

GATS 2000

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

TO

INDIA

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 India to participate actively in the negotiations.

The EC consider that the progressive liberalisation of services is of benefit for all members, including developing and least developed countries. 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 India's current GATS commitments are revised in accordance with this request. The EC is both seeking improved commitments and clarification of

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 relates 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 INDIA

This request includes services that are listed under the negotiating proposal of the EU (S/CSS/W/60) . The work on the classification of these services is still underway. For this reason, some activities therefore lacks 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

CPC 883: Services incidental to mining

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".

CPC 8675: Related scientific and technical consulting services

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".

CPC 511 and CPC 51360: Construction and related engineering services

These sub-sectors are not fully 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

CPC 513: Construction work for civil engineering

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

CPC 51350: For local pipelines and cables; ancillary works

CPC 51360: For constructions for mining and manufacturing

These sub-sectors are not fully 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.2 Installation and assembly work

CPC 516: Installation and assembly work

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

CPC 887: Services incidental to energy distribution (including operation of transmission/distribution of electricity)

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

- Modes 3 : Take full commitments for operation of networks not part of the integrated system, i.e. schedule “none” under MA and NT.
- 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:**

- Modes 3 : Take full commitments for operation of networks not part of the integrated system i.e. schedule “none” under MA and NT.
- 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 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 commitments for non-network and 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 commitments for non-network and network energy products.
- Mode 4 : Commit as referred to in the section "Horizontal commitments".

F. SERVICES FOR THE FINAL USE

F.1 Energy audit

CPC 86505: Production management consulting services

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".

F.2 Energy management

CPC 86505: Production management consulting services

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 INDIA

SHIPPING

a) Cargo sharing between bilateral partners

Exemption for Bulgaria, Pakistan and United Arab Republic. **EC request:** Eliminate. Refer to request on maritime transport.

TELECOMMUNICATION SERVICES

International Service

Exemption for countries covered by International Telecommunication Services Agreements between Videsh Sanchar Nigam Limited and foreign operators. **EC request:** Eliminate.

Exemption for neighbouring countries. **EC request:** Eliminate.

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 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	1) Unbound* except for – no limitation on	1) Unbound* except for no limitation on transshipment	

SERVICES	transhipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment	(board to board or via the quay) and/or on the use of on-board cargo handling equipment	
Maritime Cargo Handling Services (as defined below – 4)	2) None 3) None** 4) Unbound except as in horizontal section	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 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).

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 doing so, 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 India 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/or corresponding CPC number if there is no appropriate classification, 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 proposal 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 India 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 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 INDIA

MODE 3

- National Treatment (NT): In joint ventures involving public sector enterprises, degree of technology transfer is the determining factor in choosing the foreign partner. **EC request:** Clarify the meaning and effect of this requirement.

MODE 4

Intra-corporate transferees

- Commitments only cover transfers to subsidiaries, branches and representative offices. **EC request:** Extend coverage to include all affiliated companies and offices.

- 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.

Contractual Service Suppliers

- A contractual service supplier is a juridical person with no commercial presence in India, which has obtained a service contract in India which requires the presence of its employees in India in order to fulfil that contract. **EC request:** Take commitments for natural persons employed in the service sectors listed below and seeking temporary entry as contractual service suppliers. Such natural persons can be required to have a university degree or equivalent technical qualification – plus the appropriate professional qualifications where this is required by domestic law. The length of stay may be limited in time.

List of sectors:

1. Business Services

Legal Services

Accounting and bookkeeping services

Architectural services

Engineering Services

Integrated engineering services

Urban planning and landscape architectural services

Computer and Related Services

Advertising

Management consulting services
Services related to management consulting
Related scientific and technical consulting services

6. Environmental Services

All sub-sectors

7. Financial Services

Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services

Advisory, intermediation and other auxiliary financial services on all the activities listed in the subparagraphs (v) to (xv) of the classification of the Annex on Financial Services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy

Other:

Repatriation of earnings by foreign nationals in India requires the consent of the Reserve Bank of India. **EC request:** Eliminate this requirement.

