, including in fulfilment of its obligations under Te Tiriti o Waitangi/The Treaty of Waitangi, provided that such measures are not used as a means of arbitrary or unjustified discrimination against persons of another Party or as a disguised restriction on trade in services and investment.

The Parties agree that the interpretation of Te Tiriti o Waitangi/the Treaty of Waitangi, including as to the nature of the rights and obligations arising under it, shall not be subject to the dispute settlement provisions of this Agreement.

II. SECTOR-SPECIFIC COMMITMENTS

1. BUSINESS SERVICES

A. Professional Services

(d) Architectural services

Advisory and pre-design architectural services (CPC 86711)

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) Presence of natural persons

Sector or Subsector Limitations on Market Access Limitations on National Treatment

Additional Commitments

4) Unbound except as indicated in the horizontal section

4) Unbound except as indicated in the horizontal section

Architectural design services (CPC 86712)

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

Contract administration services (CPC 86713)

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

Combined architectural design and contract administration services (CPC 86714)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

(e) Engineering services

Advisory and consultative

engineering services (CPC

86721)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Engineering design 1) None 1) None

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

services for the

construction of

foundations and building

structures (CPC 86722)

2) None

3) None

4) Unbound except as indicated in the

horizontal section

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Engineering design

services for mechanical

and electrical installations

(CPC 86723)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Engineering design

services for the

construction of civil

engineering works (CPC

86724)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Engineering design

services for industrial

processes and production

(CPC 86725)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Engineering design

services n.e.c. (CPC

86726)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

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

Other engineering services

during the construction

and installation phase

(CPC 86727)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Other engineering services

(CPC 86729)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

(f) Integrated Engineering

Services

Integrated engineering

services for transportation

infrastructure turnkey

projects (CPC 86731)

- Limited to services

related to mass

transportation and

multimodal transport of

goods to reduce emissions.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Integrated engineering and

project management

services for water supply

and sanitation works

turnkey projects (CPC

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

V-3-13

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

86732)

Integrated engineering

services for the

construction of

manufacturing turnkey

projects (CPC 86733)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Integrated engineering

services for other turnkey

projects (CPC 86739)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

(g) Urban Planning and

Landscape Architecture

Services

Urban Planning (CPC

86741)

- Consultancy services

only.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Landscape architecture

services (CPC 86742)

- Consultancy services

only.

- Limited to services

related to maintaining,

restoring, or regenerating

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

V-3-14

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

ecosystems, natural

landscapes, and

biodiversity.

B. Computer and Related

Services

(a) Consultancy services

related to the installation

of computer hardware

(CPC 841)

- Limited to services

related to hardware that
does not imply an
excessive consumption of
energy.
1) None
2) None
3) None
4) Unbound except as indicated in the
horizontal section
1) None
2) None
3) None
4) Unbound except as indicated in the
horizontal section
(b) Software
Implementation
Services (CPC 842)
- Limited to software
related to an
environmental purpose.
1) None
2) None
3) None
4) Unbound except as indicated in the
horizontal section
1) None
2) None
3) None
4) Unbound except as indicated in the
horizontal section
(c) Data processing services
(CPC 843)
- Limited to services that
do not imply an excessive
consumption of energy.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

V-3-15

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) Database services (CPC

844)

- Limited to databases for

environmental data

collection.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

(e) Other

Maintenance and repair

services of office

machinery and equipment

including computers (CPC

845)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Data preparation services

(CPC 84910)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Other computer services

n.e.c. (CPC 84990)

- Limited to training of

computer specialists in

software and technologies

used to achieve

environmental purposes.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

E. Rental and leasing

without operator

Leasing or rental services 1) None 1) None

concerning private cars

without operator (CPC

83101*)

2) None

3) None

4) Unbound except as indicated in the

horizontal section

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Concerning goods

transport vehicles without

operator (CPC 83102*)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

Other land transport equipment without operator (CPC 83105)

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

F. Other Business Services

(f) Services incidental to agriculture, hunting and forestry:

Services incidental to agriculture (CPC 8811)

- Limited to agricultural consultancy services directly contributing to:

(i) sustainable farming practices;

1) None

2) None

3) None

4) Unbound except as indicated in the horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

V-3-17

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) on-farm climate

change mitigation or

adaptation practices;

(iii) organic agriculture;

or

(iv) natural resource

management and

conservation.

Services incidental to

forestry and logging (CPC

88140)

- Limited to services

directly linked to

sustainable forest

management, including

consultancy in these areas.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

(o) Other building

cleaning services (CPC

87409)

- Limited to cleaning

services for:

(i) reservoirs and tanks;

(ii) furnaces and

chimneys; and

(iii) incinerators, boilers,

ventilation ducts, and

exhaust units.

