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GATS 2000

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

TO

COSTA RICA

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 GATS, in particular Article IV and XIX GATS, as well as the negotiating guidelines agreed by the Council for Trade and Services on 29 March 2001, the EC encourages Costa Rica 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
- Telecommunication 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 Costa Rica'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 schedules 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 commitments 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 Costa Rica 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 proposes:

- 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). 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 energy services. While discussions on classification in these sectors are still ongoing, the EC would like to invite Costa Rica 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 position on classification issues and to the EC's classification of their existing commitments.

HORIZONTAL COMMITMENTS

EC REQUEST TO COSTA RICA

MODE 3

- NT- Restrictions on the participation of foreign natural and/or legal persons in concessions granted by the State in the land maritime zone. **EC Request:** Precise the scope of these restrictions

MODE 4

Definitions

- It is not clear what is meant by the terms “managers”, “administrative directors”, “supervisors” and “general executives”. **EC Request:** Please define these terms

Quantitative Restriction

- Only two foreign “managers, administrative directors, supervisors and general executives” are permitted per enterprise. **EC Request:** Eliminate this restriction in relation to intra-corporate transfers and juridical persons without a commercial presence in Costa Rica. In other cases, increase the number of foreign employees permitted.

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 Costa Rica’s horizontal Mode 4 commitments cover Intra-corporate transfers of “managers, administrative directors, supervisors and general executives”. However, Specialists do not appear to be covered by Costa Rica’s commitments. **EC Request:**

- Make a commitment for Intra-corporate transfers between affiliated companies of specialists (term should be defined). Prior employment requirement of maximum one year is acceptable. Maximum length of stay should be at least three years (which could be two years + one renewable).
- For “managers, administrative directors, supervisors and general executives”, clarify whether there are any limitations in relation to the required degree of affiliation between companies necessary, 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 need 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 the territory of Burkina Faso 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 to the public.

The EC considers that Costa Rica’s horizontal Mode 4 commitments cover Business Visitors who are “managers, administrative directors, supervisors and general executives”. **EC request:**

- Please confirm this understanding
- For Business Visitors entering to negotiate and/or conclude sales contracts (but not to themselves supply a service), 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 limitations in relation to the length of stay.

Other

The EC considers that Costa Rica’s horizontal Mode 4 commitments cover the provision of services under contract where the service supplier has no commercial presence in Costa Rica where that service is provided by “managers, administrative directors, supervisors” and/or “general executives”. **EC Request:**

- Please confirm this understanding, extend the commitment to cover “specialists” (term to be defined) and clarify whether there are any limitations on the length of stay.

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 COSTA RICA

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

A. LEGAL SERVICES (CPC 861)

EC Request:

- Commit covering at least consultancy on public international law and on law of jurisdiction where the service supplier or its personnel are qualified, lawyers
- 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"

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

EC Request

For accounting and bookkeeping services:

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

For auditing services:

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

E. ENGINEERING SERVICES CPC 8672

F. INTEGRATED ENGINEERING SERVICES (CPC 8673)

EC Request for each of these two sub-sectors:

- 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"

The EC also invites Costa Rica to consider taking commitments in the sub-sector of taxation services and architectural services.

MFN EXEMPTIONS

- Professional services are subject to an MFN exemption based on reciprocity. **EC Request:** Remove. MFN exemptions based on reciprocal recognition of professional qualifications do not need to be scheduled, as any mutual recognition agreement would be covered by GATS Article VII and subject to notification on the basis of this provision.

BUSINESS SERVICES (OTHER THAN PROFESSIONAL)

EC REQUEST TO COSTA RICA

B. COMPUTER AND RELATED SERVICES

Costa Rica has committed this sector only partially. **EC requests:** Extend sectoral 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, 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

NB. Requests [if any] on h)- services incidental to mining and j)- services incidental to energy distribution, are covered in this section "Energy Services" of this request.

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

a) Advertising (CPC 871)

b) Market research (CPC 86401)

c) Management consulting service (CPC 865)

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)

n) Maintenance and Repair of Equipment (not including transport equipment)(CPC 633+8861-8866)

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".

1) Security Services (CPC 87302-87309)

Costa Rica has not committed this sub-sector. The EC requests that it be committed as follows:

- 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”

The EC also invites Costa Rica to consider taking commitments on Research and Development Services (CPC 85), Rental and Leasing Services without Operators (CPC 831), Placement and Supply Services of personnel (CPC 872), Translation services (CPC 87905) and Convention services (part of CPC 87909).

POSTAL AND COURIER SERVICES

EC REQUEST TO COSTA RICA

Costa Rica has not committed this sector. This request is based in 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 Costa Rica 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: Undertake full commitments for market access and national treatment.
- Mode 4: Commit as referred to in the section « Horizontal commitments ».

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

- Modes 1, 2 and 3: Undertake commitments for market access and national treatment.
- Mode 4: Commit as referred to in the section « Horizontal commitments ».

