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ANNEX 8-F

SCHEDULE OF FUTURE MEASURES OF THE EUROPEAN UNION

Headnotes

1. This Schedule sets out, pursuant to Article 8.9 (Non-conforming measures), the specific sectors, sub-sectors or activities for which the European Union may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by:
 - (a) Article 8.4 (1) and (2) (Market access) on market access;
 - (b) Article 8.4 (3) (Market access) on local presence;
 - (c) Article 8.5(1) to (5) (National treatment) on national treatment;
 - (d) Article 8.6 (Most-favoured-nation treatment); or
 - (e) Article 8.5(6) (National treatment) on senior management and boards of directors.
2. Each reservation in this Schedule sets out the following elements:
 - (a) "sector" refers to the general sector in which the reservation is taken;

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- (b) "sub-sector" refers to, where applicable, the specific sector in which the reservation is taken;
- (c) "industry classification" refers, where applicable, to the activity covered by the non-conforming measure in accordance with the CPC or as otherwise expressly described in a Party's reservation;
- (d) "obligations concerned" specifies the obligations referred to in paragraph 1 that, pursuant to Article 8.9 (Non-conforming measures), do not apply to the sectors, sub-sectors or activities listed in the reservation;
- (e) "description" sets out the scope of the sector, sub-sector or activities covered by the reservation; and
- (f) "existing measures", where specified, identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The "description" element shall prevail over all other elements.

4. For the purposes of this Schedule, "CPC" means the Provisional Central Product Classification (Statistical Papers, Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

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5. For the purposes of this Schedule, a reservation for a requirement to have a local presence in the territory of the European Union is taken against Article 8.4(3) (Market access), and not against Article 8.4(1) and (2) (Market access) or Article 8.5(1) to (5) (National treatment).

6. A reservation taken at the level of the European Union applies to a measure of the European Union, to a measure of a Member State at the central level or to a measure of a government within a Member State, unless the reservation excludes a Member State. A reservation taken by a Member State applies to a measure of a government at the central, regional or local level within that Member State. For the purposes of the entries of Belgium, the central level of government covers the federal government and the governments of the regions and the communities as each of them holds equipollent legislative powers. For the purposes of the entries of the European Union and its Member States, a regional level of government in Finland means the Åland Islands.

7. The list of reservations below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures where they do not constitute a limitation within the meaning of Article 8.4 (Market access) or Article 8.5 (National treatment). These measures may include, in particular, the need to obtain a licence, to satisfy universal service obligations, to have recognised qualifications in regulated sectors, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any other non-discriminatory requirements that certain activities may not be carried out in protected zones or areas. While not listed, such measures continue to apply.

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8. For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to persons of India the treatment granted in a Member State, pursuant to the Treaty on the Functioning of the European Union, or any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:

- (a) natural persons or residents of another Member State; or
- (b) juridical persons constituted or organised under the law of another Member State or of the European Union and having their registered office, central administration or principal place of business in the European Union.

9. Treatment granted to juridical persons established by service suppliers of India in accordance with the law of the European Union and having their registered office, central administration or principal place of business within the European Union, is without prejudice to any condition or obligation, consistent with Chapter 8 (Trade in services), which may have been imposed on such juridical persons when established in the European Union, and which continue to apply.

10. For greater certainty, non-discriminatory measures do not constitute a market access limitation within the meaning of Article 8.4(1) and (2) (Market access) for any measure:

- (a) requiring the separation of the ownership of infrastructure from the ownership of the goods or services provided through that infrastructure to ensure fair competition, for example in the fields of energy, transportation and telecommunications;

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- (b) restricting the concentration of ownership to ensure fair competition;
- (c) seeking to ensure the conservation and protection of natural resources and the environment, including a limitation on the availability, number and scope of concessions granted, and the imposition of a moratorium or ban;
- (d) limiting the number of authorisations granted because of technical or physical constraints, for example telecommunications spectra and frequencies; or
- (e) requiring that a certain percentage of the shareholders, owners, partners or directors of an enterprise be qualified or practice a certain profession such as lawyers or accountants.

11. If the European Union has set out in this Schedule a reservation which applies to mode 1 or mode 3, the reservation also applies to temporary stay of natural persons of India, to the extent that the measure consistent with a condition or qualification specified in that reservation affects the temporary stay in the European Union of natural persons of India covered under Annex 8-A (Entry and temporary stay of natural persons).

12. Article 8.5 (National treatment) and Article 8.6 (Most-favoured-nation treatment) of this Agreement do not apply to any measure that constitutes an exception to, or a derogation from, Articles 3 or 4 of the TRIPS Agreement, as specifically provided for in Articles 3 to 5 of the TRIPS Agreement.

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13. The reservations of a Party are without prejudice to the rights and obligations of the Parties under GATS.

14. This Schedule applies only to the territory of the European Union in accordance with Article 1.3(bb)(i) (General definitions) and is only relevant in the context of trade relations between the European Union and its Member States with India. It does not affect the rights and obligations of the Member States under European Union law.

15. With respect to financial services, unlike foreign subsidiaries, branches established directly in a Member State by a non-European Union financial institution are not, with certain limited exceptions, subject to prudential regulations harmonised at European Union level which enable such subsidiaries to benefit from enhanced facilities to set up new establishments and to provide cross-border services throughout the European Union. Therefore, such branches receive an authorisation to operate in the territory of a Member State under conditions equivalent to those applied to domestic financial institutions of that Member State, and may be required to satisfy a number of specific prudential requirements such as, in the case of banking and securities, separate capitalisation and other solvency requirements and reporting and publication of accounts requirements or, in the case of insurance, specific guarantee and deposit requirements, a separate capitalisation, and the localisation in the Member State concerned of the assets representing the technical reserves and at least one third of the solvency margin.

16. This Schedule shall be read in conjunction with Annex 8-G (Scope, definitions and obligations related to international maritime transport services of the European Union).

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17. The following abbreviations are used in the list of reservations below:

EU European Union, including all its Member States

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK Denmark

EE Estonia

EL Greece

ES Spain

FI Finland

FR France

HR Croatia

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HU Hungary

IE Ireland

IT Italy

LT Lithuania

LU Luxembourg

LV Latvia

MT Malta

NL The Netherlands

PL Poland

PT Portugal

RO Romania

SE Sweden

SI Slovenia

SK Slovak Republic

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List of reservations:

Reservation No. 1 – All sectors

Reservation No. 2 – Professional services – other than health-related services

Reservation No. 3 – Professional services – health related and retail of pharmaceuticals

Reservation No. 4 – Business services – Research and development services

Reservation No. 5 – Business services – Real estate services

Reservation No. 6 – Business services – Rental or leasing services

Reservation No. 7 – Business services – Collection agency services and Credit reporting services

Reservation No. 8 – Business services – Placement services

Reservation No. 9 – Business services – Security and investigation services

Reservation No. 10 – Business services – Other business services

Reservation No. 11 – Telecommunication services

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Reservation No. 12 – Construction services

Reservation No. 13 – Distribution services

Reservation No. 14 – Education services

Reservation No. 15 – Environmental services

Reservation No. 16 – Financial services

Reservation No. 17 – Health and social services

Reservation No. 18 – Tourism and travel related services

Reservation No. 19 – Recreational, cultural and sporting services

Reservation No. 20 – Transport services and auxiliary transport services

Reservation No. 21 – Agriculture, fishing and water

Reservation No. 22 – Mining and energy-related activities

Reservation No. 23 – Other services not included elsewhere

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Reservation No. 1 – All sectors

Sector: All sectors

Obligations concerned: Market access

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

Local presence

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Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Establishment

With respect to Market access (mode 3):

In the EU: Services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.

Public utilities exist in sectors such as related scientific and technical consulting services, research and development (R&D) services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on such services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical. This reservation does not apply to telecommunications and to computer and related services.

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With respect to Market access (all modes), National treatment (all modes):

In FI: Restrictions on the right for natural persons, who do not enjoy regional citizenship in Åland, and for juridical persons, to acquire and hold real property on the Åland Islands without obtaining permission from the competent authorities of the Åland Islands.

Restrictions on the right of establishment and right to carry out economic activities by natural persons, who do not enjoy regional citizenship in Åland, or by any enterprise, without obtaining permission from the competent authorities of the Åland Islands.

Existing measures:

FI: Ahvenanmaan maanhankintalaki (Act on land acquisition in Åland) (3/1975), s. 2; and Ahvenanmaan itsehallintolaki (Act on the Autonomy of Åland) (1144/1991), s. 11.

With respect to National treatment (mode 3), Market access (mode 3), Senior management and boards of directors:

In FR: Pursuant to Articles L151-1 and 153-1 sec of the financial and monetary code, foreign investments in France in sectors listed in Article R151-3 of the financial and monetary code are subject to prior approval from the Minister for the Economy.

Existing measures:

FR: As set out in the description element as indicated above.

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With respect to National treatment (mode 3), Senior management and boards of directors:

In FR: Limiting foreign participation in newly privatised companies to a variable amount, determined by the government of France on a case-by-case basis, of the equity offered to the public. For establishing in certain commercial, industrial or artisanal activities, a specific authorisation is needed if the managing director is not a holder of a permanent residence permit.

With respect to Market access (mode 3):

In HU: Establishment should take a form of limited liability company, joint-stock company or representative office. Initial entry as a branch is not permitted except for financial services.

With respect to Market access (mode 3), National treatment (mode 3):

In BG: Certain economic activities related to the exploitation or use of State or public property are subject to concessions granted under the provisions of the Concessions Act.

In commercial corporations in which the State or a municipality holds a share in the capital exceeding 50 %, any transactions for disposition of fixed assets of the corporation, actions to conclude any contracts for acquisition of participating interest, lease, joint activity, credit, securing of receivables, as well as incurring any obligations arising under bills of exchange, are subject to authorisation or permission by the Public Enterprises and Control Agency or other state or regional bodies, whichever is the competent authority. This reservation does not apply to mining and quarrying, which are subject to a separate reservation in Annex 8-E (Existing Measures of the European Union).

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In IT: The government may exercise certain special powers in juridical persons operating in the areas of defence and national security, and in certain activities of strategic importance in the areas of energy, transport and communications. This applies to all juridical persons carrying out activities considered of strategic importance in the areas of defence and national security, not only to privatised companies.

If there is a threat of serious injury to the essential interests of defence and national security, the government has following special powers to:

- (a) impose specific conditions in the purchase of shares;
- (b) veto the adoption of resolutions relating to special operations such as transfers, mergers, splitting up and changes of activity; or
- (c) reject the acquisition of shares, where the buyer seeks to hold a level of participation in the capital that is likely to prejudice the interests of defence and national security.

Any resolution, act or transaction (such as transfers, mergers, splitting up, change of activity or termination) relating to strategic assets in the areas of energy, transport and communications shall be notified by the concerned company to the Prime Minister's office. In particular, acquisitions by any person outside the European Union that give this person control over the company shall be notified.

The Prime Minister may exercise the following special powers to:

- (a) veto any resolution, act and transaction that constitutes an exceptional threat of serious injury to the public interest in the security and operation of networks and supplies;

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- (b) impose specific conditions in order to guarantee the public interest; or
- (c) reject an acquisition in exceptional cases of risk to the essential interests of the State.

The criteria on which to evaluate the real or exceptional threat and conditions and procedures for the exercise of the special powers are laid down in the law.

Existing measures:

IT: Law 56/2012 on special powers in companies operating in the field of defence and national security, energy, transport and communications; and

Decree of the Prime Minister DPCM 253 of 30 November 2012 defining the activities of strategic importance in the field of defence and national security.

With respect to Market access (mode 3), National treatment (mode 3), Most-favoured nation treatment (mode 3), Senior management and boards of directors:

In LT: Enterprises, sectors, zones, assets and facilities of strategic importance to national security.

