



CHAMBRE DES DÉPUTÉS
GRAND-DUCHÉ DE LUXEMBOURG

Dossier consolidé

Projet de loi 6549

Projet de loi portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des États membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Équateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les États-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne

Date de dépôt : 05-03-2013

Date de l'avis du Conseil d'État : 03-05-2013

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Résumé

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Résumé

Dans le cadre de l'Accord général sur le commerce des services (AGCS), chaque membre de l'OMC est tenu d'établir une liste dans laquelle il inscrit ses engagements pour assurer l'accès à son marché des services et fournisseurs de services d'autres pays membres.

En vertu de l'article XXI de l'AGCS, un membre de l'OMC ne peut retirer ou modifier ses engagements qu'après avoir mené des négociations avec les autres membres qui se déclareront affectés par ces mesures, dans le but d'aboutir à un accord sur une compensation. C'est la démarche que la Communauté européenne a conduit en 2006 auprès des 18 membres de l'OMC suivants: l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Equateur, la Chine-Hong Kong, l'Inde, le Japon, la Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis. Le texte dont question a donc pour objet la conclusion des accords de compensation avec ces 18 membres.

Les négociations ont été rendues nécessaires en raison de la volonté de la Communauté européenne de mettre fin à une situation dans laquelle la liste d'engagements de la Communauté remontait à 1994 et ne couvrait que les 12 Etats membres de l'époque et où les 13 Etats qui ont rejoint l'Union européenne en 1995 et 2004 conservaient parallèlement leur listes individuelles, adoptées avant leur adhésion. La Commission européenne a entre-temps finalisé les négociations à Genève suite à l'adhésion de la Bulgarie et de la Roumanie à l'Union Européenne, mais les parties tierces refusent de signer les textes négociés tant que la procédure de ratification n'est pas achevée du côté des Etats membres de l'Union européenne pour les EU25.

6549/00

N° 6549

CHAMBRE DES DEPUTES

Session ordinaire 2012-2013

PROJET DE LOI

portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovaquie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne

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*(Dépôt: le 5.3.2013)***SOMMAIRE:**

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ARRETE GRAND-DUCAL DE DEPOT

Nous HENRI, Grand-Duc de Luxembourg, Duc de Nassau,

Sur le rapport de Notre Ministre des Affaires étrangères et après délibération du Gouvernement en Conseil;

Arrêtons:

Article unique.— Notre Ministre des Affaires étrangères est autorisé à déposer en Notre nom à la Chambre des Députés le projet de loi portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne.

Château de Berg, le 22 février 2013

Le Ministre des Affaires étrangères,

Jean ASSELBORN

HENRI

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TEXTE DU PROJET DE LOI

Article unique.— Est approuvée la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne.

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EXPOSE DES MOTIFS

Dans le cadre de l'Accord général sur le commerce des services (AGCS), chaque membre de l'OMC est tenu d'établir une liste dans laquelle il inscrit ses engagements pour assurer l'accès à son marché des services et fournisseurs de services d'autres pays membres.

En vertu de l'article XXI de l'AGCS, un membre de l'OMC ne peut retirer ou modifier ses engagements qu'après avoir mené des négociations avec les autres membres qui se déclareront affectés par ces mesures, dans le but d'aboutir à un accord sur une compensation. C'est la démarche que la Communauté européenne a conduit en 2006 auprès des 18 membres de l'OMC suivants: l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, la Chine-Hong Kong, l'Inde, le Japon, la Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis. Le texte dont question a donc pour objet la conclusion des accords de compensation avec ces 18 membres.

Les négociations ont été rendues nécessaires en raison de la volonté de la Communauté européenne de mettre fin à une situation dans laquelle la liste d'engagements de la Communauté remontait à 1994 et ne couvrait que les 12 Etats membres de l'époque et où les 13 Etats qui ont rejoint l'Union européenne en 1995 et 2004 conservaient parallèlement leur listes individuelles, adoptées avant leur adhésion. Dans un souci de cohérence, afin d'assurer notamment que les nouveaux Etats membres ne maintiennent pas d'engagements qui seraient contraires à l'acquis communautaire, la Communauté a jugé qu'il était indispensable de consolider les listes des nouveaux Etats membres avec la liste originale de la Communauté. Cet exercice a consisté à retirer ou modifier certains engagements spécifiques dans la liste de la Communauté européenne et dans les listes individuelles des nouveaux Etats membres.

A cette fin, la Communauté européenne a entamé, au titre de l'article XXI de l'AGCS, des négociations avec dix-huit membres de l'OMC, qui avaient déclaré être affectés par les modifications susmentionnées. Au cours de ces négociations, conformément aux conclusions du Conseil du 26 juillet 2006, la CE a convenu de la compensation à offrir aux membres affectés de l'OMC. Les modifications et retraits notifiés, ainsi que les ajustements compensatoires convenus, ont été intégrés dans la liste AGCS consolidée de la CE, dont la certification a été conclue conformément aux règles applicables de l'OMC le 15 décembre 2006.

La Communauté européenne est ainsi devenue le premier membre de l'Organisation mondiale du commerce à utiliser avec succès les dispositions de l'AGCS concernant la modification et le retrait d'engagements commerciaux dans le domaine des services. Grâce à la consolidation réussie de la liste des services, les engagements de la CE concernant les services peuvent enfin être présentés dans un document unique couvrant les 25 Etats membres.

Notons encore que la Commission européenne a entre-temps finalisé les négociations à Genève suite à l'adhésion de la Bulgarie et de la Roumanie à l'Union Européenne, mais les parties tierces refusent de signer les textes négociés tant que la procédure de ratification n'est pas achevée du côté des Etats membres de l'Union européenne pour les EU25. Une fois que ce processus de ratification achevé, le même exercice devra être opéré pour les EU27, puis, le cas échéant, pour les EU28 (adhésion de la Croatie), pour laquelle les négociations viennent de débiter.

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FICHE FINANCIERE

Ce projet de loi n'a pas d'impact financier sur le budget de l'Etat.

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**DECISION DU CONSEIL ET DES REPRESENTANTS
DES GOUVERNEMENTS DES ETATS MEMBRES,
réunis au sein du Conseil, relative à la conclusion des
accords au titre de l'article XXI de l'AGCS avec l'Argentine,
l'Australie, le Brésil, le Canada, la Chine, le territoire douanier
distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois),
la Colombie, Cuba, l'Equateur, Hong Kong (Chine),
l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande,
les Philippines, la Suisse et les Etats-Unis d'Amérique
concernant les modifications et ajustements compensatoires
nécessaires à la suite de l'adhésion de la République tchèque,
de la République d'Estonie, de la République de Chypre, de la
République de Lettonie, de la République de Lituanie, de la
République de Hongrie, de la République de Malte, de la République
d'Autriche, de la République de Pologne, de la République de
Slovénie, de la République slovaque, de la République de Finlande et
du Royaume de Suède à l'Union européenne**

LE CONSEIL DE L'UNION EUROPEENNE ET LES REPRESENTANTS DES GOUVERNEMENTS DES ETATS MEMBRES DE LA COMMUNAUTE EUROPEENNE, réunis au sein du Conseil,

vu le traité instituant la Communauté européenne, et notamment son article 133, paragraphes 1, 5 et 6, l'article 71 et l'article 80, paragraphe 2, en liaison avec l'article 300, paragraphes 2 et 3,

vu la proposition de la Commission,

vu l'avis du Parlement européen,¹

considérant ce qui suit:

(1) Le traité relatif à l'adhésion du Royaume de Norvège, de la République d'Autriche, de la République de Finlande et du Royaume de Suède à l'Union européenne est entré en vigueur le 1er janvier 1995².

(2) Le traité relatif à l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République de Pologne, de la République de Slovaquie et de la République slovaque à l'Union européenne est entré en vigueur le 1er mai 2004³.

(3) Conformément à l'article XX de l'Accord général sur le commerce des services (ci-après dénommé „AGCS“), les membres de l'OMC établissent la liste des engagements spécifiques qu'ils prennent au titre de la partie III de l'AGCS.

(4) La liste actuelle de la Communauté européenne et de ses Etats membres (ci-après dénommés la „Communauté européenne“) couvre seulement les engagements spécifiques relatifs aux douze Etats membres de 1994. Les listes individuelles d'engagements spécifiques des Etats membres qui ont adhéré à la Communauté européenne en 1995 et 2004 (ci-après dénommés „nouveaux Etats membres“) ont été adoptées avant leur adhésion.

¹ Avis du ... (non encore paru au Journal officiel).

² JO C 241 du 29.8.1994, p. 9.

³ JO L 236 du 23.9.2003, p. 17.

(5) Afin d'assurer, notamment, que les nouveaux Etats membres soient couverts par les limitations incluses dans la liste d'engagements spécifiques de la Communauté européenne et de garantir la cohérence avec l'acquis communautaire, il a été nécessaire de modifier ou de retirer certains engagements spécifiques inclus dans la liste des engagements spécifiques des Communautés européennes et dans la liste des engagements spécifiques des nouveaux Etats membres.

(6) En vue de présenter une liste consolidée, la Communauté européenne a notifié, le 28 mai 2004, conformément à l'article V de l'AGCS, son intention de modifier ou de retirer certains engagements spécifiques inclus dans la liste des engagements spécifiques des nouveaux Etats membres, au titre de l'article V paragraphe 5 de l'AGCS et conformément aux dispositions de l'article XXI paragraphe 1 b) de l'AGCS.

(7) A la suite de la soumission de la notification et conformément à l'article XXI paragraphe 2 a) de l'AGCS, dix-huit membres de l'OMC (l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse, l'Uruguay¹ et les Etats-Unis d'Amérique (ci-après dénommés „les membres de l'OMC affectés“) ont présenté des manifestations d'intérêt.

(8) La Commission a engagé des négociations avec les membres de l'OMC affectés. A la suite de ces négociations, un accord a été trouvé concernant les ajustements compensatoires résultant de modifications et retraits notifiés le 28 mai 2004.

(9) A la suite de la conclusion des négociations, conformément aux conclusions du Conseil du 26 juillet 2006, la Commission a été autorisée à signer les accords respectifs avec chacun des membres de l'OMC affectés. Ces accords couvrent tant les modifications et les retraits notifiés par la Communauté européenne que les ajustements compensatoires résultant de ces modifications et retraits. En vue de lancer la procédure de certification prévue par les règles de l'OMC applicables, la Commission a transmis, le 14 septembre 2006, le projet de liste consolidée au secrétariat de l'OMC. La procédure de certification a été achevée le 15 décembre 2006.

(10) Les accords comportent des modifications qui concernent le commerce des services dans le domaine des transports et dans certains secteurs qui sont mentionnés à l'article 133, paragraphe 6, du traité instituant la Communauté européenne. Ils constituent un résultat satisfaisant et équilibré des négociations,

DECIDENT:

Article premier

Les accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovaquie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne sont approuvés au nom de la Communauté européenne et de ses Etats membres.

Le texte des accords est joint à la présente décision.

¹ L'Uruguay a retiré ultérieurement sa manifestation d'intérêt.

Article 2

Le président du Conseil est autorisé à désigner la ou les personne(s) habilitée(s) à exprimer le consentement de la Communauté européenne et de ses Etats membres à être liés par les accords et à communiquer à l'OMC la date d'entrée en vigueur des modifications et des ajustements contenus dans ces accords.

Article 3

La présente décision est publiée au Journal officiel de l'Union européenne.

FAIT à Bruxelles, le

Le président

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JOINT LETTER

from the European Communities and its Member States on the one part, and Argentina, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Argentina submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/175 with regard to S/SECRET/8 and S/L/228 with regard to S/SECRET/9). The EC and Argentina entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Argentina have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Argentina was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8 and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Argentina.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Argentina with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS¹. The Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Alberto Juan DUMONT
Ambassador
Permanent Representative
Permanent Mission of Argentina to the World
Trade Organisation

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic of
Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland and the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong, China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong, China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Argentina submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/175 with regard to S/SECRET/8 and S/L/228 with regard to S/SECRET/9). The EC and Argentina entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and Argentina have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Argentina with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS¹. This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Argentina was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Argentina.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

*

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

ANNEX I

A) Modifications notified in document S/SECRET/8*Horizontal Commitments*

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
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Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.

- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B. Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3

- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and Australia, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Australia submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/164 with regard to S/SECRET/8 and S/L/225 with regard to S/SECRET/9). The EC and Australia entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Australia have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Australia was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Australia.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Australia with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in para-

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

graph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the WTO

H.E. Mr Bruce GOSPER
Ambassador
Permanent Representative
Permanent Mission of Australia to the WTO

*

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
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6. During such negotiations, the EC and Australia have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this

report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Australia with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

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8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Australia.
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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

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ANNEX II

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- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
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CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta

DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and Brazil, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Brazil submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/171 with regard to S/SECRET/8 and S/L/224 with regard to S/SECRET/9). The EC and Brazil entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Brazil have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Brazil was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the

EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Brazil.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Brazil with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Clodoaldo HUGUENEY
Ambassador
Permanent Representative
Permanent Mission of Brazil to the
World Trade Organisation

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.

¹ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Brazil submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/171 with regard to S/SECRET/8 and S/L/224 with regard to S/SECRET/9). The EC and Brazil entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and Brazil have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Brazil with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Brazil was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Brazil.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as

regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.

- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

*

ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
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 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3

- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

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*

JOINT LETTER

from the European Communities and its Member States on the one part, and Canada, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Canada submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/165 with regard to S/SECRET/8 and S/L/216 with regard to S/SECRET/9). The EC and Canada entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Canada have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Canada was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Canada.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Canada with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in para-

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

graph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Don STEPHENSON
Ambassador
Permanent Representative
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*

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
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4. Canada submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/165 with regard to S/SECRET/8 and S/L/216 with regard to S/SECRET/9). The EC and Canada entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
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report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Canada with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Canada was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Canada.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.

- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
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- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
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- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

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- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK

- Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland

EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and China, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, China submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/178 with regard to S/SECRET/8 and S/L/220 with regard to S/SECRET/9). The EC and China entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and China have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and China was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and China.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and China with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Sun ZHENYU
Ambassador
Permanent Representative
of the People's Republic of China
to the World Trade Organisation

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada,

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

- China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. China submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/178 with regard to S/SECRET/8 and S/L/220 with regard to S/SECRET/9). The EC and China entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
 5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
 6. During such negotiations, the EC and China have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and China with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
 7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and China was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
 8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the China.
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ANNEX I

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- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3

- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

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JOINT LETTER

from the European Communities and its Member States on the one part, and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/169) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Yi-Fu LIN
Permanent Representative of the
Permanent Mission of the Separate Customs
Territory of Taiwan, Penghu, Kinmen and
Matsu to the WTO

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/169) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu have agreed on compensatory adjustments related to the modifications and withdrawals

contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

7. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.
8. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK

- Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
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*

JOINT LETTER

from the European Communities and its Member States on the one part, and Colombia, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Colombia submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/176 with regard to S/SECRET/8 and S/L/223 with regard to S/SECRET/9). The EC and Colombia entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Colombia have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Colombia was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Colombia.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Colombia with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Claudia URIBE
Ambassador
Permanent Representative
Permanent Mission of Colombia
to the World Trade Organisation

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada,

¹ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.

4. Colombia submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/176 with regard to S/SECRET/8 and S/L/223 with regard to S/SECRET/9). The EC and Colombia entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and Colombia have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Colombia with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Colombia was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Colombia.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

*

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

ANNEX I

A) Modifications notified in document S/SECRET/8*Horizontal Commitments*

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.

- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
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- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

*

ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
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 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3

- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and Cuba, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Cuba submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/174) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and Cuba entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Cuba have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Cuba.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Cuba with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Juan Antonio FERNANDEZ PALACIOS
Ambassador
Permanent Representative
Permanent Mission of Cuba to the
World Trade Organisation

*

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Cuba submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/174) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and Cuba entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.
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6. During such negotiations, the EC and Cuba have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the

EC and Cuba with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

7. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Cuba.
8. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

*

ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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ANNEX II

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 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
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EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

JOINT LETTER

from the European Communities and its Member States on the one part, and Ecuador, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Ecuador submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/172 with regard to S/SECRET/8 and S/L/229 with regard to S/SECRET/9). The EC and Ecuador entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Ecuador have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Ecuador was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Ecuador.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Ecuador with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in para-

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

graph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Eva GARCIA FABRE
Ambassador
Permanent Representative
Permanent Mission of Ecuador
to the World Trade Organisation

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Ecuador submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/172 with regard to S/SECRET/8 and S/L/229 with regard to S/SECRET/9). The EC and Ecuador entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).

6. During such negotiations, the EC and Ecuador have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Ecuador with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Ecuador was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Ecuador.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.

- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3

- Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia

DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and Hong Kong, China, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Hong Kong, China submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/170 with regard to S/SECRET/8 and S/L/219 with regard to S/SECRET/9). The EC and Hong Kong, China entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Hong Kong, China have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Hong Kong, China was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated

schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Hong Kong, China.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Hong Kong, China with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Tony MILLER
Permanent Representative of the
Hong Kong Special Administrative Region
of China to the World Trade Organisation

*

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
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the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
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Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
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Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New

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- Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
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 8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Hong Kong, China.
 9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

*

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

ANNEX I

A) Modifications notified in document S/SECRET/8*Horizontal Commitments*

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
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Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.

- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
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B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

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- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
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 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
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 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
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- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3

- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

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JOINT LETTER

from the European Communities and its Member States on the one part, and India, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, India submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/163 with regard to S/SECRET/8 and S/L/221 with regard to S/SECRET/9). The EC and India entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and India have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and India was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and India.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and India with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in para-

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

graph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Ujal SINGH BHATIA
Ambassador
Permanent Representative
Permanent Mission of India to the
World Trade Organisation

*

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. India submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/163 with regard to S/SECRET/8 and S/L/221 with regard to S/SECRET/9). The EC and India entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).

6. During such negotiations, the EC and India have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and India with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and India was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and India.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

*

ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
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ANNEX II

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EE	Estonia	PL	Poland
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ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
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JOINT LETTER

from the European Communities and its Member States on the one part, and Japan, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Japan submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/168 with regard to S/SECRET/8 and S/L/218 with regard to S/SECRET/9). The EC and Japan entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Japan have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Japan was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated

schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Japan.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Japan with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Iohiro FUJISAKI
Ambassador
Permanent Representative
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World Trade Organisation

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New

¹ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

- Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
 4. Japan submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/168 with regard to S/SECRET/8 and S/L/218 with regard to S/SECRET/9). The EC and Japan entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
 5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
 6. During such negotiations, the EC and Japan have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Japan with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
 7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Japan was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
 8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Japan.
 9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

*

¹ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

ANNEX I

A) Modifications notified in document S/SECRET/8*Horizontal Commitments*

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.

- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3

- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and the Republic of Korea, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, the Republic of Korea (hereafter Korea) submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/173 with regard to S/SECRET/8 and S/L/226 with regard to S/SECRET/9). The EC and Korea entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Korea have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Korea was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Korea.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Korea with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in para-

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

graph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
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Trade Organisation

Choi HYUCK
Ambassador
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*

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
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the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
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Republic of Malta, the Republic of Austria, the Republic
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European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

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4. The Republic of Korea (hereinafter Korea) submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/173 with regard to S/SECRET/8 and S/L/226 with regard to S/SECRET/9). The EC and Korea entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
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8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Korea.
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*

ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
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- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

*

ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3

- Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia

DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and New Zealand, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, New Zealand submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/167 with regard to S/SECRET/8 and S/L/222 with regard to S/SECRET/9). The EC and New Zealand entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and New Zealand have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and New Zealand was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated

schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and New Zealand.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and New Zealand with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Crawford FALCONER
Ambassador
Permanent Representative
Permanent Mission of New Zealand
to the World Trade Organisation

*

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

- Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
 4. New Zealand submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/167 with regard to S/SECRET/8 and S/L/222 with regard to S/SECRET/9). The EC and New Zealand entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
 5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
 6. During such negotiations, the EC and New Zealand have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and New Zealand with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
 7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and New Zealand was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
 8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the New Zealand.
 9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

*

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

ANNEX I

A) Modifications notified in document S/SECRET/8*Horizontal Commitments*

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.

- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
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 - Removal of part of the market access limitations for SK in Mode 3

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 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
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The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
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EE	Estonia	PL	Poland
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ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
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*

JOINT LETTER

from the European Communities and its Member States on the one part, and the Philippines, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, the Philippines submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/179 with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and the Philippines entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and the Philippines have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Philippines.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and the Philippines with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Manuel A.J. TEEHANKEE
Ambassador
Permanent Representative
Permanent Mission of the Philippines
to the World Trade Organisation

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. The Philippines submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/179 with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and the Philippines entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and the Philippines have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement

between the EC and the Philippines with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

7. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Philippines.
8. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the

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territory of the Community Member State concerned. This limitation is now extended to these Member States.

- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
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- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
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- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3

- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta

DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and Switzerland, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Switzerland submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/162 with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and Switzerland entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8. Switzerland on its part submitted a memorandum stating its position in these negotiations.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Switzerland have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Switzerland.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Switzerland with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Pierre-Louis GIRARD
Ambassador
Permanent Representative
Permanent Mission of Switzerland
to the World Trade Organisation

*

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada,

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China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.

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7. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Switzerland.
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*

ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

*

ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
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- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
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 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3

- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT’s ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
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CY	Cyprus	LU	Luxembourg
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EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and the United States of America, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, the United States of America (hereafter the United States) submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/166 with regard to S/SECRET/8 and S/L/217 with regard to S/SECRET/9). The EC and the United States entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and the United States have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and the United States was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the United States.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and the United States with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

¹ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Alicia D. GREENIDGE
Chargé d'Affaires, a.i.
Assistant Deputy Chief of Mission and
Senior Counsel
Permanent Mission of the United States
to the World Trade Organisation
August 4, 2006

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the
EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the
Republic of Malta, the Republic of Austria, the Republic
of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States of America (hereafter the United States)) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. The United States submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/166 with regard to S/SECRET/8 and S/L/217 with regard to S/SECRET/9). The EC and the United States entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and the United States have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and the United States with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and the United States was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the United States.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

*

ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.

- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

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FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

CTIE – Division Imprimés et Fournitures de bureau

6549/01

N° 6549¹

CHAMBRE DES DEPUTES

Session ordinaire 2012-2013

PROJET DE LOI

portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne

* * *

AVIS DU CONSEIL D'ETAT

(30.4.2013)

Par dépêche du 5 mars 2013, le Premier Ministre, Ministre d'Etat, a soumis à l'avis du Conseil d'Etat le projet de loi sous rubrique, élaboré par le ministre des Affaires étrangères.

Au texte du projet étaient joints un exposé des motifs, le texte de la décision du Conseil de l'Union européenne à approuver et une fiche d'évaluation d'impact.

Le projet de loi sous avis a pour objet l'approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne.

L'exposé des motifs rappelle qu'en vertu de l'article XXI de l'Accord général sur le commerce des services (AGCS), un membre de l'Organisation mondiale du commerce (OMC) ne peut retirer ou modifier ses engagements qu'après avoir mené des négociations avec les autres membres qui se déclareront affectés par ces mesures, dans le but d'aboutir à un accord sur une compensation. Cet exercice est devenu nécessaire suite à l'adhésion de treize nouveaux Etats à l'Union européenne en 1995 et 2004.

Le Conseil d'Etat approuve le projet de loi sous avis dont le texte de l'article unique ne donne pas lieu à observation.

Ainsi délibéré en séance plénière, le 30 avril 2013.

Le Secrétaire général,
Marc BESCH

Le Président,
Victor GILLEN

6549/02

N° 6549²**CHAMBRE DES DEPUTES**

Session ordinaire 2012-2013

PROJET DE LOI

portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovaquie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne

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RAPPORT DE LA COMMISSION DES AFFAIRES ETRANGERES ET EUROPEENNES, DE LA DEFENSE, DE LA COOPERATION ET DE L'IMMIGRATION

(3.6.2013)

La Commission se compose de: M. Ben FAYOT, Président; Mme Lydia MUTSCH, Rapporteure; M. Marc ANGEL, Mme Nancy ARENDT, MM. Xavier BETTEL, Fernand BODEN, Félix BRAZ, Mme Christine DOERNER, MM. Norbert HAUPERT, Fernand KARTHEISER, Mmes Martine MERGEN et Lydie POLFER, Membres.

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I. PROCEDURE LEGISLATIVE

Le projet de loi sous rubrique a été déposé par Monsieur le Ministre des Affaires étrangères en date du 5 mars 2013.

Au cours de sa réunion du 15 avril 2013, la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration a nommé Mme Lydia Mutsch comme rapporteure du projet de loi sous rubrique.

L'avis du Conseil d'Etat est intervenu le 30 avril 2013.

En date du 3 juin 2013, la commission a examiné le texte du projet de loi et l'avis du Conseil d'Etat et a adopté le présent rapport.

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II. EXAMEN DU PROJET DE LOI

Dans le cadre de l'Accord général sur le commerce des services (AGCS), les conditions et modalités selon lesquelles les membres de l'Organisation mondiale du commerce (OMC) ouvrent l'accès de leur marché aux services et prestataires de services d'autres membres sont spécifiées dans les listes d'engagements spécifiques. En vertu de l'article XXI de l'AGCS, un membre de l'OMC ne peut retirer ou modifier ses engagements qu'après avoir mené des négociations avec les autres membres qui se déclareront affectés par ces mesures, dans le but d'aboutir à un accord sur une compensation.

La Communauté européenne a mené de telles négociations afin de mettre fin à une situation dans laquelle la liste d'engagements spécifiques de la Communauté remontait à 1994 et ne couvrait que les 12 Etats membres de l'époque et où les 13 Etats qui ont rejoint l'Union européenne en 1995 et 2004 conservaient parallèlement leurs listes individuelles, adoptées avant leur adhésion. Afin d'assurer que les nouveaux Etats membres ne maintiennent pas d'engagements qui seraient contraires à l'acquis communautaire et qu'ils soient couverts par les limitations incluses dans la liste d'engagements spécifiques de la Communauté européenne, il a été nécessaire de notifier la modification et le retrait de certains engagements spécifiques inclus dans la liste des engagements spécifiques de la Communauté européenne et dans les listes individuelles des nouveaux Etats membres et de consolider les listes des nouveaux Etats membres avec la liste originale de la Communauté européenne. A la suite de la soumission de la notification, dix-huit membres de l'OMC ont présenté des manifestations d'intérêt. Il s'agissait de l'Argentine, de l'Australie, du Brésil, du Canada, de la Chine, du territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), de la Colombie, de Cuba, de l'Equateur, de Hong Kong (Chine), de l'Inde, du Japon, de la République de Corée, de la Nouvelle-Zélande, des Philippines, de la Suisse, de l'Uruguay¹ et des Etats-Unis d'Amérique.

La Communauté européenne a ensuite entamé, au titre de l'article XXI de l'AGCS, des négociations avec les dix-huit membres précités, qui avaient déclaré être affectés par les modifications susmentionnées. Au cours de ces négociations, conformément aux conclusions du Conseil du 26 juillet 2006, la CE a convenu de la compensation à offrir aux membres affectés de l'OMC. Les modifications et retraits notifiés, ainsi que les ajustements compensatoires convenus, ont été intégrés dans la liste AGCS consolidée de la CE, dont la certification a été conclue conformément aux règles applicables de l'OMC le 15 décembre 2006.

La Communauté européenne est ainsi devenue le premier membre de l'OMC à utiliser avec succès les dispositions de l'AGCS concernant la modification et le retrait d'engagements commerciaux dans le domaine des services. Grâce à la consolidation réussie de la liste des services, les engagements de la CE concernant les services peuvent enfin être présentés dans un document unique couvrant les vingt-cinq Etats membres.

Les auteurs du projet de loi notent encore que la Commission européenne a entre-temps finalisé les négociations à Genève suite à l'adhésion de la Bulgarie et de la Roumanie à l'Union européenne, mais les parties tierces refusent de signer les textes négociés tant que la procédure de ratification n'est pas achevée du côté des Etats membres de l'Union européenne pour les UE-25. Une fois que ce processus de ratification achevé, le même exercice devra être opéré pour les UE-27, puis, le cas échéant, pour les UE-28, après l'adhésion de la Croatie, pour laquelle les négociations viennent de débiter.

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III. L'AVIS DU CONSEIL D'ETAT

Dans son avis du 30 avril 2013, le Conseil d'Etat approuve le projet de loi sous rubrique et note que le texte de l'article unique ne donne pas lieu à observation.

