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ANNEX 8-H

SCHEDULE OF SPECIFIC COMMITMENTS OF INDIA

Explanatory notes to the Schedule of specific commitments of India

1. Alphabets indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated 10 July 1991).
2. The reference to "CPC" against specific sectors is a reference to 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), except for:
 - a. sectors where "CPC Ver. 1.1" is indicated, the reference is to the Central Product Classification (Statistical Papers Series M No. 77, Ver. 1.1, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 2002); or
 - b. sectors where "CPC Ver. 2" is indicated, the reference is to the Central Product Classification (Statistical Papers Series M No. 77, Ver. 2, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 2008).

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3. The use of "***" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.
4. The Schedule does not include measures relating to qualification requirements and procedures, technical standards, authorisation requirements, 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 have completed a recognised period of training, 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 non-discriminatory requirements that certain activities may not be carried out in protected zones or areas. While not listed, such measures continue to apply.
5. The Schedules of the European Union in Annexes 8-E (Existing measures of the European Union) and 8-F (Future measures of the European Union) shall not be used to interpret India's commitments or obligations under Chapter 8 (Trade in services).

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS (Applicable for all sectors included in this Schedule)			
(i) Social services	1), 2), 3) and 4): Unbound with respect to social services established or maintained for a public purpose, such as income security, social security, insurance and social welfare. Such services may be subject to public monopolies or to exclusive rights granted to private operators.		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(ii) Legal entity	3) (a) Unless otherwise specified in the sectoral commitments, commercial presence shall take the form of incorporation of a company in accordance with the law of India; or (b) Certain limited activities may also be undertaken as permitted under Foreign Exchange Management Act (hereinafter referred to as "FEMA") and any other applicable law by a foreign entity through liaison office or representative office, project office or branch office, subject to relevant approvals, and assessment of profitability and minimum net worth requirements of the parent company.	3) As provided under the column for Limitations on market access (hereinafter referred to as "Market Access column" or "MA column").	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(iii) FDI policy related	3) In addition and without prejudice to equity and other restrictions specified in sectoral commitments of this Schedule, Market Access (hereinafter referred to as "MA") and National Treatment (hereinafter referred to as "NT") restrictions specified in the Consolidated FDI Policy Circular of 2020 and applicable regulations of the FEMA, as revised and amended from time to time, shall be applicable, provided that any changes to the Consolidated FDI Policy Circular of 2020 and amendments to applicable FEMA regulations shall not be applied in a manner so as to nullify or impair the benefits under the terms of a specific commitment. ¹	3) In addition and without prejudice to equity and other restrictions specified in sectoral commitments of this Schedule, MA and NT restrictions specified in the Consolidated FDI Policy Circular of 2020 and applicable regulations of the FEMA, as revised and amended from time to time, shall be applicable, provided that any changes to the Consolidated FDI Policy Circular of 2020 and amendments to applicable FEMA regulations shall not be applied in a manner so as to nullify or impair the benefits under the terms of a specific commitment. ²	

¹ It is understood that India's commitments are without prejudice to any policies or regulations that it may adopt or maintain with a view to ensuring national security.

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(iv) Residency of director		3) At least one director and manager of a company incorporated in India must be resident of India.	
(v) Acquisition of immoveable property		3) A person resident outside India, who has established in India a branch office or other place of business authorized by the Reserve Bank of India (hereinafter referred to "RBI"), other than a liaison office, may acquire immoveable property when such acquisition is necessary for or incidental to carrying on of the permitted activity.	
(vi) Payments to a foreign collaborator resulting from technology transfer		3) Payments to a foreign collaborator resulting from technology transfer or on the use of trademarks and brand names of the foreign collaborator will be regulated.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(vii) Taxation		1), 3) and 4) Taxation law for domestic and foreign service suppliers, as per the provisions of the relevant applicable law shall apply.	
(viii) Entry and temporary stay of a natural person of the European Union	4) Unbound except for measures concerning the entry and temporary stay of natural persons of the European Union covered under Annex 8-A (Entry and temporary stay of natural persons), and subject to the terms of that Annex and this Schedule.	4) Unbound except as indicated in the MA column for the categories of natural persons of the European Union covered under Annex 8-A (Entry and temporary stay of natural persons), and subject to the terms of that Annex and this Schedule.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(ix) Requirements for e-commerce entity ¹	1), 2) and 4): An e-commerce entity shall appoint a nodal person of contact or an alternate senior designated functionary who is resident in India, to ensure compliance with the provisions of the Consumer Protection Act, 2019 or the rules made thereunder.	3) An e-commerce entity shall appoint a nodal person of contact or an alternate senior designated functionary who is resident in India, to ensure compliance with the provisions of the Consumer Protection Act, 2019 or the rules made thereunder.	
(x) TRIPS related	1), 2), 3) and 4): Unbound for all measures that constitute exception to, or derogation from, Articles 3 or 4 of the TRIPS Agreement, as specifically provided for in Articles 3, 4, and 5 of that Agreement.	1), 2), 3) and 4): Unbound for all measures that constitute exception to, or derogation from, Articles 3 or 4 of the TRIPS Agreement, as specifically provided for in Articles 3, 4, and 5 of that Agreement.	

¹ An e-commerce entity is as defined in Consumer Protection (E-Commerce) Rules, 2020, made under Consumer Protection Act, 2019, as amended from time to time.