1) Unbound*

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) Unbound*

2) None

3) None

4) Unbound except as indicated in the

horizontal section

V-3-18

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

3. CONSTRUCTION

AND RELATED

ENGINEERING

SERVICES

A. General Construction

Work for Buildings

- For one- and twodwelling

buildings (CPC

5121)

- For multi-dwelling

buildings (CPC 5122)

- For commercial

buildings (CPC 5124)

- For hotel, restaurant and

similar buildings (CPC

5126)

- For educational buildings

(CPC 5127)

- For health buildings

(CPC 5128)

- Other buildings (CPC

51299)

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

B. General Construction

Work for Civil

Engineering

For highways (except

elevated highways),

streets, roads, railways and

1) None for consultancy services

2) None

3) None

1) None for consultancy services

2) None

3) None

Sector or Subsector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
airfield runways (CPC 5131)	- Limited to general construction services for railways, pedestrian walkways and cycleways. 4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section	
For bridges, elevated highways, tunnels and subways (CPC 5132)	- Limited to general construction services for railways, Pedestrian walkways,and cycleways. 1) None for consultancy services 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None for consultancy services 2) None 3) None 4) Unbound except as indicated in the horizontal section	
For waterways, harbours, dams and other waterworks (CPC 5133)			

- Limited to services

related to the construction

of dams, including

hydroelectricity

projects,and irrigation

and flood control

waterworks.

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

For long distance pipelines, 1) None for consultancy services 1) None for consultancy services

communication and power

lines (CPC 5134)

- Limited to construction

services for power lines

that carry cleaner energy

and pipelines that carry

water, sewage, hydrogen

gas, or captured carbon

for storage, including

mineralisation.

2) None

3) None

4) Unbound except as indicated in the horizontal section

2) None

3) None

4) Unbound except as indicated in the horizontal section

For local pipelines and cables; ancillary works (CPC 5135)

- Limited to construction services for power lines that carry cleaner energy and limited to pipelines that carry water, sewage, or hydrogen gas or captured carbon for storage, including mineralisation.

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the horizontal section

For constructions for mining and manufacturing (CPC 5136)

- Limited to the construction of power

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

V-3-21

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

plants for renewable

energy.

C. Installation and

AssemblyWork

Heating, ventilation and

air conditioning work

(CPC 5161)

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Water plumbing and drain

laying work (CPC 5162)

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the horizontal section

Electrical wiring and fitting (CPC 51641)

- Limited to the installation of electrical wiring or fittings for renewable energy.

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the horizontal section

Other electrical construction work (CPC 51649)

- Limited to the installation of electrical

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

V-3-22

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

wiring or fittings for

renewable energy.

Insulation (CPC 51650) 1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

D. Building Completion

and Finishing Work

Glazing work and window

glass installation work

(CPC 5171)

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

E. Other

- Site formation and

clearance work (CPC

5113)

- Limited to services

directly related to

production of geothermal

energy production and

carbon capture and

storage, including

mineralisation.

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

V-3-23

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

Roofing and water

proofing (CPC 5153)

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

4. DISTRIBUTION

SERVICES

Limited to services related

to the distribution of goods,

including adapted goods,

whose use is beneficial for

an environmental purpose

listed in Annex III

(Environmental Purposes –

Trade in Environmental

Services). This includes

goods that form part of the

circular economy and goods

covered by Chapter 2

(Trade in Environmental

Goods).

A. Commission Agents'

Services

Sales on a fee or contract

basis of machinery,

industrial equipment and

vehicles other than motor

1) None

2) None

3) None

4) Unbound except as indicated in the

1) None

2) None

3) None

4) Unbound except as indicated in the

Sector or Subsector Limitations on Market Access Limitations on National Treatment

Additional

Commitments

vehicles, bicycles and

motorcycles (CPC 62114),

excluding

services relating to CPC

2613-2615

horizontal section horizontal section

Sales on a fee or contract

basis of furniture,

household goods,

hardware and ironmongery

(CPC 62115) excluding

services relating to CPC

2613-2615

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Sales on a fee or contract

basis of goods n.e.c (CPC

62118) excluding services

relating to CPC 2613- 2615

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

B.Wholesale Trade

Services

Wholesale trade services

of household appliances

(CPC 62242) excluding

services relating to CPC

2613- 2615

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Wholesale trade services of 1) None 1) None

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

sports goods (including

bicycles) (CPC 6226)

excluding services relating

to CPC 2613-2615

2) None

3) None

4) Unbound except as indicated in the

horizontal section

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Wholesale trade services

of waste and scrap and

materials for recycling

(CPC 62278) excluding

services relating to CPC

2613-2615

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None for consultancy services

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Wholesale trade services of

transport equipment and

other motor vehicles,

motorcycles and bicycles

(CPC 62282) excluding

services relating to CPC

2613- 2615

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

C. Retailing Services

Retail sales of household

appliances (CPC 63232)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

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

5. EDUCATIONAL

SERVICES

Secondary and higher

education in private

institutions (CPC 922-

923)

- Limited to services

directly related to

environmental studies.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

6. ENVIRONMENTAL

SERVICES

A. Sewage services (CPC

9401**)

- Consultancy relating to

waste water management;

- For all other aspects of

this service: those

contracted by private

industry only.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

B. Refuse disposal

services (CPC 9402**)

- Consultancy relating to

refuse disposal;

- For all other aspects of

this service: those

contracted by private

industry only.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

V-3-27

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.Sanitation and similar

services (CPC 9403**)

- Consultancy relating to

sanitation and similar

services;

- For all other aspects of

this service: those

contracted by private

industry only.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

D. Other

Protection of ambient air

and climate (CPC 9404**)

- Consultancy services

only

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Noise abatement services

(CPC 9405**)

- Consultancy services

only

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

Nature and landscape

protection services (CPC

9406**)

- Consultancy services

only

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

V-3-28

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

Other environmental

protection services n.e.c.

