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GATS 2000

REQUEST FROM THE EC AND ITS MEMBER STATES (HEREINAFTER THE EC)

TO

COLOMBIA

GENERAL REMARKS

At the WTO Ministerial Conference in Doha in November 2001, Ministers agreed that initial requests for specific commitments should be submitted by 30 June 2002.

In line with this decision, and committed to the objectives and principles stated in the GATS, in particular Article IV and XIX GATS, as well as the negotiating guidelines agreed by the Council for Trade in Services on 29 March 2001, the EC encourages Colombia to participate actively in the negotiations.

The EC considers that the progressive liberalisation of services is of benefit for all members, including developing and least developed countries. In this context, the EC recognises the importance of liberalisation being underpinned by domestic regulatory frameworks designed to ensure the achievement of public policy objectives.

This Request covers horizontal commitments, MFN exemptions and the following service sectors:

- Professional services
- Business services (other than professional services)
- Postal and courier services
- Telecommunications services
- Construction and related engineering services
- Distribution services
- Environmental services
- Financial services
- Tourism and travel related services
- News agency services
- Transport services
- Energy services

The EC proposes that Colombia's current GATS commitments are revised in accordance with this Request. The EC is both seeking improved commitments and

clarification of existing commitments as set out in this Request. The EC is furthermore looking for a reduction in scheduled limitations whether these are horizontal or sector specific in nature. In so doing, the EC is not seeking the dismantling of public services nor the privatisation of state owned companies.

In conformity with the objectives set out in the EC's overall approach to services negotiations (document S/CSS/W/15), the EC reiterates its commitment to promote regulatory disciplines in accordance with Article VI:4 of the GATS. The EC, however, reserves its right to address at any time to Colombia specific requests concerning regulatory issues.

The EC further requests that commitments are entered in accordance with the scheduling guidelines adopted by the Council of Trade in Services on 23 March 2001 (S/L/92). In particular, for each commitment or limitation entered the EC requests:

- that the sector and sub-sector are clearly identified in accordance with the classification list in Document MTN.GNS/W/120 or other internationally recognised classification (e.g. Financial Services Annex) and corresponding CPC number. If this is not possible, the schedule should contain a sufficiently detailed definition to avoid any ambiguity as to the scope of the commitment. In that respect, the EC would like to recall the classification or list of activities proposed in its negotiating proposals with regard to postal and courier, environmental and energy services. While discussions on classification in these sectors are still ongoing, the EC would like to invite Colombia to present its offer in accordance with this approach.
- that any remaining limitation on market access (hereafter "MA") or on national treatment (hereafter "NT") are clearly described and only be inscribed in the market access or national treatment columns if the measure is of a nature foreseen by Articles XVI-XVII GATS.

The EC remains available to provide any clarification and answer any question on this Request. Questions can be addressed to the European Commission via the EC GATS contact point (mailbox address: TRADE-GATS-CONTACT-POINTS@cec.eu.int), via the Delegation of the European Commission in Geneva, or directly to the European Commission (Directorate-General Trade, Unit D2 (Trade in services, including e-commerce), Brussels, B-1049, Belgium, fax 32-2-299 24 35).

Note : The EC reserves the right to revise and/or supplement this Request. For each service sector, W120 classification has been followed unless expressly indicated and CPCs refer to the Provisional CPC classification. The precise scope for each sector is without prejudice to the EC's final positions on classification issues and to the EC's classification of their existing commitments.

HORIZONTAL COMMITMENTS

EC REQUEST TO COLOMBIA

MODE 3

- Foreign investment excluded for activities relating to national defence and the processing and disposal of toxic, hazardous or radioactive waste not produced in Colombia. **EC Request:** Precise the scope and move this restriction from the horizontal commitments to the relevant sectors
- Tax on remittance of profits. **EC Request:** Remove the entry. If this measure is allowed under Article XIV of GATS, the entry does not need to appear in the schedule.
- Acquisition and transfer of unappropriated land along the Colombian coastlines and in the border regions with neighbouring countries restricted to Colombians by birth. **EC Request:** Precise the territorial limits of this restriction and clarify the grounds on which those other than Colombians by birth may acquire unappropriated land.
- Acquisition of real property by foreigners governed by special provisions in the islands of the San Andrés and Providencia Archipelago. **EC Request:** Precise the scope of the special provisions

MODE 4

Definitions:

- It is not clear what is meant by the terms « managers », « legal representatives » and « technical specialists ». **EC Request:** Define these terms

Quantitative Restriction:

- 90% of « ordinary » workforce, and 80% of « skilled employees » must be Colombian. **EC request:** Dis-apply this requirement in relation to intra-corporate transfers, and where the service supplier has no commercial presence in Colombia. For other categories, increase the percentage of foreign workers permitted.