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
II. SECTOR SPECIFIC COMMITMENTS ¹			
1. BUSINESS SERVICES			
A. Professional services			
(b) Accounting and book-keeping services (CPC 862**) (excluding auditing services)	1) None 2) None 3) None, except that commercial presence can only take the form of sole proprietorship, partnership or limited liability partnership firms. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section and further subject to the requirement of obtaining professional indemnity insurance from home country of service provider. 1), 2), 3) and 4) Services requiring use of title of Chartered Accountant or Cost and Works Accountant under applicable domestic law can be rendered only subject to registration with the relevant professional body under a scheme of reciprocity.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(b) Auditing services (CPC 862**)	1) Unbound 2) None 3) None except that commercial presence can only take the form of sole proprietorship, partnership or limited liability partnership firms. 4) Unbound except as indicated in the horizontal section. 2) and 4) Local presence may be required.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section and further subject to the requirement of obtaining professional indemnity insurance from home country of service provider. 2), 3) and 4) Services requiring use of title of Chartered Accountant or Cost and Works Accountant under applicable domestic law can be rendered only subject to registration with the relevant professional body under a scheme of reciprocity.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(c) Advisory and consulting relating to taxation services (CPC 863**) (Services encompasses only advice and consulting relating to tax planning; but excludes: preparation of documentation such as returns or reports required for compliance with income tax laws, authentication and filing of such returns or reports or other statutory audit reports, and representation before tax authorities or tribunals)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(d) Architectural services (CPC 8671)	1) None 2) None 3) None except that commercial presence would be only through sole proprietorship or incorporation as partnership firm constituted by architects.	1), 2) and 3) None except that services requiring use of title and style of 'Architect' under applicable national law shall be subject to registration with the relevant professional body under a scheme of reciprocity.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	4) Unbound except for the categories of natural persons specified in the horizontal section who: (a) undertake the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or (b) are recognized as 'Architect' under applicable Member States' law, subject to registration of such person with relevant professional body under a scheme of reciprocity between India and that Member State. 1), 2) and 4) Residency is required for services requiring use of title and style of 'Architect' under applicable national law	4) Unbound except for the categories of persons indicated in the MA column and subject to restrictions specified in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(e) Engineering services (CPC 8672)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(f) Integrated engineering services (CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None except that commercial presence would be only through sole proprietorship or incorporation as partnership firm constituted by architects.	1), 2) and 3) None except that services requiring use of title and style of 'Architect' under applicable national law shall be subject to registration with the relevant professional body under a scheme of reciprocity.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	4) Unbound except for the categories of natural persons specified in the horizontal section who: (a) undertake the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or (b) are recognized as 'Architect' under applicable Member States' law, subject to registration of such person with the relevant professional body under a scheme of reciprocity between India and that Member State. 1), 2) and 4) Residency is required for services requiring use of title and style of 'Architect' under applicable national law.	4) Unbound except for the categories of persons indicated in the MA column and subject to restrictions specified in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(h) Medical and dental services (CPC 9312)	1) Unbound except for provision of services on provider-to-provider basis such that the transaction is between established medical institutions covering areas of second opinion to help in diagnosis of cases or in the field of research. 2) None 3) None subject to the condition that the latest technology for treatment will be brought in. 4) Unbound except for categories of natural persons specified in the horizontal section, who are involved in charitable purposes, and subject to permissions from relevant authorities.	1) None 2) None 3) None 4) Unbound except for the categories of persons indicated in the MA column and subject to restrictions specified in the horizontal section. Professionals qualified outside India can practice medicine for charitable purposes, and dentistry for teaching and research purposes, subject to permissions from relevant authorities under the applicable domestic law.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(i) Veterinary services (CPC 932)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4): Residency is required under applicable law	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(j) Services provided by midwives, nurses, physiotherapists and para-medical personnel (CPC 93191)	1) Unbound except for provision of services on provider-to-provider basis such that the transaction is between established medical institutions covering areas of second opinion to help in diagnosis of cases or in the field of research. 2) None 3) None subject to the condition that the latest technology for treatment will be brought in. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Computer and related services (CPC 841, 842, 843, 844, 845 and 849)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
C. Research and Development services Explanatory note: Commitment on Research and Development (hereinafter referred to as "R&D") services does not include accessing biological resources for the purposes of R&D, or transfer of results based on R&D of biological resources accessed in India.			