(CPC 9409**)

- Consultancy services

only

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

5)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

7. FINANCIAL SERVICES

1. New Zealand undertakes its specific commitments on Financial Services in accordance with the provisions of the WTO "Understanding

on Commitments in Financial Services" (the Understanding).

2. New Zealand's commitments on financial services are subject to the general limitations contained in the "Horizontal Commitments"

section of this Schedule.

3. 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.

4. 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 2(a) of the Annex on Financial Services of the GATS.

5. Mode 3 commitments are subject to the provisions of the Financial Reporting Act 1993 and the Companies Act 1993. These Acts 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.

These Acts also require such financial statements in relation to an overseas company's New Zealand business. The Acts require the

following companies to deliver annual audited financial statements to the Registrar of Companies for registration:

(a) issuers (i.e. those which have raised investment from the public);

(b) overseas companies;

(c) subsidiaries of companies or bodies corporate incorporated outside New Zealand;

V-3-29

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) companies in which 25 per cent or more of the shares are held or controlled by (i) a subsidiary of a company of body corporate

incorporated outside New Zealand or a subsidiary of that subsidiary; (ii) a company or body corporate outside New Zealand; or (iii) a

person not ordinarily resident in New Zealand.

6. "Financial services" only covers financial services related to an environmental purpose.

A. Insurance and

insurance related

(b) Non-life insurance

services (CPC 8129)

1), 3) The Accident Compensation Act

2001 provides for compulsory worker's

compensation insurance via levies on

vehicle owners, employers, employees and

the self-employed. This Act is

administered by the Accident

Compensation Corporation (ACC).

The Earthquake Commission is the sole

insurer of residential property disaster insurance for replacement cover up to NZ$150,000 per dwelling and NZ$20,000 on personal property. These amounts may be increased by regulation.

1), 3) Under the Apple and Pear Marketing Act 1971, the Apple and Pear Marketing Board has the power to organise compulsory hail insurance on behalf of growers and to require growers to pay a levy to recover the premium amount of this insurance.

1), 2), 3) Unbound for marketing and sales

3) None

4) Unbound except as indicated in the horizontal section

related to products covered under CPC 01, 02, 211, 213-216, 22, 2399, and 261

4) Unbound except as indicated in the horizontal section

(c) Reinsurance and retrocession (CPC 81299)

3) None

4) Unbound except as indicated in the horizontal section

3) None

4) Unbound except as indicated in the horizontal section

(e) Services Auxiliary to

Insurance, such as
consultancy, actuarial,
risk assessment and
claim settlement
services (CPC 8140**)
3) None
4) Unbound except as indicated in the
horizontal section
3) None
4) Unbound except as indicated in the
horizontal section
B. Banking and other
financial services
(excluding insurance)3
- Limited to instruments to
finance green
infrastructure or
equipment, or industrial
R&D according to specific
criteria as in domestic or
foreign regulations or
voluntary industry
3 As defined in paragraph 5(a)(v) to (xvi) of the Annex on Financial Services of the GATS.
V-3-31
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
standards.
(b) Lending of all types,
including consumer
credit, mortgage credit,
factoring and financing
of commercial
transaction (CPC

8113)

(c) Financial leasing (CPC

8112)

(e) Guarantees and

commitments (CPC

81199**)

(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)

(i) Asset management,

such as cash or

3) None

4) Unbound except as indicated in the

horizontal section

3) None

4) Unbound except as indicated in the

horizontal section

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

portfolio management,

all forms of collective

investment

management, pension

fund management,

custodial, depositary

and trust services
(CPC 8119**, CPC
81323**)
(k) Provision and transfer
of financial
information, and
financial data
processing and related
software by providers
of other financial
services (CPC 8131)
(l) Advisory,
intermediation, and
other auxiliary
financial services on
all the activities listed
in (b) to (k) above,
including credit
reference and analysis,
investment and
portfolio research and
V-3-33
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
advice, advice on
acquisitions and on
corporate restructuring
and strategy (CPC
8131, 8133)
11. TRANSPORT
SERVICES
A. Maritime Transport
Services

Excludes all leisure
cruises.
All maritime services
sectors limited to vessels
powered by renewable or
zero emission energy.
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.
International Transport
(freight and passengers)
(CPC 7211 and CPC
7212) less cabotage – as
defined in paragraph 4 of
the Explanatory Notes
1) None
2) None
3) Unbound for establishment of registered
company for the purpose of operating a
fleet under the New Zealand flag
4) Unbound for ships crews. Otherwise
unbound except as indicated in the
horizontal section
1) None
2) None
3) Unbound as described in the market
access column.
4) Unbound except as indicated in the
horizontal section

Additional

Commitments

E. Rail Transport

Services

(a) Passenger

Transportation

- Interurban passenger

transportation (CPC71111)

- Urban and suburban

passenger transportation

(CPC 71112)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

(b) Freight Transportation

(CPC 7112)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

(c) Pushing or Towing

services (CPC 7113)

1) None

2) None

1) None

2) None

V-3-35

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

3) None

4) Unbound except as indicated in the

horizontal section

3) None

4) Unbound except as indicated in the

horizontal section

F. Road Transport

Services

Urban and suburban

regular and special

transportation (CPC

71211-71212)

Interurban regular and

special transportation

(CPC 71213-14)

Other scheduled passenger

transportation (CPC

71219)

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

G. Pipeline Transport

Transportation of other

goods via pipeline (CPC

7139)

- Limited to services for

the transportation of

hydrogen and captured

carbon for storage and

mineralisation.