Professional services:

- These service sectors are excluded from the scope of Colombia's horizontal commitments on mode 4. **EC request:** Clarify the reason for, and practical effect of this exclusion.

Intra-corporate transferees:

An intra-corporate transferee (ICT) is an employee of a foreign firm, who is temporarily transferred to an affiliate of that firm (branch, subsidiary, office, joint venture etc.) in your country.

The EC considers that Colombia's horizontal Mode 4 commitments cover intra-corporate transfers of "managers", "legal representatives" and "technical specialists" without application of an economic needs tests. **EC Request:**

- Please confirm this understanding and clarify whether there are any limitations in relation to the degree of affiliation which must exist between companies, the length of stay or minimum prior employment requirements.
- The EC also requests that a commitment be made to allow as intra-corporate transferees without requiring an economic needs test « persons with a university degree or equivalent technical qualification who are transferring for career development purposes or to obtain training in business techniques or methods ». The maximum prior employment requirement should be one year.

Business Visitors:

A Business Visitor is a representative of a foreign services supplier who is seeking temporary entry into your country for one of the following purposes: (a) to hold meetings and/or to negotiate the sale of services; (b) to conclude contracts to sell services; or (c) to set up a Mode 3 presence. A Business Visitor does not himself directly provide services or sell to the public.

The EC considers that Colombia's horizontal Mode 4 commitments cover Business Visitors who are "managers", "legal representatives" or "technical specialists" without application of an economic needs tests. **EC Request:**

- Please confirm this understanding
- For types (a) and (b) Business Visitors extend the commitment to all such Business Visitors. The maximum length of stay should be at least 90 days in any 12 month period.
- For other Business Visitors, clarify whether there are any limitation on the length of stay.

Other:

The EC considers that Colombia's horizontal Mode 4 commitments cover the provision of services under contract where the service supplier has no commercial presence in Colombia and where that service is provided by "managers", "legal representatives" and/or "technical specialists". **EC Request:**

- Please confirm this understanding and clarify whether there are any limitations on the length of stay.

Additional commitments:

- Difficulties are experienced as a result of the length of time taken to process work and residence permits as well as the notarisation of documents. The EC wishes to discuss the possibility of taking additional commitments to address these issues.

Note : Mode 4 is covered horizontally in this part for all service sectors. The sectoral requests in the following pages only refer to mode 4 when specifically related to one particular service sector.

PROFESSIONAL SERVICES

EC REQUEST TO COLOMBIA

Colombia has committed this sector only partially. The EC requests that it be committed as follows:

A. LEGAL (CPC 861)

- Mode 3: MA and NT – This mode remains unbound for legal advisory services in foreign and international legislation not relating to mining. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: MA and NT – This mode remains unbound for legal advisory services in foreign and international legislation not relating to mining. **EC Request:** Commit as referred to in the section “Horizontal commitments”

B. ACCOUNTING, AUDITING AND BOOKEEPING SERVICES (CPC 862)

- This sub-sector is not committed for auditing services (CPC 86211 and 86212 other than accounting services). **EC Request:** Extend sectoral coverage of commitments to these CPCs
- Mode 1: MA and NT – This mode remains unbound. EC Request: Take full commitments, i.e. schedule “none”, under MA and NT for accounting and bookkeeping services
- Mode 3: NT – Prior domicile requirement. **EC Request:** Remove
- Mode 4: MA and NT – This mode remains unbound. **EC Request:** Commit as referred to in the section “Horizontal commitments” for the entire CPC 862

D. ARCHITECTURAL SERVICES (CPC 8671)

E. ENGINEERING SERVICES (CPC 8672)

F. INTERGRATED ENGINEERING SERVICES (CPC 8673)

These three sub-sectors are not committed. EC Request for each of these sub-sectors:

- Modes 1, 2, 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

The EC also invited Colombia to consider improving current commitments in the sub-sector of taxation services.