TELECOMMUNICATIONS SERVICES

EC REQUEST TO COSTA RICA

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

ALL MODES

There are no commitments for all sub-sectors, i.e. for Voice telephone services (CPC 7521), Packet-switched data transmission services (CPC 7523**), Circuit-switched data-transmission services (CPC 7523**), Telex services (CPC 7523**). Telegraph services (CPC 7522), Facsimile services (CPC 7521**+7523**), Private leased circuit services (CPC 7522**+7523**), Electronic mail (CPC 7523**), Voice mail (CPC 7523**), On-line information and data base retrieval (CPC 7523**), Electronic data interchange (EDI)(CPC 7523**), Enhanced/value-added facsimile services, incl. Store and forward, store and retrieve (CPC 7523**), Code and protocol conversion (n.a.) and Other.

EC Request: Make full commitments for all these sub-sectors, i.e. schedule “None” for MA and NT

ADDITIONAL COMMITMENTS

EC Request: Commit to the reference paper of the Basic Telecommunications negotiations.

The (**) indicates that the service specified constitutes only part of the total range of activities covered by the CPC concordance (e.g. voice mail is only a component of CPC item 7523).

CONSTRUCTION AND RELATED ENGINEERING SERVICES

EC REQUEST TO COSTA RICA

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

A. GENERAL CONSTRUCTION WORK FOR BUILDINGS (CPC 512)

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

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

D. BUILDING COMPLETION AND FINISHING WORK (CPC 517)

E. OTHER (CPC 511+515+518)

EC Request for each of the above sub-sectors:

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

DISTRIBUTION SERVICES

EC REQUEST TO COSTA RICA

Costa Rica 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: To consider undertaking commitments for market access and national treatment.
- Mode 4: Commit as referred 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.

Note: In accordance with the W120 classification the EC Request on "Repair services of personal and household goods"(CPC 633) is included under "1. Business services / F. Other business / n. Maintenance and repair".

ENVIRONMENTAL SERVICES

EC REQUEST TO COSTA RICA

Costa Rica 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 Costa Rica 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 commitments for MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

Wastewater services (CPC 9401)

EC Request:

- Mode 3: Take commitments for 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: Undertake full commitments for MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

FINANCIAL SERVICES

EC REQUEST TO COSTA RICA

Costa Rica 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.
- Direct branching is not permitted. **EC Request:** Commit direct branching.

INSURANCE

The insurance sector is not committed. **EC Request:**

- Modes 1 and 2: Take full commitments in MAT insurance, reinsurance and retrocession, and services auxiliary to insurance, including intermediation, in accordance with the Understanding.
- Mode 3: Take full commitments in all insurance subsectors as listed in the classification of the Annex on Financial Services, i.e. direct insurance (life and non-life), reinsurance and retrocession, insurance intermediation (such as brokerage and agency), and services auxiliary to insurance. In particular, open fully to competition.
- Mode 4: Commit as referred to in the section “Horizontal commitments” in mode 4.

BANKING AND OTHER FINANCIAL SERVICES

- Several subsectors are not committed, including guarantees and commitments, trading for own account or for account customers of negotiable instruments, participation in issues of all kinds of securities, money broking, asset management, settlement and clearing services, advisory, intermediation and other auxiliary financial services. **EC Request:** Take full commitments in modes 2 and 3 for all subsectors, and in mode 1 for advisory and other auxiliary financial services.
- Mode 2: MA and NT- Unbound for acceptance of deposits, lending of all types, credit card services and financial leasing. **EC Request:** Take full commitments.

TOURISM AND TRAVEL RELATED SERVICES

EC REQUEST TO COSTA RICA

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

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

Hotel and other lodging services (CPC 641)

- Mode 3: MA and NT. This mode remains unbound. **EC Request:** Undertake full commitments.
- Mode 4: MA and NT. This mode remains unbound. **EC Request:** Refer to horizontal commitments.

Food serving service (CPC 642)

- Mode 3: MA- In order to prove that it is a tourist enterprise, enterprise must meet requirement that earnings received or estimated from the sale of food amount to at least 50% of total sales. **EC Request:** Clarify this requirement. Is there a distinction between tourist enterprises and non-tourist enterprises in this sub-sector?
- Mode 3: NT- This mode remains unbound. **EC Request:** Undertake full commitments.
- Mode 4: MA and NT- This mode remains unbound. **EC Request:** Refer to horizontal commitments.

B. TRAVEL AGENCIES AND TOUR OPERATORS SERVICES CPC 7471

- Modes 1 and 2: MA and NT- These modes remain unbound. **EC Request:** Undertake full commitments.
- Mode 3: MA and NT- Foreign equity restriction of 49%. **EC Request:** Remove limitation on foreign equity ownership.
- Mode 4: MA and NT. This mode remains unbound. **EC Request:** Refer to horizontal commitments.

C. TOURIST GUIDES SERVICES (CPC 7472)

- Modes 3 and 4: MA and NT- Activity reserved for Costa Rican nationals. **EC Request:** remove citizenship requirement.

Note: Under other services related to tourism, Costa Rica has included commitments for Leasing or rental services concerning private cars without operators (CPC 83101), Tourist boat rental services (CPC 96499) and Computer reservation services. These sectors are addressed in the EC's request on business services, and transport services respectively.