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

1) None

2) None

3) None

4) Unbound except as indicated in the

horizontal section

APPENDIX 4 TO ANNEX V

SWITZERLAND – SCHEDULE OF SPECIFIC COMMITMENTS

EXPLANATORY NOTES

1. The level of commitments in a particular services sector shall not be construed to supersede the level of commitments taken with respect to any

other services sector to which such service is an input or to which it is otherwise related.

2. CPC numbers indicated in brackets are references to the UN Provisional Central Product Classification (Statistical Papers Series M No. 77,

Provisional Central Product Classification, Department of International Economics and Social Affairs, Statistical Office of the United Nations,

New York, 1991).

3. Unless otherwise provided for, requirements of residency, domicile, commercial presence, etc. in a commitment relate to the territory of

Switzerland.

4. The Attachment to this Schedule forms an integral part thereof.

V-4-2

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

I. HORIZONTAL COMMITMENTS

This Part sets out the commitments that apply to trade in services in all scheduled services sectors unless otherwise specified. Commitments

that apply to trade in specificservices sectors are listed in Part II (SECTOR-SPECIFIC COMMITMENTS).

ALL SECTORS

INCLUDED IN THIS

SCHEDULE

1) None

2) None

1) Unbound for subsidies, tax incentives

and tax credits

2) Unbound for subsidies, tax incentives

and tax credits

3) None 3)

I. Composition of governing boards

Domicile requirements applied to the

forms of legal entities hereinafter:

- The majority of the board of

directors of a “joint stock

company” or a “Stock company

with unlimited partners” must be

domiciled in Switzerland (except

for holding companies).

- At least one manager of a “limited

liability company” must have his

domicile in Switzerland.

- The majority of administrators of

a “co-operative society” (société

coopérative/Genossenschaft) must

be domiciled in Switzerland.

II. Shareholders’ circles

Joint stock companies are not
prohibited to foresee in their articles
of incorporation that the company
V-4-3
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
may reject persons as acquirers of
registered shares as far and as long as
their recognition by the company
might prevent the company from
providing proof of the composition of
the shareholders' circle required by
federal law.
III. Branching
The establishment of a branch
requires a representative (natural
person) with domicile in Switzerland
who is duly authorized by the
company to fully represent it.
IV. Commercial presence without
juridical personality
The establishment of a commercial
presence by natural persons or in the
form of an enterprise without juridical
personality according to Swiss law
(i.e. in a form other than "joint stock
company", "limited liability
company" or "co-operative society")
is subject to the requirement of a
permanent residency permit of the
associate(s) under cantonal law.
V. Eligibility for subsidies
Eligibility for subsidies, tax incentives

and tax credits may be limited to
persons established in a particular
V-4-4
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
geographical sub-division of
Switzerland
VI. Acquisition of real estate
The acquisition of real estate by
foreigners who are not permanently
established in Switzerland and by
enterprises with headquarters abroad
and/or under foreign control is subject
to authorization. For the purpose of
personal housing needs (except the
acquisition of holiday residences),
professional use and business
activities, authorization is granted
upon verification of the purpose.
Prohibited are purely financial
investments, real estate business
operations, acquisition, on a
professional basis, of holiday
apartments and facilities other than
hotels (e.g. apartment houses, camps,
sport areas) and acquisition of
agricultural real estate.
4) Unbound, except for measures
concerning the entry and temporary stay
of natural persons (hereafter referred to
as “persons”) falling within the
following categories, as defined in
paragraphs I and II below, and subject

to the limitations and conditions and to

4) Unbound, except for measures

concerning the categories of natural

persons referred to in the market

access column, subject to the

following limitations and conditions:

a) Working conditions prevailing in

the branch and the place of activity

V-4-5

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

the limitations and conditions set out

under the national treatment column:

Entry and stay of foreign service

suppliers in Switzerland is subject to

authorization (requirement of residency

permit and work permit). Authorization

is granted subject to measures fixing

overall numbers of work permits

allocated.

For essential personnel as defined in

paragraph I below, the period of stay is

limited to a period of three years, which

may be extended to a maximum of four

years. For other essential personnel as

defined in paragraph II below, the

period of stay is limited to three months

within one year; if an authorization for

such a period of stay is renewed the

following year, the applicant must stay

abroad at least two months between the

two consecutive periods of stay in

Switzerland.