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(a) R&D services on the following natural sciences only: Heat, light, electromagnetism, astronomy, but excluding atomic energy and related matters (CPC 85101) Engineering and technology, including applied science and technology for casting, metal, machinery, electricity, communications, vessels, aircrafts, civil engineering, construction, information, etc. (CPC 85103)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(a) R&D services in agricultural sciences (CPC 85104)	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	
(b) R&D services on social sciences and humanities, excluding law (CPC 852**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
R&D Services on biotechnology excluding medical biotechnology	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
D. Real estate service			
(b) On a fee or contract basis (CPC 822)	1) None 2) None 3) None for Consultancy services. 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
E. Rental/Leasing Services (without operators)			
(a) Rental/leasing services without operators relating to ships (CPC 83103) (excluding the services of actual international transport of cargo)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as indicated in the horizontal section.	
(b) Rental/leasing services without operators relating to aircraft (CPC 83104)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(c) Rental/leasing services without operator relating to other transport equipment (CPC 83101, 83102 and 83105) (excluding Railroad transport and multimodal transport)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as indicated in the horizontal section.	
(d) Rental/leasing services without operators relating to other machinery and equipment (CPC 83106, 83107, 83108 and 83109)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(e) Other (CPC 832)			
Rental/leasing service concerning personal and household goods (CPC 832)	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as indicated in the horizontal section.	
F. Other business services			
(a) Advertising services Sale of leasing services of advertising space of time (CPC 87110) Planning, creating and placement of services of advertising (CPC 87120)	1) None subject to the requirement that foreign channels must seek advertising for the down link beam through domestic entities and foreign print media must seek advertisement through domestic entities. 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None subject to the requirement that majority of content would be created locally by Indian nationals. 2) None 3) None except that persons controlling management of the company in India shall be resident in India. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(c) Management consulting services, excluding all services relating to legal consultancy (CPC 86501**, 86502**, 86503**, 86505**, 86506** and 86509**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(d) Services related to management consulting (CPC 86601)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(g) Services incidental to fishing (CPC 882)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(h) Services incidental to mining (CPC 883 and 5115)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(j) Services incidental to energy distribution (CPC 887**), excluding energy trading and load dispatch functions	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(k) Placement and supply services of Personnel (CPC 872)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(m) Related Scientific and technical consulting services (CPC 8675**) – excluding map making (CPC 86754) and hydrographic related surface surveying services	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(n) Maintenance and repair of equipment (CPC 633)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(o) Building-cleaning services (CPC 874)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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(p) Photographic services, excluding aerial photography, satellite pictures and satellite enabled photography (CPC 875**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(q) Packaging services (CPC 876)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(s) Convention services (CPC 87909*)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(t) Specialty design services (CPC 87907**)	1) None 2) None 3) None except that commercial presence would be only through sole proprietorship or incorporation as partnership firm constituted by architects.	1), 2), 3) None except that services requiring use of title and style of 'Architect' under applicable national law shall be subject to registration with the relevant professional body under a scheme of reciprocity.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	4) Unbound except for the categories of natural persons specified in the horizontal section who: (a) undertake the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or (b) are recognized as 'Architect' under applicable Member States' law, subject to registration of such person with the relevant professional body under a scheme of reciprocity between India and that Member State. 1), 2), and 4) Residency is required for services requiring use of title and style of 'Architect' under applicable national law.	4) Unbound except for the categories of persons indicated in the MA column and subject to restrictions specified in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Other: Telephone based support services (i) Telephone call centre services (CPC Ver. 1.1/2 - 85931): This subclass includes: (a) taking orders for clients by telephone (b) soliciting contribution or providing information for clients by telephone (c) telemarketing, and	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None except that there may be requirements related to Senior Management and Boards of Directors. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(ii) Other telephone-based support services (CPC Ver. 1.1/2 – 85939): This subclass includes: (a) telephone answering services (b) telephone wake-up services			
Duplicating Services (CPC 87904)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
Translation and interpretation services (CPC 87905)	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
2C. TELECOMMUNICATIONS SERVICES ¹			
(a) Voice telephone services (CPC 7521**) and Cellular mobile telephone	1) Unbound 2) None	1) Unbound 2) None	
(b) Packet switched Data Transmission Services (CPC 7523**)	3) The service will be permitted to be provided as per license agreement only after the Service Supplier, incorporated as a company in India, gets a licence from the Designated Authority. The Service Supplier should be a company registered in India with maximum foreign investment up to 100 %. For foreign investment more than 49 %, Government approval would be required.	3)(i) None except the following: – The Chief Officer in charge of Technical Network Operations, Chief Security Officer and officer/officials of the licensee companies dealing with the lawful interception of messages, shall be resident Indian citizens. – The majority Directors on the Board of the licensee company shall be Indian citizens.	
(c) Radio Paging Services Internet Services Circuit switched data transmission services (CPC 7523**)			

¹ Excluding broadcasting services and measures affecting such services.