Existing measures:

LT: Law on the Protection of Objects of Importance to Ensuring National Security of the Republic of Lithuania of 10 October 2002 No. IX-1132 (as last amended on 24 November 2022 – No. XIV-1599).

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With respect to National treatment (mode 3), Senior management and boards of directors:

In SE: Discriminatory requirements for founders, senior management and boards of directors when new forms of legal association are incorporated into Swedish law.

(b) Acquisition of real estate

With respect to National treatment (mode 3), Market access (mode 3), Senior management and boards of directors:

In HU: The acquisition of state-owned properties.

With respect to Market access (mode 3), National treatment (mode 3):

In HU: The acquisition of arable land by foreign juridical persons and non-resident natural persons.

In LV: The acquisition of rural land by nationals of India or of a third country.

In SK: Foreign companies or natural persons may not acquire agricultural and forest land outside the borders of the built-up area of a municipality and some other land (e.g. natural resources, lakes, rivers, public roads etc.).

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Existing measures:

HU: Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter II (Paragraph 6-36) and Chapter IV (Paragraph 38-59)); and

Act CCXII of 2013 on the transitional measures and certain provisions related to Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter IV (Paragraph 8-20)).

LV: Law on land privatisation in rural areas, ss. 28, 29, 30.

SK: Act No 44/1988 on protection and exploitation of natural resources;

Act No 229/1991 on regulation of the ownership of land and other agricultural property;

Act No 460/1992 Constitution of the Slovak Republic;

Act No 180/1995 on some measures for land ownership arrangements;

Act No 202/1995 on Foreign Exchange;

Act No 503/2003 on restitution of ownership to land;

Act No 326/2005 on Forests; and

Act No 140/2014 on the acquisition of ownership of agricultural land.

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With respect to National treatment (mode 3), Local presence:

In BG: Persons that are resident or established in Bulgaria for more than five years may acquire ownership of agricultural land. Juridical persons established for less than five years may also acquire ownership of agricultural land if the partners in the company, the members of the association or the founders of the joint-stock company meet the five year residency requirements. Foreign nationals, as well as foreign juridical persons established in compliance with the legislation of a third state, may acquire the right to own land on the basis of an international agreement, in accordance with Article 22 of the Constitution of the Republic of Bulgaria, as well as through inheritance under the law. Foreign nationals, as well as foreign juridical persons established in compliance with the legislation of a third state, may acquire the right to own forest territories on the basis of an international agreement, in accordance with Article 22, paragraph 2 of the Constitution of the Republic of Bulgaria, as well as through inheritance under the law (Law on Forests, Article 23, paragraph 5).

In EE: Foreign persons that are not from the European Economic Area (hereinafter referred to as "EEA") or from members of the Organisation for Economic Co-operation and Development (hereinafter referred to as "OECD") can acquire an immovable asset which contains agricultural or forest land only with the authorisation of the county governor and of the municipal council, and must prove as prescribed by law that the immovable asset will, according to its intended purpose, be used efficiently, sustainably and purposefully.

Existing measures:

BG: Constitution of the Republic of Bulgaria, Article 22, paragraph 2 and Article 23 paragraph 5; and Law on Forests, Article 10.

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EE: Kinnisasja omandamise kitsendamise seadus (Restrictions on Acquisition of Immovables Act) Chapters 2 and 3.

With respect to Market access (all modes), National treatment (all modes):

In LT: Any measure which is consistent with the commitments taken by the European Union and which are applicable in Lithuania in GATS with respect to land acquisition. The land plot acquisition procedure, terms and conditions, as well as restrictions shall be established by the Constitutional Law, the Law on Land and the Law on the Acquisition of Agricultural Land. However, local governments (municipalities) and other national entities of Members of the OECD and North Atlantic Treaty Organization conducting economic activities in Lithuania, which are specified by the constitutional law in compliance with the criteria of European Union and other integration which Lithuania has embarked on, are permitted to acquire into their ownership non-agricultural land plots required for the construction and operation of buildings and facilities necessary for their direct activities.

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Existing measures:

LT: Constitution of the Republic of Lithuania;

The Constitutional Law of the Republic of Lithuania on the Implementation of Paragraph 3 of Article 47 of the Constitution of the Republic of Lithuania of 20 June 1996 No. I-1392, new redaction 20 March 2003 No IX-1381, last amendment 12 January 2018 No XIII-981; Law on land 26 April 1994 No I-446, new redaction 27 January 2004 No. IX-1983, last amendment 26 June 2020 No XIII-3165; Law on acquisition of agricultural land of 28 January 2003 No IX-1314, new redaction from 1 January 2018 No XIII-801, last amendment 14 May 2020 No XIII-2935; and Forest Law of 22 November 1994 No I-671, new redaction 10 April 2001 No IX-240, last amendment 25 June 2020 No XIII-3115.

(c) Recognition

With respect to National treatment (all modes):

In the EU: The European Union directives on mutual recognition of diplomas and other professional qualification only apply to the citizens of the European Union. The right to practise a regulated professional service in one Member State does not grant the right to practise in another Member State.

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(d) Most-Favoured-Nation Treatment

With respect to Most-favoured-nation treatment (all modes):

In the EU: According differential treatment to a third country pursuant to any international investment treaties or other trade agreement in force or signed prior to the date of entry into force of this Agreement.

In the EU: According differential treatment to a third country pursuant to any existing or future bilateral or multilateral agreement which:

- (i) creates an internal market in services and investment;
- (ii) grants the right of establishment; or
- (iii) requires the approximation of legislation in one or more economic sectors.

An "internal market in services and investments" means an area without internal frontiers in which the free movement of services, capital and persons is ensured.

The "right of establishment" means an obligation to abolish in substance all barriers to establishment among the parties to the bilateral or multilateral agreement by the entry into force of that agreement. The right of establishment shall include the right of nationals of the parties to the bilateral or multilateral agreement to set up and operate enterprises under the same conditions provided for nationals under the law of the party where such establishment takes place.

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The "approximation of legislation" means:

- (i) the alignment of the legislation of one or more of the parties to the bilateral or multilateral agreement with the legislation of the other Party or parties to that agreement; or
- (ii) the incorporation of common legislation into the law of the parties to the bilateral or multilateral agreement.

Such alignment or incorporation shall take place, and shall be deemed to have taken place, only at such time that it has been enacted in the law of the party or parties to the bilateral or multilateral agreement.

Existing measures:

EU: Agreement on the European Economic Area;

Stabilisation Agreements;

EU-Swiss Confederation bilateral agreements; and

Deep and Comprehensive Free Trade Agreements.

In the EU: According differential treatment with respect to the entry of natural persons of a third country into the territory of the EU.

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In the EU: According differential treatment relating to the right of establishment to nationals or enterprises through existing or future bilateral agreements between the following Member States: BE, DE, DK, EL, ES, FR, IE, IT, LU, NL, PT and any of the following countries or principalities: Andorra, Monaco, San Marino and the Vatican City State.

In DK, FI, SE: Measures taken by Denmark, Finland and Sweden aimed at promoting Nordic cooperation, such as:

- (i) financial support to research and development (R&D) projects (the Nordic Industrial Fund);
- (ii) funding of feasibility studies for international projects (the Nordic Fund for Project Exports); and
- (iii) financial assistance to companies utilising environmental technology (the Nordic Environment Finance Corporation). The purpose of the Nordic Environment Finance Corporation (NEFCO) is to promote investments of Nordic environmental interest, with a focus on Eastern Europe.

In PL: Preferential conditions for establishment or the cross-border supply (mode 1) of services, which may include the elimination or amendment of certain restrictions embodied in the list of reservations applicable in Poland, may be extended through commerce and navigation treaties.

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In PT: Waiving nationality requirements for the exercise of certain activities and professions by natural persons supplying services for countries in which Portuguese is the official language (Angola, Brazil, Cape Verde, Guinea-Bissau, Equatorial Guinea, Mozambique, São Tomé & Príncipe and East Timor).

(e) Arms, munition and war material

With respect to Market access (all modes), National treatment (all modes), Most-favoured-nation treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: Production or distribution of, or trade in, arms, munitions and war material. War material is limited to any product which is solely intended and made for military use in connection with the conduct of war or defence activities.

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Reservation No. 2 – Professional services – other than health-related services

Sector:	Professional services – legal services: services of notaries and by bailiffs; accounting and bookkeeping services; auditing services, taxation advisory services; architecture and urban planning services, engineering services, and integrated engineering services
Industry classification:	Part of CPC 861, part of 87902, 862, 863, 8671, 8672, 8673, 8674 and part of 879
Obligations concerned:	Market access
	National treatment
	Senior management and boards of directors
	Most-favoured-nation treatment

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Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Legal services

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In the EU, with the exception of SE: The supply of legal advisory, legal authorisation, documentation and certification services, provided by legal professionals entrusted with public functions, such as notaries, "huissiers de justice" or other "officiers publics et ministériels", and with respect to services provided by bailiffs who are appointed by an official act of government (part of CPC 861 and part of 87902).

With respect to Most-favoured-nation treatment (all modes):

In BG: Full national treatment on the establishment and operation of companies, as well as on the supply of services, may be extended only to companies established in, and citizens of, the countries with whom preferential arrangements have been concluded (part of CPC 861).

In LT: Attorneys from foreign countries can participate as advocates in court only in accordance with international agreements (part of CPC 861), including specific provisions regarding representation before courts.

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- (b) Accounting and bookkeeping services (CPC 8621 other than auditing services, 86213, 86219 and 86220)

With respect to Market access (mode 1):

In HU: Cross-border activities for accounting and bookkeeping.

Existing measures:

HU: Act C of 2000; and Act LXXV of 2007.

- (c) Auditing services (CPC – 86211 and 86212 other than accounting and bookkeeping services)

With respect to National treatment (mode 1):

In BG: In order to perform an independent financial audit, the auditors (individuals or audit companies) must be entered in the register administered by the Commission for Public Oversight of Registered Auditors (CPOSA). Auditors who have acquired legal capacity in a third country may be registered under the following conditions and subject to reciprocity:

- (i) an individual auditor must pass examinations in Bulgarian commercial, tax and social security law in Bulgarian (equivalent to the requirements for Bulgarian citizens); or

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- (ii) a foreign audit company seeking to be registered as a statutory auditor in Bulgaria must ensure that three quarters of the members of the management bodies and the registered auditors carrying out statutory financial audits on behalf of the company meet requirements equivalent to those of statutory auditors that are Bulgarian citizens, including passing the relevant examinations, as provided in the Independent Financial Audit Act (IFAA).

Existing Measures:

BG: Independent Financial Audit Act.

With respect to National treatment (mode 3), Market access (mode 3), Senior management and boards of directors:

In CZ: Only a juridical person in which at least 60 % of capital interests or voting rights are reserved to nationals of the Czech Republic or of the Member States is authorised to carry out audits in the Czech Republic.

Existing Measures:

CZ: Law of 14 April 2009 no. 93/2009 Coll., on Auditors, as amended.

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With respect to Market access (mode 1):

In HU: Cross-border supply (mode 1) of auditing services.

Existing Measures:

HU: Act C of 2000; and Act LXXV of 2007.

In PT: Cross-border supply (mode 1) of auditing services.

(d) Architecture and urban planning services (CPC 8674)

With respect to Market Access (mode 1), National treatment (mode 1):

In HR: Cross-border supply (mode 1) of urban planning.

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Reservation No. 3 – Professional services – health-related and retail of pharmaceuticals

Sector: Health-related professional services and retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists

Industry classification: CPC 63211, 85201, 9312, 9319 and 93121

Obligations concerned: Market access

National treatment

Senior management and boards of directors

Local presence

Most-favoured-nation treatment

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Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Medical and dental services; services provided by midwives, nurses, physiotherapists, psychologists and paramedical personnel (CPC 63211, 85201, 9312, 9319 and 932)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In BG: The supply of all health-related professional services, whether publicly or privately funded, including medical and dental services, services provided by nurses, midwives, physiotherapists and paramedical personnel and services provided by psychologists (CPC 9312 and part of 9319).