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¹ L'Uruguay a retiré ultérieurement sa manifestation d'intérêt.

IV. TEXTE PROPOSE PAR LA COMMISSION

Compte tenu de ce qui précède, la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration recommande à la Chambre des Députés d'adopter le présent projet de loi dans la teneur qui suit:

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PROJET DE LOI

portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne

Article unique.— Est approuvée la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne.

Luxembourg, le 3 juin 2013

La Rapporteuse,
Lydia MUTSCH

Le Président,
Ben FAYOT

CTIE – Division Imprimés et Fournitures de bureau

6549

Bulletin de Vote (Vote Public)

Page 1/2

Date: 11/06/2013 15:47:12
 Scrutin: 4
 Vote: PL 6549 Concl. acc. titre de l'art. XXI
 Description: Projet de 6549

Président: M. Mosar Laurent
 Secrétaire A: M. Frieseisen Claude
 Secrétaire B: Mme Barra Isabelle

	Oui	Abst	Non	Total
Présents:	5857	0	0	5857
Procuration:	24	0	0	24
Total:	5881	0	0	5881

Nom du député	Vote	(Procuration)	Nom du député	Vote	(Procuration)
déi gréng					
M. Adam Claude	Oui		M. Bausch François	Oui	(M. Braz Félix)
M. Braz Félix	Oui		M. Gira Camille	Oui	
M. Kox Henri	Oui		Mme Lorsché Josée	Oui	
Mme Loschetter Viviane	Oui				

CSV					
Mme Adehm Diane	Oui		Mme Andrich-Duval Sylv	Oui	
Mme Arendt Nancy	Oui		M. Boden Fernand	Oui	
M. Clement Lucien	Oui		Mme Doerner Christine	Oui	
M. Eicher Emile	Oui		M. Eischen Félix	Oui	
Mme Frank Marie-Josée	Oui		M. Gloden Léon	Oui	
M. Hauptert Norbert	Oui		M. Kaes Ali	Oui	
M. Lies Marc	Oui		M. Mellina Pierre	Oui	
Mme Mergen Martine	Oui		M. Meyers Paul-Henri	Oui	
M. Mosar Laurent	Oui		M. Oberweis Marcel	Oui	
M. Roth Gilles	Oui		M. Schaaf Jean-Paul	Oui	
Mme Scholtes Tessy	Oui		M. Weber Robert	Oui	
M. Weiler Lucien	Oui		M. Weydert Raymond	Oui	
M. Wilmes Serge	Oui		M. Wolter Michel	Oui	

LSAP					
M. Angel Marc	Oui		M. Bodry Alex	Oui	(M. Negri Roger)
Mme Dall'Agnol Claudia	Oui		M. Diederich Fernand	Oui	
M. Engel Georges	Oui		M. Haagen Claude	Oui	
M. Klein Jean-Pierre	Oui		M. Lux Lucien	Oui	
Mme Mutsch Lydia	Oui		M. Negri Roger	Oui	
M. Scheuer Ben	Oui		M. Schreiner Roland	Oui	
M. Fayet Ben	Oui				

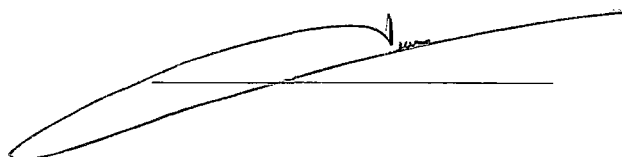
DP					
M. Bauler André	Oui		M. Berger Eugène	Oui	(M. Wagner Carlo)
M. Bettel Xavier	Oui		Mme Brasseur Anne	Oui	
M. Etgen Fernand	Oui		M. Krieps Alexandre	Oui	
M. Meisch Claude	Oui		Mme Polfer Lydie	Oui	(M. Meisch Claude)
M. Wagner Carlo	Oui				

Indépendants					
M. Colombero Jean	Oui		M. Henckes Jacques-Yve	Oui	

ADR					
M. Gibéryen Gast	Oui		M. Kartheiser Fernand	Oui	

Le Président:

Le Secrétaire général:

Date: 11/06/2013 15:47:12
 Scrutin: 4
 Vote: PL 6549 Concl. acc. titre de l'art. XXI
 Description: Projet de 6549

Président: M. Mosar Laurent
 Secrétaire A: M. Frieseisen Claude
 Secrétaire B: Mme Barra Isabelle

	Oui	Abst	Non	Total
Présents:	54 57	0	0	57 54
Procuration:	4 2	0	0	2 4
Total:	58 59	0	0	59 58

n'ont pas participé au vote:

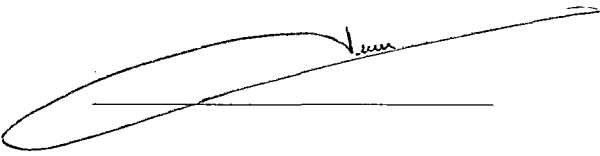
Nom du député	Nom du député
M. Fayot Ben	LSAP

Nom du député	Nom du député
M. Urbany Serge	déi Lénk

Le Président:



Le Secrétaire général:



6549/03

N° 6549³**CHAMBRE DES DEPUTES**

Session ordinaire 2012-2013

PROJET DE LOI

portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovaquie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne

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**DISPENSE DU SECOND VOTE CONSTITUTIONNEL
PAR LE CONSEIL D'ETAT**

(18.6.2013)

Le Conseil d'Etat,

appelé par dépêche du Premier Ministre, Ministre d'Etat, du 12 juin 2013 à délibérer sur la question de dispense du second vote constitutionnel du

PROJET DE LOI

portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovaquie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne

qui a été adopté par la Chambre des députés dans sa séance du 11 juin 2013 et dispensé du second vote constitutionnel;

Vu ledit projet de loi et l'avis émis par le Conseil d'Etat en sa séance du 30 avril 2013;

se déclare d'accord

avec la Chambre des députés pour dispenser le projet de loi en question du second vote prévu par l'article 59 de la Constitution.

Ainsi décidé en séance publique du 18 juin 2013.

Le Secrétaire général,
Marc BESCH

Le Président,
Victor GILLEN



**Commission de l'Economie, du Commerce extérieur et de
l'Economie solidaire**

et

**Commission des Affaires étrangères et européennes, de la Défense,
de la Coopération et de l'Immigration**

Procès-verbal de la réunion du 3 juin 2013

Ordre du jour :

1. Adoption des projets de procès-verbal des réunions du 13 février et du 29 avril 2013
2. Information de Monsieur le Ministre de la Défense sur la participation de l'Armée luxembourgeoise à une mission "force protection" dans le cadre de l'EUTM au Mali - avis de la Commission.
3. 6549 Projet de loi portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des États membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Équateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les États-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovaquie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne
- Rapporteur : Madame Lydia Mutsch
- Présentation, discussion et adoption d'un projet de rapport
4. A 9.30 heures: réunion jointe avec la Commission de l'Economie, du Commerce extérieur et de l'Economie solidaire:
Présentation par M. Henri Grethen, membre de la Cour des Comptes européenne, du rapport sur la régénération des friches industrielles et militaires
5. Uniquement pour les membres de la Commission des Affaires étrangères et

européennes, de la Défense, de la Coopération et de l'Immigration:

Dossiers européens:

- Adoption de la liste de documents transmis par les institutions européennes entre le 25 et le 31 mai 2013

- Présentation de documents qui sont dans la compétence de la commission:
SWD(2013)90 (annexé au JOIN(2013) 4) : JOINT STAFF WORKING DOCUMENT - Implementation of the European neighbourhood Policy in Georgia - Progress in 2012 and recommendations for action

Rapporteur: M. Marcel Oberweis

6. Rapport sur la session de printemps de l'Assemblée parlementaire de l'OTAN du 17 au 20 mai 2013 à Luxembourg par M. Norbert Hauptert, Chef de la délégation luxembourgeoise

7. Divers

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Présents : Mme Diane Aehm, M. André Bauler, M. Alex Bodry, Mme Claudia Dall'Agnol, M. Emile Eicher, M. Félix Eischen, M. Georges Engel, M. Claude Meisch, membres de la Commission de l'Economie, du Commerce extérieur et de l'Economie solidaire

M. Marc Angel, Mme Nancy Arendt épouse Kemp, M. Eugène Berger, M. Xavier Bettel, M. Félix Braz, Mme Claudia Dall'Agnol, Mme Christine Doerner, M. Félix Eischen, M. Ben Fayot, M. Norbert Hauptert, M. Fernand Kartheiser, Mme Lydia Mutsch, M. Marcel Oberweis, Mme Lydie Polfer, membres de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration

M. Charles Goerens, membre du Parlement européen

Pour le point 2 de l'ordre du jour :

M. Jean-Marie Halsdorf, Ministre de la Défense

M. Patrick Engelberg, Directeur de la Défense

M. Michel Leesch, MAE, Direction de la Défense

Pour le point 4 de l'ordre du jour :

M. Henri Grethen, Membre de la Cour des Comptes européenne

M. Marc Hostert, Cour des Comptes européenne

Mme Rita Brors, Mme Francine Cocard, Administration parlementaire

Excusés : M. Jacques-Yves Henckes, membre de la Commission de l'Economie, du Commerce extérieur et de l'Economie solidaire

M. Fernand Boden, M. Jacques-Yves Henckes, membres de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration

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Présidence : M. Ben Fayot, Président de la Commission des Affaires étrangères et

européennes, de la Défense, de la Coopération et de l'Immigration
M. Alex Bodry, Président de la Commission de l'Economie, du Commerce
extérieur et de l'Economie solidaire

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1. Adoption des projets de procès-verbal des réunions du 13 février et du 29 avril 2013

Les projets de procès-verbal sont adoptés.

2. Information de Monsieur le Ministre de la Défense sur la participation de l'armée luxembourgeoise à une mission "force protection" dans le cadre de l'EUTM au Mali - avis de la Commission

Monsieur le Ministre informe que suite à la demande du Ministre de la Défense belge, le Luxembourg envisage de participer à la protection de la force dans le cadre d'une unité Benelux. Il s'agirait donc d'envoyer un deuxième membre de l'Armée luxembourgeoise à la mission de l'EUTM au Mali, un sous-officier instructeur étant déjà intégré dans le détachement français. Ce deuxième membre aurait comme mission de remplir des fonctions d'état-major ou de soutien. Pour autoriser cette mission, il faudrait modifier l'article 4 du règlement grand-ducal du 6 mars 2013 qui fixe les fonctions des membres de l'Armée luxembourgeoise dans le cadre de la mission de l'EUTM au Mali, en ajoutant celles d'état-major ou de soutien. Le deuxième membre sera un militaire de carrière (caporal ou sous-officier). Le début de la mission est prévu en juillet.

Après discussion, la commission rend son avis positif à l'unanimité.

3. 6549 Projet de loi portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des États membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Équateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les États-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne

La Rapporteuse présente brièvement le contenu du projet de loi et le projet de rapport.

L'Accord général sur le commerce des services (AGCS, connu également sous l'acronyme anglais GATS pour General Agreement on Trade in Services) constitue l'annexe 1B de l'Accord de Marrakech instituant l'Organisation mondiale du Commerce (OMC) en 1994. Il s'agit d'un accord multilatéral de libéralisation des échanges de services, qui selon ses promoteurs vise à apporter une utilisation plus efficace des moyens de production en favorisant l'avantage comparatif des pays concernés, tandis que ses détracteurs y voient

une menace pour l'universalité des services publics.

Dans le cadre de l'Accord général sur le commerce des services (AGCS), chaque membre de l'OMC est tenu d'établir une liste dans laquelle il inscrit ses engagements pour assurer l'accès à son marché des services et fournisseurs de services d'autres pays membres.

En vertu de l'article XXI de l'AGCS, un membre de l'OMC ne peut retirer ou modifier ses engagements qu'après avoir mené des négociations avec les autres membres qui se déclareront affectés par ces mesures, dans le but d'aboutir à un accord sur une compensation. C'est la démarche que la Communauté européenne a conduit en 2006 auprès des 18 membres de l'OMC suivants: l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, la Chine-Hong Kong, l'Inde, le Japon, la Corée, la Nouvelle-Zélande, les Philippines, la Suisse, les Etats-Unis. L'Uruguay a retiré ultérieurement sa manifestation d'intérêt.

Les négociations ont été rendues nécessaires en raison de la volonté de la Communauté européenne de mettre fin à une situation dans laquelle la liste d'engagements de la Communauté remontait à 1994 et ne couvrait que les 12 Etats membres de l'époque et où les 13 Etats qui ont rejoint l'Union européenne en 1995 et 2004 conservaient parallèlement leur listes individuelles, adoptées avant leur adhésion. La Commission européenne a entre-temps finalisé les négociations à Genève suite à l'adhésion de la Bulgarie et de la Roumanie à l'Union Européenne, mais les parties tierces refusent de signer les textes négociés tant que la procédure de ratification n'est pas achevée du côté des Etats membres de l'Union européenne pour les EU25.

Le Conseil d'Etat n'a pas d'observation quant au libellé de l'article unique.

Le projet de rapport est adopté à l'unanimité.

**4. A 9.30 heures: réunion jointe avec la Commission de l'Economie, du Commerce extérieur et de l'Economie solidaire:
Présentation par M. Henri Grethen, membre de la Cour des Comptes européenne, du rapport sur la régénération des friches industrielles et militaires**

Le membre de la Cour des Comptes européenne et son collaborateur présentent le rapport spécial no. 23 / 2012 (« Les actions structurelles de l'UE ont-elles contribué avec succès à la régénération de friches industrielles et militaires ? »).

Remarques préliminaires

Les investissements de l'Union européenne par le biais du Fonds européen de développement régional (FEDER) et du Fonds de cohésion (FC) sont importants et d'un grand intérêt aussi pour le Luxembourg. La friche Belval a été cofinancée par l'Union européenne à hauteur de plus de 10 millions d'euros. La contribution du Luxembourg au budget de l'Union européenne se chiffant à 300 millions d'euros par an, quelques 250 millions d'euros sont alloués par l'Union européenne à des fonds de cohésion et le soutien de l'agriculture et du développement rural au Luxembourg. Les experts de la Cour des Comptes ont examiné, dans un premier temps, les friches de Belval et ensuite les endroits

dans les cinq Etats membres ayant obtenu le plus grand montant dans le cadre des actions structurelles de l'Union européenne (Allemagne, Grande-Bretagne, Pologne, République tchèque, Espagne). Les 27 projets soutenus à hauteur totale de 231 millions d'euros dans ces cinq Etats membres ont fait l'objet du rapport. Au cours des périodes 2000-2006 et 2007-2013, un montant total de 5,7 milliards d'euros a été investi dans les actions structurelles.