BUSINESS SERVICES (OTHER THAN PROFESSIONAL)

EC REQUEST TO COLOMBIA

B. COMPUTER AND RELATED SERVICES

Colombia has committed this sector only partially. EC Request: Extend coverage to include CPCs 845 and 849 and schedule commitments at the two-digit level as follows:

Computer and Related Services (CPC 84)

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

F. Other Business Services:

Note: Requests on j) – services incidental to energy distribution are covered in the section “Energy Services” of this Request.

Colombia has committed this sector only partially. The EC requests that it be committed as follows:

a) Advertising (CPC 871)

b) Market research and Public Opinion Polling (CPC 864)

d) Services related to management consulting (CPC 866)

e) Technical testing and analysis services (CPC 8676)

m) Related scientific and technical consulting services (CPC 8675)

Sub-sectors a), b), d), e) and m) are not committed. EC Request for each of these sub-sectors:

- Modes 1, 2, 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

l) Security Services (CPC 87302 – 87309)

Sub-sector l) is not committed. **EC Request** for this sub-sector:

- Mode 3 : MA - Commit with no form of establishment or equity limitation. Full NT commitment - i.e. schedule “none”
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

c) Management consulting services (CPC 865)

- Mode 1: MA and NT – This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT

The EC also invites Colombia to consider taking commitments in Research and Development Services (CPC 85), placement and supply services of personnel (CPC 872) and Translation services (CPC 87905).

POSTAL AND COURIER SERVICES

EC REQUEST TO COLOMBIA

Colombia has not committed this sector. This request is based on the EC proposal for the classification of postal and courier services. While discussions on classification in this sector are still ongoing, the EC would like to invite Colombia to present its offer in accordance with this proposal, without prejudice to the outcome of the discussion on the classification of postal and courier services:

SERVICES RELATING TO THE HANDLING¹ OF POSTAL ITEMS², WHETHER FOR DOMESTIC OR FOREIGN DESTINATIONS:

A. Handling of addressed written communications on any kind of physical medium³, including:

- Hybrid mail services

- Direct mail

B. Handling of addressed parcels and packages⁴

C. Handling of addressed press products⁵

D. Handling of items referred to in A. to C. above as registered or insured mail

E. Express delivery services⁶ for items referred to in A. to C. above

F. Handling of non-addressed items

G. Document exchange

H. Other services not elsewhere specified

¹ The term "handling" should be taken to include clearance, sorting, transport and delivery.

² "Postal item" refers to items handled by any type of commercial operator, whether public or private.

³ E.g. letter, postcards.

⁴ Books, catalogues are included hereunder.

⁵ Journals, newspapers, periodicals.

⁶ Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and addressee in transit, confirmation of receipt.

EC Request for sub-sectors B., C., E., F. and G. :

- Modes 1, 2 and 3 : Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

EC Request for sub-sectors A. and D. :

- Modes 1, 2 and 3: Take MA and NT commitments
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

TELECOMMUNICATIONS SERVICES

EC REQUEST TO COLOMBIA

Colombia has only partially committed this Sector. The EC requests that this Sector is committed as follows:

ALL MODES

- There are no commitments for facsimile services. **EC request:** Make full commitments for facsimile services, i.e. schedule “none”.
- Authorizations to provide satellite capacity do not involve a concession to supply other telecommunications services in Colombia or in connections with foreign countries. **EC request:** Remove this restriction.
- There is an obligation to own facilities. **EC request:** Remove this obligation.
- The schedule reads that a licence or concession for the supply of telecommunications services is only granted to enterprises legally set up in Colombia. Since it is scheduled at the top of the schedule, literally it would mean that mode 1 is not permitted. **EC Request:** Clarify that mode 1 is permitted and that such a licence or concession is necessary only for the operator of receiving facilities in Colombia (e.g. earth station operator for satellite services)

