

GATS 2000

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

TO

PANAMA

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 Panama to participate actively in the negotiations.

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

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

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

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

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

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

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

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

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

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

HORIZONTAL COMMITMENTS

EC REQUEST TO PANAMA

GENERAL

- NT – All modes remain unbound except as indicated in MA. **EC Request:** Bind NT and, if any limitation, indicate it expressly

MODES 3 AND 4

- MA - Limits in the percentage of foreigners among the ordinary workforce (10%) and of foreign specialized or technical personnel among the total workforce (15%). **EC Request:** Dis-apply this requirement for intra-corporate transfers and where the juridical person has no commercial presence in Panama. In other cases, increase the limits.
- Only one intra-corporate transferee is permitted when the workforce is less than 10. **EC Request :** Eliminate
- MA - These modes remain unbound as far as the geographical areas included in the Panama Canal Treaties are concerned. **EC Request:** Clarify the scope of this limitation

MODE 4

Professional Services

- Clarify purpose and practical effect of the following schedule language: « Unbound for intrinsic professional services or those connected with the sectors included in this Schedule, other than those specified in Section 1.A Professional Services. »

Intra-corporate transferees

- Maximum length of stay not specified. **EC Request:** Indicate in schedule.
- The EC also requests that a commitment be made to allow as intra-corporate transferees without requiring an economic needs test « persons with a university degree or equivalent technical qualification who are transferring for career development purposes or to obtain training in business techniques or methods ». The maximum prior employment requirement should be one year.

Business Visitors

- No specific commitment has been made for Business Visitors who are not entering to themselves supply a service, but rather to establish a commercial presence. **EC Request:** Make a specific commitment to this effect. Economic needs tests should not be applied. The maximum length of stay should be at least 90 days in any 12 month period.

Contractual Service Suppliers

- A contractual service supplier is a juridical person with no commercial presence in Panama, who has obtained a service contract in Panama which requires the presence

of its employees in Panama 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

Engineering services

Integrated engineering services

Computer and Related Services

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

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 PANAMA

Panama has committed this sector only partially and made it subject to a MFN exemption. The EC requests that it be committed as follows:

MFN EXEMPTIONS

- MFN exemption for authorizations to exercise a profession granted on the basis of 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

A. LEGAL SERVICES (CPC 861)

- It is not clear whether a law firm can provide consultancy services through a lawyer qualified in Panama. **EC Request:** Extend sectoral coverage to consultancy on law of jurisdiction where the service supplier or its personnel are qualified lawyers.

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

- This sub-sector is not committed for auditing services (CPC 86211 and 86212 other than accounting services) and bookkeeping services (CPC 8622). **EC Request:** Extend sectoral coverage of commitments to this CPC
- Mode 1: MA and NT – This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT for accounting and bookkeeping services
- Mode 2: MA and NT – This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT for the entire CPC 862
- Mode 3: MA – This mode remains unbound for professional associations. **EC Request:** Take full commitments, i.e. schedule “none” for professional associations
- Mode 4: MA and NT – This mode remains unbound. **EC Request:** Commit as referred to in the section “Horizontal commitments” for the entire CPC 862

E. ENGINEERING SERVICES (CPC 8672)

F. INTEGRATED ENGINEERING SERVICES (CPC 8673)

For each of the above sub-sectors:

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

- Mode 2: MA – This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under MA
- Mode 3: MA – Licensing requirement. **EC Request:** Remove. In accordance with the Scheduling Guidelines adopted by the Council of Trade in Services (S/L/92 of March 2001), such entry does not need to be scheduled
- Mode 3: MA – This mode remains unbound for professional associations. **EC Request:** Take full commitments, i.e. schedule “none” also for professional associations
- Mode 3: NT – This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under NT
- Mode 4: MA – Preference for Panamanian professionals. **EC Request:** Remove
- Mode 4: NT – This mode remains unbound. **EC Request:** Commit as referred to in the section “Horizontal commitments”.