In FI: The supply of all health-related professional services, whether publicly or privately funded, including medical and dental services, services provided by midwives, physiotherapists and paramedical personnel and services provided by psychologists, excluding services provided by nurses (CPC 9312 and 9319).

Existing measures:

BG: Law for Medical Establishment, Professional Organisation of Medical Nurses, Midwives and Associated Medical Specialists Guild Act.

FI: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990).

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With respect to Market Access (all modes), National treatment (all modes):

In CZ, MT: The supply of all health-related professional services, whether publicly or privately funded, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, psychologists, as well as other related services (CPC 9312 and part of 9319).

Existing Measures:

CZ: Act No 296/2008 Coll., on Safeguarding the Quality and Safety of Human Tissues and Cells Intended for Use in Man ("Act on Human Tissues and Cells");

Act No 378/2007 Coll., on Pharmaceuticals and on Amendments to Some Related Acts (Act on Pharmaceuticals);

Act No. 268/2014 Coll. on medical devices and amending Act No 634/2004 Coll. on administrative fees, as subsequently amended;

Act No. 285/2002 Coll., on the Donating, Taking and Transplanting of Tissues and Organs and on Amendment to Certain Acts (Transplantation Act);

Act No. 372/2011 Coll., on health services and on conditions of their provision; and

Act No. 373/2011 Coll., on specific health services).

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With respect to Local presence:

In the EU, with the exception of NL and SE: The supply of all health-related professional services, whether publicly or privately funded, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, as well as the exercise of Indian traditional medicine, requires residency. These services may only be provided by natural persons physically present in the territory of the European Union (CPC 9312 and part of 93191).

In NL and SE: The exercise of Indian traditional medicine requires residency. These services may only be provided by natural persons physically present in the territory of the country (CPC 9312 and part of 93191).

In BE: The cross-border supply whether publicly or privately funded of all health-related professional services, including medical, dental and midwives services and services provided by nurses, physiotherapists, psychologists and paramedical personnel (part of CPC 85201, 9312 and part of 93191).

In PT: (Also with respect to Most-favoured-nation treatment (mode 1)) concerning the professions of physiotherapists, paramedical personnel and podiatrists, foreign professionals may be allowed to practice based on reciprocity.

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(b) Veterinary services (CPC 932)

With respect to Market access (mode 3), National treatment (all modes), Local presence:

In BG: A veterinary medical establishment may be established by a person.

The practice of veterinary medicine is only allowed for nationals of the EEA and for permanent residents (physical presence is required for permanent residents).

With respect to Market access (mode 1), National treatment (mode 1):

In BE, LV: Cross-border supply (mode 1) of veterinary services.

(c) Retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists (CPC 63211)

With respect to Market access (mode 3), Local presence:

In the EU, with the exception of EL, IE, LU, LT, NL: For restricting the number of suppliers entitled to provide a particular service in a specific local zone or area on a non-discriminatory basis. An economic needs test may therefore be applied, taking into account such factors as the number of and impact on existing establishments, transport infrastructure, population density or geographic spread.

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In the EU, with the exception of BE, BG, EE, ES, IE, IT: Mail order is only possible from Member States of the EEA, thus establishment in any of those countries is required for the retail of pharmaceuticals and specific medical goods to the general public in the European Union.

In BE: The retail sales of pharmaceuticals and specific medical goods are only possible from a pharmacy established in Belgium.

In BG, EE, ES, IT, LT: Cross-border (mode 1) retail sales of pharmaceuticals.

In CZ: Retail sales are only possible from Member States.

In IE, LT: Cross-border (mode 1) retail of pharmaceuticals requiring a prescription.

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In FI: Retail sales of pharmaceutical products and of medical and orthopaedic goods.

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In SE: Retail sales of pharmaceutical goods and the supply of pharmaceutical goods to the general public.

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Existing measures:

AT: Arzneimittelgesetz (Medication Act), BGBl. Nr. 185/1983 as amended, §§ 57, 59 and 59a; and

Medizinproduktegesetz (Medical Products Law), BGBl. Nr. 657/1996 as amended, § 99.

BE: Arrêté royal du 21 janvier 2009 portant instructions pour les pharmaciens; and Arrêté royal du 10 novembre 1967 relatif à l'exercice des professions des soins de santé.

CZ: Act No. 378/2007 Coll., on Pharmaceuticals, as amended; and Act No. 372/2011 Coll., on Health services, as amended.

FI: Lääkelaki (Medicine Act) (395/1987).

SE: Law on trade with pharmaceuticals (2009:366);

Regulation on trade with pharmaceuticals (2009:659); Act concerning the Trade of Certain Non-prescription Medicinal Products (2009:730); and

The Swedish Medical Products Agency has adopted further regulations, the details can be found at (LVFS 2009:9).

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Reservation No. 4 – Business services - Research and development services

Sector: Research and development services

Industry classification: CPC 851, 852 and 853

Obligations concerned: Market access

National treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In RO: Cross-border supply (mode 1) of research and development services.

Existing measures:

RO: Governmental Ordinance no. 6 / 2011;

Order of Minister of Education and Research no. 3548 / 2006; and Governmental Decision no. 134/2011.

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Reservation No. 5 – Business services - Real estate services

Sector: Real estate services

Industry classification: CPC 821 and 822

Obligations concerned: Market access

National treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In CZ, HU: Cross-border supply (mode 1) of real estate services.

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Reservation No. 6 – Business services - Rental or leasing services

Sector: Rental or leasing services without operators

Industry classification: CPC 832

Obligations concerned: Market access

National treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In BE, FR: Cross-border supply (mode 1) of leasing or rental services without operator concerning personal and household goods.

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Reservation No. 7 – Business services - Collection agency services and Credit reporting services

Sector: Collection agency services, credit reporting services

Industry classification: CPC 87901 and 87902

Obligations concerned: Market access

National treatment

Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In the EU, with the exception of ES, LV, SE: With regard to the supply (mode 1) of collection agency services and credit reporting services.

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Reservation No. 8 – Business services - Placement services

Sector: Business Services – placement services

Industry classification: CPC 87201, 87202, 87203, 87204, 87205, 87206 and 87209

Obligations concerned: Market access

National treatment

Senior management and boards of directors

Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU, with the exception of HU, SE: Supply services of domestic help personnel, other commercial or industrial workers, nursing and other personnel (CPC 87204, 87205, 87206 and 87209).

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In BG, CY, CZ, DE, EE, FI, LT, LV, MT, PL, PT, RO, SI, SK: Executive search services (CPC 87201).

In AT, BG, CY, CZ, EE, FI, LT, LV, MT, PL, PT, RO, SI, SK: The establishment of placement services of office support personnel and other workers (CPC 87202).

In AT, BG, CY, CZ, DE, EE, FI, LT, LV, MT, PL, PT, RO, SI, SK: Supply services of office support personnel (CPC 87203).

With respect to Market access (mode 1), National treatment (mode 1):

In the EU with the exception of BE, HU, SE: The cross-border supply (mode 1) of placement services of office support personnel and other workers (CPC 87202).

In IE: The cross-border supply (mode 1) of executive search services (CPC 87201).

In FR, IE, IT, NL: The cross-border supply (mode 1) of services of office personnel (CPC 87203).

With respect to Market access (all modes):

In DE: To restrict the number of suppliers of placement services.

In ES: To restrict the number of suppliers of executive search services and placement services (CPC 87201 and 87202).

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In FR: These services can be subject to a state monopoly (CPC 87202).

In IT: To restrict the number of suppliers of supply services of office personnel (CPC 87203).

With respect to Market access (mode 3), National treatment (mode 3):

In DE: The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-European Union and non-EEA personnel for specified professions (CPC 87201, 87202, 87203, 87204, 87205, 87206 and 87209).

Existing measures:

AT: §§97 and 135 of the Gewerbeordnung (Austrian Trade Act), Federal Law Gazette Nr. 194/1994 as amended; and

Arbeitskräfteüberlassungsgesetz/AÜG (Temporary Employment Act), Federal Law Gazette Nr. 196/1988 as amended.

BG: Employment Promotion Act, Articles 26, 27, 27a and 28.

CY: Private Employment Agency Law N. 126(I)/2012 as amended, Law N. 174(I)/2012.

CZ: Act on Employment (435/2004).

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DE: Gesetz zur Regelung der Arbeitnehmerüberlassung (AÜG);

Sozialgesetzbuch Drittes Buch (SGB III; Social Code, Book Three) - Employment Promotion;

Verordnung über die Beschäftigung von Ausländerinnen und Ausländern (BeschV; Ordinance on the Employment of Foreigners).

DK: §§ 8a – 8f in law decree no. 73 of 17th of January 2014 and specified in decree no. 228 of 7th of March 2013 (employment of seafarers); and Employment Permits Act 2006. S1(2) and (3).

EL: Law 4052/2012 (Official Government Gazette 41 A) as amended to some of its provision by the law N.4093/2012 (Official Government Gazette 222 A).

ES: Real Decreto-ley 8/2014, de 4 de julio, de aprobación de medidas urgentes para el crecimiento, la competitividad y la eficiencia, artículo 117 (tramitado como Ley 18/2014, de 15 de octubre).

FI: Laki julkisesta työvoima-ja yrittyspalvelusta (Act on Public Employment and Enterprise Service) (916/2012).

HR: Labour Market Act (OG 118/18, 32/20);

Labour Act (OG 93/14, 127/17, 98/19);

Aliens Act (OG 130/11m 74/13, 67/17, 46/18, 53/20).

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IE: Employment Permits Act 2006. S1(2) and (3).

IT: Legislative Decree 276/2003 Articles 4, 5.

LT: Lithuanian Labour Code of the Republic of Lithuania approved by Law No XII-2603 of 14 September 2016 of the Republic of Lithuania, last amendment 15 October 2020 No XIII-3334; The Law on the Legal Status of Aliens of the Republic of Lithuania of 29 April 2004 No. IX-2206, last amendment 10 November 2020 No XIII-3412.

LU: Loi du 18 janvier 2012 portant création de l'Agence pour le développement de l'emploi (Law of 18 January 2012 concerning the creation of an agency for employment development – ADEM).

MT: Employment and Training Services Act, (Cap 343) (Articles 23 to 25); and Employment Agencies Regulations (S.L. 343.24).

PL: Act of 20 March 2025 on labour market and employment services.

PT: Decree-Law No 260/2009 of 25 September, as amended by Law No. 5/2014 of 12 February; Law No. 28/2016 of the 23 August, and Law No. 146/2015 of 9 September (access and provision of services by placement agencies).

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RO: Law no. 156/2000 on the protection of Romanian citizens working abroad, republished, and Government Decision no. 384/2001 for approving the methodological norms for applying the Law no. 156/2000, with subsequent amendments;

Ordinance of the Government no. 277/2002, as modified by Government Ordinance No. 790/2004 and Government Ordinance No. 1122/2010; and

Law no. 53/2003 – Labour Code, republished, with subsequent amendments and supplement and the Government Decision no 1256/2011 on the operating conditions and authorisation procedure for temporary work agency.

SI: Zakon o urejanju trga dela, Uradni list RS, št. 80/10, nazadnje spremenjeno št. 62/24 (Labour Market Regulation Act, Official Gazette of the Republic of Slovenia, No. 80/10, as last amended No. 62/24); and

Zakon o zaposlovanju, samozaposlovanju in delu tujcev, Uradni list RS, št. 91/21 – uradno prečiščeno besedilo, 42/23 in 32/25 (Employment, Self-employment and Work of Aliens Act, Official Gazette of the Republic of Slovenia, No. 91/21 – official consolidated text, 42/23 and 32/25).

SK: Act No 5/2004 on Employment Services; and Act No 455/1991 on Trade Licensing.