MODE 3

- Foreign investment is now limited to 70% in all services except when they are for non-public use. **EC request:** Remove this restriction.
- The number of operators is now limited for long distance, mobile, PCS, paging, and trunking services. The EC requests that these restrictions be lifted: National and international long-distance services are provided by the National Telecommunications Enterprise. Any additional number of operators is determined by an economic needs test. **EC request:** Remove this restriction on the number of operators.
- For the cellular mobile telephone service the country was divided into three regions; in each one the service is supplied by two competing operators, on an exclusive basis until 1 September 1999. The Schedule states that “Thereafter, the additional number of operators shall be subject to technological possibility”. **EC request:** Remove this restriction.
- The Schedule states that “The Personal Communications service will be supplied as from 31 December 1999 by a number of operators determined by an economic needs test.” **EC request:** Remove this restriction.

- The Schedule states that The number of operators to supply two-way paging services will be determined not later than 30 June 1997. **EC request:** Remove this restriction on the number of operators.
- The Schedule states that “The national trunking service will be supplied by four operators selected by competitive bidding, not later than 30 June 1997.” **EC request:** Remove this restriction.
- For mobile services, no natural or legal person may, alone or through another person, hold more than 30% of the company share capital and the shares must be listed in a stock exchange in Colombia. **EC request:** Remove these restrictions.
- Operators have indicated that there are very detailed reporting requirements. **EC Request:** Explain which reporting requirements are imposed on operators

ADDITIONAL COMMITMENTS

There are limitations on subsidisation and the points for interconnection in the reference paper of the Basic Telecommunications negotiations. **EC request:** Remove these limitations.

MFN EXEMPTION.

Colombia has registered an MFN exemption which restricts national treatment in Value-Added Telecommunications Services for the purposes of commercial presence in favour of suppliers from the Andean Pact. **EC request:** Remove this MFN exemption.

CONSTRUCTION AND RELATED ENGINEERING SERVICES

EC REQUEST TO COLOMBIA

Colombia has committed this Sector only partially. The EC requests that it be committed as follows:

B. GENERAL CONSTRUCTION WORK FOR CIVL ENGINEERING (CPC 513)

- This sub-sector is committed only for dams and golf courses. **EC Request:** Extend sectoral coverage of present commitments to the whole sub-sector CPC 513

C. INSTALLATION AND ASSEMBLY WORK (CPC 514+516)

- This sub-sector is committed only for derrick operations. **EC Request:** Extend sectoral coverage of present commitments to the whole sub-sector CPC 514+516

D. BUILDING COMPLETION AND FINISHING WORK (CPC 517)

This sub-sector is not committed. **EC Request:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

E. OTHER (CPC 511+515+518)

This sub-sector is not committed for special trade construction work (CPC 515) and renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator (CPC 518). **EC Request** for these CPCs:

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

DISTRIBUTION SERVICES

EC REQUEST TO COLOMBIA

Colombia has not committed this sector. The EC requests that it be committed as follows :

A. COMMISSION AGENTS' SERVICES (CPC 621, 6111+6113+6121)

B. WHOLESALE TRADE SERVICES (CPC 622, 6111+6113+6121)

C. RETAILING SERVICES (CPC 631+632, 6111+6113+6121+613)

D. FRANCHISING (CPC 8929)

EC Request for each of the above sub-sectors :

- Modes 1, 2, 3 : Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

Note : The EC is prepared to discuss exceptions for a very limited number of extremely sensitive goods, such as arms, ammunitions and explosives.

ENVIRONMENTAL SERVICES

EC REQUEST TO COLOMBIA

Colombia has not committed this sector. This request is based on the EC proposal for the classification of environmental services. While discussions on classification in this sector are still ongoing, the EC would like to invite Colombia to present its offer in accordance with this proposal, without prejudice to the outcome of the discussion on the classification of environmental services:

A. WATER FOR HUMAN USE & WASTEWATER MANAGEMENT

Water collection, purification and distribution services through mains, except steam and hot water

This sub-sector only concerns the distribution of water through mains' (i.e. urban sewage systems). This excludes any cross-border transportation either by pipeline or by any other means of transport, nor does it imply access to water resources.