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(d) Telex Service (CPC 7523 ^{**}) (e) Telegraph Services (CPC 7522 ^{**}) (f) Facsimile Services (CPC 7521 ^{**} and CPC 7529 ^{**}) (g) Private Leased Circuit Services (CPC 7522 ^{**} and 7523 ^{**}) (o) Others (i) V-Sat Services (ii) Global Mobile Personal Communications Services (iii) Infrastructure Providers (Category I)	Number of licenses, may, however, be limited due to scarce resources such as right of way and spectrum availability subject to a minimum of two licenses in each service area. Resale of telephone services is not permitted. 4) Unbound except as indicated in the horizontal commitments.	– The positions of the Chairman, managing Director, Chief Executive Officer and/or Chief Financial Officer, if held by foreign nationals, would require to be security vetted by the Government of India annually. – All foreign personnel likely to be deployed by the licensee for installation, operation and maintenance of the licensee's network shall also be security cleared by the Government of India prior to their deployment.	
		3)(ii) Unbound for Indian Government Public Sector Undertakings. 4) Unbound except as indicated in the horizontal commitments.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Data and Message Transmission Services, in the following: (h) Electronic mail (CPC 7523**) (i) Voice mail (CPC 7523**) (j) On-line information and data base retrieval (CPC 7523**) (k) Electronic Data Interchange (EDI) (CPC 7523**) (l) Enhanced/ value added facsimile services, including store and forward, store and retrieve (CPC 7523**) (n) On-line information and data processing (CPC 843**)	1) None except the provision of all services is subject to commercial arrangements with licensed Telecom service suppliers. 2) None 3) The service will be permitted to be provided as per license agreement only after the Service Supplier, incorporated as a company in India, gets a licence from the Designated Authority. For foreign investment more than 49 %, Government approval would be required. 4) Unbound except as indicated in the horizontal commitments.	1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal commitments.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES (Excluding services covered under Coasting Trade as defined in India's domestic law.)			
A. General construction work for buildings (CPC 512)	1) None	1) None	
B. General Construction work for civil engineering (CPC 513**)	2) None	2) None	
C. Installation and assembly work (CPC 514 and 516)	3) None except: (i) Foreign investment in construction of farm houses is prohibited.	3) None	
D. Building completion and finishing work (CPC 517)	(ii) Construction services relating to petroleum sector shall be subject to economic needs tests and other applicable regulatory requirements.	As provided in MA column, and additionally all foreign investment (except in the case of construction work in respect of hotels, tourist resorts, hospitals, special economic zones, educational institutions, old age homes and investments by non-resident Indians) shall be subject to regulatory requirements specified under the Consolidated FDI Policy Circular 2020 and relevant FEMA regulations such as restrictions on repatriation of the foreign investment during a lock-in period of three years calculated for each tranche of FDI.	
E. Other (CPC 511, 515 and 518)	(iii) Subject to relevant state and local law. 4) Unbound except as indicated in the horizontal section.		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
		State and local level regulations, including land-use requirements, building bye-laws and provision of community amenities and common facilities, shall apply. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
4. DISTRIBUTION SERVICES (EXCLUDING DISTRIBUTION OF ARMS, MUNITIONS, EXPLOSIVES AND OTHER WAR MATERIAL AND LIVE ANIMALS)			
A. Commission agents' services			
Commission agents' services covering sales on a fee or contract basis of: Agricultural raw materials (CPC 62111 ^{**}) Food products excluding beverages and tobacco (CPC 62112 ^{**}) Machinery, industrial equipment and vehicles other than motor vehicles, bicycles and motorcycles (CPC 62114) Furniture, household goods, hardware and ironmongery (CPC 62115) Textiles, clothing and footwear (CPC 62116)	1) None 2) None 3) None subject to approval of the RBI/ Government and in conformity with the FEMA regulations, as applicable, and except for requirements as may be specified under relevant state and local level law. 4) Unbound except as indicated in the horizontal section. 1), 2) and 4) Local presence may be required.	1) None 2) None 3) None except as indicated in MA column. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Wholesale trade services			
Wholesale trade services:			
Agricultural raw materials excluding live animals (CPC 6221 ^{**})	1) None	1) None	
Food excluding beverages and tobacco (CPC 6222 ^{**})	2) None	2) None	
Textiles, clothing and footwear (CPC 6223)	3) None subject to approval of RBI/ Government and in conformity with the FEMA regulations, as applicable, and requirements as may be specified under relevant state and local level law.	3) None except as indicated in the MA column.	
Household appliances, articles and equipment (CPC 6224)	4) Unbound except as indicated in the horizontal section.	4) Unbound except as indicated in the horizontal section.	
Miscellaneous consumer goods (CPC 6226)	1), 2) and 4) Local presence may be required.		
Machinery, equipment and supplies (CPC 6228)			

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
C. Retailing Services			
Single Brand Product Retail Services (excluding in prohibited sectors as specified in India's Consolidated FDI Policy Circular of 2020 and in natural gas and petroleum and natural gas products, tobacco and liquor and subject to the conditions mentioned in India's Consolidated FDI Policy Circular of 2020 and applicable regulations under the FEMA.)	1) Unbound 2) Unbound 3) None except foreign investment up to 51 % allowed subject to conformity with India's Consolidated FDI Policy Circular of 2020 and FEMA regulations and any other law including at state/local level, as applicable. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
D. Franchising Services			
Franchising Services in respect of Single Brand retailing services as specified in category C above.	1) Unbound 2) Unbound 3) None subject to approval of RBI and conformity with India's Consolidated FDI Policy Circular of 2020 with respect to Single Brand Product Retail trading and FEMA regulations and any other law, including at state/local level, as applicable. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section.	
5. EDUCATIONAL SERVICES (only privately funded services)			

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
C. Higher education services (CPC 923)	1) None subject to the condition that service providers would be subject to regulations, as applicable to domestic providers in the Member State of origin and subject to terms and conditions of approval from relevant authority in India for educational programmes leading to award of a recognized degree, diploma, doctoral programmes, etc. 2) None 3) None subject to the condition that fees to be charged can be fixed by an appropriate authority and that such fees do not lead to charging capitulation fees or to profiteering. Subject further to such regulations already in place or to be prescribed by the appropriate regulatory authority including at state / local levels. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
6. ENVIRONMENTAL SERVICES (Excluding public services functions whether owned and operated or contracted out by local, regional or central government)			
A. Sewage services (CPC 9401)	1) None for consultancy services. 2) None 3) None subject to conformity with any law at state/local level, as applicable. 4) Unbound except as indicated in the horizontal section.	1) None for consultancy services. 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Refuse disposal services (CPC 9402) C. Sanitation and similar services (CPC 9403)	1) None for consultancy services. 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None for consultancy services. 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
D. Cleaning services of exhaust gases (CPC 94040)	1) None for consultancy services. 2) None 3) None subject to conformity with any law at state/local level, as applicable. 4) Unbound except as indicated in the horizontal section.	1) None for consultancy services. 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
7. FINANCIAL SERVICES 1. All the commitments are subject to entry requirements, domestic laws, rules, regulations, guidelines and the terms and conditions of the RBI, Securities and Exchange Board of India (hereinafter referred to as "SEBI"), Insurance Regulatory and Development Authority of India (hereinafter referred to as "IRDAI") and any other competent authority in India. Such measures shall not be used as a means to nullify or impair the specific commitment in this schedule.			