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Reservation No. 9 – Business services - Security and investigation services

Sector: Business services – security and investigation services

Industry classification: CPC 87301, 87302, 87303, 87304, 87305 and 87309

Obligations concerned: Market access

National treatment

Senior management and boards of directors

Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Security services (CPC 87302, 87303, 87304, 87305 and 87309)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In BG, CY, CZ, EE, LT, LV, MT, PL, RO, SI, SK: The supply of security services.

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In DK, HR, HU: The supply of the following subsectors: guard services (87305) in HR and HU, security consultation services (87302) in HR, airport guard services (part of 87305) in DK and armoured car services (87304) in HU.

With respect to National Treatment (mode 3), Senior management and boards of directors:

In BE: Nationality of a Member State is required for boards of directors of juridical persons supplying guard and security services (87305) as well as consultancy and training relating to security services (87302). The senior management of companies providing guard and security consultancy services required to be resident nationals of a Member State.

National treatment (mode 3), Senior management and boards of directors, Local presence:

In ES: The cross-border supply (mode 1) of security services. Nationality requirements exist for private security personnel.

With respect to Local presence:

In FI: Licences to supply security services may be granted only to natural persons resident in the EEA or juridical persons established in the EEA.

With respect to National treatment (mode 3), Senior management and boards of directors, Local presence:

In FR: Nationality requirements for managing directors and directors in FR.

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With respect to Market access (mode 1), National treatment (mode 1):

In BE, FI, FR, PT: The supply of security services by a foreign provider on a cross-border basis is not allowed.

Existing measures:

BE: Loi réglementant la sécurité privée et particulière, 2 Octobre 2017.

BG: Private Security Business Act.

CZ: Trade Licensing Act.

DK: Regulation on aviation security.

ES: Ley 5/2014, de 4 de abril, de Seguridad Privada (Law 5/2014, of April 4, 2014, on Private Security).

FI: Laki yksityisistä turvallisuuksipalveluista 1885/2015 (Private Security Services Act).

LT: Law on security of Persons and Assets 8 July 2004 No. IX-2327.

LV: Security Guard Activities Law (Sections 6, 7 and 14).

PL: Act of 22 August 1997 on the protection of persons and property (Journal of Laws of 2016, item 1432 as amended).

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PT: Law 34/2013 alterada p/ Lei 46/2019, 16 maio; and Ordinance 273/2013. alterada p/ Portaria 106/2015, 13 abril.

SI: Zakon o zasebnem varovanju, Uradni list RS, št. 17/11 (Private Security Act, Official Gazette of the Republic of Slovenia, No. 17/11).

(b) Investigation services (CPC 87301)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU, with the exception of AT, SE: The supply of investigation services.

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Reservation No. 10 – Business services - Other business services

Sector, sub-sector: Business services – other business services (translation and interpretation services, duplicating services, services incidental to energy distribution and services incidental to manufacturing)

Industry classification: CPC 87905, 87904, 884 and 887

Obligations concerned: Market access

National treatment

Senior management and boards of directors

Local presence

Most-favoured-nation treatment

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Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Translation and interpretation services (CPC 87905)

With respect to Local presence:

In HR: Cross-border supply (mode 1) of translation and interpretation of official documents.

- (b) Duplicating services (CPC 87904)

With respect to Market access (mode 1), National treatment (mode 1):

In HU: Cross-border supply (mode 1) of duplicating services.

- (c) Services incidental to energy distribution and services incidental to manufacturing (Part of CPC 884 and 887 other than advisory and consulting services)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In HU: Services incidental to energy distribution, and cross-border supply (mode 1) of services incidental to manufacturing, with the exception of advisory and consulting services relating to these sectors.

- (d) Maintenance and repair of vessels, rail transport equipment and aircraft and parts thereof (part of CPC 86764, 86769 and 8868)

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With respect to Market access (mode 1), National treatment (mode 1), Local presence:

In the EU, with the exception of DE, EE, HU: Cross-border supply (mode 1) of maintenance and repair services of rail transport equipment.

In the EU, with the exception of CZ, EE, HU, LU, SK: The cross-border supply (mode 1) of maintenance and repair services of inland waterway transport vessels.

In the EU, with the exception of EE, HU, LV: The cross-border supply (mode 1) of maintenance and repair services of maritime vessels.

In the EU, with the exception of AT, EE, HU, LV, PL: The cross-border supply (mode 1) of maintenance and repair services of aircraft and parts thereof (part of CPC 86764, 86769 and 8868).

In the EU: The cross-border supply (mode 1) of services of statutory surveys and certification of ships.

Existing measures:

EU: Regulation (EC) No 391/2009 of the European Parliament and the Council¹.

¹ Regulation (EC) No 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11).

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(e) Other business services related to aviation

With respect to Most-favoured-nation treatment (all modes):

In the EU: According differential treatment to a third country pursuant to existing or future bilateral agreements relating to the following services:

- (i) the selling and marketing of air transport services;
- (ii) computer reservation system (CRS) services;
- (iii) maintenance and repair of aircrafts and parts; or
- (iv) rental or leasing of aircraft without crew.

With respect to Market access (all modes), National treatment (all modes), Most-favoured-nation treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: Services related to or in support of air services, including, but are not limited to: Services provided by using an aircraft whose primary purpose is not the transportation of goods or passengers, such as aerial fire-fighting, flight training, sightseeing, spraying, surveying, mapping, photography, parachute jumping, glider towing, helicopter-lift for logging and construction, and other airborne agricultural, industrial and inspection services; the rental of aircraft with crew; and airport operation services.

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Reservation No. 11 – Telecommunication services

Sector: Satellite broadcast transmission services

Obligations concerned: Market access

National treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In BE: Satellite broadcast transmission services.

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Reservation No. 12 – Construction services

Sector: Construction services

Industry classification: CPC 51

Obligations concerned: Market access

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In LT: The right to prepare design documentation for construction works of exceptional significance is only given to a design enterprise registered in Lithuania or a foreign design enterprise which has been approved by an institution authorised by the Government for those activities. The right to perform technical activities in the main areas of construction may be granted to a non-Lithuanian person who has been approved by an institution authorised by the Government of Lithuania.

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Reservation No. 13 – Distribution services

Sector: Distribution services

Industry classification: CPC 62117, 62251, 8929, part of 62112, 62226 and part of 631

Obligations concerned: Market access

National treatment

Senior management and boards of directors

Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Distribution of pharmaceuticals

With respect to Local presence:

In BG: Cross-border wholesale distribution of pharmaceuticals (CPC 62251).

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With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director:

In FI: Distribution of pharmaceutical products (CPC 62117, 62251 and 8929).

Existing measures:

BG: Law on Medicinal Products in Human Medicine; Law on Medical Devices.

FI: Lääkelaki (Medicine Act) (395/1987).

(b) Distribution of alcoholic beverages

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director and Local presence:

In FI: Distribution of alcoholic beverages (part of CPC 62112, 62226, 63107 and 8929).

Existing measures:

FI: Alkoholilaki (Alcohol Act) (1102/2017).

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With respect to Market access (all modes):

In SE: Imposing a monopoly on retail sales of liquor, wine and beer (except non-alcoholic beer). Currently Systembolaget AB has such governmental monopoly on retail sales of liquor, wine and beer (except non-alcoholic beer). Alcoholic beverages are beverages with an alcohol content over 2.25 % per volume. For beer, the limit is an alcohol content over 3.5 % per volume (part of CPC 631).

Existing measures:

SE: The Alcohol Act (2010:1622).

- (c) Other distribution (part of CPC 621, 62228, 62251, 62271, part of 62272, 62276, 63108 and part of 6329)

With respect to Market access (mode 1), National treatment (mode 1), Local presence:

In BG: Wholesale distribution of chemical products, precious metals and stones, medical substances and products and objects for medical use; tobacco and tobacco products and alcoholic beverages.

Bulgaria reserves the right to adopt or maintain any measure with respect to the services provided by commodity brokers.

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Existing measures:

BG: Law on Medicinal Products in Human Medicine;

Law on Medical Devices;

Law of Veterinary Activity;

Law for Prohibition of Chemical Weapons and for Control over Toxic Chemical Substances and Their Precursors;

Law for Tobacco and Tobacco Products;

Law on excise duties and tax warehouses; and

Law on wine and spirits.

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Reservation No. 14 – Education services

Sector: Education services

Industry classification: CPC 92

Obligations concerned: Market access

National treatment

Senior management and boards of directors

Local presence

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Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director:

In the EU: Educational services which receive public funding or State support in any form. Where the supply of privately funded education services by a foreign provider is permitted, participation of private operators in the education system may be subject to concession allocated on a non-discriminatory basis.

In the EU, with the exception of CZ, NL, SE, SK: With respect to the supply of privately funded other education services, which means other than those classified as being primary, secondary, higher and adult education services (CPC 929).

In CY, FI, MT, RO: The supply of privately funded primary, secondary, and adult education services (CPC 921, 922 and 924).

In AT, BG, CY, FI, MT, RO: The supply of privately funded higher education services (CPC 923).

In CZ, SK: The majority of the members of the board of directors of an establishment providing privately funded education services must be nationals of that country (CPC 921, 922, 923 for SK other than 92310 and 924).

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In SI: Privately funded elementary schools may be founded by Slovenian persons only. The service supplier must establish a registered office or a branch. The majority of the members of the board of directors of an establishment providing privately funded secondary or higher education services must be Slovenian nationals (CPC 922 and 923).

In SE: Educational services suppliers that are approved by public authorities to provide education. This reservation applies to privately funded educational services suppliers with some form of State support, inter alia educational service suppliers recognised by the State, educational services suppliers under State supervision or education which entitles to study support (CPC 92).

In SK: EEA residency is required for suppliers of all privately funded education services other than post-secondary technical and vocational education services. An economic needs test may apply and the number of schools being established may be limited by local authorities (CPC 921, 922, 923 other than 92310 and 924).

With respect to Market access (mode 1), National treatment (mode 1), Local presence:

In BG, IT, SI: To restrict the cross-border supply of privately funded primary education services (CPC 921).

In BG, IT: To restrict the cross-border supply of privately funded secondary education services (CPC 922).

In AT: To restrict the cross-border supply of privately funded adult education services by means of radio or television broadcasting (CPC 924).

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Existing measures:

BG: Pre-school and School Education Act; The Higher Education Act, Paragraph 4 of the additional provisions; and Article 22, Vocational Education and Training Act.

FI: Perusopetuslaki (Basic Education Act) (628/1998);

Lukiolaki (General Upper Secondary Schools Act) (629/1998);

Laki ammatillisesta koulutuksesta (Vocational Training and Education Act) (630/1998);

Laki ammatillisesta aikuiskoulutuksesta (Vocational Adult Education Act) (631/1998); and

Ammattikorkeakoululaki (Polytechnics Act) (351/2003); and Yliopistolaki (Universities Act) (558/2009).

IT: Royal Decree 1592/1933 (Law on secondary education);

Law 243/1991 (Occasional public contribution for private universities);

Resolution 20/2003 of CNVSU (Comitato nazionale per la valutazione del sistema universitario);
and

Decree of the President of the Republic (DPR) 25/1998.

SK: Act 245/2008 on education;

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Act 131/2002 on Universities; and

Act 596/2003 on State Administration in Education and School Self- Administration.

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Reservation No. 15 – Environmental services

Sector: Environmental services: waste and soil management

Industry classification: CPC 9401, 9402, 9403 and 94060

Obligations concerned: Market access

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In DE: The supply of waste management services other than advisory services, and with respect to services relating to the protection of soil and the management of contaminated soils, other than advisory services.

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Reservation No. 16 – Financial services

Sector: Financial services

Industry classification: Not applicable

Obligations concerned: Market access

National treatment

Senior Management and Boards of Directors

Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) All financial services

With respect to Market access (mode 3):

In the EU: The right to require a financial service supplier, other than a branch, when establishing in a Member State to adopt a specific legal form, on a non-discriminatory basis.