EC Request:

- Mode 3: Take full commitments, i.e. schedule "none" under MA and NT
- Mode 4: commit as referred to in the section "Horizontal commitments"

Waste water services (CPC 9401)

EC Request:

- Mode 3: Take full commitments, i.e. schedule "none" under MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

B. SOLID/HAZARDOUS WASTE MANAGEMENT

Refuse disposal services (CPC 94020)

Sanitation and similar services (CPC 94030)

C. PROTECTION OF AMBIENT AIR AND CLIMATE

Services to reduce exhaust gases and other emissions and improve air quality (CPC 94040)

D. REMEDIATION AND CLEANUP OF SOIL & WATER

Treatment, remediation of contaminated/polluted soil and water (part of CPC 94060)

E. NOISE & VIBRATION ABATEMENT

Noise abatement services (CPC 94050)

F. PROTECTION OF BIODIVERSITY AND LANDSCAPE

Nature and landscape protection services (part of CPC 94060)

G. OTHER ENVIRONMENTAL & ANCILLARY SERVICES

Other environmental protection services not classified elsewhere (CPC 94090)

EC Request for each of the above sub-sectors [B to G]:

- Modes 1 (where technically feasible), 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

FINANCIAL SERVICES

EC REQUEST TO COLOMBIA

Colombia has committed this sector only partially. The EC requests that it be committed as follows:

GENERAL

- **EC Request:** Undertake commitments in accordance with the Understanding on Commitments in Financial Services
- Mode 3: MA – Government may make an authorisation for domestic and foreign financial companies subject to an economic needs test. **EC Request:** Remove economic needs test
- Mode 3: MA – Direct branching is not allowed. **EC Request:** Allow direct branching.
- Mode 3: MA – Supply of financial services in Colombia requires prior Government authorisation in accordance with the relevant requirements in Colombian legislation. **EC Request:** Specify to what extent this regime constitutes a market access limitation.
- Mode 3: NT – Special conditions are offered exclusively to Colombian companies or nationals in the disposal of State holding companies. **EC Request:** Remove this discrimination

INSURANCE

- Life insurance is not covered. **EC Request:** Take full commitments in modes 2 and 3, and commit as referred to in the section “Horizontal commitments” in mode 4.
- Modes 1 and 2: MA and NT – MAT insurance is only partly committed. **EC Request:** Take full commitments on MAT insurance in accordance with the Understanding
- Modes 1 and 2: MA and NT- Unbound in insurance intermediation. **EC Request:** Commit intermediation of reinsurance and of MAT insurance in accordance with the Understanding.
- Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services, are not covered. **EC Request:** Take full commitments in modes 1, 2 and 3, and commit as referred to in the section “Horizontal commitments” in mode 4.

BANKING AND OTHER FINANCIAL SERVICES

- The following sub-sectors are not committed: Payments and money transmission services, Trading for own account or for account of customers of money market instruments, foreign exchange, and exchange rate and interest rate instruments; Asset management; and settlement and clearing services for financial assets. **EC Request:** Take full commitments in modes 2 and 3, and commit as referred to in the section “Horizontal commitments” in mode 4.

- Modes 1 and 2: MA and NT- Unbound in banking and other financial services. **EC Request:** Take full commitments in mode 1 for provision and transfer of financial information and advisory and other auxiliary financial services, and in mode 2 for all subsectors.

MFN EXEMPTIONS

- Insurance and insurance-related services (all countries/indefinite): Access to Colombian market through commercial presence on reciprocity basis. **EC Request:** Remove this reciprocity condition
- Banking and other financial services (all countries/indefinite): Access to Colombian market through commercial presence on reciprocity basis. **EC Request:** Remove this reciprocity condition.

TOURISM AND TRAVEL RELATED SERVICES

EC REQUEST TO COLOMBIA

Colombia has committed this sector only partially. The EC requests that it be committed as follows:

A. HOTELS AND RESTAURANTS (INLC. CATERING) (CPC 641-643)

This sub-sector is not committed for food serving services (CPC 642) and for beverage serving services (CPC 643). **EC Request:** Extend sectoral coverage of commitments to these CPCs

- Modes 1,2,3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

C. TOURIST GUIDES SERVICES (CPC 7472)

Sub-sector C is not committed. **EC Request** for this sub-sector:

- Modes 1, 2, 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

NEWS AGENCY SERVICES

EC REQUEST TO COLOMBIA

Colombia has not committed this sector (CPC 962). The EC requests that this Sector be committed as follows:

EC Request (CPC 962):

- Modes 1-3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Commit as referred to in the section “Horizontal commitments”.