The EC also invites Panama to consider improving current commitments in the sub-sectors of taxation services and architectural services.

BUSINESS SERVICES (OTHER THAN PROFESSIONAL)

EC REQUEST TO PANAMA

B. COMPUTER AND RELATED SERVICES

Panama has committed this sector only partially. **EC Request:** Extend coverage to include CPC 849 and schedule commitments at the two-digit level – i.e. CPC 84.

F. OTHER BUSINESS SERVICES

NB: Requests on j) - services incidental to energy distribution, are covered in the section Energy Services of this Request

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

a) Advertising (CPC 871)

- Modes 1 and 2: NT: These modes remain unbound. **EC Request:** Take full commitments, i.e. schedule “none” under NT
- Mode 3: MA – Foreign agencies must be associated with national enterprises. **EC Request:** Eliminate

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

e) Technical testing and analysis services (CPC 8676)

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

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

l) Security Services (CPC 87302 – 87309)

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

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

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

This sub-sector is not committed for CPC 86754. **EC Request** for this CPC:

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

- Mode 1: MA and NT – This mode remains unbound for technical reasons. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 3: MA and NT – licensing requirement. **EC Request:** Eliminate.

n) Maintenance and repair of equipment (CPC 633+8861-8866)

This sub-sector has not been committed. **EC Request:**

- Modes 1 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 Panama to consider taking commitments on Research and Development Services (CPC 85), Real Estate Services (CPC 82), 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) and Translation Services (CPC 87905).

EC REQUEST TO PANAMA

Panama has not committed this sector. This request is based on the EC proposal for the classification of postal and courier services. While discussions on classification in this sector are still ongoing, the EC would like to invite Panama 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

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

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” for MA and NT

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.

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

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

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

Panama has not committed this Sector. The EC requests that this Sector is 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**+7529**), 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”.

ADDITIONAL COMMITMENTS

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

** The (**) indicates that the service specified constitutes only a 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 PANAMA

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

ALL SUB-SECTORS COMMITTED (CPC 512 to 514, 516 and 517)

- Mode 3: MA – Licensing requirement. **EC Request:** Remove. In accordance with the Scheduling Guidelines adopted by the Council of Trade in Services (S/L/92 of March 2001), such entry does not need to be scheduled
- Mode 3: NT – This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none” under NT

E. OTHER (CPC 511+515+518)

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”

DISTRIBUTION SERVICES

EC REQUEST TO PANAMA

Panama has committed this sector only partially. 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)

On both sub-sectors, the distribution of motor vehicles (CPC 6111+6113+6121) is not committed. **EC Request** for these CPCs:

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

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

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"

D. FRANCHISING (CPC 8929)

- Modes 1 and 3: MA - Services of the franchise operation provided at retail level are limited to citizens of Panama. **EC Request:** Eliminate such restriction.

ENVIRONMENTAL SERVICES

EC REQUEST TO PANAMA

Panama has committed this sector only partially. 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 Panama 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 under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

Waste water services (CPC 9401)

EC Request:

- Mode 3: Take 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)

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”

Sanitation and similar services (CPC 94030)

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”

C. PROTECTION OF AMBIENT AIR AND CLIMATE

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

EC Request:

- Remove limitations on activities covered under this sub-sector
- Mode 4: Commit as referred to in the section “Horizontal commitments”

D. REMEDIATION AND CLEANUP OF SOIL & WATER

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

EC Request:

- Remove limitations on activities covered under this sub sector
- Mode 4: Commit as referred to in the section “Horizontal commitments”

E. NOISE & VIBRATION ABATEMENT

Noise abatement services (CPC 94050)

EC Request:

- Remove limitations on activities covered under this sub sector
- Mode 4: Commit as referred to in the section “Horizontal commitments”