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
2. For Financial Services, "(iv) Residency of Director" limitation on NT inscribed in the Horizontal Commitment of this Schedule shall be replaced as "3) The composition of the board and management of a company incorporated in India shall be as per the regulations notified by the relevant regulator of the sector."			
A. Insurance and Insurance Related Services			

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(i) Direct insurance (a) Life insurance	1) Unbound 2) Unbound 3) None except that commercial presence would be through incorporation of a company and subject to fulfilment of minimum capitalisation norms. 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) As provided under the MA column and provided that at least one among the Chairperson of its Board, its Managing Director and its Chief Executive Officer, shall be a Resident Indian Citizen. 4) Unbound except as indicated in the horizontal section	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(i) Direct insurance (b) Non-life insurance	1) Unbound except (i) in the case of insurance of freight, where there is no requirement that goods in transit to and from India should be insured with Indian insurance companies only. Insurance is taken by the buyer or seller in accordance with the terms of the contract. Once under a contract the Indian importer or exporter agrees to assume the responsibility for insurance such as in the case of f.o.b. contracts for imports into India or c.i.f. contracts for exports from India, insurance has to be taken only with an Indian insurance company.	1) Unbound 2) Unbound 3) As provided under MA column and provided that at least one among the Chairperson of its Board, its Managing Director and its Chief Executive Officer, shall be a Resident Indian Citizen. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	(ii) that Indian companies are statutorily required to take prior permission of the IRDAI before they take out or renew any policy of insurance in respect of any property in India or any ship or other vessel or aircraft registered in India with an insurer whose principal place of business is outside India. 2) Unbound 3) None except that commercial presence would be through incorporation of a company and subject to fulfilment of minimum capitalisation norms. 4) Unbound except as indicated in the horizontal section.		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(ii) Reinsurance and retrocession	1) and 2) Reinsurance can be taken by non-life insurers with foreign reinsurers to the extent of the residual uncovered risk after obligatory or statutory placements domestically with Indian reinsurers. While obtaining reinsurance support, the order of preference shall be followed by non-life insurers as specified under IRDAI regulations. 3) None except that commercial presence would be through incorporation of a company and subject to fulfilment of minimum capitalisation norms. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) For reinsurance companies incorporated in India, as provided under the MA column and provided that at least one among the Chairperson of its Board, its Managing Director and its Chief Executive Officer, shall be a Resident Indian Citizen. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(iii) Insurance intermediation	1) and 2) Unbound except that reinsurance of domestic risks can be placed abroad with foreign reinsurers through a reinsurance broker registered with IRDAI. 3) (i) Overseas brokers are allowed, subject to registration by the IRDAI and in compliance with the extant regulations. (ii) The reinsurance/composite brokers registered with the IRDAI shall not share more than 50 % of the remuneration with the foreign insurance broker for the services obtained from them. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(iv) Services auxiliary to insurance, such as consultancy, actuarial, risk assessment (excluding claim settlement services)	1) None 2) Unbound 3) Auxiliary services, other than actuarial services: None except that commercial presence would be through incorporation of a company in India. Actuarial Services: Commercial presence through partnerships subject to approval under applicable law and formal certification by Institute of Actuaries of India. 4) Unbound except as in the horizontal section.	1) None except for certification and residency requirements for actuarial services. 2) None 3) Auxiliary services, other than actuarial services: As provided under MA column and provided that residency requirements for key managerial personnel, restrictions on repatriation and compliance with disclosure requirements, shall apply as provided under law. Actuarial Services – Unbound 4) Unbound except as in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
B. Banking and other financial services (excluding insurance)			
(i) Acceptance of deposits and other repayable funds from the public		1) Unbound	
(ii) Lending of all types, including consumer credit, mortgage credit, factoring, and financing of commercial transactions		2) Unbound	
(iii) All payment and money transmission services including credit, charge and debit cards, travellers' cheques and bankers' drafts		3) Unbound for WOS	
		(i) Public sector enterprises can invest surplus funds in term deposits only with scheduled commercial banks incorporated in India; their investment of surplus funds in term deposits with WOS would be subject to applicable guidelines / law.	
		(ii)	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
(iv) Guarantees and commitments	1) Unbound	(iii) For transferable securities indicated in point (v) (C) in the sub-sector column, Unbound except as indicated in the MA column.	
(v) Trading for own account of the following:	2) Unbound		
(A) money market instruments (including cheques, bills, certificates of deposits)	3) In each of the services sub-sectors indicated in points (i)-(vi) in which commitments are being undertaken for banking and non-banking financial services companies, access is subject to fulfilment of minimum capitalisation norms and subject to regulations of the RBI and any other competent authority in India.	4) Unbound except as indicated in the horizontal section.	
(B) foreign exchange			
(C) transferable securities			
(vi) Clearing services for cheques, drafts and other payment instruments			