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 INDIA

India has committed this sector only partially. The EC requests that this sector is committed as follows:

A. LEGAL SERVICES (CPC 861)

This sub-sector is not committed. **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 Market Access (MA) and National Treatment (NT).
- Mode 4: Commit as referred to in the section “Horizontal commitments”

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

This sub-sector is not committed. **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 the 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”

D. ARCHITECTURAL SERVICES (CPC 8671)

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

- 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”

E. ENGINEERING SERVICES (CPC 8672)

- Modes 1 and 2: MA and NT – These modes remain unbound. **EC Request:** Take full commitments, i.e. schedule “none”, under MA and NT

- Mode 3: MA – Limits on type of legal entity and on foreign equity participation. **EC Request:** Eliminate

F. INTEGRATED ENGINEERING SERVICES (CPC 8673)

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

- 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”

G. URBAN PLANNING AND LANDSCAPE ARCHITECTURAL SERVICES (CPC 8674)

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

- 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 invites India to consider taking commitments in the sub-sector of taxation services.

BUSINESS SERVICES (OTHER THAN PROFESSIONAL)

EC REQUEST TO INDIA

B. COMPUTER AND RELATED SERVICES

This sub-sector has only been partially committed. **EC request:** Extend coverage to include CPC 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

NB. Requests (if any) on (h) – services incidental to mining , and (j) – services incidental to energy distribution , are covered in those sections of the request dealing with Energy Services and Construction Services.

India has not committed the following sub-Sectors. **EC request:** Take commitments as follows:

- a) **Advertising (CPC 871)**
- b) **Market research and Public Opinion Polling (CPC 864)**
- c) **Management consulting services (CPC 865)**
- d) **Services related to management consulting (CPC 866)**
- m) **Related scientific and technical consulting services (CPC 8675)**
- n) **Maintenance and Repair of Equipment (not including transport equipment) (CPC 633 + 8861-8866)**

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".

l) Security Services (CPC 87302 – 87309)

This sub-Sector has not been committed. **EC request:**

- 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".

e) Technical testing and analysis services (CPC 8676)

- Modes 1 and 2: MA and NT: These modes remain unbound. **EC request:** Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 3: MA – Foreign equity ceiling. **EC request:** Eliminate.

o) Building cleaning services (CPC 874)

India has not committed this sub-sector. **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”

Grounds maintenance (part of CPC 88110)

India has not committed this sub-sector. **EC Request:**

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

Washing and Cleaning Services (CPC 97011-97014)

India has not committed this sub-sector. **EC Request:**

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

The EC also invites India to consider taking commitments in Rental and Leasing Services without Operators (CPC 831), Placement and supply services of personnel (CPC 872), packaging services (CPC 876), printing and publishing services (CPC 88442), translation services (CPC 87905) and convention services (part of CPC 87909), as well as improving existing commitments on Research and Development Services (CPC 85).

POSTAL AND COURIER SERVICES

EC REQUEST TO INDIA

India has not committed this sector. This request is based on the EC proposal for the classification of postal and courier services. Although discussions on classification in this sector are still ongoing, the EC would like to invite India 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, i.e. schedule “none” for 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: Undertake commitments for MA and NT.
- Mode 4: Commit as referred to in the section « Horizontal commitments ».

TELECOMMUNICATION SERVICES

EC REQUEST TO INDIA

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

ALL MODES

No commitments have been taken for packet-switched data transmission, telex and telegraph services, electronic data interchange (EDI) and code and protocol conversion.

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”.

MODE 1- CROSS BORDER SUPPLY

- This mode is unbound for voice services, Circuit switched data transmission services, Facsimile services, Private Leased Circuit Services and Cellular mobile telephone. **EC request:** Take full commitments, i.e. schedule “None” under MA and NT.

MODE 3- COMMERCIAL PRESENCE

- NT: Unbound for wire-based public Voice services, Cellular mobile telephone, Circuit switched data transmission services, Facsimile services, and Private Leased Circuit Services. **EC request:** Take full commitments, i.e. schedule “None”.
- For wire-based public Voice services, Cellular mobile telephone, Circuit switched data transmission services, Facsimile services, and Private Leased Circuit Services, the services can be provided only after the operator gets a licence for voice services from the Designated Authority who shall determine the need, if any, for issuance of new licences. The schedule additionally states that “There will be one operator other than Department of Telecommunications (DOT)/Mahanagar Telephone Nigam Ltd. (MTNL) in each service area for a period of 10 years from the grant of licence after which the position will be reviewed” and that “the licensee can only supply the service within the licensed service area only. **EC request:** Eliminate these restrictions on the number of operators and on the geographical coverage.