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With respect to Market access (mode 1), National treatment (mode 1):

In the EU: the right to adopt or maintain any measure with respect to the cross-border supply (mode 1) of all financial services other than:

In the EU, except for BE, CY, EE, LT, LV, MT, PL, RO, SI:

- (i) direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:
 - (A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
 - (B) goods in international transit;
- (ii) reinsurance and retrocession;
- (iii) services auxiliary to insurance;
- (iv) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

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- (v) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In BE:

- (i) direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:
 - (A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
 - (B) goods in international transit;
- (ii) reinsurance and retrocession;
- (iii) services auxiliary to insurance;
- (iv) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services;

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In CY:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to:
 - (A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
 - (B) goods in international transit;
- (ii) insurance intermediation;
- (iii) reinsurance and retrocession;
- (iv) services auxiliary to insurance;
- (v) the trading for own account or for the account of customers, whether on an exchange or an over-the-counter market or otherwise of transferrable securities;
- (vi) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

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- (vii) advisory and other auxiliary financial services, relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In EE:

- (i) direct insurance (including co-insurance);
- (ii) reinsurance and retrocession;
- (iii) insurance intermediation;
- (iv) services auxiliary to insurance
- (v) acceptance of deposits;
- (vi) lending of all types;
- (vii) financial leasing;
- (viii) all payment and money transmission services; guarantees and commitments;

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- (ix) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market;
- (x) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;
- (xi) money broking;
- (xii) asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services;
- (xiii) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;
- (xiv) provision and transfer of financial information, and financial data processing and related software; and
- (xv) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

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In LT:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to:
 - (A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
 - (B) goods in international transit;
- (ii) reinsurance and retrocession;
- (iii) services auxiliary to insurance;
- (iv) acceptance of deposits;
- (v) lending of all types;
- (vi) financial leasing;
- (vii) all payment and money transmission services; guarantees and commitments;

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- (viii) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market;
- (ix) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;
- (x) money broking;
- (xi) asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services;
- (xii) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments;
- (xiii) provision and transfer of financial information, and financial data processing and related software; and
- (xiv) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

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In LV:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to:
 - (A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
 - (B) goods in international transit;
- (ii) reinsurance and retrocession; and
- (iii) services auxiliary to insurance
- (iv) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues;
- (v) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (vi) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

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In MT:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to:
 - (A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
 - (B) goods in international transit;
- (ii) reinsurance and retrocession;
- (iii) services auxiliary to insurance;
- (iv) the acceptance of deposits;
- (v) lending of all types;
- (vi) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (vii) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

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In PL:

- (i) direct insurance services (including co-insurance) for the insurance of risks relating to goods in international trade;
- (ii) reinsurance and retrocession of risks relating to goods in international trade;
- (iii) direct insurance services (including co-insurance and retrocession) and direct insurance intermediation for the insurance of risks relating to:
 - (A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
 - (B) goods in international transit;
- (iv) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and
- (v) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

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In RO:

- (i) direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:
 - (A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
 - (B) goods in international transit;
- (ii) reinsurance and retrocession; and
- (iii) services auxiliary to insurance
- (iv) acceptance of deposits;
- (v) lending of all types;
- (vi) guarantees and commitments;
- (vii) money broking;
- (viii) the provision and transfer of financial information, and financial data processing and related software; and

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- (ix) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

In SI:

- (i) direct insurance services (including co-insurance) and direct insurance intermediation for the insurance of risks relating to:
 - (A) maritime transport and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability deriving therefrom; and
 - (B) goods in international transit;
- (ii) reinsurance and retrocession;
- (iii) services auxiliary to insurance;
- (iv) lending of all types;
- (v) the acceptance of guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors;

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(vi) the provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services; and

(vii) advisory and other auxiliary financial services relating to banking and other financial services as described in point (a)(ii)(L) of Article 8-C.2 (Definitions), but not intermediation as described in that point.

(b) Insurance and insurance-related services

With respect to Market access (mode 1), National treatment (mode 1):

In BG: Transport insurance, covering goods, insurance of vehicles as such and liability insurance regarding risks located in Bulgaria may not be underwritten by foreign insurance companies directly.

In DE: If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany.

Existing measures:

DE: Luftverkehrsgesetz (LuftVG); and

Luftverkehrszulassungsordnung (LuftVZO).

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With respect to Market Access (all modes), National treatment (all modes):

In ES: Residence is required, or alternatively to have two years of experience, for the actuarial profession.

With respect to Local presence:

In FI: The supply of insurance broker services is subject to a permanent place of business in the EU.

Only insurers having their head office in the European Union or having their branch in Finland may offer direct insurance services, including co-insurance.

In FR: Insurance of risks relating to ground transport may be underwritten only by insurance firms established in the European Union.

In IT: Transport insurance of goods, insurance of vehicles and liability insurance regarding risks located in Italy may be underwritten only by insurance companies established in the European Union, except for international transport involving imports into Italy. Cross-border supply (mode 1) of actuarial services.

In PT: Air and maritime transport insurance, covering goods, aircraft, hull and liability can be underwritten only by enterprises of the European Union. Only natural persons of, or enterprises established in, the European Union may act as intermediaries for such insurance business in Portugal.

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Existing measures:

FI: Laki ulkomaisista vakuutusyhtiöistä (Act on Foreign Insurance Companies) (398/1995);

Vakuutusyhtiölaki (Insurance Companies Act) (521/2008); and

Laki vakuutusten tarjoamisesta (Act on Insurance Distribution) (234/2018).

FR: Code des assurances.

IT: Article 29 of the code of private insurance (Legislative decree no. 209 of 7 September 2005), Law 194/1942 on the actuarial profession.

PT: Article 3 of Law 147/2015, Article 8 of Law 7/2019.

With respect to Market access (mode 3), National treatment (mode 3):

In SK: Foreign nationals may establish an insurance company in the form of a joint stock company or may conduct insurance business through their branches having a registered office in the Slovak Republic. The authorisation in both cases is subject to the evaluation of the supervisory authority.

Existing measures:

SK: Act 39/2015 on Insurance.

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With respect to Market access (all modes), National treatment (mode 3):

In FI: At least one half of the members of the board of directors and the supervisory board, and the managing director of an insurance company providing statutory pension insurance shall have their place of residence in the EEA, unless the competent authorities have granted an exemption. Foreign insurers cannot obtain a licence in Finland as a branch to carry out statutory pension insurance. At least one auditor shall have his permanent residence in the EEA.

For other insurance companies, residency in the EEA is required for at least one member of the board of directors, the supervisory board and the managing director. At least one auditor shall have his permanent residence in the EEA. The general agent of an insurance company of India must have his place of residence in Finland, unless the company has its head office in the European Union.

Existing measures:

FI: Laki ulkomaisista vakuutusyhtiöistä (Act on Foreign Insurance Companies) (398/1995); Vakuutusyhtiölaki (Insurance Companies Act) (521/2008);

Laki vakuutusten tarjoamisesta (Act on Insurance Distribution) (234/2018); and

Laki työeläkevakuutusyhtiöistä (Act on Companies providing statutory pension insurance) (354/1997).

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(c) Banking and other Financial Services

With respect to Market Access (mode 3), Local presence:

The EU: Only juridical persons having their registered office in the European Union can act as depositories of the assets of investment funds. The establishment of a specialised management company, having its head office and registered office in the same Member State, is required to perform the activities of management of common funds, including unit trusts, and where allowed under national law, investment companies.

In EE: For acceptance of deposits, requirement of authorisation by the Estonian Financial Supervision Authority and registration under Estonian law as a joint-stock company, a subsidiary or a branch.

In SK: Investment services can only be provided by management companies which have the legal form of a joint-stock company with equity capital in accordance with the law.

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Existing measures:

EU: Directive 2009/65/EC of the European Parliament and of the Council¹; and
Directive 2011/61/EU of the European Parliament and of the Council².

EE: Krediidiasutuste seadus (Credit Institutions Act) § 206 and §21.

SK: Act 566/2001 on Securities and Investment Services; and Act 483/2001 on Banks.

With respect to National treatment (mode 3), Senior management and boards of directors:

In FI: At least one of the founders, the members of the board of directors, the supervisory board, the managing director of banking services providers and the person entitled to sign the name of the credit institution shall have their permanent residence in the EEA. At least one auditor shall have his permanent residence in the EEA.

¹ Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ EU L 302, 17.11.2009, p. 32).

² Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ EU L 174, 1.7.2011, p. 1).

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Existing measures:

FI: Laki liikepankeista ja muista osakeyhtiömuotoisista luottolaitoksista (Act on Commercial Banks and Other Credit Institutions in the Form of a Limited Company) (1501/2001);

Säästöpankkilaki (1502/2001) (Savings Bank Act);

Laki osuuspankeista ja muista osuuskuntamuotoisista luottolaitoksista (1504/2001)

(Act on Cooperative Banks and Other Credit Institutions in the Form of a Cooperative Bank);

Laki hypoteekkiyhdistyksistä (936/1978) (Act on Mortgage Societies);

Maksulaitoslaki (297/2010) (Act on Payment Institutions);

Laki ulkomaisen maksulaitoksen toiminnasta Suomessa (298/2010) (Act on the Operation of Foreign Payment Institution in Finland); and

Laki luottolaitostoiminnasta (Act on Credit Institutions) (121/2007).

With respect to Market access (mode 3), National treatment (mode 3) and Local presence:

In IT: Services of "consulenti finanziari" (financial consultants). In providing the activity of door-to-door selling, intermediaries must utilise authorised financial salesmen resident within the territory of a Member State.

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Existing measures:

IT: Articles 91-111 of Consob Regulation on Intermediaries (no. 16190 of 29 October 2007).

With respect to Market access (mode 3), National treatment (mode 3), Senior management and boards of directors, Local presence:

In LT: Only banks having their registered office or branch in Lithuania and authorised to provide investment services in the EEA may act as the depositories of the assets of pension funds. At least one head of a bank's administration must speak the Lithuanian language.

Existing measures:

LT: Law on Banks of the Republic of Lithuania of 30 March 2004 No IX-2085, as amended by the Law No XIII-729 of 16 November 2017;

Law on Collective Investment Undertakings of the Republic of Lithuania of 4 July 2003 No IX-1709, as amended by the Law No XIII-1872 of 20 December 2018;

Law on Supplementary Voluntary Pension Accumulation of the Republic of Lithuania of 3 June 1999 No VIII-1212 (as revised in Law No XII-70 of 20 December 2012);

Law on Payments of the Republic of Lithuania of 5 June 2003 No. IX-1596, last amendment 17 of October 2019 Nr. XIII-2488; and

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Law on Payment Institutions of the Republic of Lithuania of 10 December 2009 No. XI-549
(new version of the Law: No XIII-1093 of 17 April 2018).

With respect to Market access (mode 1):

In FI: For payment services, residency or domicile in Finland may be required.

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Reservation No. 17 – Health and social services

Sector: Health and social services

Industry classification: CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193
and 93199

Obligations concerned: Market access

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

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Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Health services – hospital, ambulance, residential health services (CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193 and 93199)

With respect to Market access (mode 3), National treatment (mode 3), Senior management and boards of directors:

In the EU: For the supply of all health services which receive public funding or State support in any form.

In the EU: For all privately funded health services, other than privately funded hospital, ambulance, and residential health facilities services other than hospital services. The participation of private operators in the privately funded health network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

This reservation does not relate to the supply of all health-related professional services, including the services supplied by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations (CPC 931 other than 9312 and part of 93191).

In AT, PL, SI: The supply of privately funded ambulance services (CPC 93192).

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In BE: the establishment of privately funded ambulance and residential health facilities services other than hospital services (CPC 93192 and 93193).

In BG, CY, CZ, FI, MT, SK: The supply of privately-funded hospital, ambulance, and residential health services other than hospital services (CPC 9311, 93192 and 93193).