F. PROTECTION OF BIODIVERSITY AND LANDSCAPE

Nature and landscape protection services (part of CPC 94060)

EC Request:

- Remove limitations on activities covered under this sub sector
- Mode 4: Commit as referred to in the section “Horizontal commitments”

G. OTHER ENVIRONMENTAL & ANCILIARY SERVICES

Other environmental protection services not classified elsewhere (CPC 94090)

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”

TOURISM AND TRAVEL RELATED SERVICES

EC REQUEST TO PANAMA

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

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

- This sub-sector is only committed for the promotion, organisation, operation and selling of tour packages to Panama individuals or groups. **EC Request:** Extend sectoral coverage of commitments to the entire CPC 7471

C. TOURIST GUIDES SERVICES (CPC 7472)

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

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

NEWS AGENCY SERVICES

EC REQUEST TO PANAMA

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

EC Request (CPC 962):

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

TRANSPORT SERVICES

EC REQUEST TO PANAMA

A. MARITIME TRANSPORT

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

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 Panama:

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

- 7) International cargo. With the development of containerisation and high frequency networking services and with the ever-larger vessels having to limit direct port of 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 Panama. 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 Panama.”

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

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

A final request related to maritime transport is:

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

EC Request:

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

C. AIR TRANSPORT

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

1) 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”

2) Computer Reservation Systems.

EC Request:

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

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

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

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

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 to 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 to 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 passengers) CPC 7211 and 7212 <u>less</u> cabotage transport</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 (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 horizontal section	
Storage and warehousing Services CPC 742	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in horizontal section	
Customs Clearance Services (as defined below – 5)	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in horizontal section	
Container Station and Depot Services (as defined below – 6)	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in horizontal section	
Maritime Agency Services (as defined below – 7)	1) None 2) None 3) None 4) Unbound except as in horizontal section	1) None 2) None 3) None 4) Unbound except as in horizontal section	
(Maritime) Freight Forwarding Services (as defined below - 8)	1) None 2) None 3) None 4) Unbound except as in horizontal section	1) None 2) None 3) None 4) Unbound except as in horizontal section	

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

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

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments

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).

Transport Services

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EC Request to Panama

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 – administration, storage, preparation and delivery of bar and food supplies (CPC 6423). [Catering is listed only for information purposes as this activity is requested from Panama as part of tourism 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 PANAMA

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

CPC 511: Construction and related engineering 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”.

CPC 513: Construction and related engineering services

EC Request:

- Mode 3: Take full commitments, i.e. schedule “none” under NT

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

EC Request:

- Mode 3: Take full commitments, i.e. schedule “none” under NT

B.2 Installation and assembly work

CPC 516: Installation and assembly work

EC Request:

C. SERVICES RELATED TO NETWORKS

C.1 Operation of transportation/transmission and distribution facilities

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

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

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

CPC 71310: Transportation of petroleum and natural gas

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

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

D. STORAGE SERVICES

CPC 74220: Bulk storage services of liquids or gases

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

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

E. SERVICES FOR THE SUPPLY OF ENERGY

E.1 Wholesale of energy products

Wholesale trade services of electricity

EC Request:

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

E.2 Retail sale of energy products

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

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

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

E.3 Trading of energy products

EC Request:

- Modes 1, 2, 3: Take full commitments for non-network energy products and commitments for network-energy products.

Energy Services

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EC Request to Panama

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

E.4 Brokering of energy products

EC Request:

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

G. SERVICES RELATED TO DECOMMISSIONING

EC Request:

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

- MFN exemption related to legal agreements between countries of Central America, with preferential treatment for suppliers of services of different kinds. **EC Request:** Precise the scope of the exemption in the light of GATS Article V
- MFN exemption as regards preferential treatment for suppliers of services authorized under the Panama Canal Treaties. **EC Request:** Remove
- MFN exemption in the sector of professional services. **EC Request:** Refer to the Request in the sector of “Professional services” in this respect.