- For wire-based public Voice services, and Private Leased Circuit Services, resale is prohibited. **EC request:** Eliminate.
- For wire-based public voice and Cellular mobile telephone services, total foreign equity must not exceed 25%. **EC request:** Eliminate.
- For Electronic mail, Voice mail, On-line information and data base retrieval, enhanced/value-added facsimile services (incl. store and forward, store and retrieve), operations are allowed only through incorporation with a foreign equity ceiling of 51 per cent. **EC request:** Remove this restriction on equity.
- The schedule states that “The detailed terms and conditions for providing the service will be as per licence conditions”. **EC request:** Clarify.
- Operators have to pay high licence fees and meet other financial obligations (such as performance bonds). **EC request:** explain the rationale, and how these financial conditions are determined for the different kinds of licences.

Additional commitments

- India has taken on board only some of the principles of the Reference Paper of the Basic Telecommunications negotiations. **EC Request:** Commit fully to the reference paper of the Basic Telecommunications negotiations.

CONSTRUCTION AND RELATED ENGINEERING SERVICES

EC REQUEST TO INDIA

GENERAL

The following sub-sectors have not been committed: **EC request:** Take commitments as follows:

A. GENERAL CONSTRUCTION WORK FOR BUILDINGS (CPC 512)

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

D. BUILDING COMPLETION AND FINISHING WORK (CPC 517)

E. OTHER (CPC 511+515+518)

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

This Sub-sector is committed only partially. **EC request:**

- Extend coverage to the whole sub-sector CPC 513.
- Mode 3: MA – Foreign equity limitation and restriction on type of legal entity.
EC Request: Eliminate.

DISTRIBUTION SERVICES

EC REQUEST TO INDIA

This sector has not been committed. **EC request:** Take commitments 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)

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.

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 INDIA

This sector has not been committed. This request is based on the EC proposal for the classification of environmental services. Although discussions on classification in this sector are still ongoing, the EC would like to invite India 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, and does not imply access to water resources.

- Mode 3: Take commitments under MA and NT
- Mode 4: Commit as referred to in the section "Horizontal commitments"

Waste water services (CPC 9401)

- 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 ABATMENT

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)

For each of the above sub-sectors:

- 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 INDIA

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

GENERAL

- **EC Request:** Take commitments in accordance with the Understanding on Commitments in Financial Services.
- All financial services are subject to unspecified entry requirements and terms and conditions. **EC Request:** Remove those elements.

INSURANCE

- Life insurance is not committed. **EC Request:** Take full commitments in mode 3, i.e. schedule “none”. Commit as referred to in the section “Horizontal commitments” in mode 4.
- Services auxiliary to insurance are not committed. **EC Request:** Take full commitments in modes 1, 2 and 3. Commit as referred to in the section “Horizontal commitments” in mode 4.
- Modes 1, 2 and 3: NT – In non-life insurance, commitments are limited to insurance of freight for mode 1 in the market access column. **EC Request:** Take full commitments in modes 1 and 2 for MAT insurance in accordance with the Understanding, and in mode 3 for all non-life insurance.
- Modes 1,2 and 3: MA and NT- In reinsurance, commitments are limited to modes 1 and 2 in the market access columns. **EC Request:** Take full commitments in modes 1,2 and 3.
- Modes 1, 2 and 3: MA and NT- In reinsurance intermediation, commitments are limited to reinsurance intermediation. **EC Request:** Take full commitments in modes 1 and 2 for intermediation of reinsurance and of MAT insurance in accordance with the Understanding, and in mode 3 for the whole subsector.

BANKING AND OTHER FINANCIAL SERVICES

- Certain subsectors are not committed, including trading for own account of derivative products and of exchange rate and interest rate instruments, trading for account of customers of all negotiable instruments, money broking, collective investment management, pension fund management, depository services, not all settlement and clearing services, and provision and transfer of financial information. **EC Request:** Take full commitments in modes 2 and 3 for all those subsectors, in modes 1, 2 and 3 for the last one (provision and transfer of financial information), and commit as referred in the section “Horizontal commitments” in mode 4.