Les conclusions et recommandations du rapport

Les friches examinées ont en commun qu'elles ne sont plus utilisées, qu'elles sont contaminées et qu'elles sont destinées à une nouvelle affectation. Les fonds publics servent à décontaminer le terrain pour permettre une nouvelle utilisation en vue de relancer l'économie et de créer des emplois, ceci dans le cas où aucun responsable selon le principe du pollueur-payeur ne peut être détecté pour prendre en charge les coûts. Les trois questions posées aux autorités concernées étaient :

1. Est-ce que l'objectif de revitaliser les friches a été atteint ?
2. Est-ce que le ciblage de l'aide de l'UE repose sur des critères solides (hiérarchisation des friches, cadastre) ?
3. Est-ce que le résultat a été obtenu au moindre coût pour le budget de l'UE ?

Ad 1 : Le rapport vient à la conclusion que toutes les friches examinées ont en effet été décontaminées. Or, le but de créer des emplois sur ces friches n'a pas toujours été réalisé, ce qui est dû en partie à un changement de la situation économique. La certification de la décontamination effectuée n'a pas toujours été satisfaisante.

Les recommandations à l'adresse de la Commission européenne sont les suivantes :

- considérer uniquement les projets disposant d'un plan de développement intégré et hiérarchisé ;
- définir les degrés de contamination et de décontamination en fonction de l'utilisation ultérieure.

Les Etats membres ont été invités à :

- détecter les friches et réaliser une planification concrète pour l'utilisation ultérieure.

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Ad 3 : Le principe du pollueur-payeur n'est pas pleinement appliqué dans tous les Etats membres, de sorte que les fonds publics ont supporté en partie le coût de la réhabilitation de l'environnement. Ceci vaut également pour les Etats membres où des entreprises d'Etat ont été privatisées, l'acheteur ayant souvent insisté sur une clause le libérant de l'obligation de subir les coûts de décontamination. Par ailleurs, certaines règles en matière d'aides d'Etat n'ont pas été respectées. Il a également été constaté que l'affectation des friches a

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Débat

Sont notamment évoqués au cours de la discussion les problèmes juridiques liés à la désignation du pollueur, l'historique de l'utilisation d'une friche comprenant souvent plusieurs étapes consécutives impliquant différents propriétaires. Par ailleurs, l'établissement d'un plan de décontamination constitue la deuxième étape après celle de l'établissement d'un cadastre et la vérification de la pollution réelle. La législation actuelle prévoit que le vendeur d'un terrain fixe un plan de décontamination. Si le propriétaire du terrain est en faillite, les coûts de la décontamination sont partagés, au Luxembourg, entre la commune et le Fonds de l'environnement. Le Luxembourg a introduit une taxe spéciale sur les produits pétroliers destinée à la décontamination des terrains des stations-services par les sociétés pétrolières.

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La décontamination de terrains est un secteur économique intéressant, des statistiques exactes sur ce secteur au niveau européen faisant défaut.

5. Uniquement pour les membres de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration:

Dossiers européens:

- Adoption de la liste de documents transmis par les institutions européennes entre le 25 et le 31 mai 2013

La liste des documents est adoptée avec les modifications suivantes : à la demande de M. Oberweis, les documents COM(2013) 302 et COM(2013) 325 sont classés comme documents « B » et transmis à la Commission du développement durable.

- Présentation de documents qui sont dans la compétence de la commission:

SWD(2013)90 (annexé au JOIN(2013) 4) : JOINT STAFF WORKING DOCUMENT - Implementation of the European neighbourhood Policy in Georgia - Progress in 2012 and recommendations for action

Rapporteur: M. Marcel Oberweis

La présentation de ce document est reportée à une réunion ultérieure.

6. Rapport sur la session de printemps de l'Assemblée parlementaire de l'OTAN du 17 au 20 mai 2013 à Luxembourg par M. Norbert Hauptert, Chef de la délégation luxembourgeoise

Le Chef de la délégation luxembourgeoise précise que la session de printemps de l'Assemblée parlementaire de l'OTAN prépare les rapports pour la session annuelle, mais ne prend pas de décisions. Il remercie l'administration parlementaire pour les efforts d'organiser cette session au Centre de Conférences Kirchberg à la satisfaction de tous les participants. Ainsi, le Luxembourg a pu être présenté d'une manière différente et la délégation luxembourgeoise a démontré que la Chambre des Députés peut apporter une contribution importante aux travaux de cette assemblée. Les sujets phares de la session étaient « l'après-2014 » en Afghanistan et le positionnement de l'Union européenne dans le contexte de l'OTAN.

Un membre de la commission demande si le sujet du projet « Eurohawk » a été abordé lors de la conférence. Il s'avère en réponse que la commission « Sciences et technologies » est compétente pour ce sujet et que les travaux de cette commission peuvent être suivis sur le site internet de l'Assemblée parlementaire de l'OTAN.

7. Divers

Le Bureau de la Chambre des Députés ayant autorisé la participation d'un membre de la majorité et d'un membre de l'opposition parmi les membres de la commission, M. Angel et M. Braz s'intéressent à participer à la réunion interparlementaire sur le Programme de Stockholm le 20 juin 2013 à Bruxelles.

La Commission des Affaires européennes de l'Assemblée nationale a invité à une réunion interparlementaire les 18 et 19 juin 2013 à Paris sur le sujet du financement du cinéma européen.

Luxembourg, le 12 juillet 2013

La secrétaire,
Rita Brors

Le Président de la Commission de
l'Economie, du Commerce extérieur et de
l'Economie solidaire,
Alex Bodry

Le Président de la Commission des Affaires
étrangères et européennes, de la Défense,
de la Coopération et de l'Immigration,
Ben Fayot



**Commission de l'Economie, du Commerce extérieur et de
l'Economie solidaire**

et

**Commission des Affaires étrangères et européennes, de la Défense,
de la Coopération et de l'Immigration**

Procès-verbal de la réunion du 3 juin 2013

Ordre du jour :

1. Adoption des projets de procès-verbal des réunions du 13 février et du 29 avril 2013
2. Information de Monsieur le Ministre de la Défense sur la participation de l'Armée luxembourgeoise à une mission "force protection" dans le cadre de l'EUTM au Mali - avis de la Commission.
3. 6549 Projet de loi portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des États membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Équateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les États-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovaquie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne
- Rapporteur : Madame Lydia Mutsch
- Présentation, discussion et adoption d'un projet de rapport
4. A 9.30 heures: réunion jointe avec la Commission de l'Economie, du Commerce extérieur et de l'Economie solidaire:
Présentation par M. Henri Grethen, membre de la Cour des Comptes européenne, du rapport sur la régénération des friches industrielles et militaires
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Présents : Mme Diane Aehm, M. André Bauler, M. Alex Bodry, Mme Claudia Dall'Agnol, M. Emile Eicher, M. Félix Eischen, M. Georges Engel, M. Claude Meisch, membres de la Commission de l'Economie, du Commerce extérieur et de l'Economie solidaire

M. Marc Angel, Mme Nancy Arendt épouse Kemp, M. Eugène Berger, M. Xavier Bettel, M. Félix Braz, Mme Claudia Dall'Agnol, Mme Christine Doerner, M. Félix Eischen, M. Ben Fayot, M. Norbert Hauptert, M. Fernand Kartheiser, Mme Lydia Mutsch, M. Marcel Oberweis, Mme Lydie Polfer, membres de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration

M. Charles Goerens, membre du Parlement européen

Pour le point 2 de l'ordre du jour :

M. Jean-Marie Halsdorf, Ministre de la Défense

M. Patrick Engelberg, Directeur de la Défense

M. Michel Leesch, MAE, Direction de la Défense

Pour le point 4 de l'ordre du jour :

M. Henri Grethen, Membre de la Cour des Comptes européenne

M. Marc Hostert, Cour des Comptes européenne

Mme Rita Brors, Mme Francine Cocard, Administration parlementaire

Excusés : M. Jacques-Yves Henckes, membre de la Commission de l'Economie, du Commerce extérieur et de l'Economie solidaire

M. Fernand Boden, M. Jacques-Yves Henckes, membres de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration

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Présidence : M. Ben Fayot, Président de la Commission des Affaires étrangères et

européennes, de la Défense, de la Coopération et de l'Immigration
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1. Adoption des projets de procès-verbal des réunions du 13 février et du 29 avril 2013

Les projets de procès-verbal sont adoptés.

2. Information de Monsieur le Ministre de la Défense sur la participation de l'armée luxembourgeoise à une mission "force protection" dans le cadre de l'EUTM au Mali - avis de la Commission

Monsieur le Ministre informe que suite à la demande du Ministre de la Défense belge, le Luxembourg envisage de participer à la protection de la force dans le cadre d'une unité Benelux. Il s'agirait donc d'envoyer un deuxième membre de l'Armée luxembourgeoise à la mission de l'EUTM au Mali, un sous-officier instructeur étant déjà intégré dans le détachement français. Ce deuxième membre aurait comme mission de remplir des fonctions d'état-major ou de soutien. Pour autoriser cette mission, il faudrait modifier l'article 4 du règlement grand-ducal du 6 mars 2013 qui fixe les fonctions des membres de l'Armée luxembourgeoise dans le cadre de la mission de l'EUTM au Mali, en ajoutant celles d'état-major ou de soutien. Le deuxième membre sera un militaire de carrière (caporal ou sous-officier). Le début de la mission est prévu en juillet.

Après discussion, la commission rend son avis positif à l'unanimité.

3. 6549 Projet de loi portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des États membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Équateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les États-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne

La Rapporteuse présente brièvement le contenu du projet de loi et le projet de rapport.

L'Accord général sur le commerce des services (AGCS, connu également sous l'acronyme anglais GATS pour General Agreement on Trade in Services) constitue l'annexe 1B de l'Accord de Marrakech instituant l'Organisation mondiale du Commerce (OMC) en 1994. Il s'agit d'un accord multilatéral de libéralisation des échanges de services, qui selon ses promoteurs vise à apporter une utilisation plus efficace des moyens de production en favorisant l'avantage comparatif des pays concernés, tandis que ses détracteurs y voient

une menace pour l'universalité des services publics.

Dans le cadre de l'Accord général sur le commerce des services (AGCS), chaque membre de l'OMC est tenu d'établir une liste dans laquelle il inscrit ses engagements pour assurer l'accès à son marché des services et fournisseurs de services d'autres pays membres.

En vertu de l'article XXI de l'AGCS, un membre de l'OMC ne peut retirer ou modifier ses engagements qu'après avoir mené des négociations avec les autres membres qui se déclareront affectés par ces mesures, dans le but d'aboutir à un accord sur une compensation. C'est la démarche que la Communauté européenne a conduit en 2006 auprès des 18 membres de l'OMC suivants: l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Equateur, la Chine-Hong Kong, l'Inde, le Japon, la Corée, la Nouvelle-Zélande, les Philippines, la Suisse, les Etats-Unis. L'Uruguay a retiré ultérieurement sa manifestation d'intérêt.

Les négociations ont été rendues nécessaires en raison de la volonté de la Communauté européenne de mettre fin à une situation dans laquelle la liste d'engagements de la Communauté remontait à 1994 et ne couvrait que les 12 Etats membres de l'époque et où les 13 Etats qui ont rejoint l'Union européenne en 1995 et 2004 conservaient parallèlement leur listes individuelles, adoptées avant leur adhésion. La Commission européenne a entre-temps finalisé les négociations à Genève suite à l'adhésion de la Bulgarie et de la Roumanie à l'Union Européenne, mais les parties tierces refusent de signer les textes négociés tant que la procédure de ratification n'est pas achevée du côté des Etats membres de l'Union européenne pour les EU25.

Le Conseil d'Etat n'a pas d'observation quant au libellé de l'article unique.

Le projet de rapport est adopté à l'unanimité.

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Dossiers européens:

- Adoption de la liste de documents transmis par les institutions européennes entre le 25 et le 31 mai 2013

La liste des documents est adoptée avec les modifications suivantes : à la demande de M. Oberweis, les documents COM(2013) 302 et COM(2013) 325 sont classés comme documents « B » et transmis à la Commission du développement durable.

- Présentation de documents qui sont dans la compétence de la commission:

SWD(2013)90 (annexé au JOIN(2013) 4) : JOINT STAFF WORKING DOCUMENT - Implementation of the European neighbourhood Policy in Georgia - Progress in 2012 and recommendations for action

Rapporteur: M. Marcel Oberweis

La présentation de ce document est reportée à une réunion ultérieure.

6. Rapport sur la session de printemps de l'Assemblée parlementaire de l'OTAN du 17 au 20 mai 2013 à Luxembourg par M. Norbert Hauptert, Chef de la délégation luxembourgeoise

Le Chef de la délégation luxembourgeoise précise que la session de printemps de l'Assemblée parlementaire de l'OTAN prépare les rapports pour la session annuelle, mais ne prend pas de décisions. Il remercie l'administration parlementaire pour les efforts d'organiser cette session au Centre de Conférences Kirchberg à la satisfaction de tous les participants. Ainsi, le Luxembourg a pu être présenté d'une manière différente et la délégation luxembourgeoise a démontré que la Chambre des Députés peut apporter une contribution importante aux travaux de cette assemblée. Les sujets phares de la session étaient « l'après-2014 » en Afghanistan et le positionnement de l'Union européenne dans le contexte de l'OTAN.

Un membre de la commission demande si le sujet du projet « Eurohawk » a été abordé lors de la conférence. Il s'avère en réponse que la commission « Sciences et technologies » est compétente pour ce sujet et que les travaux de cette commission peuvent être suivis sur le site internet de l'Assemblée parlementaire de l'OTAN.

7. Divers

Le Bureau de la Chambre des Députés ayant autorisé la participation d'un membre de la majorité et d'un membre de l'opposition parmi les membres de la commission, M. Angel et M. Braz s'intéressent à participer à la réunion interparlementaire sur le Programme de Stockholm le 20 juin 2013 à Bruxelles.

La Commission des Affaires européennes de l'Assemblée nationale a invité à une réunion interparlementaire les 18 et 19 juin 2013 à Paris sur le sujet du financement du cinéma européen.