Persons staying in or entering
Switzerland with an open-ended or
prolongable residence permit based on
an employment contract not limited in
time for Switzerland are not considered
provided by law and/or collective
agreement (with respect to
remuneration, working hours, etc.),
b) measures limiting professional and
geographical mobility within
Switzerland,
c) regulations related to statutory
systems of social security and public
retirement plans (with respect to
qualifying period, residency
requirement, etc.),
d) all other provisions of the
legislation relating to immigration,
entry, stay and work.
An enterprise employing such persons
shall cooperate, upon request, with the
authorities in charge of the
enforcement of these measures.
Eligibility for subsidies, tax incentives
and tax credits may be limited to
persons domiciled in a particular
geographical subdivision of
Switzerland.
V-4-6
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
as persons residing in or entering
Switzerland for the purpose of

temporary stay or temporary
employment in Switzerland.
I. INTRA-CORPORATE
TRANSFEREES (ICT)
Essential persons - defined in detail
under subparagraphs (a) and (b) -
transferred to Switzerland, who are
employees of a specific business or
company (hereinafter referred to as
“enterprise”) supplying services in
Switzerland through a branch,
subsidiary or affiliate established in
Switzerland and who have been
beforehand employees of their
enterprise outside Switzerland for a
period of not less than one year
immediately preceding their application
for admission:
(a) Executives and senior managers:
Persons who primarily direct the
enterprise or one of its departments and
who receive only general supervision or
direction from high-level executives, the
board of directors or the stockholders of
the enterprise. Executives and senior

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
managers would not directly perform
tasks related to the actual provision of
services of the enterprise.
(b) Specialists: Highly qualified persons
who, within an enterprise, are essential

for the provision of a specific service by
reason of their knowledge at an advanced
level of expertise in the field of services,
research equipment, techniques or
management of the enterprise.
II. OTHER ESSENTIAL PERSONS
MOVING TO SWITZERLAND
(a) Services sellers: Persons employed or
mandated by an enterprise and who stay
temporarily in Switzerland in order to
conclude the contract for the sale of a
service on behalf of the enterprise which
employs them or has mandated them.
Services sellers may not sell services
directly to the general public or supply
services themselves.
(b) Persons responsible for the setting up of
a commercial presence: Persons who are
employees of an enterprise not having
commercial presence in Switzerland and

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
who have been beforehand employees
of that enterprise outside Switzerland
for a time period not less than one year
immediately preceding their application
for admission, and who fulfil the
conditions of subparagraph I (a), and
who are entering Switzerland for the
purpose of setting up a commercial
presence of that enterprise in
Switzerland. Persons responsible for

the setting-up of a commercial presence
may not engage in making direct sales
to the general public or supply services
themselves.
(c) Contractual services suppliers: Persons
who are employees of an enterprise
outside Switzerland not having
commercial presence in Switzerland
(other than enterprises providing
services as defined by CPC 872), which
has concluded a services contract with
an enterprise engaged in substantive
business in Switzerland, and who have
been beforehand employees of the
enterprise outside Switzerland for a time
period of not less than one year
immediately preceding their application
for admission, and who fulfil the

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
conditions of subparagraph I (b) and
who supply a service in Switzerland as a
professional of a service sector as set
out below on behalf of the enterprise
outside Switzerland; as a further
requirement three years of related
experience is required.
Per contract, temporary entry for a
limited number of service suppliers will
be granted for a single period of three
months, the number of service suppliers
depending on the size of the task to be

performed under the contract.

Individual services providers not

employed by such enterprise outside

Switzerland are considered as persons

seeking access to the Swiss employment

market.

Services sectors:

- Engineering Services (CPC 8672);

- Consultancy Services related to the

installation of computer hardware (CPC

841);

- Software Implementation Services (CPC

842).

V-4-10

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

II. SECTOR-SPECIFIC COMMITMENTS

All sector-specific commitments apply solely for services as described in Annex IV (List of Environmental and Environmentally Related

Services) and taking into account the exclusions mentioned under column “ex out”.

1. BUSINESS

SERVICES

A. Professional services

(d) Architectural services

(part of CPC 86711-

86714)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

(e) Engineering services

(part of CPC 8672)

1) None

2) None

1) None except that for survey activities

for official public purposes a Swiss

licence is necessary, which is granted

to qualified surveyors after they have

passed an exam

2) None

3) None

4) Unbound except as indicated in Part I

3) None except that for survey activities

for official public purposes a Swiss

licence is necessary, which is granted

to qualified surveyors after they have

passed an exam

4) Unbound except as indicated in Part I;

for survey activities for official public

purposes a Swiss licence is necessary,

which is granted to qualified

V-4-11

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

surveyors after they have passed an

exam

(f) Integrated engineering

services (part of CPC

8673)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

(g) Urban planning and

landscape architectural

services (CPC 8674)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

B. Computer and

Related Services

(a) Consultancy services

related to the

installation of

computer hardware

(part of CPC 841)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

(b) Software

implementation

services (part of CPC

842)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

V-4-12

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

(c) Data processing

services (part of CPC

843)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

(d) Data base services

(part of CPC 844)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

(e) Other

- Maintenance and

repair services of

office machinery and

equipment including

computers (CPC 845)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

- Data preparation

services

(part of CPC 8491)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

- Training services for

staff of clients

(part of CPC 8499)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

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

C. Research and

Development Services

(a) R&D services on

natural sciences,

excluding projects

financed in whole or in

part by public funds

(part of CPC 85101-

85104; 85109)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

(c) Interdisciplinary R&D

services, excluding

projects financed in

whole or in part by

public funds (part of

CPC 853)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

E. Rental/Leasing

without Operators

(c) Relating to other

transport equipment

(part of CPC 83101 +

83102 + 83105)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

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

F. Other Business

Services

(e) Technical testing and

analysis services

(part of CPC 8676)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

(f) Services incidental to

agriculture, hunting

and forestry

- Consulting services on

agriculture and

forestry (part of CPC

8811; 8814)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

(g) Services incidental to

fishing

- Consulting services

relating to fishing

(part of CPC 882)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

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

(i) Services incidental to

manufacturing

- Recycling on a fee or

contract basis

(CPC 88493)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

(n) Maintenance and

repair of equipment

(not including

maritime vessels,

aircraft or other

transport equipment)