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	(ii) The applicable legal form of presence for all activities listed in this section of the Schedule, except where separately specified under the specific sub-sectors, shall be only through one of the three channels, i.e., (a) branch operations of a foreign bank: 15 branches over 4 years for European Union banks, or (b) as a wholly owned subsidiary ("WOS") of a foreign bank licensed and supervised as a bank in its home country; or.		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	(c) through foreign investment by a foreign bank in a private sector bank in India through FDI, subject to foreign investment ceiling of 74 % (with 49 % under automatic route, and beyond 49 % with approval from the Government or RBI). The single mode of presence under points (a) or (b) shall be subject to the following requirements: - opening of branches by foreign banks in branch or WOS mode shall also be subject to the requirements regarding economic needs tests, reciprocity, inclusive banking and any other prudential requirements, that may be specified by the RBI.		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	– the branch operations or WOS can also hold investment not exceeding 5 % in a private sector bank in India. In the private sector banks under point (c), any acquisition and maintenance of 5 % or more of the paid-up capital or voting rights of the bank by a single entity or group of related entities shall be subject to prior approval of the RBI and periodic assessment of the concerned shareholder by the concerned bank. Foreign banks shall not acquire any fresh stake in a bank's equity shares, if by such acquisition, the investing bank's holding is 10 % or more of the investee bank's equity capital. Investments in other financial services companies by branches of foreign banks licensed to do banking business in India individually not to exceed 10 % of owned funds or 30 % of the invested company's capital whichever is lower.		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	Licences for new foreign bank branches may be denied when the maximum share of assets in India both on and off balance sheet of foreign banks to total assets both on and off balance sheet of the banking system exceeds 15 %. Restrictions would be placed on further entry of new WOS of foreign banks, when the capital and reserves of foreign banks (i.e., WOSs and foreign bank branches) in India exceed 20 % of the capital and reserves of the banking system. In such eventuality prior approval of RBI will be required for capital infusion into the existing WOSs of foreign banks. Foreign banks are subject to non-discriminatory resource allocation requirements.		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	For transferable securities indicated in point (v) (C) of sub sector column – In addition to the above conditions, commercial presence through locally incorporated joint venture company with foreign investment not exceeding 74 %. The foreign investment participation will be limited to recognized foreign stock broking companies. 4) Unbound except as indicated in the horizontal section		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Financial leasing; factoring; venture capital; 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	1) Unbound 2) Unbound 3) Access is subject to fulfilment of minimum capitalisation norms, and subject to regulations of the RBI, SEBI and any other competent authority in India. (ii) Allowed for foreign financial services companies (including banks) through incorporation as a company in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) Unbound except for entities established in accordance with the limitation specified in the MA column. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Money broking	1), 2) and 3) Unbound 4) Unbound except as indicated in the horizontal section.	1), 2) and 3) Unbound 4) Unbound except as indicated in the horizontal section.	
Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services	1), 2) and 3) None, except that supply of services shall be subject to domestic law (extant and future) with reference to data, including its transfer, storage and processing. 4) Unbound except as indicated in the horizontal section.	1), 2) and 3) None except as indicated in the MA column. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services (excluding pension fund management)	1) Unbound	1) Unbound	
	2) Unbound	2) Unbound	
	3)	3) None except as indicated in the MA column.	
	(i) Access is subject to fulfilment of minimum capitalisation norms, and subject to regulations of the RBI, SEBI and any other competent authority in India.	4) Unbound except as indicated in the horizontal section.	
	(ii) Commercial presence would be through incorporation as a company in India.		
	4) Unbound except as indicated in the horizontal section.		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Financial consultancy services, i.e., financial advisory services provided by financial advisers, etc. to customers on financial matters, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.	1) Unbound except for research analysts' services by the entities of the European Union who have entered into an agreement with research analysts or research entities registered under the respective law of India. 2) Unbound 3) (i) Access is subject to fulfilment of minimum capitalisation norms, and subject to regulations of the RBI, SEBI and any other competent authority in India. (ii) Allowed for foreign banks licensed to do banking business in India. (iii) Allowed for foreign financial services companies (including banks) through incorporation. 4) Unbound except as indicated in the horizontal section.	1) Unbound except as indicated in the MA column. 2) Unbound 3) Unbound except as indicated in the MA column. 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Electronic payment systems	1) Access to respective Fast Payment Systems (hereinafter referred to as "FPS") infrastructure on a reciprocal basis, without a need to get onboarded onto the other payment system, through interlinking of FPS for (i) cross-border merchant payments and (ii) real-time cross-border remittances, except that supply of services shall be subject to domestic law (extant and future) with reference to data, including its transfer, storage and processing. 2) Unbound 3) Unbound 4) Unbound	1) Unbound 2) Unbound 3) Unbound 4) Unbound	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
8. HEALTH-RELATED AND SOCIAL SERVICES (only privately funded services)			
A. Hospital services (CPC 9311)	1) None for provision of services on provider-to-provider basis. 2) None 3) None except that commercial presence subject to the condition that the latest technology for treatment will be brought in. 4) Unbound except as indicated in the horizontal section. None for charitable purposes.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
9. TOURISM AND TRAVEL-RELATED SERVICES			
A. Hotels and other lodging services (CPC 641- 643)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
B. Travel agency and tour operator services (CPC 7471)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
C. Tourist guides services (CPC 7472)	1) Unbound 2) None 3) None except numerical ceiling in relation to the number of tourist guides is 500 guides. 4) Numerical ceiling in relation to the number of tourist guides is 500 guides. For others: Unbound except as indicated in horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audio- visual services)			
A. Entertainment services (including theatre and live bands (CPC 9619**)) Other entertainment services n.e.c. (CPC 96199) are excluded	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
C. Library services (CPC 96311) and archive services, excluding archival management of public records (CPC 96312**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
D. Sporting and other recreational services (CPC 964**) (excluding lottery, gambling, betting and online gaming services)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section and subject to reciprocity.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
11. TRANSPORT SERVICES Headnote for Maritime transport services and Maritime auxiliary services: 1. The sectoral commitments as inscribed below are subject to the requirement that the chartering of any vessel, other than an Indian vessel, by a citizen of India or a non-resident Indian or an overseas citizen of India or a company or a co-operative society or a limited liability partnership or any other entity as the Central Government may specify, shall be subject to licensing requirements, wherever applicable, under applicable domestic law."			