Luxembourg, le 12 juillet 2013

La secrétaire,
Rita Brors

Le Président de la Commission de
l'Economie, du Commerce extérieur et de
l'Economie solidaire,
Alex Bodry

Le Président de la Commission des Affaires
étrangères et européennes, de la Défense,
de la Coopération et de l'Immigration,
Ben Fayot



**Commission des Affaires étrangères et européennes, de la Défense,
de la Coopération et de l'Immigration**

Procès-verbal de la réunion du 15 avril 2013

Ordre du jour :

1. Adoption des projets de procès-verbal des réunions du 4 et du 18 février 2013
2. Echange de vues avec Mme Marie-Josée Jacobs, Ministre de la Coopération et de l'Action humanitaire:
 - compte rendu de la visite de Mme la Ministre au Mali en date du 8 avril 2013
 - renforcement des relations contractuelles avec le Kosovo en matière de développement
3. 6507 Projet de loi portant modification :
 1. de la loi modifiée du 5 mai 2006 relative au droit d'asile et à des formes complémentaires de protection ;
 2. de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration
 - Rapporteur : Monsieur Marc Angel
 - Présentation et adoption du projet de rapport
4. Rapport de Mme Brasseur sur la Jordanie et les territoires palestiniens
5. 6548 Projet de loi portant approbation du Protocole relatif aux préoccupations du peuple irlandais concernant le traité de Lisbonne, fait à Bruxelles le 16 mai 2012
 - désignation d'un rapporteur
6. 6549 Projet de loi portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des États membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Équateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les États-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne

- désignation d'un rapporteur

7. Dossiers européens:
- adoption de la liste des documents transmis entre le 6 et le 12 avril 2013
- présentation des documents qui sont dans la compétence de la commission:

COM(2013) 151: Proposition de DIRECTIVE DU PARLEMENT EUROPÉEN ET DU CONSEIL relative aux conditions d'entrée et de séjour des ressortissants de pays tiers à des fins de recherche, d'études, d'échange d'élèves, de formation rémunérée et non rémunérée, de volontariat et de travail au pair

- Rapporteur: M. Angel

COM(2013) 171: COMMUNICATION DE LA COMMISSION AU PARLEMENT EUROPÉEN ET AU CONSEIL. Rapport de suivi sur les préparatifs d'adhésion de la Croatie

- Rapporteur: M. Angel

8. Divers

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Présents : M. Marc Angel, Mme Nancy Arendt épouse Kemp, M. Eugène Berger, M. Xavier Bettel, M. Fernand Boden, M. Félix Braz, M. Félix Eischen, M. Ben Fayot, M. Norbert Hauptert, M. Fernand Kartheiser, Mme Lydia Mutsch, M. Marcel Oberweis, Mme Lydie Polfer

Mme Anne Brasseur (pour le point 4 de l'ordre du jour)

Mme Marie-Josée Jacobs, Ministre de la Coopération et de l'Action humanitaire (pour le point 2 de l'ordre du jour)

M. Léon Delvaux, MAE (pour le point 2 de l'ordre du jour)

Mme Rita Brors, Mme Francine Cocard, Administration parlementaire

Excusée : Mme Christine Doerner

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Présidence : M. Ben Fayot, Président de la Commission
M. Norbert Hauptert, Vice-Président de la Commission (points 5 à 8 de l'ordre du jour)

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1. **Adoption des projets de procès-verbal des réunions du 4 et du 18 février 2013**

Les projets de procès-verbal sont adoptés.

2. **Echange de vues avec Mme Marie-Josée Jacobs, Ministre de la Coopération et de l'Action humanitaire:**
- compte rendu de la visite de Mme la Ministre au Mali en date du 8 avril 2013

Mme la Ministre fait savoir qu'elle a eu des entretiens avec différents ministres maliens, à savoir le Ministre de l'Aide humanitaire, le Ministre du Budget, le Ministre des Administrations territoriales et le Premier Ministre. Les interlocuteurs étaient assez optimistes en ce qui concerne l'organisation d'élections présidentielles avant le début du ramadan le 9 juillet. Les élections législatives pourraient avoir lieu avant la rentrée parlementaire en octobre 2013. 125.000 agents doivent être formés pour surveiller les bureaux d'élection. Le Luxembourg a proposé de mettre à disposition des capacités satellitaires pour le contrôle des élections. Une aide financière d'un million d'euros supplémentaire au PNUD a également été proposée.

Les collectivités locales étant les partenaires principaux de l'aide, Mme la Ministre s'est assurée du fait que l'Agence nationale des investissements des collectivités territoriales fonctionne toujours. La sécurité des agents de coopération étant primordiale, le Luxembourg a souligné l'importance de réinstaller les administrations et des forces de l'ordre au Nord du Mali. A Bamako, il n'y avait pas de présence militaire hors de l'ordinaire et la vie quotidienne semblait se dérouler dans la normalité. Les interlocuteurs étaient optimistes en ce qui concerne la réconciliation, sans pourtant mentionner le MNLA et d'autres organisations des Touaregs. Le retour des commerçants originaires des pays arabes est considéré par les interlocuteurs maliens comme primordial pour relancer l'économie au Mali. En ce qui concerne les viols et les enfants soldats, les interlocuteurs ont affirmé que ces sujets sont traités par tradition au niveau des familles.

Le 15 mai aura lieu une conférence de la Commission européenne et des principaux pays donateurs à Bruxelles. C'est à cette occasion que les autorités maliennes présenteront les besoins en aide internationale. Les deux villes au Nord, Gao et Tombouctou, se sont toujours senties plus proches de l'Algérie que du Mali. Le système sanitaire fonctionne encore, mais l'électricité n'a pas encore pu être réinstallée. 220.000 habitants ont été déplacés à l'intérieur du Mali. La situation est actuellement calme, mais précaire. Les infrastructures sociales (écoles, hôpitaux) doivent être reconstruites. La dernière récolte était bonne, mais la plupart de la population n'a pas les moyens pour acheter des aliments. Les organisations des femmes sont très actives pour contribuer à la reconstruction du pays. Les écrits historiques de Tombouctou ont été déplacés et se trouvent à Bamako. Le conflit a rejeté le pays au moins deux ans en arrière et il faudra faire beaucoup d'efforts pour revenir à la situation d'avant le conflit. Les collaborateurs des agences Luxdev et Proman ont travaillé à Kitale et y retourneront dès que possible. Le PIC (programme indicatif de la coopération) ayant pris fin en 2012, le Luxembourg propose la négociation d'un programme transitoire à hauteur de 10 millions d'euros par an qui seront utilisés pour des projets définis, une aide budgétaire n'étant pas envisagée du côté luxembourgeois. Mme la Ministre mettra à disposition de la commission le texte du PIC en temps utile.

Débat

Mme la Ministre répond aux questions et interventions des membres de la commission. Il y a lieu d'en retenir ce qui suit.

Les capacités satellitaires achetées auprès de la SES dans le cadre du programme emergency.lu peuvent être mises à disposition pour surveiller les élections au Mali. L'installation de deux antennes près de Gao était prévue

dans la cadre d'emergency.lu, mais n'a pas pu être réalisée.

Les infrastructures sociales et administratives, y compris les banques, étant complètement détruites au Nord du Mali, la conférence du 15 mai fixera les priorités de la reconstruction.

Environ 80% des armes des rebelles ne proviennent pas de l'étranger, mais de l'armée malienne. Il sera important de désarmer les rebelles. Réconcilier les différents groupes n'est pas évident, les Touaregs étant nomades et également présents au Niger et en Maurétanie.

Les projets luxembourgeois au Nord du Mali ont dû être interrompus, mais reprendront dès que possible. Un but est de faire fonctionner les écoles pour qu'elles puissent accueillir un plus grand nombre d'enfants. Le déminage des territoires sera également une tâche importante.

Au sein du Conseil de Sécurité, le Luxembourg préside un groupe sur les enfants-soldats dans les post-conflits. Les travaux de ce groupe se limitent à une analyse du problème, le groupe n'étant pas opérationnel sur le terrain.

Au Mali, 600.000 enfants sont en danger de malnutrition. Les organisations internationales sont sur place.

Un membre de la commission propose de focaliser les prochaines assises de la coopération sur la zone du Sahel.

- renforcement des relations contractuelles avec le Kosovo en matière de développement

Mme la Ministre fait savoir que la Ministre de l'intégration européenne du Kosovo sera en visite au Luxembourg au cours de la semaine prochaine. Elle informe en outre que M. Léon Delvaux a été nommé ambassadeur non résident pour le Kosovo.

Le Kosovo n'est pas un pays cible de la coopération luxembourgeoise, mais le Luxembourg entretient d'excellentes relations avec le Kosovo et s'y est engagé à hauteur de 65 millions d'euros entre 1999 et 2012. Parallèlement, un contingent de l'Armée luxembourgeoise est sur place dans le cadre de la mission KFOR, ainsi qu'un agent de police dans le cadre de la mission « état de droit » de l'Union européenne (EULEX). Le bureau à Pristina sera renforcé par un deuxième collaborateur. L'ONG luxembourgeoise Caritas est en outre très active au Kosovo. Toutes ces initiatives se placent dans le cadre de l'approche des « trois D » : diplomatie, défense, développement.

Le Kosovo a connu la plus grande catastrophe humanitaire en Europe depuis des décennies, avec plus de 800.000 habitants déplacés par les Serbes. La situation est encore bouleversée par des ressentiments, de sorte que la réconciliation n'est pas achevée. Or, la stabilité est d'une grande importance pour la région entière. Le fonctionnement d'un état de droit nécessite une bonne évolution sociale et économique. En 2008, le Grand Duché a accordé une aide de 30 millions d'euros au Kosovo et a élaboré un accord bilatéral. C'est dans ce contexte que se place la visite de la Ministre kosovare.

L'accord bilatéral sera confirmé et précisé, notamment dans les domaines de l'assainissement de l'eau, de l'éducation et de la formation professionnelle.

L'enveloppe annuelle se chiffrera à 6 millions d'euros jusque 2016. Le contrepoids sera l'engagement du Kosovo de suivre la voie de la démocratie et des droits de l'homme, de l'égalité, de la bonne gouvernance, de la protection des minorités et d'un développement durable. Le statut du personnel au bureau luxembourgeois à Pristina et des ONG et agences sur place sera également fixé dans l'accord. Une commission mixte sera organisée pour faire un bilan annuel des projets. A part l'Allemagne dont la collaboration est dans la compétence du Ministère des Finances, le Luxembourg est le seul pays à avoir conclu un tel accord bilatéral avec le Kosovo. Après la signature, Mme la Ministre mettra l'accord à la disposition de la commission.

Débat

Le Président de la commission fait savoir qu'un échange de courriers électroniques est en cours avec le service du protocole de la Chambre pour organiser un éventuel échange de vues avec la commission.

Mme la Ministre répond aux questions et interventions des membres de la commission. Il en ressort que l'accent est mis sur des projets qui aident la population en entier, comme p. ex. l'assainissement de l'eau.

Le programme des volontaires de coopération attire de plus en plus de jeunes qui peuvent faire des expériences avec des ONG sur le terrain. L'assistance au bureau de la coopération à Pristina leur permet également de collecter des expériences professionnelles dans ce domaine.

- 3. 6507 Projet de loi portant modification :**
1. de la loi modifiée du 5 mai 2006 relative au droit d'asile et à des formes complémentaires de protection ;
2. de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration

L'avis de la Commission consultative des Droits de l'Homme (CCDH) étant intervenu vendredi, donc quasiment en dernière minute, la présentation et l'adoption du projet de rapport sont reportées d'une semaine. Le Président de la commission fait pourtant remarquer que le projet a été déposé le 15 novembre 2012, ce qui a donné assez de temps à la CCDH de finaliser son avis. Il serait préférable de disposer des avis au début de la procédure législative et non pas à la fin. La commission convient de proposer à la Conférence des Président de classer l'avis de la CCDH comme document parlementaire. Le Rapporteur fait savoir qu'il intégrera les commentaires sur l'avis de la CCDH au troisième chapitre du projet de rapport.

- 4. Rapport de Mme Brasseur sur la Jordanie et les territoires palestiniens**

Mme Brasseur a participé à une visite de la sous-commission sur le Proche-Orient de l'APCE du 6 au 9 avril 2013. Initialement, il était prévu d'inclure Israël dans la visite, mais les autorités israéliennes n'étaient pas disposées de recevoir les membres de l'APCE pour des questions de calendrier.

Jordanie

En Jordanie la sous-commission a été reçue par le Roi Abdullah II, le Président du Parlement, le Premier Ministre et le Ministre des Affaires étrangères. Trois sujets ont dominé au cours des entrevues :

- le conflit en Syrie entraînant un flux énorme de réfugiés en Jordanie,
- la transition de la Jordanie vers un Etat démocratique,
- le conflit Israël-Palestine.

Suite au conflit en Syrie, la Jordanie a accueilli en deux ans 475.000 réfugiés qui s'ajoutent aux 450.000 Syriens déjà présents sur le territoire de la Jordanie, la population totale s'élevant à 6,5 millions. Le camp Za'atri, établi en juillet 2012 au nord est du pays, héberge plus de 100.000 réfugiés sur un territoire de moins de 9 km². Les membres de l'APCE ont pu visiter ce camp géré par l'UNHCR en coopération avec de nombreuses agences. Les problèmes de financement, de sécurité, d'infrastructures et de gestion sont énormes, le nombre de réfugiés augmentant constamment de 2.000 à 3.000 chaque jour. Les frais de fonctionnement s'élèvent à 1 million de \$US par jour. Les jeunes de moins de 18 ans constituent 60% de la population du camp. Les tensions sont énormes. Pour être logés dans des conteneurs, certains réfugiés ont brûlé leur tente. Les gestionnaires du camp ont engendré les incendies en ne répondant pas à cette attente. Des structures mafieuses se sont établies parmi la population du camp. La population jordanienne critique l'aide apportée aux réfugiés qui est faite au détriment de la population résidente. Malgré ces critiques le Roi ainsi que les membres du Gouvernement ont confirmé que les frontières vers la Jordanie resteront ouvertes.

La transition de la Jordanie vers la démocratie se traduit par une série de réformes initiées par le Roi, englobant une révision de la constitution, la séparation des pouvoirs, le renforcement des prérogatives du Parlement et la création de nouvelles institutions telles la cour constitutionnelle ou la commission électorale indépendante. Toutes ces réformes sont contestées par l'opposition extraparlamentaire qui a boycotté les élections et qui accuse le régime en place de corruption et qualifie le régime de dictature.