(CPC 633 + 8861-

8864)

1) None

2) None

3) None

4) Unbound except as indicated in Part I;

1) None

2) None

3) None

4) Unbound except as indicated in Part I

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

3. CONSTRUCTION

AND RELATED

ENGINEERING

SERVICES

A. General Construction

Work for Buildings

(parts of CPC 5121,

5122, 5124, 5126-

5129)

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

B. General Construction

Work for Civil

Engineering

- General Construction

Work for Civil

Engineering

(parts of CPC5131 +

5132, 5133, 5134,

5135, 5136)

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

C. Installation and

Assembly Work

- Heating, ventilation

and air conditioning

work; water plumbing

and drain laying work;

1) Unbound due to lack of technical

feasibility

2) None

1) Unbound due to lack of technical

feasibility

2) None

V-4-17

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

electrical wiring and

fitting; other electrical

construction work;

(CPC 5161, 5162,

51641, 51649)

- Insulation (CPC 51650)

3) None

4) Unbound except as indicated in Part I

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

3) None except unbound for gas, water

and electricity meters, gas pipelines,

electricity, main water lines, which

are reserved exclusively to cantons,

municipalities, or specific operators

4) Unbound except as indicated in Part I

1) Unbound due to lack of technical

feasibility

2) None

3) None except unbound for gas, water

and electricity meters, gas pipelines,

electricity, main water lines, which

are reserved exclusively to cantons,

municipalities, or specific operators

4) Unbound except as indicated in Part I

D. Building Completion

and Finishing Work

- Glazing work and

window glass

installation work

(CPC 5171)

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

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

E. Other

- Roofing and water

proofing (CPC 5153)

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

- Pre-erection work at

construction sites: Site

formation and

clearance work

(part of CPC 5113)

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

4. DISTRIBUTION

SERVICES

Excludes services related

to goods subject to import

authorization, to

pharmaceutical products,

toxics, explosives,

weapons and ammunition,

and precious metals.

A. Commission Agents'

Services

- Sale on a fee or

contract basis of

1) None

2) None

1) None

2) None

V-4-19

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

machinery, industrial

equipment and

vehicles other than

motor vehicle, bicycle

and motorcycles, of

furniture, household

goods, hardware and

ironmongery,

(part of CPC 62114,

62115)

3) Some cantons have restrictions on sales

area

4) Unbound except as indicated in Part I

3) None

4) Unbound except as indicated in Part I

V-4-20

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

B. Wholesale Trade

Services

- Wholesale Trade

Services of household

appliances (part of

CPC 62242)

- Wholesale Trade

Services of sports
goods (part of CPC
6226)
- Wholesale trade
services of waste and
scrap and materials for
recycling (part of CPC
62278)
- -Wholesale trade
services of transport
equipment and other
motor vehicles,
motorcycles and
bicycles (part of CPC
62282)
1) None
2) None
3) Some cantons have restrictions on sales
area
4) Unbound except as indicated in Part I
1) None
2) None
3) Some cantons have restrictions on sales
area
4) Unbound except as indicated in Part I
1) None
2) None
3) Some cantons have restrictions on sales
area
4) Unbound except as indicated in Part I
1) None
2) None
3) Some cantons have restrictions on sales
area
4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

V-4-21

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

C. Retailing Services

- Retailing Services of

household appliances;

not covered is retailing

through mobile sales

unit (part of CPC

63232)

1) None

2) None

3) Some cantons have restrictions on sales

area

4) Unbound except as indicated in Part I;

commercial presence in Switzerland

required

1) None

2) None

3) None

4) Unbound except as indicated in Part I;

commercial presence in Switzerland

required

5. EDUCATIONAL

SERVICES

Private Educational

Services

- Higher Education

Services (part of CPC

923)

- Adult Education

Services

(part of CPC 924)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

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

6. ENVIRONMENTAL

SERVICES1

A. Sewage Services

(CPC 9401)

B. Refuse Disposal

Services

(CPC 9402)

C. Sanitation and

Similar Services (CPC

9403)

D. Other Environmental

Services

- Cleaning services of

exhaust gases (CPC

9404)

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I;

commercial presence in Switzerland

required

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I;

commercial presence in Switzerland

required

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1) None

2) None

3) None

4) Unbound except as indicated in Part I

1 Nothing in this commitment shall be construed to include public work function whether owned and operated by municipalities, cantons or the federal government or

contracted out by them.

V-4-23

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

- Noise abatement

services (CPC 9405)

- Nature and landscape

protection services

(CPC 9406)

- Other environmental

and ancillary services

excluding radiation

surveillance for

official purposes

(part of 9409)

7. FINANCIAL SERVICES

Commitments on banking, securities and insurance services are in accordance with the WTO “Understanding on Commitments in Financial

Services” (the Understanding) and subject to limitations and conditions as contained in Part I (Horizontal Commitments) and as listed below.