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
2. In addition, and without prejudice to paragraph 1 of this Headnote and the sectoral limitations specified as below, all sectoral commitments are subject to non-discriminatory domestic law, entry requirements, rules and regulations and the terms and conditions of the Directorate General of Shipping, RBI and any other competent authority in India.			

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
A. Maritime transport services			
International transport (freight and passengers excluding cabotage and offshore transport as defined in the Attachment)	1) (a) Liner shipping And (b) Bulk shipping (i) Dry, liquid and gas (other than LNG) None except: Preference will be given to Indian Flag vessels for government cargoes; and Government owned/controlled cargo. Government policy on FOB/FAS will hold good.	1) (a) Liner shipping And (b) Bulk shipping (i) Dry, liquid and gas (other than LNG): None except as indicated in the Market Access column (ii) LNG: Unbound (c) Passenger: None 2) None	Access to and use of port facilities No measures shall be applied to the following services which deny reasonable and non-discriminatory access to international maritime suppliers:

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	For chartering a vessel for carriage of any government or privately owned/controlled cargoes for export or import, Indian flag vessels will have the first right of refusal for carrying cargoes. Only if such permission cannot be given to Indian Flag vessel, a foreign flag vessel be allowed to be in-chartered/taken on rental basis. (ii) LNG: Unbound (c) Passenger: None 2) None	3) (a) None except as indicated in the Market Access column. (b) Other forms of commercial presence for the supply of International Maritime Transport Services (as per definitions): Unbound 4) Unbound except as indicated in the horizontal section	1. Pilotage 2. Towing, tug assistance and pushing 3. Provisioning, fuelling and watering 4. Garbage collecting and ballast water disposal 5. Port Captain services

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	3) (a) None except for the condition that for operating a ship under the Indian flag, a registered company, or a cooperative society under any Central Act or State Act having its principal place of business in India, must be established. (b) Other forms of commercial presence for the supply of International Maritime Transport Services (as per definitions): Unbound 4) Unbound except as indicated in the horizontal section		6. Navigation aids water and electrical supplies including communications 7. Shore based operational services essential to ship operations, 8. Emergency repair facilities 9. Anchorage, berth and berthing services.

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Maritime Auxiliary Services			
Maritime cargo handling services	1) Unbound 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
Storage and Warehousing services in ports	1) Unbound 2) None 3) None except that commercial presence will be only by establishing a Company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Customs clearance services	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	
Container station and depot services	1) Unbound 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Maritime agency services	1) None 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
Maritime freight forwarding services	1) None 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
International rental/ charter of vessels with crew or on bareboat basis (excluding cabotage and offshore transport)	1) Unbound 2) None except obtaining permission from Director General of Shipping for chartering a foreign flag vessel in the absence of availability of a suitable Indian vessel. 3) Unbound 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None except vessels rented by Indian nationals are considered as foreign vessels. 3) Unbound 4) Unbound except as indicated in the horizontal section.	
Maintenance and repairs of seagoing vessels	1) None 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Ship broking service (CPC 748**)	1) Unbound 2) None 3) None except that commercial presence will be only by establishing a company registered under any Central Act or State Act in India and having its principal place of business in India. 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Dredging and cable laying services in coastal waters	1) None subject to the condition that the supply of dredging and cable laying services in the coastal waters of India shall be subject to meeting requirements under the domestic law. For chartering a vessel for the supply of dredging and cable laying services in the coastal waters of India, Indian flag vessels will have the first right of refusal for such supply. Only if such permission cannot be given to Indian flag vessel, a foreign flag vessel be allowed to be in-chartered or taken on rental basis.	1) None except as indicated in the MA column. 2) Unbound 3) (a) None except as indicated in the MA column. (b) Other forms of commercial presence for the supply of services in coastal waters: Unbound 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	2) Unbound 3) (a) None except for the condition that for operating a ship under the Indian flag, a registered company, or a cooperative society under any Central Act or State Act having its principal place of business in India, must be established. The commitment is subject to requirements of domestic law. (b) Other forms of commercial presence for the supply of services in coastal waters: Unbound 4) Unbound except as indicated in the horizontal section.		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Air Transport Services and Auxiliary Air Transport Services			
Air Transport Services			
Aircraft repair and maintenance services	1) None 2) None except that aircraft repair and maintenance services for Indian registered aircraft and their components can be rendered by the European Union Maintenance, Repair and Overhaul (MRO) service providers based on Directorate General of Civil Aviation's (hereinafter referred to as "DGCA") approval under a scheme of reciprocity between DGCA and European Union Aviation Safety Agency (hereinafter referred to as "EASA"). 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None except as provided in the MA column. 3) None 4) Unbound except as indicated in the horizontal section.	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Auxiliary Air Transport Services India's commitments in airport operation and groundhandling services are as per the definitions agreed in Chapter 8 (Trade in services)			
Airport operation Services	1) Unbound 2) Unbound 3) None 4) Unbound	1) Unbound 2) Unbound 3) None. 4) Unbound	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Groundhandling services	1) Unbound	1) Unbound	
	2) Unbound	2) Unbound	
	3) None except that	3) None except where	
	(a) Categories of activities depend on the size of the airport. The number of service suppliers in each airport can be limited. For big airports, this limit may not be less than two services suppliers. (b) A groundhandling agency, with foreign ownership of 50 % or more of its paid-up capital shall not be allowed to undertake ground handling activities at the civil enclave.	(a) the European Union provides to groundhandling service suppliers of India treatment less favourable than the treatment provided by India to groundhandling service suppliers of the European Union; or	
	4) Unbound		