TRANSPORT SERVICES

EC REQUEST TO COLOMBIA

Colombia has not committed this sector and land transport is subject to a MFN exemption. The EC requests that it be committed as follows:

MFN EXEMPTIONS

The MFN exemption provides for preferential treatment to countries of the Andean Road Freight System. **EC Request:** Precise the scope in the light of GATS Article V and clarify under which circumstances these benefits would also apply to an European company authorised and established in Colombia (see Request in the sub-sector of road transport)

A. MARITIME TRANSPORT

EC Request: Take commitments in accordance with the attached model schedule (Annex 1). In particular for the following areas:

- 1) **International transport (freight and passengers) CPC 7211 and 7212**
- 2) **Additional commitments for access to and use of ports facilities**
- 3) **Maritime auxiliary services (maritime cargo handling, storage and warehouse services, customs clearance services, container station and depot services, maritime agency services)**
- 4) **Multimodal activities: for inland forwarding of cargoes - commit the ability to rent or lease - or to have access to and use of multimodal facilities (as specified in the note to the schedule).**
- 5) **Definitions – commit definitions as specified in the model schedule.**

The EC also requests the following additional maritime commitments from Colombia:

- 6) **Equipment.** To facilitate planning of their businesses operators should be allowed to reposition their own equipment, such as empty containers, between ports of Colombia, when it is not carried against payment. This is requested to be committed in a new footnote:

“9. Movement of own equipment. International maritime transport suppliers can move/reposition their own equipment (i.e. empty containers, flatbeds etc.) on their own vessels between ports of Colombia.”

- 7) **International cargo.** With the development of containerisation and high frequency networking services and with the ever-larger vessels having to limit direct port calls for physical or economic reasons, the feeding of cargoes between main ports and way ports is becoming more important as an integral part of efficient international maritime transport. An international maritime transport supplier should be allowed to operate feeder services for its international cargo between ports of Colombia. This is requested to be committed in a new footnote:

" 10. International maritime transport suppliers can operate vessels of any flag for the purposes of pre- and onward carriage of the international cargo between ports of Colombia."

In this context Colombia may wish to take the one or more of the following principles into concern:

- Size of the port. Only valid for international cargo relayed between national ports handling more than [25.000 TEU] on an annual basis.
- Binding existing ad hoc practices. To the extent exceptions are already granted for use of foreign flagged vessels such practices could be bound to explicitly cover pre- and onward carriage of international cargo.
- Geographical limitations: Transport of international cargo between ports within the same department [or other relevant regional entity] remains excluded

A final Request related to maritime transport is:

8) Rental and leasing of vessels with crew (CPC 7213, 7223).

EC Request:

- Modes 1, 2 and 3: Take full commitments, i.e. schedule "none" under MA and NT
- Mode 4: Commit as in horizontal commitments

C. AIR TRANSPORT

1) Maintenance and repair of aircraft and parts thereof.

EC Request:

- Modes 2 and 3: Take full commitments, i.e. schedule "none" under MA and NT
- Mode 4: Commit as referred in the section "Horizontal commitments"

2) Selling and marketing.

EC Request:

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

3) Computer Reservation Systems.

EC Request:

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

4) Groundhandling services, as specified in the attached definitions (Annex 2).

EC Request:

- Modes 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

5) Airport management services, as specified in the attached definitions (Annex 2).

EC Request:

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

F. ROAD TRANSPORT

b) Freight Transportation (CPC 7123).

EC Request:

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

d) Maintenance and Repair of Road Transport Equipment (CPC 6112)

EC Request:

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

H. SERVICES AUXILLARY TO ALL MODES OF TRANSPORT

b) Storage and Warehouse Services (CPC 742)

EC Request:

- Modes 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

c) Freight Transport Agency/Freight Forwarding Services (CPC 748) and Pre-shipment Inspection (part of CPC 749)

EC Request:

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

ANNEX 1: SCHEDULE ON MARITIME TRANSPORT SERVICES

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
TRANSPORT SERVICES MARITIME TRANSPORT SERVICES International Transport (freight and passengers) CPC 7211 and 7212 <u>less</u> cabotage transport	1) (a) Liner Shipping: none (b) Bulk, tramp, and other international shipping, including passenger transportation; none 2) None 3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below – 2): none 4) (a) Ships' crews: unbound (b) Key personnel employed in relation to a commercial presence as defined under mode 3b) above: Unbound except as in horizontal section	1) (a) None (b) None 2) None 3) (a) Unbound (b) None 4) (a) Unbound (b) Unbound except as in horizontal section	The following services at the port are made available to international maritime transport suppliers on reasonable and no discriminatory terms and conditions 1. Pilotage 2. Towing and tug assistance 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast waste disposal 5. Port Captain's services 6. Navigation aids 7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies 8. Emergency repair facilities 9. Anchorage, berth and berthing services

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
MARITIME AUXILIARY SERVICES Maritime Cargo Handling Services (as defined below – 4)	1) Unbound* except for – no limitation on transshipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* except for no limitation on transshipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment 2) None 3) None 4) Unbound except as in horizontal section	
Storage and warehousing Services CPC 742	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in horizontal section	
Customs Clearance Services (as defined below – 5)	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in horizontal section	
Container Station and Depot Services (as defined below – 6)	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in horizontal section	
Maritime Agency Services (as defined below – 7)	1) None 2) None 3) None 4) Unbound except as in horizontal section	1) None 2) None 3) None 4) Unbound except as in horizontal section	
(Maritime) Freight Forwarding Services (as defined below - 8)	1) None 2) None 3) None 4) Unbound except as in horizontal section	1) None 2) None 3) None 4) Unbound except as in horizontal section	

* A commitment on this mode of delivery is not feasible.

** Public utility concession or licensing procedures may apply in case of occupation of the public domain.

NOTE TO THE SCHEDULE

Where road, rail, inland waterways (and) (related) (auxiliary) services are not otherwise fully covered in (this) (a Member's) schedule, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations. (« Reasonable and non-discriminatory terms and conditions » means, for the purpose of (multimodal transport operations), (this additional commitment), the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date).

DEFINITIONS

1. Without prejudice to the scope of activities which may be considered as « cabotage » under the relevant national legislation, this schedule does not include « maritime cabotage services », which are assumed to cover transportation of passengers or goods between a port located in ... (name of country or, for EEC, « a Member State ») and another port located in ... (name of the country or, for EEC, « the same Member State ») and traffic originating and terminating in ... the same port located in (name of country, or for the EEC, « a Member State ») provided that this traffic remains within ... (name of country or « this Member State »)'s territorial waters.

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

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;
- (f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. « Multimodal transport operators » means the person on whose behalf the bill of lading /multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.
4. « Maritime cargo handling services » means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:
- the loading/discharging of cargo to/from a ship;
 - the lashing/unlashing of cargo;
 - the reception/delivery and safekeeping of cargoes before shipment or after discharge.
5. « Customs clearance services » (alternatively « customs house brokers' services ») means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
6. « Container station and depot services » means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
7. « Maritime agency services » means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
 - acting on behalf of the companies organising the call of the ship or taking over cargoes when required.
8. « Freight forwarding services » means (the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information).

ANNEX 2 FACILITATING AIR TRANSPORT SERVICES

Ground-handling Services

Efficient ground-handling is essential to the proper functioning of air transport and competition between operators in this area ensures that proper use is made of air transport infrastructure. It helps reduce the operating costs of airlines and improves the quality of service for airport users.

For specialised groundhandling suppliers the following activities are requested:

Ground Administration – supervision and administration at the airport (CPC 7461);
Passenger Handling – assisting arriving, departing and transfer passengers (CPC 7461);
Baggage Handling – handling baggage in the sorting area (CPC 7461);
Freight and Mail Handling – physical handling of freight and mail, dealing with security and customs procedures (CPC 74110 (container handling services) and 74190 (other cargo handling services));
Ramp Handling – marshalling and moving the aircraft, loading and unloading of aircraft, transport of passengers, freight, supplies (CPC 7469).
Aircraft Services – cleaning the aircraft, heating and cooling, removal of snow and ice (CPC 7469);
Fuel and Oil Handling – organisation and provision of fuel and oil;
Aircraft Maintenance – covered specifically by the Annex as above;
Flight Operations and Crew Administration – preparation of the flight, inflight and post-flight assistance, crew administration;
Surface Transport – organisation and execution of transport within airport – except to and from aircraft;
Catering Services (CPC 6423).addressed under the EC request on tourism and travel related services