Palestine

En Palestine, les membres de l'APCE n'ont pas pu rencontrer des représentants du Hamas et n'ont pas pu visiter la bande de Gaza, de sorte que les informations ne reflètent que la vue du Fatah. Tous les interlocuteurs à commencer par le Président Mahmoud Abbas ont défendu la même approche : Israël devra mettre fin à la politique de colonialisation avec effet immédiat, se retirer des territoires occupés, reconnaître dans les faits et les gestes les frontières de 1967 avec une solution de deux Etats indépendants et donner suite aux résolutions internationales. La liberté de la presse et le problème des prisonniers politiques étaient d'autres sujets évoqués lors de la visite.

L'accord de partenariat entre la Palestine et le Conseil de l'Europe prévoit que des délégués palestiniens participent aux séances de l'Assemblée parlementaire à Strasbourg. Or, une députée palestinienne se voit refusée de quitter le territoire pour se rendre à Strasbourg. Il ressort d'un entretien que les membres de l'APCE ont eu avec la députée concernée qu'elle s'occupe de prisonniers politiques et a elle-même déjà été emprisonnée. Une raison du refus a été d'avoir participé à une manifestation de la journée internationale des femmes.

Les défenseurs des droits de l'homme ont fait appel aux Européens pour interdire l'importation de produits venant des territoires occupés. Aussi demandent-ils que les membres de l'APCE insistent auprès des autorités de la Palestine à adhérer aux différents traités internationaux portant sur les droits de

l'homme.

Un interlocuteur a personnellement remercié Mme Brasseur pour l'effort fait par le Luxembourg pour convaincre les autres pays membres de l'UE de soutenir la demande de la Palestine pour être reconnue comme Etat nom membre de l'ONU, l'engagement du Grand-Duché ayant été déterminant.

Mme Brasseur remet une documentation au secrétariat de la commission.

Débat

Un membre de la commission évoque un séminaire sur le printemps arabe qui vient d'avoir lieu à Marrakech. Les participants jordaniens y ont insisté à ce que la communauté internationale mette fin au conflit en Syrie. Il fait savoir que le Maroc a entamé également une transition vers la démocratie, mais qu'en pratique, les changements sont peu palpables.

Le représentant de la sensibilité politique ADR donne à considérer que le Hamas est une organisation terroriste. Il précise qu'il n'y a pas lieu de parler de « frontières » de 1967, mais d'une « ligne d'armistice ». Mme Brasseur répond qu'elle reproduit les termes utilisés par les Palestiniens. Elle n'a pas eu de contact avec le Hamas, mais déplore qu'il n'ait pas été possible de rencontrer les représentants du Hamas qui a légalement été élu dans la bande de Gaza.

5. **6548** **Projet de loi portant approbation du Protocole relatif aux préoccupations du peuple irlandais concernant le traité de Lisbonne, fait à Bruxelles le 16 mai 2012**

M. Ben Fayot est nommé rapporteur du projet de loi.

6. **6549** **Projet de loi portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des États membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Équateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les États-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne**

Mme Lydia Mutsch est nommée rapporteure du projet de loi.

7. **Dossiers européens:**
- adoption de la liste des documents transmis entre le 6 et le 12 avril 2013

La liste des documents est adoptée avec les modifications suivantes :
- le document COM(2013) 181 est classé comme document « B » et transmis à la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration.

Sont nommés rapporteurs :

- M. Marc Angel pour le document COM(2013) 179,
- M. Marcel Oberweis pour le document COM(2013) 181.

- présentation des documents qui sont dans la compétence de la commission:

COM(2013) 151: Proposition de DIRECTIVE DU PARLEMENT EUROPÉEN ET DU CONSEIL relative aux conditions d'entrée et de séjour des ressortissants de pays tiers à des fins de recherche, d'études, d'échange d'élèves, de formation rémunérée et non rémunérée, de volontariat et de travail au pair

- Rapporteur: M. Angel

Les rapports sur l'application de la directive 2005/71/CE du 12 octobre 2005 relative à une procédure d'admission spécifique des ressortissants de pays tiers aux fins de recherche scientifique et de la directive 2004/114/CE du 13 décembre 2004 relative aux conditions d'admission des ressortissants de pays tiers à des fins d'études, d'échange d'élèves, de formation non rémunérée ou de volontariat ont mis en lumière un certain nombre de points faibles dans ces deux instruments. Ces failles concernent des questions aussi essentielles que les procédures d'admission, notamment les visas, les droits (entre autres, les aspects liés à la mobilité) et les garanties procédurales. Les règles actuelles ne sont pas suffisamment précises ou contraignantes, pas toujours parfaitement conciliables avec les programmes de financement de l'UE existants et, parfois, ne permettent pas de résoudre les difficultés pratiques rencontrées par les demandeurs.

La proposition définit les conditions d'entrée et de séjour sur le territoire des Etats membres, pour une durée supérieure à trois mois, des chercheurs, étudiants, élèves, stagiaires rémunérés ou non, volontaires et personnes au pair, qui sont ressortissants de pays tiers. Elle introduit des conditions d'admission pour deux catégories de ressortissants de pays tiers qui ne relèvent actuellement d'aucun cadre juridique contraignant de l'UE, les personnes au pair et les stagiaires rémunérés, afin de leur garantir des droits et une protection juridique. Pour les chercheurs qui sont ressortissants de pays tiers, les modalités régissant l'admission des familles sont assouplies, ainsi que celles concernant l'accès au marché du travail des membres de la famille et leur mobilité à l'intérieur de l'Union. La proposition prévoit qu'un demandeur qui satisfait à toutes les conditions fixées pour l'admission dans l'un des Etats membres se voit accorder un visa de long séjour ou un titre de séjour. Elle facilite et simplifie la mobilité à l'intérieur de l'Union pour les étudiants et chercheurs, en particulier ceux relevant des programmes Erasmus Mundus ou Marie Curie, qui seront élargis et dont la participation augmentera dans le prochain cadre financier pluriannuel. La proposition accroît le droit des étudiants de travailler à temps partiel et leur permet, ainsi qu'aux chercheurs, de rester sur le territoire après la fin de leurs études ou leurs recherches, pour recenser les possibilités d'exercer une activité professionnelle, pendant une période de douze mois. La proposition introduit une meilleure information et une plus grande transparence, des délais pour la prise des décisions et des garanties procédurales accrues, telles que la motivation écrite des décisions et des voies de recours.

Le Rapporteur est d'avis qu'il n'y a pas de problème de subsidiarité, la proposition modifiant deux directives déjà en vigueur. Une partie des mesures a

par ailleurs déjà été transposée en droit national, de sorte qu'il n'y aura pas de modification majeure à apporter à la législation nationale.

Le représentant de la sensibilité politique ADR exprime son opinion que l'Union européenne ferait mieux de défendre d'autres priorités que celle de l'immigration, dont p. ex. la lutte contre l'avortement.

Un membre de la commission rend attentif au fait qu'il y a un manque de chercheurs et d'autres personnes qualifiées au sein de l'Union européenne. Le Vice-Président de la commission répond que le choix de métiers techniques est actuellement en hausse parmi les jeunes, de sorte que la situation pourra s'améliorer à l'avenir.

COM(2013) 171: COMMUNICATION DE LA COMMISSION AU PARLEMENT EUROPÉEN ET AU CONSEIL. Rapport de suivi sur les préparatifs d'adhésion de la Croatie
- Rapporteur: M. Angel

La Croatie deviendra membre de l'Union européenne le 1er juillet 2013, sous réserve de la ratification du traité d'adhésion par tous les Etats membres. A l'heure actuelle, 19 Etats membres et la Croatie ont ratifié le traité et la Commission européenne attend de l'ensemble des autres Etats membres qu'ils fassent de même en temps utile avant la date de l'adhésion. Conformément à l'article 36 de l'acte d'adhésion, le présent rapport final de suivi évalue les progrès réalisés par la Croatie entre le 1er septembre 2012 et le 28 février 2013 dans ses préparatifs en vue de l'adhésion. La Croatie a en outre réalisé les dix actions prioritaires recensées dans le rapport global de suivi de la Commission européenne d'octobre 2012. La Commission européenne est dès lors convaincue que la Croatie sera prête pour l'adhésion le 1er juillet 2013.

8. Divers

Ce point ne suscite aucune observation.

Luxembourg, le 6 mai 2013

La secrétaire,
Rita Brors

Le Président,
Ben Fayot

6549

MEMORIAL
Journal Officiel
du Grand-Duché de
Luxembourg



MEMORIAL
Amtsblatt
des Großherzogtums
Luxemburg

RECUEIL DE LEGISLATION

A — N° 125

19 juillet 2013

S o m m a i r e

Loi du 9 juillet 2013 portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taipei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne page **2586**

Loi du 9 juillet 2013 portant approbation de la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne.

Nous Henri, Grand-Duc de Luxembourg, Duc de Nassau,

Notre Conseil d'Etat entendu;

De l'assentiment de la Chambre des Députés;

Vu la décision de la Chambre des Députés du 11 juin 2013 et celle du Conseil d'Etat du 18 juin 2013 portant qu'il n'y a pas lieu à second vote;

Avons ordonné et ordonnons:

Article unique. Est approuvée la décision 8123/07 du 23 juillet 2007 du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne.

Mandons et ordonnons que la présente loi soit insérée au Mémorial pour être exécutée et observée par tous ceux que la chose concerne.

Le Ministre des Affaires étrangères,
Jean Asselborn

Palais de Luxembourg, le 9 juillet 2013.
Henri

Doc. parl. 6549; sess. ord. 2012-2013.

Décision du Conseil et des représentants des gouvernements des Etats membres, réunis au sein du Conseil, relative à la conclusion des accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne.

LE CONSEIL DE L'UNION EUROPEENNE ET LES REPRESENTANTS DES GOUVERNEMENTS DES ETATS MEMBRES DE LA COMMUNAUTE EUROPEENNE, réunis au sein du Conseil,

vu le traité instituant la Communauté européenne, et notamment son article 133, paragraphes 1, 5 et 6, l'article 71 et l'article 80, paragraphe 2, en liaison avec l'article 300, paragraphes 2 et 3,

vu la proposition de la Commission,

vu l'avis du Parlement européen,⁽¹⁾

considérant ce qui suit:

- (1) Le traité relatif à l'adhésion du Royaume de Norvège, de la République d'Autriche, de la République de Finlande et du Royaume de Suède à l'Union européenne est entré en vigueur le 1^{er} janvier 1995⁽²⁾.
- (2) Le traité relatif à l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République de Pologne, de la République de Slovénie et de la République slovaque à l'Union européenne est entré en vigueur le 1^{er} mai 2004⁽³⁾.
- (3) Conformément à l'article XX de l'Accord général sur le commerce des services (ci-après dénommé «AGCS»), les membres de l'OMC établissent la liste des engagements spécifiques qu'ils prennent au titre de la partie III de l'AGCS.
- (4) La liste actuelle de la Communauté européenne et de ses Etats membres (ci-après dénommés la «Communauté européenne») couvre seulement les engagements spécifiques relatifs aux douze Etats membres de 1994. Les listes individuelles d'engagements spécifiques des Etats membres qui ont adhéré à la Communauté européenne en 1995 et 2004 (ci-après dénommés «nouveaux Etats membres») ont été adoptées avant leur adhésion.
- (5) Afin d'assurer, notamment, que les nouveaux Etats membres soient couverts par les limitations incluses dans la liste d'engagements spécifiques de la Communauté européenne et de garantir la cohérence avec l'acquis communautaire, il a été nécessaire de modifier ou de retirer certains engagements spécifiques inclus dans la liste des engagements spécifiques des Communautés européennes et dans la liste des engagements spécifiques des nouveaux Etats membres.
- (6) En vue de présenter une liste consolidée, la Communauté européenne a notifié, le 28 mai 2004, conformément à l'article V de l'AGCS, son intention de modifier ou de retirer certains engagements spécifiques inclus dans la liste des engagements spécifiques des nouveaux Etats membres, au titre de l'article V paragraphe 5 de l'AGCS et conformément aux dispositions de l'article XXI paragraphe 1 b) de l'AGCS.
- (7) A la suite de la soumission de la notification et conformément à l'article XXI paragraphe 2 a) de l'AGCS, dix-huit membres de l'OMC (l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse, l'Uruguay⁽⁴⁾ et les Etats-Unis d'Amérique (ci-après dénommés «les membres de l'OMC affectés») ont présenté des manifestations d'intérêt.
- (8) La Commission a engagé des négociations avec les membres de l'OMC affectés. A la suite de ces négociations, un accord a été trouvé concernant les ajustements compensatoires résultant de modifications et retraits notifiés le 28 mai 2004.
- (9) A la suite de la conclusion des négociations, conformément aux conclusions du Conseil du 26 juillet 2006, la Commission a été autorisée à signer les accords respectifs avec chacun des membres de l'OMC affectés. Ces accords couvrent tant les modifications et les retraits notifiés par la Communauté européenne que les ajustements compensatoires résultant de ces modifications et retraits. En vue de lancer la procédure de certification prévue par les règles de l'OMC applicables, la Commission a transmis, le 14 septembre 2006, le projet de liste consolidée au secrétariat de l'OMC. La procédure de certification a été achevée le 15 décembre 2006.

1 Avis du ... (non encore paru au Journal officiel).

2 JO C 241 du 29.8.1994, p. 9.

3 JO L 236 du 23.9.2003, p. 17.

4 L'Uruguay a retiré ultérieurement sa manifestation d'intérêt.

(10) Les accords comportent des modifications qui concernent le commerce des services dans le domaine des transports et dans certains secteurs qui sont mentionnés à l'article 133, paragraphe 6, du traité instituant la Communauté européenne. Ils constituent un résultat satisfaisant et équilibré des négociations,

DECIDENT:

Article premier

Les accords au titre de l'article XXI de l'AGCS avec l'Argentine, l'Australie, le Brésil, le Canada, la Chine, le territoire douanier distinct de Taïwan, Penghu, Kinmen et Matsu (Taïpei chinois), la Colombie, Cuba, l'Equateur, Hong Kong (Chine), l'Inde, le Japon, la République de Corée, la Nouvelle-Zélande, les Philippines, la Suisse et les Etats-Unis d'Amérique concernant les modifications et ajustements compensatoires nécessaires à la suite de l'adhésion de la République tchèque, de la République d'Estonie, de la République de Chypre, de la République de Lettonie, de la République de Lituanie, de la République de Hongrie, de la République de Malte, de la République d'Autriche, de la République de Pologne, de la République de Slovénie, de la République slovaque, de la République de Finlande et du Royaume de Suède à l'Union européenne sont approuvés au nom de la Communauté européenne et de ses Etats membres.