In FI: Supply of other human health services (CPC 93199).

Existing measures:

CZ: Act No. 372/2011 Coll. on Health Care Services and Conditions of Their Provision.

FI: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990).

With respect to Market access (mode 3), National treatment (Mode 3), Most-favoured nation treatment (Mode 3), Senior management and boards of directors:

In DE: The supply of the Social Security System of Germany, where services may be provided by different companies or entities involving competitive elements which are thus not "Services carried out exclusively in the exercise of governmental authority". To accord better treatment in the context of a bilateral trade agreement with regard to the supply of health and social services (CPC 93).

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With respect to Market access (mode 3), National treatment (Mode 3):

In DE: The ownership of hospitals run by the German Forces.

To nationalise other key privately funded hospitals (CPC 93110).

In FR: To the supply of privately funded laboratory analysis and testing services.

With respect to Market Access (mode 1), National treatment (mode 1):

In FR: The supply of privately funded laboratory analysis and testing services (part of CPC 9311).

Existing measures:

FR: Code de la Santé Publique

(b) Health and social services, including pension insurance

With respect to Market access (mode 1), National treatment (mode 1), Local presence:

In the EU, with the exception of HU: The cross-border supply (mode 1) of health services, social services, and activities or services forming part of a public retirement plan or statutory system of social security. This reservation does not relate to the supply of all health-related professional services, including the services provided by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, and psychologists, which are covered by other reservations (CPC 931 other than 9312 and part of 93191).

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In HU: The cross-border supply (mode 1) of all hospital, ambulance, and residential health services other than hospital services, which receive public funding (CPC 9311, 93192 and 93193).

(c) Social services, including pension insurance

With respect to National treatment (mode 3), Market access (mode 3), Senior management and boards of directors:

In the EU: The supply of all social services which receive public funding or State support in any form, and activities or services forming part of a public retirement plan or statutory system of social security. The participation of private operators in the privately funded social network may be subject to concession on a non-discriminatory basis. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

In BE, CY, DE, DK, EL, ES, FR, IE, IT, PT: The supply of privately funded social services other than services relating to convalescent and rest houses and old people's homes.

In CZ, FI, HU, MT, PL, RO, SK, SI: The supply of privately funded social services.

In DE: The Social Security System of Germany, where services are provided by different companies or entities involving competitive elements and might therefore not fall under the definition of the "Services carried out exclusively in the exercise of governmental authority".

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Existing measures:

FI: Laki yksityisistä sosiaalipalveluista (Private Social Services Act) (922/2011).

IE: Health Act 2004 (S. 39); and

Health Act 1970 (as amended –S.61A).

IT: Law 833/1978 Institution of the public health system;

Legislative Decree 502/1992 Organisation and discipline of the health field; and

Law 328/2000 Reform of social services.

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Reservation No. 18 – Tourism and travel related services

Sector: Tourist guides services

Industry classification: CPC 7472

Obligations concerned: National treatment

Most-favoured-nation treatment

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to National treatment (all modes):

In FR: To require nationality of a Member State for the supply of tourist guide services.

With respect to National treatment (all modes), Most-favoured-nation treatment (all modes):

In LT: In so far as India allows nationals of Lithuania to provide tourist guide services, Lithuania will allow nationals of India to provide tourist guide services under the same conditions.

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Reservation No. 19 – Recreational, cultural and sporting services

Sector: Recreational, cultural and sporting services

Industry classification: CPC 962, 963, 9619 and 964

Obligations concerned: Market access

National treatment

Senior management and boards of directors

Local presence

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Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Libraries, archives, museums and other cultural services (CPC 963)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director, Local presence:

In the EU, with the exception of AT and, for mode 3, in LT: The supply of library, archive, museum and other cultural services.

In AT and LT: A licence or concession may be required for establishment.

- (b) Entertainment services, theatre, live bands and circus services (CPC 9619 and 964 other than 96492)

With respect to Market Access (mode 1), National treatment (mode 1):

In the EU, with the exception of AT, SE: The cross-border supply (mode 1) of entertainment services, including theatre, live bands, circus and discotheque services.

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director, Local presence:

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In CY, CZ, FI, MT, PL, RO, SI, SK: With respect to the supply of entertainment services, including theatre, live bands, circus and discotheque services.

In BG: The supply of the following entertainment services: circus, amusement park and similar attraction services, ballroom, discotheque and dance instructor services, and other entertainment services.

In EE: The supply of other entertainment services except for cinema theatre services.

In LT, LV: The supply of all entertainment services other than cinema theatre operation services.

In CY, CZ, LV, PL, RO, SK: The cross-border supply (mode 1) of sporting and other recreational services.

(c) News and press agencies (CPC 962)

With respect to Market access (mode 3), National treatment (mode 3), Most-favoured-nation treatment (mode 3):

In FR: Foreign participation in existing companies publishing publications in the French language may not exceed 20 % of the capital or of voting rights in the company. The establishment of press agencies of India is subject to conditions set out in domestic regulation. The establishment of press agencies by foreign investors is subject to reciprocity.

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Existing measures:

FR: Ordonnance n° 45-2646 du 2 novembre 1945 portant réglementation provisoire des agences de presse; and Loi n° 86-897 du 1 août 1986 portant réforme du régime juridique de la presse.

With respect to Market access (mode 1):

In HU: For supply of news and press agencies services.

(d) Gambling and betting services (CPC 96492)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of director:

In the EU: The supply (all modes) of gambling activities, which involve wagering a stake with pecuniary value in games of chance, including in particular lotteries, scratch cards, gambling services offered in casinos, gambling arcades or licensed premises, betting services, bingo services and gambling services operated by and for the benefit of charities or non-profit-making organisations.

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Reservation No. 20 – Transport services and auxiliary transport services

Sector: Transport services

Obligations concerned: Market access

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Maritime transport – any other commercial activity undertaken from a ship

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In the EU: The nationality of the crew on a seagoing or non-seagoing vessel.

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With respect to Market access (mode 3), National treatment (mode 3), Most-favoured-nation treatment (mode 3):

In the EU, except LV, MT: Only persons of the European Union may register a vessel and operate a fleet under the national flag of the state of establishment (applies to all commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing; international passenger and freight transportation (CPC 721); and services auxiliary to maritime transport).

With respect to Market access (all modes):

In MT: Exclusive rights exist for the maritime link to mainland Europe through Italy with Malta (CPC 7213, 7214, part of 742, 745 and part of 749).

With respect to Market access (mode 1), National treatment (mode 1), Local Presence:

In SK: Foreign investors must have their principal office in the Slovak Republic in order to apply for a licence enabling them to provide a service (CPC 722).

With respect to Market access (all modes), National treatment (all modes), Most-favoured-nation treatment (all modes), Senior management and boards of directors:

In FI: Feeder services and repositioning of owned or leased containers on a non-revenue basis are considered as cabotage in national legislation, when provided in Finnish maritime waters, are reserved to fleets operating under the national, European Union or Norwegian flag.

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In SE: In accordance with national legislation, cabotage is reserved to ships operating under Swedish or a Member State flag, or as prescribed by relevant agreements. Feeder services are considered as cabotage under Swedish law. Pursuant to point(2)(d) of Annex 8-G (Scope, definitions and obligations related to international maritime transport services of the European Union), vessels from India can undertake feeder services in Sweden, insofar as Swedish vessels can operate under similar conditions in India.

Existing measures:

FI: Merilaki (Maritime Act) (674/1994); and Laki liikenteen palveluista (Act on Transport Services) (320/2017).

SE: Förordning om tillstånd till sjöfart i inrikes trafik med utländskt fartyg m.m. (1974:235) (Swedish maritime cabotage ordinance on domestic shipping by foreign vessels).

(b) Auxiliary services to maritime transport

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: The supply of pilotage and berthing services. For greater certainty, regardless of the criteria which may apply to the registration of ships in a Member State, the European Union reserves the right to require that only ships registered on the national registers of Member States may provide pilotage and berthing services (CPC 7452).

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In the EU, with the exception of LT, LV: Only vessels carrying the flag of a Member State may provide pushing and towing services (CPC 7214).

With respect to Market access (mode 3), National treatment (mode 1), Local presence:

In LT: Only juridical persons of Lithuania or juridical persons of a Member State with branches in Lithuania that have a Certificate issued by the Lithuanian Maritime Safety Administration may provide pilotage and berthing, pushing and towing services (CPC 7214 and 7452).

With respect to Market access (all modes) National treatment (mode 1), Local presence:

In BE: Cargo handling services can only be operated by accredited workers, eligible to work in port areas designated by royal decree (CPC 741).

Existing measures:

BE: Loi du 8 juin 1972 organisant le travail portuaire;

Arrêté royal du 12 janvier 1973 instituant une Commission paritaire des ports et fixant sa dénomination et sa compétence;

Arrêté royal du 4 septembre 1985 portant agrément d'une organisation d'employeur (Anvers);

Arrêté royal du 29 janvier 1986 portant agrément d'une organisation d'employeur (Gand);

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Arrêté royal du 10 juillet 1986 portant agrément d'une organisation d'employeur (Zeebrugge);

Arrêté royal du 1er mars 1989 portant agrément d'une organisation d'employeur (Ostende);

and

Arrêté royal du 5 juillet 2004 relatif à la reconnaissance des ouvriers portuaires dans les zones portuaires tombant dans le champ d'application de la loi du 8 juin 1972 organisant le travail portuaire, tel que modifié.

(c) Rail transport and auxiliary services to rail transport

With respect to Market access (all modes), National treatment (all modes), Local presence:

In the EU: Railway passenger transportation (CPC 7111).

With respect to Market access (all modes), Local presence:

In the EU: Railway freight transportation (CPC 7112)

In LT (with respect only to Market access): Maintenance and repair services of rail transport equipment are subject to a state monopoly (CPC 86764, 86769 and part of 8868).

In SE (with respect only to Market access): Maintenance and repair services of rail transport equipment are subject to an economic needs test when an investor intends to establish its own terminal infrastructure facilities. Main criteria: space and capacity constraints (CPC 86764, 86769 and part of 8868).

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Existing measures:

SE: Planning and Building Act (2010:900).

- (d) Road transport (passenger transportation, freight transportation, international truck transport services) and services auxiliary to road transport

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU:

- (i) to require establishment and to limit the cross-border supply (mode 1) of road transport services (CPC 712).
- (ii) to limit the supply of cabotage within a Member State by foreign investors established in another Member State (CPC 712).
- (iii) an economic needs test may apply to taxi services in the European Union setting a limit on the number of service suppliers. Main criteria: Local demand as provided in applicable laws (CPC 71221).

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Existing measures:

EU: Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC; Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market; and

Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006.

With respect to Market access (Mode 3):

In BE: A maximum number of licences can be fixed by law (CPC 71221).

In IT: An economic needs test is applied to limousine services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

An economic needs test is applied to intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

An economic needs test is applied to the supply of freight transportation services. Main criteria: local demand (CPC 712).

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With respect to Market access (all modes), National treatment (all modes), Local presence:

In BG, DE: For passenger and freight transportation, exclusive rights or authorisations may only be granted to persons of the European Union having their headquarters in the European Union. Incorporation is required. Condition of nationality of a Member State for natural persons (CPC 712).

In MT (only with respect to Market access (all modes), National treatment (all modes)): For public bus service: The entire network is subject to a concession which includes a Public Service Obligation agreement to cater for certain social sectors (such as students and the elderly) (CPC 712).

With respect to Market Access (all modes), National treatment (all modes):

In FI: Authorisation is required to provide road transport services, which is not extended to foreign registered vehicles (CPC 712).

With respect to Market access (mode 3), National treatment (mode 3):

In FR: The supply of intercity bussing services (CPC 712).

With respect to Market access (Mode 3):

In ES: For passenger transportation, an economic needs test applies to services provided under CPC 7122. Main criteria: local demand. An economic needs test applies for intercity bussing services. Main criteria: number of and impact on existing establishments, population density, geographical spread, impact on traffic conditions and creation of new employment.