- Modes 1 and 2: MA and NT- Unbound in all subsectors. **EC Request:** Take full commitments in modes 1 and 2 for financial consultancy services and in mode 2 for all the other subsectors.
- Mode 3: NT- Unbound in most subsectors. **EC Request:** Schedule “none”
- Mode 3: MA- Establishment and operation of foreign banks is possible only through branches for banking and other businesses. **EC Request:** Allow wholly-owned subsidiaries, including through the acquisition of Indian banks.
- Mode 3: MA- Banking licences are conditioned upon existing laws and are limited to twelve per year. **EC Request:** Remove these restrictions
- Mode 3: MA- Investments in other financial services companies by branches of foreign banks are restricted by ceilings. **EC Request:** Clarify whether these rules are discriminatory.
- Mode 3: MA – Ceiling of 15% for assets of foreign banks in the total assets of the banking system. **EC Request:** Eliminate.
- Mode 3: NT- Nationality requirement for Local Advisory Boards of banks. **EC Request:** Eliminate this requirement
- Mode 3: NT- Public sector enterprises can invest surplus funds in term deposits only with commercial banks incorporated in India. **EC Request:** Eliminate this requirement.
- Mode 3: MA- In participation in issues of securities, factoring, financial leasing and venture capital foreign shareholding is limited to 51%. **EC Request:** Remove this ceiling
- Mode 3: MA- In stock brokering foreign shareholding is limited to 49%. **EC Request:** Eliminate this ceiling.
- Capital injected in the branches of foreign banks, and their earnings are not allowed to be hedged against depreciation of the Indian Rupee. **EC Request:** Allow such a possibility
- Mode 3: NT- Income tax in established foreign banks is heavier than on Indian banks. **EC Request:** India has committed various banking services in mode 3, without listing any tax limitation, but EU industry raises this issue. Please explain the situation.
- Mode 3: Foreign banks’ branches are not fully allowed to use parent’s capital to meet prudential requirements, even if their home country’s regulation and supervision has implemented Basle or equivalent standards. **EC Request:** Allow branches to use fully parent’s capital to meet prudential requirements.
- Mode 3: Regulation on branch capital: the guarantee granted by the branch’s head office or by another foreign bank for additional lending volume is not taken into account. **EC Request:** Take into account the guarantee extended by the branch’s head office or by another foreign bank for additional lending volume.
- Mode 3: Solvency ratios and borrowing limits are stricter for foreign banks than Indian banks. **EC Request:** Clarify why these limitations have not been scheduled.

- Mode 3: Single and group borrower limits do not take into account the foreign bank's global capital. **EC Request:** Allow such a possibility.
- Mode 3: The Asset Liability Management Guidelines do not take into account the global liquidity position of the foreign bank. **EC Request:** Allow such a possibility.
- Mode 3: MA- Foreign banks are prohibited from getting offshore banking licences. **EC Request:** Allow such a possibility.

TOURISM AND TRAVEL RELATED SERVICES

EC REQUEST TO INDIA

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

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

This sub-sector has only been partially committed. **EC request:** Extend sectoral coverage to include food serving services (642) and beverage serving services (CPC 643), and take commitments as follows:

- 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”.

Hotel and other lodging services (CPC 641)

- Mode 2: MA and NT: This mode remains unbound. **EC request:** Take full commitments, i.e. schedule “none”.
- Mode 3: MA: Foreign equity and form of establishment limitations. **EC request:** Eliminate.

B. TRAVEL AGENCIES AND TOUR OPERATORS SERVICES (CPC 7471)

- Modes 1 and 2: MA and NT: These mode remain unbound. **EC request:** Take full commitments, i.e. schedule “none”.
- Mode 3: MA: Foreign equity and form of establishment limitations. **EC request:** Eliminate.

C. TOURIST GUIDES SERVICES (CPC 7472)

This sub-sector has only been partially committed. **EC request:** Extend sectoral coverage to include tourist guide services, and take commitments as follows:

- 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 INDIA

India has not committed this sector (CPC 962). **EC request:** Take commitments as follows:

- 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 INDIA

This sector has not been committed. **EC request:** Take commitments as follows:

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 India:

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

- 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 India. 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 India."

In this context India may wish to take 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 state/territory [or other relevant regional entity] remains excluded.

C. AIR TRANSPORT

1) Maintenance and repair of aircraft and parts thereof.

This sub-sector is not committed. **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.

This sub-sector is not committed. **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.

This sub-sector is not committed. **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).

This sub-sector is not committed. **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).

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”

E. RAIL TRANSPORT

b) Freight transportation (CPC 7112)

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”

d) Maintenance and Repair of Rail Transport Equipment (CPC 8868).

This sub-sector is not committed. **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”

F. ROAD TRANSPORT

b) Freight Transportation (CPC 7123).

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”

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

This sub-sector is not committed. **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 AUXILIARY TO ALL MODES OF TRANSPORT

b) Storage and Warehouse Services (CPC 742)

This sub-sector is not committed. **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)

This sub-sector is not committed. **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”