Le texte des accords est joint à la présente décision.

Article 2

Le président du Conseil est autorisé à désigner la ou les personne(s) habilitée(s) à exprimer le consentement de la Communauté européenne et de ses Etats membres à être liés par les accords et à communiquer à l'OMC la date d'entrée en vigueur des modifications et des ajustements contenus dans ces accords.

Article 3

La présente décision est publiée au Journal officiel de l'Union européenne.

FAIT à Bruxelles, le

Le président

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JOINT LETTER

from the European Communities and its Member States on the one part, and Argentina, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Argentina submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/175 with regard to S/SECRET/8 and S/L/228 with regard to S/SECRET/9). The EC and Argentina entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Argentina have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Argentina was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8 and (3) the draft consolidated schedule of specific commitments

that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Argentina.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Argentina with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS⁽¹⁾. The Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Alberto Juan DUMONT
Ambassador
Permanent Representative
Permanent Mission of Argentina to the World Trade
Organisation

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)
relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the EC) to take account of the
accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of
Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland and the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong, China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong, China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Argentina submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/175 with regard to S/SECRET/8 and S/L/228 with regard to S/SECRET/9). The EC and Argentina entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and Argentina have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Argentina with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS⁽¹⁾. This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

¹ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Argentina was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Argentina.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
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- *Professional services – Integrated Engineering Services (CPC 8673):*
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 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ

- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
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DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and Australia, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

**relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the EC) to take account of the
accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of
Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities**

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Australia submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/164 with regard to S/SECRET/8 and S/L/225 with regard to S/SECRET/9). The EC and Australia entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Australia have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Australia was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Australia.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Australia with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the WTO

H.E. Mr Bruce GOSPER
Ambassador
Permanent Representative
Permanent Mission of Australia to the WTO

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REPORT ON THE RESULT

of the negotiations conducted in accordance of Article XXI:2(a) of the General Agreement on Trade in Services (GATS)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Australia submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/164 with regard to S/SECRET/8 and S/L/225 with regard to S/SECRET/9). The EC and Australia entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and Australia have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Australia with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

1 This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Australia was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Australia.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II
Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
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- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
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 - Addition of a clarificatory footnote.
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 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
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 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

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*

JOINT LETTER

from the European Communities and its Member States on the one part, and Brazil, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

**relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the EC) to take account of the
accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of
Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities**

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Brazil submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/171 with regard to S/SECRET/8 and S/L/224 with regard to S/SECRET/9). The EC and Brazil entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Brazil have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Brazil was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Brazil.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Brazil with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Clodoaldo HUGUENEY
Ambassador
Permanent Representative
Permanent Mission of Brazil to the
World Trade Organisation

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REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)

relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the EC) to take account of the
accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of
Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Brazil submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/171 with regard to S/SECRET/8 and S/L/224 with regard to S/SECRET/9). The EC and Brazil entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

6. During such negotiations, the EC and Brazil have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Brazil with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Brazil was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Brazil.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
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- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
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- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).

- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and Canada, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Canada submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/165 with regard to S/SECRET/8 and S/L/216 with regard to S/SECRET/9). The EC and Canada entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Canada have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Canada was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Canada.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Canada with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Don STEPHENSON
Ambassador
Permanent Representative
Permanent Mission of Canada to the
World Trade Organisation

*

REPORT ON THE RESULT

of the negotiations conducted in accordance of Article XXI:2(a) of the General Agreement on Trade in Services (GATS)

relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the EC) to take account of the
accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic
of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of
Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Canada submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/165 with regard to S/SECRET/8 and S/L/216 with regard to S/SECRET/9). The EC and Canada entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
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¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

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 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.

- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

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JOINT LETTER

from the European Communities and its Member States on the one part, and China, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, China submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/178 with regard to S/SECRET/8 and S/L/220 with regard to S/SECRET/9). The EC and China entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and China have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and China was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and China.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and China with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Sun ZHENYU
Ambassador
Permanent Representative
of the People's Republic of China
to the World Trade Organisation

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REPORT ON THE RESULT

of the negotiations conducted in accordance of Article XXI:2(a) of the General Agreement on Trade in Services (GATS)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. China submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/178 with regard to S/SECRET/8 and S/L/220 with regard to S/SECRET/9). The EC and China entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and China have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and China with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and China was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the China.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ

- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
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FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
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JOINT LETTER

from the European Communities and its Member States on the one part, and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/169) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Yi-Fu LIN
Permanent Representative of the
Permanent Mission of the Separate Customs
Territory of Taiwan, Penghu, Kinmen and
Matsu to the WTO

*

**REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)**

**relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the EC) to take account of the
accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic
of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of
Finland, the Kingdom of Sweden to the European Communities,**

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. The Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/169) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu with

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

7. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.
8. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
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- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
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- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

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- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
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- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

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Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

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- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
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 - Market Access and National Treatment Commitments by CY and MT in Mode 2
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 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
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 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „ At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ

- *Hairdressing services*

- Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

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JOINT LETTER

from the European Communities and its Member States on the one part, and Colombia, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Colombia submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/176 with regard to S/SECRET/8 and S/L/223 with regard to S/SECRET/9). The EC and Colombia entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Colombia have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Colombia was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Colombia.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Colombia with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Claudia URIBE
Ambassador
Permanent Representative
Permanent Mission of Colombia
to the World Trade Organisation

*

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)

relating to

**the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the EC) to take account of the
accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of
Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the
European Communities,**

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Colombia submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/176 with regard to S/SECRET/8 and S/L/223 with regard to S/SECRET/9). The EC and Colombia entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and Colombia have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Colombia

¹ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Colombia was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Colombia.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

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JOINT LETTER

from the European Communities and its Member States on the one part, and Cuba, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Cuba submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/174) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and Cuba entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Cuba have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Cuba.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Cuba with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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REPORT ON THE RESULT

of the negotiations conducted in accordance of Article XXI:2(a) of the General Agreement on Trade in Services (GATS)

relating to
the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the EC) to take account of the
accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of
Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Cuba submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/174) with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and Cuba entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and Cuba have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Cuba with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Cuba.
8. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an

1 This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities

of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.

- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3

- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

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JOINT LETTER

from the European Communities and its Member States on the one part, and Ecuador, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Ecuador submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/172 with regard to S/SECRET/8 and S/L/229 with regard to S/SECRET/9). The EC and Ecuador entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Ecuador have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Ecuador was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Ecuador.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Ecuador with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Eva GARCIA FABRE
Ambassador
Permanent Representative
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¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)

relating to
the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Ecuador submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/172 with regard to S/SECRET/8 and S/L/229 with regard to S/SECRET/9). The EC and Ecuador entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
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7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Ecuador was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Ecuador.
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ANNEX I

A) Modifications notified in document S/SECRET/8***Horizontal Commitments***

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
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- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
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Sectoral commitments

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- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
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- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
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 - Market Access and National Treatment Commitments by CY and MT in Mode 2
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 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3

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 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and Hong Kong, China, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Hong Kong, China submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/170 with regard to S/SECRET/8 and S/L/219 with regard to S/SECRET/9). The EC and Hong Kong, China entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Hong Kong, China have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Hong Kong, China was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Hong Kong, China.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Hong Kong, China with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Tony MILLER
Ambassador
Permanent Representative of the
Hong Kong Special Administrative Region
of China to the World Trade Organisation

*

1 This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

REPORT ON THE RESULT

of the negotiations conducted in accordance of Article XXI:2(a) of the General Agreement on Trade in Services (GATS)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Hong Kong, China submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/170 with regard to S/SECRET/8 and S/L/219 with regard to S/SECRET/9). The EC and Hong Kong, China entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and Hong Kong, China have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Hong Kong, China with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Hong Kong, China was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Hong Kong, China.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

*

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

ANNEX I

A) Modifications notified in document S/SECRET/8***Horizontal Commitments***

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
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 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
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 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

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EE	Estonia	PL	Poland
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*

JOINT LETTER

from the European Communities and its Member States on the one part, and India, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, India submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/163 with regard to S/SECRET/8 and S/L/221 with regard to S/SECRET/9). The EC and India entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and India have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and India was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and India.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and India with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Ujal SINGH BHATIA
Ambassador
Permanent Representative
Permanent Mission of India to the
World Trade Organisation

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¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

REPORT ON THE RESULT

of the negotiations conducted in accordance of Article XXI:2(a) of the General Agreement on Trade in Services (GATS)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. India submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/163 with regard to S/SECRET/8 and S/L/221 with regard to S/SECRET/9). The EC and India entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and India have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and India with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and India was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and India.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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¹⁾ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

ANNEX I

A) Modifications notified in document S/SECRET/8***Horizontal Commitments***

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.

- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3

- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

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JOINT LETTER

from the European Communities and its Member States on the one part, and Japan, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Japan submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/168 with regard to S/SECRET/8 and S/L/218 with regard to S/SECRET/9). The EC and Japan entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Japan have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Japan was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Japan.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Japan with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Iohiro FUJISAKI
Ambassador
Permanent Representative
Permanent Mission of Japan to the
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*

¹ This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

REPORT ON THE RESULT

of the negotiations conducted in accordance of Article XXI:2(a) of the General Agreement on Trade in Services (GATS)

relating to

**the modifications proposed in the GATS Schedules of the
European Communities and its Member States (hereafter the EC) to take account of the
accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of
Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of
Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic,
the Republic of Finland, the Kingdom of Sweden to the European Communities,**

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
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ANNEX I

A) Modifications notified in document S/SECRET/8***Horizontal Commitments***

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- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.

- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
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DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and the Republic of Korea, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

**relating to
the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities**

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, the Republic of Korea (hereafter Korea) submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/173 with regard to S/SECRET/8 and S/L/226 with regard to S/SECRET/9). The EC and Korea entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Korea have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Korea was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Korea.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Korea with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Choi HYUCK
Ambassador
Permanent Representative
Permanent Mission of the Republic of Korea
to the World Trade Organisation

*

1 This Agreement shall not be interpreted to prejudge the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

REPORT ON THE RESULT

of the negotiations conducted in accordance of Article XXI:2(a) of the General Agreement on Trade in Services (GATS)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. The Republic of Korea (hereinafter Korea) submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/173 with regard to S/SECRET/8 and S/L/226 with regard to S/SECRET/9). The EC and Korea entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and Korea have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Korea with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and Korea was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Korea.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

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*

ANNEX I

A) Modifications notified in document S/SECRET/8

Horizontal Commitments

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.

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ANNEX II

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 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
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FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
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JOINT LETTER

from the European Communities and its Member States on the one part, and New Zealand, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, New Zealand submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/167 with regard to S/SECRET/8 and S/L/222 with regard to S/SECRET/9). The EC and New Zealand entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and New Zealand have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and New Zealand was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and New Zealand.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and New Zealand with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Crawford FALCONER
Ambassador
Permanent Representative
Permanent Mission of New Zealand
to the World Trade Organisation

*

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a) of the General Agreement on
Trade in Services (GATS)

relating to
the modifications proposed in the GATS Schedules of the European Communities and its
Member States (hereafter the EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the
Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the
Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the
European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. New Zealand submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/167 with regard to S/SECRET/8 and S/L/222 with regard to S/SECRET/9). The EC and New Zealand entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and New Zealand have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and New Zealand with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and New Zealand was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the New Zealand.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

ANNEX I

A) Modifications notified in document S/SECRET/8***Horizontal Commitments***

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.

- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in Mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3

- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuracy and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER
from the European Communities and its Member States on the one part, and the Philippines, on
the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI
of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to
the modifications proposed in the GATS Schedules of the European Communities and its
Member States (hereafter the EC) to take account of the accession of the Czech Republic, the
Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the
Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the
Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the
European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, the Philippines submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/179 with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and the Philippines entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and the Philippines have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Philippines.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and the Philippines with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Manuel A.J. TEEHANKEE
Ambassador
Permanent Representative
Permanent Mission of the Philippines
to the World Trade Organisation

*

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)

relating to
the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
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7. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the Philippines.
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ANNEX I

A) Modifications notified in document S/SECRET/8***Horizontal Commitments***

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
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Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
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- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
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- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

*

ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*
 - Removal of the ENT applied on Mode 4/CSS by the UK
 - Market Access and National Treatment commitments by SK in Mode 3

- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER

from the European Communities and its Member States on the one part, and Switzerland, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, Switzerland submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/162 with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and Switzerland entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8. Switzerland on its part submitted a memorandum stating its position in these negotiations.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and Switzerland have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Switzerland.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and Switzerland with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Pierre-Louis GIRARD
Ambassador
Permanent Representative
Permanent Mission of Switzerland
to the World Trade Organisation

*

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

REPORT ON THE RESULT
of the negotiations conducted in accordance of Article XXI:2(a)
of the General Agreement on Trade in Services (GATS)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. Switzerland submitted a claim of interest pursuant to Article XXI:2(a) of the GATS (S/L/162 with regard to S/SECRET/8. No claim of interest was submitted with regard to S/SECRET/9. The EC and Switzerland entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and Switzerland have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and Switzerland with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and Switzerland.
8. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

*

¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

ANNEX I

A) Modifications notified in document S/SECRET/8***Horizontal Commitments***

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.

- Space Transport. The commitment included in the schedule of Austria is withdrawn.
- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
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 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n) of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
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- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		

*

JOINT LETTER
from the European Communities and its Member States on the one part, and the United States of America, on the other part, pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the General Agreement on Trade in Services (GATS)

(S/L/80 of 29 October 1999)

relating to
the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities

On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications, pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS.

Following the submission of each Communication, the United States of America (hereafter the United States) submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/166 with regard to S/SECRET/8 and S/L/217 with regard to S/SECRET/9). The EC and the United States entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.

With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006). During such negotiations, the EC and the United States have agreed on compensatory adjustments related to the withdrawals and modifications contained in document S/SECRET/8.

With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and the United States was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.

The Report on the result of these negotiations, which is attached to this letter, includes (1) the proposed modifications in the notifications referred to above, (2) the agreed compensatory adjustments with regard to the modifications or withdrawals notified in S/SECRET/8, and (3) the draft consolidated schedule of specific commitments that results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the United States.