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In SE: Maintenance and repair services of road transport equipment are subject to an economic needs test when a supplier intends to establish its own terminal infrastructure facilities. Main criteria: space and capacity constraints (CPC 6112, 6122, 86764, 86769 and part of 8867).

In SK: For freight transportation, an economic needs test is applied. Main criteria: local demand (CPC 712).

With respect to Local presence:

In BG: To require establishment for supporting services to road transport (CPC 744).

Existing measures:

EU: Regulation (EC) No 1071/2009 of the European Parliament and of the Council¹; Regulation (EC) No 1072/2009 of the European Parliament and of the Council²; and Regulation (EC) No 1073/2009 of the European Parliament and of the Council³.

¹ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ EU L 300, 14.11.2009, p. 51).

² Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

³ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300 14.11.2009, p. 88).

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FI: Laki kaupallisista tavarankuljetuksista tiellä (Act on Commercial Road Transport) 693/2006;

Laki liikenteen palveluista (Act on Transport Services) 320/2017;

Ajoneuvolaki (Vehicles Act) 1090/2002.

IT: Legislative decree 285/1992 (Road Code and subsequent amendments) Article 85;

Legislative Decree 395/2000 Article 8 (road transport of passengers);

Law 21/1992 (Framework law on non-scheduled public road transport of passengers);

Law 218/2003 Article 1 (transport of passenger through rented buses with driver); and

Law 151/1981 (framework law on public local transport).

SE: Planning and Building Act (2010:900).

(e) Space transport and rental of space craft

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: The supply of space transport services and the supply of rental of space craft services (CPC 733 and part of 734).

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(f) Most-favoured-nation exemptions

With respect to Most-favoured-nation treatment (all modes):

- Transport (cabotage) other than maritime transport

In FI: According differential treatment to a third country pursuant to existing or future bilateral agreements exempting vessels registered under the foreign flag of a specified other third country or foreign registered vehicles from the general prohibition from providing cabotage transport (including combined transport, road and rail) in Finland on the basis of reciprocity (part of CPC 711, part of 712 and part of 722).

- Supporting services for maritime transport

In BG: In so far as India allows service suppliers from Bulgaria to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods carried by containers, Bulgaria will allow service suppliers from India to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods carried by containers under the same conditions (part of CPC 741 and part of 742).

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- Rental or leasing of vessels

In DE: Chartering-in of foreign ships by consumers resident in Germany may be subject to a condition of reciprocity (CPC 7213, 7223 and 83103).

- Road and rail transport

In the EU: To accord differential treatment to a third country pursuant to existing or future bilateral agreements relating to international road haulage (including combined transport – road or rail) and passenger transport, concluded between the European Union or the Member States and that third country (CPC 7111, 7112, 7121, 7122 and 7123). That treatment may:

- (i) reserve or limit the supply of the relevant transport services between the contracting Parties or across the territory of the contracting Parties to vehicles registered in each contracting Party¹; or
- (ii) provide for tax exemptions for such vehicles.

- Road transport

In BG: Measures taken under existing or future agreements, which reserve or restrict the supply of these kinds of transportation services and specify the terms and conditions of this supply, including transit permits or preferential road taxes, in the territory of Bulgaria or across the borders of Bulgaria (CPC 7121, 7122 and 7123).

¹ With regard to Austria, the part of the most-favoured-nation treatment exemption regarding traffic rights covers all countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be considered in future.

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In CZ: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of the Czech Republic to the contracting parties concerned (CPC 7121, 7122 and 7123).

In ES: Authorisation for the establishment of a commercial presence in Spain may be refused to service suppliers whose country of origin does not accord effective market access to service suppliers of Spain (CPC 7123).

Existing measures:

ES: Ley 16/1987, de 30 de julio, de Ordenación de los Transportes Terrestres.

In HR: Measures applied under existing or future agreements on international road transport and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of transport services into, in, across and out of Croatia to the parties concerned (CPC 7121, 7122 and 7123).

In LT: Measures that are taken under bilateral agreements and which set the provisions for transport services and specify operating conditions, including bilateral transit and other transport permits for transport services into, through and out of the territory of Lithuania to the contracting parties concerned, and road taxes and levies (CPC 7121, 7122 and 7123).

In SK: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of the Slovak Republic to the contracting parties concerned (CPC 7121, 7122 and 7123).

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- Rail transport

In BG, CZ, SK: For existing or future agreements, and which regulate traffic rights and operating conditions, and the supply of transport services in the territory of Bulgaria, the Czech Republic and the Slovak Republic and between the countries concerned (CPC 7111 and 7112).

- Air transport - Services auxiliary to air transport

The EU: According differential treatment to a third country pursuant to existing or future bilateral agreements relating to ground-handling services.

- Road and rail transport

In EE: when according differential treatment to a country pursuant to existing or future bilateral agreements on international road transport (including combined transport-road or rail), reserving or limiting the supply of a transport services into, in, across and out of Estonia to the contracting Parties to vehicles registered in each contracting Party, and providing for tax exemption for such vehicles (part of CPC 711, part of 712 and part of 721).

- All passenger and freight transport services other than maritime and air transport

In PL: In so far as India allows the supply of transport services into and across the territory of India by passenger and freight transport suppliers of Poland, Poland will allow the supply of transport services by passenger and freight transport suppliers of India into and across the territory of Poland under the same conditions.

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Reservation No. 21 – Agriculture, fishing and water

Sector: Services incidental to agriculture, hunting, forestry, fishing;
collection, purification and distribution of water

Industry classification: CPC 8811, 8812, 8813 other than advisory and consultancy services
and 882

Obligations concerned: Market access

National treatment

Most-favoured-nation treatment

Senior management and boards of directors

Local presence

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Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Services incidental to agriculture, hunting and forestry

With respect to Market access (mode 3), National treatment (Mode 3):

In HR: Services incidental to agricultural and hunting activities.

In HU: Services incidental to agriculture, hunting, and forestry (CPC 8811, 8812 and 8813 other than advisory and consultancy services).

Existing measures:

HR: Agricultural Land Act (OG 20/18, 115/18, 98/19).

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(b) Services incidental to fishing (CPC 882)

With respect to Market access (all modes), National treatment (all modes), Most-favoured-nation treatment (all modes), Senior management and boards of directors:

In the EU:

- (i) In particular within the framework of the Common Fisheries Policy, and of fishing agreements with a third country, access to and use of the biological resources and fishing grounds situated in maritime waters coming under the sovereignty or the jurisdiction of Member States or entitlements for fishing under a Member State fishing licence, including:
 - (A) regulating the landing of catches by vessels flying the flag of India or a third country with respect to the quotas allocated to them or, only with respect to vessels flying the flag of a Member State, requiring that a proportion of the total catch is landed in European Union ports;
 - (B) determining a minimum size for a company in order to preserve both artisanal and coastal fishing vessels;
 - (C) according differential treatment pursuant to existing or future bilateral agreements relating to fisheries; and
 - (D) requiring the crew of a vessel flying the flag of a Member State to be nationals of Member States.

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- (ii) A fishing vessel's entitlement to fly the flag of a Member State only if:
 - (A) it is wholly owned by:
 - (I) companies incorporated in the European Union; or
 - (II) Member State nationals;
 - (B) its day-to-day operations are directed and controlled from within the European Union; and
 - (C) any charterer, manager or operator of the vessel is a company incorporated in the European Union or a national of a Member State.
- (iii) A commercial fishing licence granting the right to fish in the territorial waters of a Member State may only be granted to vessels flying the flag of a Member State.
- (iv) The establishment of marine or inland aquaculture facilities.
- (v) Points (a), (b), (c) (other than with respect to most-favoured nation treatment) and (d) of paragraph 1; points (a)(i), (b) and (c) of paragraph 2, and paragraph 3 only apply to measures which are applicable to vessels or to enterprises irrespective of the nationality of their beneficial owners.

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With respect to Market access (mode 3):

In FR: Nationals of non-European Union countries cannot participate in French maritime State property for fish, shellfish or algae farming.

With respect to Market access (all modes), National treatment (all modes), Most-favoured nation treatment (mode 3):

In BG: The taking of marine and river-living resources, performed by vessels in the internal marine waters, and the territorial sea of Bulgaria, shall be performed by vessels flying the flag of Bulgaria. A foreign ship (third country vessel) may not engage in commercial fishing in the exclusive economic zone save on the basis of an agreement between Bulgaria and the flag state. While passing through the exclusive economic zone, foreign fishing ships may not maintain their fishing gear in operational mode.

Existing measures:

BG: Article 49, Law on the maritime spaces, inland waterways and ports of the Republic of Bulgaria.

(c) Collection, purification and distribution of water

With respect to Market access (all modes), National treatment (all modes), Local presence:

In the EU: For services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the supply of drinking water, and water management.

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Reservation No. 22 – Mining and Energy related activities

Sector:	Services incidental to mining and quarrying – energy producing materials; mining and quarrying – metal ores and other mining; Energy-related activities – production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; and services incidental to energy distribution
Industry classification:	CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88 and 887.
Obligations concerned:	Market access National treatment Senior management and boards of directors Local presence

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Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Services Incidental to Mining and Energy – general (CPC 613, 62271, 63297, 7131, 742, 7422 and 887 other than advisory and consulting services)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: Where a Member State permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, with respect to enterprises of India controlled by persons of a third country which accounts for more than 5 % of the European Union's oil, natural gas or electricity imports, in order to guarantee the security of the energy supply of the European Union as a whole, or of an individual Member State. This reservation does not apply to advisory and consultancy services provided as services incidental to energy distribution.

This reservation does not apply to HR, HU, LT (for LT, only CPC 7131) with regard to the pipeline transport of fuels, nor to LV with regard to services incidental to energy distribution, nor to SI with regard to services incidental to the distribution of gas (CPC 7131 and 887 other than advisory and consultancy services).

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In CY: For the manufacture of refined petroleum products in so far as the investor is controlled by a person of a third country which accounts for more than 5 % of the European Union's oil or natural gas imports, as well as to the manufacture of gas, distribution of gaseous fuels through mains on own account, the production, transmission and distribution of electricity, the pipeline transportation of fuels, services incidental to electricity and natural gas distribution other than advisory and consulting services, wholesale services of electricity, retailing services of motor fuel, electricity and non-bottled gas (CPC 613, 62271, 63297, 7131 and 887 other than advisory and consulting services).

In FI: The transmission and distribution networks and systems of energy and of steam and hot water. The quantitative restrictions in the form of monopolies or exclusive rights for the importation of natural gas, and for the production and distribution of steam and hot water. Currently, natural monopolies and exclusive rights exist (CPC 7131 and 887 other than advisory and consultancy services).

In FR: The electricity and gas transmission systems and oil and gas pipeline transport (CPC 7131).

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In BE: The energy distribution services, and services incidental to energy distribution (CPC 887 other than consultancy services).

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With respect to Market access (mode 3), National treatment (all modes), Local presence:

In BE: For energy transmission services, regarding the types of legal entities and to the treatment of public or private operators to whom BE has conferred exclusive rights.

Establishment is required within the European Union (CPC 71310).

In BG: For services incidental to energy distribution (part of CPC 88).

In PT: For services incidental to the production, transmission and distribution of electricity, the manufacturing of gas, the pipeline transportation of fuels, wholesale services of electricity, retailing services of electricity and non-bottled gas, and services incidental to electricity and natural gas distribution. Concessions for electricity and gas sectors are assigned only to limited companies with their headquarters and effective management in Portugal (CPC 7131, 7422 and 887 other than advisory and consulting services).