It is understood that paragraph B.4 of the Understanding does not impose any obligation to allow non-resident financial services suppliers to

solicit business.

Insurance and

Insurance-related

Services

Monopoly rights as indicated in

paragraph B.1 of the Understanding: a

public monopoly on fire and natural

damage insurance on buildings exists in

the following cantons: Zurich, Berne,

Lucerne, Nidwalden, Glaris, Zoug,

Fribourg, Soleure, Bâle-Ville, Bâle-

Campagne, Shaffhouse, Argovie, St-

Gall, Grisons, Appenzell Rhodes

1) Acquisition of real estate by foreigners

is limited as indicated in Part I;

however, foreign or foreign-controlled

insurance companies are granted

authorization to invest in real estate,

provided the total value of the buyer’s

property does not exceed the technical

reserves required for the company’s

activities in Switzerland, as well as to

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

Extérieures, Thurgovie, Vaud,

Neuchâtel, Jura. In the cantons of

Nidwalden and Vaud, the public monopoly on fire and natural damage insurance covers also movable property located in the buildings.
acquire property that serves as a security for mortgage loans in case of bankruptcy or liquidation.
3) Representative offices cannot conduct business or act as an agent;
for insurance companies incorporated in Switzerland, the legal form of a jointstock company or a mutual association (Genossenschaft, société cooperative) is required;
for branches of foreign insurance companies, the legal form of the insurance company in the head office country must be comparable to a Swiss joint-stock company or to a Swiss mutual association;
participation in the basic health insurance scheme requires health insurance suppliers to be organized in one of the following legal entities: association (Verein, association), mutual association, foundation (Stiftung, fondation) or joint-stock company;
2) None
3) A minimum of three years of experience in the direct insurance business in the head office country is required; acquisition of real estate by foreigners is limited as indicated in Part I; however, foreign or foreigncontrolled insurance companies are

granted authorization to invest in real
estate, provided the total value of the
buyer's property does not exceed the
technical reserves required for the
company's activities in Switzerland,
as well as to acquire property that
serves as a security for mortgage
loans in case of bankruptcy or
liquidation.
V-4-25
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
participation in the statutory pension
funds scheme (Berufsvorsorge/
prévoyance professionnelle) requires
pension funds to be organized in the
form of a foundation.
4) Unbound except as indicated in Part I 4) Unbound except as indicated in Part I
Banking and Other
Financial Services
(excluding insurance)
Monopoly rights as indicated in
paragraph B.1 of the Understanding: two
mortgage bonds issuance institutes have
been granted an exclusive right for the
issuance of specific mortgage bonds
(Pfandbrief, lettre de gage); with regard
to the first institute only Swiss cantonal
banks are accepted as members; in the
case of the second institute banks with
head office in Switzerland whose
national mortgage loan business amounts
to at least 60 per cent of the balance sheet

can be members; the issue of other

mortgage-backed bonds is not affected

by this regulation.

1)2 Foreign investment funds can only be

marketed or distributed through a

1) Acquisition of real estate by foreigners

is limited as indicated in Part I;

2 Not only transactions indicated in paragraph B.3 of the Understanding but the whole range of banking and other financial services transactions are covered (excluding

insurance).

V-4-26

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

licensed representative agent resident in

Switzerland;

however, foreign or foreign-controlled

banks are granted authorization to

acquire property that serves as a

security for mortgage loans in case of

bankruptcy or liquidation; the issue of

foreign collective investment funds is

subject to stamp duty.

2) None

3) Commercial presence of foreign

financial service suppliers is subject to

specific requirements relating to the

name of the firm and the regulations on

financial institutions in the country of

origin; commercial presence may be

denied to financial service suppliers

whose ultimate shareholders and/or

beneficial owners are persons of a non-

GATS Member; representative offices

can neither conclude or deal business nor

act as an agent.

4) Unbound except as indicated in Part I

3) Acquisition of real estate by foreigners

is limited as indicated in Part I;

however, foreign or foreign-controlled

banks are granted authorization to

acquire property that serves as a

security for mortgage loans in case of

bankruptcy or liquidation.

4) Unbound except as indicated in Part I

V-4-27

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

11. TRANSPORT

SERVICES

A. Maritime Transport

Services

(a/b) Passenger and freight

transportation

(part of CPC 7211 +

7212)

1) Unbound due to lack of technical

feasibility

2) None

3) None except that the financing of a

vessel under Swiss flag by foreign funds

shall in no way endanger the influence

of Swiss interests on the shipping

company and on the operation of the

vessel

1) Unbound due to lack of technical

feasibility

2) None

3) None except that

- the following forms of legal entities as listed hereinafter may own and/or operate a vessel under Swiss flag under the following conditions (vessel owner and/or shipping company):

(a) the head office and real centre of activities must be located in Switzerland;

(b) at least two thirds of the shares' voting power representing at least the majority of the share capital of a "joint-stock company" or a "stock company with unlimited partners" must be owned by Swiss nationals domiciled in Switzerland and/or by substantially Swiss owned and effectively Swiss controlled

V-4-28

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

enterprises with registered office in Switzerland;

(c) the whole share capital of the "joint-stock company" or of the "stock company with unlimited partners" must be issued in the form of registered shares;