Airport management services

Airport management services constitute the core activities of airport services providers and cover: Airport operation services (excl. cargo handling), including passenger air terminal services and ground services on air fields, including runway operating services, on a fee or contract CPC 74610. Activities are also related to “other management consulting services” (CPC 86509) and activities separately specified under “other management services not elsewhere classified”(CPC 86609). A commitment will allow services suppliers to take an equity stake in - and engage in the overall operation and management of - airports when these are open for investments from private operators. Thereby it will bind existing common practices in the sector.

ENERGY SERVICES

EC REQUEST TO COLOMBIA

This Request includes services that are listed under the negotiating proposal of the EC (S/CSS/W/60). The work on the classification of these services is still underway. For this reason, some activities therefore lack reference to CPC.

The EC wishes to underline the significant contribution of an appropriate use of energy for the promotion of sustainable development.

The EC requests that this area is committed as follows:

B. SERVICES RELATED TO THE CONSTRUCTION OF ENERGY FACILITIES

B.1 Construction of energy facilities

CPC 513: Construction work for civil engineering

CPC 51340: For long distance pipelines, communication and power lines (cables)

CPC 51360: For constructions for mining and manufacturing

This sub-sector is not totally committed. **EC Request:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT, for the entire sub-sector
- Mode 4: Commit as referred to in the section “Horizontal commitments”

B.2 Installation and assembly work

CPC 516: Installation and assembly work

This sub-sector is not committed. **EC Request:**

- Mode 3: Take full commitments for, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

C. SERVICES RELATED TO NETWORKS

C.1 Operation of transportation/transmission and distribution facilities

Services incidental to energy distribution (including operation of transmission/distribution of electricity)

This sub-sector is not committed. **EC Request:**

- Mode 3: Take commitments

- Mode 4: Commit as referred to in the section “Horizontal commitments”

CPC 71310: Transportation of petroleum and natural gas

This sub-sector is not committed. **EC Request:**

- Mode 3: Take commitments
- Mode 4: Commit as referred to in the section “Horizontal commitments”

D. STORAGE SERVICES

CPC 74220: Bulk storage services of liquids or gases

This sub-sector is not committed. **EC Request:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

E. SERVICES FOR THE SUPPLY OF ENERGY

E.1 Wholesale of energy products

CPC 62271: Wholesale trade services of solid, liquid and gaseous fuels and related products

This sub-sector is not committed. **EC Request:**

- Mode 3: Take full commitments for solid and liquid fuels and related products
- Mode 4: Commit as referred to in the section “Horizontal commitments”

Wholesale trade services of electricity

EC Request:

- Mode 3: Take commitments
- Mode 4: Commit as referred to in the section “Horizontal commitments”

E.2 Retail sale of energy products

CPC 63297: Retail sale of fuel oil, bottled gas, coal and wood

This sub-sector is not committed. **EC Request:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

E.3 Trading of energy products

EC Request:

- Modes 1, 2, 3: Take full commitments for non-network energy products and commitments for network-energy products
- Mode 4: Commit as referred to in the section “Horizontal commitments”

E.4 Brokering of energy products

EC Request:

- Modes 1, 2, 3: Take full commitments for non-network energy products and commitments for network-energy products
- Mode 4: Commit as referred to in the section “Horizontal commitments”

G. SERVICES RELATING TO DECOMMISSIONING

EC Request:

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

MFN EXEMPTIONS

EC REQUEST TO COLOMBIA

- MFN exemption in the sector of telecommunications services. **EC Request:** Refer to the Request in the sector of “Telecommunications services” in this respect
- MFN exemption in the sector of insurance and insurance-related services. **EC Request:** Refer to the Request in the sector of “Financial services” in this respect
- MFN exemption in the sector of banking and other financial services. **EC Request:** Refer to the Request in the sector of “Financial services” in this respect
- MFN exemption in the area of land transport. **EC Request:** Refer to the Request in the sector of “Transport services” in this respect