In SK: An authorisation is required for the production, transmission and distribution of electricity, manufacture of gas and distribution of gaseous fuels, production and distribution of steam and hot water, pipeline transportation of fuels, wholesale and retail of electricity, steam and hot water, and services incidental to energy distribution, including services in the area of energy efficiency, energy savings and energy audit. An authorisation may only be granted if those activities are compliant with the National Energy Policy, and only to a natural person with permanent residency in the EEA or a juridical person of the EEA. An economic needs test is applied, and the application may be denied only if the market is saturated.

Existing measures:

BG: Energy Act.

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CY: The Petroleum (pipelines) Law, Chapter 273 as amended; The Petroleum Law Chapter 272 as amended; Specifications, Sustainability Criteria and Emissions Reduction of Fuels Laws, Law 106(I)/2022 as amended;

The Regulating of the Gas Market Laws of 2004, Law 183(I)/2004 as amended; and

The Regulation of the Electricity Market Law of 2021, Law 130(I)/2021 as amended.

FI: Sähkömarkkinalaki (Electricity Market Act) (386/1995); Maakaasumarkkinalaki (Natural Gas Market Act) (587/2017).

FR: Code de l'énergie.

PT: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas; Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October – Electricity; and Decree-Law 31/2006, 15 February – Crude oil/Petroleum products.

SK: Act 51/1988 on Mining, Explosives and State Mining Administration;

Act 569/2007 on Geological Works;

Act 251/2012 on Energy; and

Act 657/2004 on Thermal Energy.

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(b) Electricity (CPC 62271, 887 other than advisory and consulting services)

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In CY: For services incidental to the generation, transmission, distribution and supply of electricity, persons may apply to CERA for a license only (a) in the case of a natural person if it is a national of and resident in the European Union, or (b) in the case of a juridical person, if it is established in the European Union and constituted under the law of a Member State and has its registered office, central administration or principal place of business within the European Union.

In FI: The importation of electricity. With respect to cross-border trade, the wholesale and retail of electricity.

In FR: Only companies where 100 % of the capital is held by the French State, by another public sector organisation or by Electricité de France (EDF), may own and operate electricity transmission or distribution systems.

With respect to Market Access (all modes), National treatment (all modes):

In BG: For services incidental to the production of electricity and the production of heat.

In LT: Wholesale and retail services and trading of electricity that originates from non-safe nuclear sources.

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In PT: The activities of electricity transmission and distribution are carried out through exclusive concessions of public service.

With respect to Market access (mode 3), National treatment (mode 3), Most-favoured-nation treatment (mode 3), Local presence:

In BE: An individual authorisation for the production of electricity of a capacity of 25 MW or above requires establishment in the European Union, or in a third country which has a regime similar to that enforced by Directive 96/92/EC of the European Parliament and of the Council¹ in place, and where the company has an effective and continuous link with the economy.

The production of electricity within the offshore territory of BE is subject to concession and a joint venture obligation with a juridical person of the European Union, or with a juridical person of a third country having a regime similar to that of Directive 2003/54/EC of the European Parliament and of the Council², particularly with regard to conditions relating to the authorisation and selection.

¹ Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity (OJ L 27, 30.1.1997, p. 20).

² Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC (OJ L 176, 15.7.2003, p. 37).

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Additionally, the juridical person should have its central administration or its head office in a Member State or a third country meeting the above criteria, where it has an effective and continuous link with the economy.

The construction of electrical power lines which link offshore production to the transmission network of Elia requires authorisation and the company must meet the previously specified conditions, except for the joint venture requirement.

With respect to National treatment (mode 1), Local presence:

In BE: An authorisation is necessary for the supply of electricity by an intermediary having customers established in Belgium who are connected to the national grid system or to a direct line whose nominal voltage is higher than 70,000 volts. That authorisation may only be granted to a person of the EEA.

With respect to Market access (mode 3):

In FR: For services incidental to the production of electricity.

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Existing measures:

BE: Arrêté Royal du 11 octobre 2000 fixant les critères et la procédure d'octroi des autorisations individuelles préalables à la construction de lignes directes;

Arrêté Royal du 20 décembre 2000 relatif aux conditions et à la procédure d'octroi des concessions domaniales pour la construction et l'exploitation d'installations de production d'électricité à partir de l'eau, des courants ou des vents, dans les espaces marins sur lesquels la Belgique peut exercer sa juridiction conformément au droit international de la mer; and Arrêté Royal du 12 mars 2002 relatif aux modalités de pose de câbles d'énergie électrique qui pénètrent dans la mer territoriale ou dans le territoire national ou qui sont installés ou utilisés dans le cadre de l'exploration du plateau continental, de l'exploitation des ressources minérales et autres ressources non vivantes ou de l'exploitation d'îles artificielles, d'installations ou d'ouvrages relevant de la juridiction belge.

Arrêté royal relatif aux autorisations de fourniture d'électricité par des intermédiaires et aux règles de conduite applicables à ceux-ci.

Arrêté royal du 12 juin 2001 relatif aux conditions générales de fourniture de gaz naturel et aux conditions d'octroi des autorisations de fourniture de gaz naturel.

CY: The Regulation of the Electricity Market Law of 2021, Law 130(I)/2021 as amended.

FI: Sähkömarkkinalak (Electricity Market Act) 588/2013.

FR: Code de l'énergie.

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LT: Law on Necessary measures to protect against non-safe nuclear electrical threats from third countries of 20 April 2017 No XIII-306 (last amendment 19 December 2019, No XIII-2705).

PT: Decree-Law 215-A/2012; and

Decree-Law 215-B/2012, 8 October – Electricity.

- (c) Fuels, gas, crude oil or petroleum products (CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88 and 887 other than advisory and consulting services)

With respect to Market Access (all modes), National treatment (all modes), Senior management and boards of directors:

In FI: To prevent control or ownership of a liquefied natural gas (LNG) terminal (including those parts of the LNG terminal used for storage or re-gasification of LNG) by foreign persons for energy security reasons.

In FR: Only companies where 100 % of the capital is held by the French State, by another public sector organisation or by ENGIE, may own and operate gas transmission or distribution systems for reasons of national energy security.

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With respect to Market Access (all modes), National treatment (all modes):

In BE: For bulk storage services of gas, regarding the types of legal entities and the treatment of public or private operators to whom Belgium has conferred exclusive rights. Establishment is required within the European Union for bulk storage services of gas (part of CPC 742).

In BG: For pipeline transportation, storage and warehousing of petroleum and natural gas, including transit transmission (CPC 71310 and part of 742).

In PT: For the Cross-border supply (mode 1) of storage and warehousing services of fuels transported through pipelines (natural gas). Also, concessions relating to the transmission, distribution and underground storage of natural gas and the reception, storage and regasification terminal of LNG are awarded through contracts concession, following public calls for tenders (CPC 7131 and 7422).

With respect to Market access (mode 1), National treatment (mode 1), Local presence:

In BE: The pipeline transport of natural gas and other fuels is subject to an authorisation requirement. An authorisation may only be granted to a person established in a Member State (in accordance with Article 3 of the AR of 14 May 2002).

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Where the authorisation is requested by a company:

- (i) the company must be established in accordance with Belgian law, or the law of another Member State, or the law of a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council¹; and
- (ii) the company must hold its administrative seat, its principal establishment or its head office within a Member State, or a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC, provided that the activity of this establishment or head office represents an effective and continuous link with the economy of the third country concerned (CPC 7131).

In BE: In general, the supply of natural gas to customers (customers being both distribution companies and consumers whose overall combined consumption of gas arising from all points of supply attains a minimum level of one million cubic metres per year) established in Belgium is subject to an individual authorisation provided by the minister, except where the supplier is a distribution company using its own distribution network. Such an authorisation may only be granted to persons of the European Union.

¹ Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas (OJ L 204, 21.7.1998, p. 1).

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With respect to Market access (all modes):

In HU: The supply of pipeline transport services requires establishment. Services may be provided through a Contract of Concession granted by the state or the local authority. The supply of this service is regulated by the Hungarian Concession Law (CPC 7131).

With respect to Market access (mode 1):

In LT: For pipeline transportation of fuels and services auxiliary to pipeline transport of goods other than fuel.

Existing measures:

BE: Arrêté Royal du 14 mai 2002 relatif à l'autorisation de transport de produits gazeux et autres par canalisations; and

Loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations (Article 8.2).

BG: Energy Act.

FI: Maakaasumarkkinalaki (Natural Gas Market Act) (587/2017).

FR: Code de l'énergie.

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HU: Act XVI of 1991 about Concessions.

LT: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973.

PT: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October - Natural Gas; Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October – Electricity; and Decree-Law 31/2006, 15 February – Crude oil/Petroleum products.

(d) Nuclear (CPC 887))

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors:

In DE: For the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

With respect to Market Access (all modes), National treatment (all modes):

In AT, FI: for the production, processing distribution or transportation of nuclear material and generation or distribution of nuclear-based energy.

In BE: For the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

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With respect to Market access (mode 3), National treatment (mode 3), Senior management and boards of directors:

In HU, SE: For services incidental to the processing of nuclear fuel and nuclear-based electricity generation.

With respect to National treatment (mode 3), Market access (mode 3), Senior management and boards of directors:

In BG: For services incidental to the processing of fissionable and fusionable materials or the materials from which they are derived, as well as to the trade therewith, to the maintenance and repair of equipment and systems in nuclear energy production facilities, to the transportation of those materials and the refuse and waste matter of their processing, to the use of ionising radiation, and on all other services relating to the use of nuclear energy for peaceful purposes (including engineering and consulting services and services relating to software etc.).

With respect to Market access (mode 3), National treatment (mode 3):

In FR: services incidental to the manufacturing, production, processing, generation, distribution or transportation of nuclear material must respect the obligations of an Euratom-India Agreement.

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Existing measures:

AT: Bundesverfassungsgesetz für ein atomfreies Österreich (Constitutional Act for a Non-nuclear Austria) BGBl. I Nr. 149/1999.

BG: Safe Use of Nuclear Energy Act.

FI: Ydinenergi laki (Nuclear Energy Act) (990/1987).

HU: Act CXVI of 1996 on Nuclear Energy; and

Government Decree Nr. 72/2000 on Nuclear Energy.

SE: The Swedish Environmental Code (1998:808); and Act on Nuclear Activities (1984:3).

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Reservation No. 23 – Other services not included elsewhere

Sector: Other services not included elsewhere

Industry classification: CPC 9703, part of 612, part of 621, part of 625 and part of 85990

Obligations concerned: Market access

National treatment

Senior management and boards of directors,

Local presence

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Funeral, cremation services and undertaking services (CPC 9703)

With respect to Market access (mode 3), National treatment (mode 3):

In FI: Cremation services and operation or maintenance of cemeteries and graveyards can only be performed by the state, municipalities, parishes, religious communities or non-profit foundations or societies.

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With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In DE: Only juridical persons established under public law may operate a cemetery. The creation and operation of cemeteries and services related to funerals.

In PT: Commercial presence is required to provide funeral and undertaking services. EEA nationality is required in order to become a technical manager for entities providing funeral and undertaking services.

In SE: Church of Sweden or local authority monopoly on cremation and funeral services.

In CY, SI: Funeral, cremation and undertaking services.

Existing measures:

FI: Hautaustoimilaki (Act on Burial Service) (457/2003).

PT: Decree-Law 10/2015, of 16 January, alterado p/ Lei 15/2018, 27 março.

SE: Begravningslag (1990:1144) (Act of Burials); Begravningsförrordningen (1990:1147) (Ordinance of Burials).

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(b) Other business-related services

With respect to Local presence:

In FI: Require establishment in Finland or elsewhere in the EEA in order to provide electronic identification services.

Existing measures:

FI: Laki vahvasta sähköisestä tunnistamisesta ja sähköisistä luottamuspalveluista 617/2009 (Act on Strong Electronic Identification and Electronic Trust Services 617/2009).

(c) New services

With respect to Market access (all modes), National treatment (all modes), Senior management and boards of directors, Local presence:

In the EU: For the provision of new services other than those classified in the United Nations Provisional Central Product Classification (CPC), 1991.