(d) at least three quarters of the associates or other partners who account for at least three quarters of the capital of a "general

partnership", a "limited
partnership" or a "limited liability
company" must be Swiss
nationals domiciled in
Switzerland and/or substantially
Swiss owned and effectively
Swiss controlled enterprises with
registered office in Switzerland;
(e) at least two thirds of the members
who account for at least two thirds
of the capital of a "co-operative
society" must be Swiss nationals
domiciled in Switzerland and/or
substantially Swiss owned and
effectively Swiss controlled
enterprises with registered office
in Switzerland;
V-4-29
- to own and/or operate a vessel under
Swiss flag:
(a) for all forms of legal entities
mentioned above:
(i) the majority of the members
of the board of directors and
of the management must be
domiciled in Switzerland;
(ii) if the board of directors or the
management is constituted by
one single person, this person
must be a Swiss national
domiciled in Switzerland;
(iii) the Swiss Maritime
Navigation Office may require
other executives and/or senior
managers of the enterprise to

be Swiss nationals domiciled
in Switzerland if necessary to
ensure the substantially Swiss
owned and effectively Swiss
controlled character of the
enterprise;
(b) for sole proprietorship the
proprietor must be a Swiss
national domiciled in Switzerland;
(c) at least two thirds of the members
of the board of directors and of
the management of a “joint-stock
company”, of a “stock company
with unlimited partners”, of a
“limited liability company” or of a
V-4-30
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
“co operative society” must be
Swiss nationals;
(d) statutory auditing reports must be
drawn up by auditing companies
with registered office in
Switzerland or having a branch
which is registered in the
commercial register in
Switzerland;
- eligibility for public guarantee of loans
for the financing of seagoing vessels is
reserved to vessels sailing under Swiss
flag
4) Unbound except as indicated in Part I;
unbound for vessels’ crews; unbound

for eligibility for subsidies

4) Unbound except as indicated in Part I;

unbound for vessels' crews

(e) Pushing and towing

services related to

offshore wind power

(part of CPC 7214)

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

(f) Supporting services for

maritime transport (part

of CPC 745)

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

B. Internal Waterways

Transport

Internal Waterways

Transport on the Rhine

- freight transportation

(part of CPC 7222)

1) Unbound

2) None

3) In order to sail under Swiss flag, vessels must be owned by a company which is substantially influenced (66 per cent of capital and vote) by persons domiciled in Switzerland or in a country according to the Mannheim Convention and the protocols related to it

1) Unbound

2) None

3) Traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it; owner of vessels must dispose of an appropriate managing agency in Switzerland

V-4-32

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

4) Unbound except as indicated in Part I; commercial presence in Switzerland required

4) Unbound except as indicated in Part I; traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related

to it; commercial presence in
Switzerland required
E. Rail Transport
Services
(a) Passenger
transportation
(CPC 7111)
1) Unbound
2) None
3) Concession required, for granting of concession there has to be a need for such a railways undertaking and there is no other means of transport which could handle that service in an ecologically and economically more reasonable way
4) Unbound except as indicated in Part I
1) Unbound
2) None
3) None
4) Unbound except as indicated in Part I
(b), (c) Freight
transportation,
including pushing and
towing (CPC 7112 +
7113)
1) Unbound
2) None
3) Concession required, for granting of concession there has to be a need for such a railways undertaking and there is no other means of transport which could handle that service in an ecologically and economically more reasonable way
4) Unbound except as indicated in Part I
1) Unbound

2) None

3) None

4) Unbound except as indicated in Part I

V-4-33

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

(d) Maintenance and

repair of rail transport

equipment (part of

CPC 8868)

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

1) Unbound due to lack of technical

feasibility

2) None

3) None

4) Unbound except as indicated in Part I

V-4-34

ATTACHMENT TO APPENDIX 4

ENGLISH TRANSLATIONS USED IN THIS SCHEDULE

(MODE 3 – FORMS OF LEGAL ENTITIES)

This list compiles the translations into English of forms of legal entities as, and to the extent that, they are used in this Schedule:3

“Association” : association, Verein, associazione

“Co-operative society” : société coopérative, Genossenschaft, società cooperativa

“General partnership” : société en nom collectif, Kollektivgesellschaft, società in nome collettivo

“Foundation” : fondation, Stiftung, fondazione

“Joint-stock company” : société anonyme (SA), Aktiengesellschaft (AG), società anonima (SA)

“Limited liability company” : société à responsabilité limitée (sàrl), Gesellschaft mit beschränkter Haftung (GmbH),

società a garanzia limitata (Sagl)

“Limited partnership” : société en commandite, Kommanditgesellschaft, società in accomandita

“Sole proprietorship” : entreprise individuelle, Einzelfirma, ditta individuale

“Stock company with unlimited partners” : société en commandite par actions, Kommanditaktiengesellschaft, società in accomandita per

azioni

3 Unofficial translations based on the translations prevailing most widely in the literature.

ANNEX VI. REFERRED TO IN ARTICLE 3.16 (ANNEXES) FINANCIAL SERVICES

For the purposes of Chapter 3 (Trade in Environmental Services), the Annex on Financial Services of GATS shall apply and is hereby incorporated into and made part of thisAgreement, mutatis mutandis.