This letter and Annex I and II of the report attached to it constitute the Agreement between the EC and the United States with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ The Agreement shall not be interpreted to modify the Lists of Article II Exemptions of the EC and its Member States. The Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.

Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

Danilo NUCCI
Chargé d'Affaires a.i.
Permanent Delegation of the
European Commission to the World
Trade Organisation

Alicia D. GREENIDGE
Chargé d'Affaires, a.i.
Assistant Deputy Chief of Mission and
Senior Counsel
Permanent Mission of the United States
to the World Trade Organisation
August 4, 2006

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¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

REPORT ON THE RESULT

of the negotiations conducted in accordance of Article XXI:2(a) of the General Agreement on Trade in Services (GATS)

relating to

the modifications proposed in the GATS Schedules of the European Communities and its Member States (hereafter the EC) to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden to the European Communities,

Pursuant to paragraph 5 of the Procedures for the implementation of Article XXI of the GATS (S/L/80 of 29 October 1999), the EC submits the following report:

1. On 28 May 2004 and on 4 April 2005, the EC submitted two respective Communications pursuant to Article V of the GATS (circulated as document S/SECRET/8, dated 11 June 2004, and as document S/SECRET/9, dated 12 April 2005), whereby it notified its intention to modify or withdraw the specific commitments included in the list attached to the communications (hereafter „the proposed modifications“), pursuant to Article V:5 of the GATS and in accordance with the terms of Article XXI:1(b) of the GATS. The proposed modifications are contained in Annex I.
2. Following the submission of the notification contained in document S/SECRET/8, and pursuant to Article XXI:2(a) of the GATS, eighteen WTO Members (Argentina, Australia, Brazil, Canada, China, Chinese Taipei, Colombia, Cuba, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, the Philippines, Switzerland, Uruguay and the United States of America (hereafter the United States)) submitted a respective claim of interest.
3. Following the submission of the notification contained in document S/SECRET/9, and pursuant to Article XXI:2(a) of the GATS, fourteen WTO Members (Argentina, Australia, Brazil, Canada, China, Colombia, Ecuador, Hong Kong China, India, Japan, Korea, New Zealand, Uruguay and the United States) submitted a respective claim of interest.
4. The United States submitted two respective claims of interest pursuant to Article XXI:2(a) of the GATS (S/L/166 with regard to S/SECRET/8 and S/L/217 with regard to S/SECRET/9). The EC and the United States entered into negotiations pursuant to Article XXI:2(a) of the GATS with regard to S/SECRET/8 and S/SECRET/9.
5. With regard to the procedure initiated by the notification contained in document S/SECRET/8, the initial period for the negotiations, which expired on 26 October 2004, was extended (by mutual agreement) five times (until 26 April 2005, until 27 February 2006, until 1 June 2006, until 1 July and until 17 July 2006).
6. During such negotiations, the EC and the United States have agreed on compensatory adjustments related to the modifications and withdrawals contained in document S/SECRET/8. Annex I and II of this report, together with the joint letter to which it is attached, constitute the Agreement between the EC and the United States with regard to S/SECRET/8 for purposes of Article XXI:2(a) of the GATS.⁽¹⁾ This Agreement shall not be interpreted to modify the lists of Article II Exemptions of the EC and its Member States. This Agreement shall not be interpreted to affect the Parties' rights and obligations under Article VIII of the GATS.
7. With regard to the procedure initiated by the notification contained in document S/SECRET/9, no agreement between the EC and the United States was reached by the end of the period provided for negotiations and no affected Member referred the matter to arbitration within the applicable deadline pursuant to paragraph 7 of S/L/80. Pursuant to Article XXI:3(b) of the GATS and subject to completion of the procedures set out in paragraphs 20-22 of S/L/80, the EC shall be free to implement the modifications and withdrawals proposed in document S/SECRET/9.
8. In view of the foregoing, the proposed modifications and the agreed compensatory adjustments are incorporated into the EC's draft GATS consolidated schedule, which results from merging existing schedules of commitments of the EC and its Member States and from inserting therein both the modifications or withdrawals of commitments notified by the EC under documents S/SECRET/8 and S/SECRET/9 and the compensatory adjustments agreed between the EC and the United States.
9. Pursuant to the procedures referred to in paragraphs 20 to 22 of S/L/80, the EC will transmit, to the Secretariat for circulation, the draft consolidated schedule for certification by 14 September 2006, provided that an agreement has been signed with all affected Members, or the period foreseen in paragraph 7 of S/L/80 has expired, and no arbitration has been requested. The results of the negotiations are to enter into force, after completion of the certification procedures, on a date to be specified by the EC following completion of the EC's internal approval procedures, which the EC endeavours to accelerate as much as possible. The modifications and withdrawals proposed in documents S/SECRET/8 and S/SECRET/9 shall not enter into force until all of the compensatory adjustments indicated in Annex II have entered into force.

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¹ This Agreement shall not be interpreted to prejudice the outcome of separate discussions within the WTO concerning the classification of telecommunication services (basic telecommunications and value-added services).

ANNEX I

A) Modifications notified in document S/SECRET/8***Horizontal Commitments***

- Market access entry (page 9): „In all EC Member States services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators“. This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Austria, Poland, Slovenia, Slovakia, Finland and Sweden. This limitation now applies to all Member States.
- National treatment limitations on branches, agencies and representative offices under mode 3 (pages 9 and 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidiaries under mode 3 (page 10). This entry was not included in the schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. This limitation now applies to all Member States.
- National treatment limitations on subsidies under mode 3 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Austria, Slovenia, Slovakia, Finland and Sweden included only part of the limitations on subsidies on mode 3 inscribed in the schedule of the EC and its Member States. These limitations are now extended to these Member States.
- National treatment limitation on subsidies under mode 4 (page 13). The schedule of specific commitments of the Czech Republic, Estonia, Cyprus, Latvia, Hungary, Malta and Slovakia did not include the limitation on subsidies under mode 4 inscribed in the schedule of the EC and its Member States. This limitation is now extended to these Member States.
- Cyprus' market access commitments on mode 4. These commitments are withdrawn.
- Market access entry on mode 4 – Intra-company transfers (ICT) (page 26). The schedule of specific commitments of the Czech Republic, Latvia, Lithuania, Hungary, Poland and Slovakia did not include the limitation that the receiving entity must be effectively providing like services in the territory of the Community Member State concerned. This limitation is now extended to these Member States.
- Market access entry on mode 4 – Business visitors (BV) – service sellers (page 30). The schedule of specific commitments of Poland did not include the limitation that those representatives will not be engaged in making direct sales to the general public. This limitation is now extended to this Member State.
- Market access entry on mode 4 – Business visitors (BV) – establishment of commercial presence (page 30). The schedule of specific commitments of Lithuania did not include the limitation that those representatives will not be engaged in making direct sales to the general public or supplying services. This limitation is now extended to this Member State.
- Lithuania's market access commitments on mode 4 – Business visitors (BV) (page 32). These commitments are partially withdrawn.
- Latvia's market access commitment on mode 4 – contractual services suppliers (CSS) (page 33). The schedule of specific commitments of Latvia did not include the limitation that the temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period. This limitation is now extended to this Member State.

Sectoral commitments

- Rental/Leasing services without operators – Relating to Aircraft (page 95). The market access limitation under mode 2 is extended to Estonia, Lithuania, Hungary, Austria, Slovenia, Finland and Sweden and the market access limitation under mode 3 is extended to Estonia, Hungary and Austria.
- Services incidental to manufacturing (pages 109 and 110). The commitments included in the schedule of Latvia, Lithuania and Austria are withdrawn.
- Education services (page 156): limitation to „only privately funded services“. This limitation was not included in the schedule of Estonia, Latvia, Lithuania, Hungary, Austria, Slovenia (only not included with regard to adult education services) and Slovakia. This limitation is now extended to these Member States. In the case of Slovenia, such an extension only refers to adult education services.
- Banking and other financial services (excluding insurance) (pages 193, 213 and 217). The market access limitations indicating that „the establishment of a specialised management company is required to perform the activities of management of unit trusts and investment companies“ and that „only firms having their registered office in the Community can act as depositories of the assets of investment funds“, both under mode 1 and 3, were not included in the schedule of Czech Republic as regards mode 3, Estonia (not included in mode 1 nor in mode 3), Latvia as regards mode 3, Lithuania as regards mode 1, Hungary as regards mode 3 and Slovakia as regards mode 3. These limitations are now extended to these Member States.
- Space Transport. The commitment included in the schedule of Austria is withdrawn.

- Air Transport – Rental of aircraft with crew (page 246). Two market access limitations (one under modes 1 and 2 and another one under mode 3) are introduced for Poland.
- Air Transport – Sales and Marketing (pages 247 and 248). The schedule of specific commitments of Estonia did not include the national treatment limitation on distribution through CRS of air transport services provided by CRS parent carrier.
- Air Transport – Computer Reservations System (page 248). The schedule of specific commitments of Hungary did not include the national treatment limitation on the obligations of parent or participating carriers in respect of a CRS controlled by an air carrier of one or more third countries.
- Services auxiliary to all modes of transport – Cargo handling services (page 259). A market access limitation under mode 3 has been introduced for Estonia, Latvia and Lithuania.

B) Modifications notified in document S/SECRET/9

Horizontal Commitments

- Cyprus' and Malta's commitments on mode 4 under national treatment (pages 25, 29 and 32 of S/SECRET/8). These commitments are withdrawn.

Sectoral commitments

- Computer and Related Services – a) Consultancy Services related to the Installation of Computer Hardware (CPC 841) (page 82) – b) Software Implementation Services (CPC 842) (page 83) – c) Data Processing Services (CPC 843) (page 85) – d) Data Base Services (CPC 844) (page 86). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Research and Development Services – b) R & D Services on Social Sciences and Humanities (CPC 852) (pages 89 and 90). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Insurance and Insurance-Related Services – (i) Direct insurance (including co-insurance): (a) life and (b) non-life (pages 211 and 212). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Banking and Other Financial Services (excluding insurance) – (x) (e) transferable securities (page 223). Cyprus' commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Hotels, Restaurants and Catering (CPC 641, 642 and 643) (page 232). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Travel Agencies and Tour Operators Services (CPC 7471) (pages 233 and 234). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.
- Maritime transport services – excluding cabotage transport – (a) Passenger transportation (CPC 7211); (b) Freight transportation (CPC 7212) (page 242). Malta's commitments on mode 4 (ICT, BV and CSS) under national treatment are withdrawn.

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ANNEX II

Compensation by the EC

- *Mode 3 horizontal limitation on public utilities*
 - Footnote on coverage indicating that this limitation does not apply to telecommunication and computer and related services.
- *Mode 3 horizontal limitations on investment*
 - Removal of the national treatment limitation for AT in Mode 3 on branches of foreign joint stock companies (Aktiengesellschaften) and limited liability companies (Gesellschaften mit beschränkter Haftung).
- *Mode 4 for intra-corporate transferees and business visitors*
 - Market Access and National Treatment commitments by CY and MT in the horizontal section and in the sector-specific section in the sectors where CY and MT have undertaken Mode 3 commitments.
- *Professional services – Engineering services (CPC 8672)*
 - Market Access and National Treatment Commitments by CY and MT in Mode 2
 - Market Access commitments by CY, CZ, MT & SK in Mode 3
 - National Treatment commitments by CY and MT in Mode 3
 - Removal of the market access limitation for PT in mode 3
- *Professional services – Integrated Engineering Services (CPC 8673):*

- Removal of the ENT applied on Mode 4/CSS by the UK
- Market Access and National Treatment commitments by SK in Mode 3
- *Professional services – Urban planning and landscape architectural services (CPC 8674):*
 - Market Access and National Treatment commitments by CY, CZ, MT, PL, SI & SK in Mode 3.
 - Market Access and National Treatment commitments by HU on Landscape Architectural Services in Mode 2.
- *Computer and related services*
 - Addition of a clarificatory footnote.
 - Market Access and National Treatment commitments by HU in Modes 1, 2 & 3 for CPC 845 and 849
 - Improved conditions for CSS/Mode 4 by SE for computer and related services in the horizontal section and new commitments by SE for CSS/Mode 4 for CPC 845 and 849.
- *Advertising services (CPC 871):*
 - Market Access and National Treatment commitments by CY, MT & PL in Mode 1
- *Telecommunication services*
 - New and improved commitments by the entire EC as offered in its revised DDA offer.
 - A clarification from FI that its three Mode 3 horizontal limitations on legal entities under market access, on subsidiaries, branches, agencies and representative offices under national treatment, and on investment under market access do not apply to telecommunications services.
 - A clarificatory footnote indicating that Sub-sectors 2.C.h) to 2.C.m) of the Services Sectoral Classification List contained in MTN,GNS/W/120 (value-added services) and Sub-sectors 2.C.a) to 2.C.g) of that List are included here. Sub-sector 2.C.o) of that List is also included here to the extent that it falls under this definition. For the purpose of this schedule, subsector 2.C.n of that list (on-line information and/or data processing) is reflected in this schedule of Commitments under 1.B (Computer and related services).
- *Financial services (insurance services):*
 - Removal of part of the market access limitations for SK in Mode 3
- *Financial services (banking)*
 - FI: change in Mode 3 permanent residency requirements („At least one of the founders, the members of the board of directors, the supervisory board and the managing director shall have their permanent residence in the European Community ...“ instead of „At least one half of the founders, the members of the board of directors, the supervisory board and the delegates, the managing director, the holder of the procuration and the person entitled to sign in the name of the credit institution shall have their place of residence in the European Community ...“).
- *Hotels, Restaurants and Catering*
 - New (less restrictive) language for IT's ENT in mode 3 on bars, cafes and restaurants, including a commitment on its non-discriminatory nature.
- *Travel Agencies and Tour Operators Services*
 - Removal of the ENT applied on Mode 3 by the CZ
- *Hairdressing services*
 - Market Access and National Treatment commitments by CZ, FI, HU and SK in Modes 2 & 3

The following abbreviations are used to indicate the Member States:

AT	Austria	IT	Italy
BE	Belgium	LT	Lithuania
CY	Cyprus	LU	Luxembourg
CZ	Czech Republic	LV	Latvia
DE	Germany	MT	Malta
DK	Denmark	NL	The Netherlands
EE	Estonia	PL	Poland
EL	Greece	PT	Portugal
ES	Spain	SE	Sweden
FI	Finland	SI	Slovenia
FR	France	SK	Slovak Republic
HU	Hungary	UK	United Kingdom
IE	Ireland		