NEWS AGENCY SERVICES

EC REQUEST TO COSTA RICA

Costa Rica has not committed this sector (CPC 962). The EC requests that it be committed as follows:

EC Request (CPC 962):

- 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”

TRANSPORT SERVICES

EC REQUEST TO COSTA RICA

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

MFN EXEMPTIONS

Passenger transportation: Costa Rica has an exemption that required minimum 60% of capital of companies providing international passenger transportation service to be invested by Central American nationals. **EC Request:** Eliminate exemptions (Costa Rica has no specific commitments for this activity). Also clarify whether measure applies to maritime mode 1 (i.e. cruise ships)

Passenger transportation: Costa Rica has an exemption on restriction permit for international passenger transport based on reciprocity. **EC Request:** Clarify whether this measure applies to maritime mode 1 (i.e. cruise ships)

Freight transportation. Costa Rica has an exemption that precludes foreigners from the transport of freight of goods imported or exported from the Central American region. **EC Request:** Remove this limitation.

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 request the following additional maritime commitments from Costa Rica:

- 6) **Equipment.** To facilitate planning of their businesses operators should be allowed to reposition their own equipment, such as empty containers, between ports of Costa Rica, 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 Costa Rica.”

- 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 own international cargo between ports of Costa Rica. 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 Costa Rica.”

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

- Size of the port.
- 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 state [or other relevant sub-federal/regional entity] remains excluded.

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 to 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 to in the section “Horizontal commitments”

3) Computer Reservation Systems

Costa Rica has a commitment for mode 2 (under the tourism sector)

EC Request:

- 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”

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 to 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 to 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 to 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 to in the section “Horizontal commitments”

H. SERVICES AUXILIARY 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
<p>TRANSPORT SERVICES MARITIME TRANSPORT SERVICES International Transport (freight and passenger) CPC 7211 and 7212 <u>less</u> cabotage transport (as defined below – 1)</p>	<p>1) (a) <u>Liner Shipping</u>: none (b) <u>Bulk, tramp, and other international shipping, including passenger transportation</u>: none</p> <p>2) None</p> <p>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</p> <p>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</p>	<p>1) (a) None (b) None</p> <p>2) None</p> <p>3) (a) Unbound</p> <p>(b) None</p> <p>4) (a) Unbound (b) Unbound except as in horizontal section</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and no discriminatory terms and conditions</p> <ol style="list-style-type: none"> 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 the 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 the 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 the 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 the 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 the 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 the 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 (as defined below - 3) 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] ... and another port located in ... [name of the country], traffic originating and terminating in the same port located in [name of country] provided that this traffic remains within ... [name of country]'s territorial waters and transportation of passengers and goods between a port located in ... [name of the country] ... and installations or structures situated on the continental shelf of [name of the country].

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 constituted 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 operation 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 ground handling 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);
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 COSTA RICA

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:

A. SERVICES RELATED TO EXPLORATION AND PRODUCTION

Services incidental to mining (CPC 883)

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 in the section "Horizontal commitments".

Related scientific and technical consulting services (CPC 8675)

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 in the section "Horizontal commitments".

Construction and related engineering services (CPC 511 and CPC 513)

These sub-sectors are not committed. **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".

B. SERVICES RELATED TO THE CONSTRUCTION OF ENERGY FACILITIES

B.1 Construction of energy facilities

Construction work for civil engineering (CPC 513)

- **For long distance pipelines, communication and power lines (cables)(CPC 51340)**
- **For local pipelines and cables; ancillary works (CPC 51350)**
- **For construction for mining and manufacturing (CPC 51360)**

These sub-sectors are 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”

B.2 Installation and assembly work

Installation and assembly work (CPC 516)

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”

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:**

- Modes 3: Take commitments
- Mode 4: Commit as referred in the section "Horizontal commitments".

Transportation of petroleum and natural gas (CPC 71310)

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

- Modes 3: Take commitments
- Mode 4: Commit as referred in the section "Horizontal commitments".

D. STORAGE SERVICES

Bulk storage services of liquids or gases (CPC 74220)

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

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

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 in the section "Horizontal commitments".

Wholesale trade services of electricity

EC Request:

- Mode 3: Take commitments
- Mode 4: Commit as referred in the section "Horizontal commitments".

E.2 Retail Sale of energy products

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

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 3: Take commitments
- Mode 4: Commit as referred in the section "Horizontal commitments".

E.4 Brokering of energy products

EC Request:

- Mode 3: Take commitments
- Mode 4: Commit as referred in the section "Horizontal commitments".

F. SERVICES FOR THE FINAL USE

F.1 Energy audit

Production management consulting services (CPC 86505)

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 in the section "Horizontal commitments"

F.2 Energy management

Production management consulting service (CPC 86505)

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"

G. SERVICES RELATED TO DECOMMISSIONING

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".

MFN EXEMPTIONS

EC REQUEST TO COSTA RICA

- MFN exemption in the sector of professional services. **EC Request:** Refer to the Request in the sector of “Professional services” in this respect
- MFN exemptions in this area of land transport. **EC Request:** Refer to the Request in the sector of “Transport services” in this respect