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
		(b) the European Union provides to groundhandling service suppliers of India treatment less favourable than the treatment provided to groundhandling service suppliers of the European Union or of a third country; India may provide to groundhandling service suppliers of the European Union differential treatment than the treatment provided to them under the regulations of India. 4) Unbound	

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ATTACHMENT TO SCHEDULES OF SPECIFIC COMMITMENTS OF INDIA:

DEFINITIONS RELATED TO MARITIME TRANSPORT SERVICES

1. "International transport (freight and passenger)", for the purpose of this Schedule, is to mean transportation of international maritime freight and passengers by seagoing vessels from the port of loading in one country to the port of discharge in another country.
2. Cabotage: This Schedule does not include any commitments on "Cabotage" or "Maritime transport services" which are described as transportation of passengers or goods between any port or place located in India and any other port or place located in India and transportation of passengers or goods originating or terminating in the same port or place located in India including transportation of passengers or goods between a port or a place located in India and another port, place, installation and structures situated in the Exclusive Economic Zone (hereinafter referred to as "EEZ") of India or on the continental shelf of India.
3. Offshore transport: For the purposes of the Schedule only, "Offshore transport" refers to shipping services involving the transportation of passengers or goods between a port located in India and any location installation or structure associated with or incidental to the exploration or exploitation of natural resources of the continental shelf of India, the seabed of the Indian coastal seas and the subsoil of the seabed, or situated on the continental shelf of India or in the EEZ of India.

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4. "Other forms of commercial presence for the supply of international transport services" means ability for international maritime transport service suppliers to undertake local activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which maritime transport constitutes a substantial element. These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) acquisition on their own about or on behalf of their customers (and the resale to their customers) for any transport and related services, including anchorage, berth and berth services, and onward transport services by any mode, particularly road and rail, inland waterways, necessary for the supply of the integrated services;
- (c) the preparation of transport documents, customs documents, or other documents related to the origin and character of goods transported;
- (d) the provision of business information, including computerized information systems and electronic data interchange;

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- (e) setting up of business arrangements with any locally established shipping agency and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to horizontal commitments on movement of personnel);
- (f) organizing any aspect of the call of the vessel or taking control over cargoes;
- (g) the provision of ships managers' services.

NOTE: In order to enforce certain standards and conditions which need to be fulfilled by shipping service suppliers, particularly those providing ship personnel and crew and also those engaged in providing ships management services, and to ensure that the owner, operator, agent or manager has:

- the capability of implementing international standards as well as IMO stipulations and recommendations;
- the necessary financial structure so that he is responsible and accountable;
- the capability of implementing, the safety; and marine pollution controls;
- fulfilled requirements of quality management and his operations are transparent,

a system of registration or licensing of shipping service supplier is also under consideration in India.

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5. "Ship managers" means persons entering India as the agents or representatives of a ship's owner or operator for the purposes of assessing requirements, negotiating and authorizing expenditures necessary to the maintenance and operations of a vessel as well as the handling of cargo.
6. "Maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dock workers, when this workforce is organized independently of the stevedoring or terminal operator companies. The activities covered, include the organisation and supervision of:
 - the loading or discharging of cargo to or from a ship;
 - the lashing or unlashings of cargo;
 - the reception or delivery and safekeeping of cargoes before shipment or after discharge.

The organisation and supervision includes the arrangements for (1) engaging skilled workers (dockworkers), (2) using all necessary equipment for on board or shore use and appropriate storage space, whether by ownership, rental or otherwise, (3) the checking of parcels and markings, the weighing and measuring of cargo, and (4) the administrative duties and responsibilities related to the services.

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7. "Maritime freight forwarding services" means the activity of organising and monitoring shipments on behalf of shippers through providing such services as the arrangement of actual transport and related services, consolidation, aggregation, packing of cargo, preparation of documentation and provision of business information.
8. "Maritime agency services" means activities in representing, within a given geographic area, the business interests of one or more shipping lines or shipping companies for the following purposes:
 - marketing and sales of maritime transport and related activities from quotation to invoicing (cargo booking and canvassing);
 - issuance of bills of lading on behalf of the companies;
 - acquisition and resale of other necessary related services (settlement of disbursements and claims) preparation of documentation, and provision of business information;
 - acting on behalf of the companies in organising the call of the ship or taking control of cargoes;
 - to make arrangement in order to get all necessary port services required by the foreign vessel during its stay in Indian ports;

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- to appoint a stevedoring company for cargo loading and unloading on behalf of its principal;
 - to collect freight on behalf of the principal.
9. "Government cargo" means cargo originating from other countries (import cargoes including crude oil), petroleum by products, coal, natural gas, raw materials for fertilizers, food-grains etc.) purchased by Indian Government agencies or departments or based on loan or credit agreements with other countries, as well as exports by Indian Government agencies or Departments including Government aid.
10. "Maintenance and repairs of vessels" means services such as repairs and management of vessels, mending, fixing or overhauling of a vessel, management of crew and marine insurance, provided on behalf of a maritime passenger or cargo transport business, or vessel leasing business.
11. "International rental of vessels with crew or on bare-boat charter basis" means rental and/ or leasing services of all types of sea-going vessels with crew or on bare-boat basis (whereafter the ship will be manned by Indian nationals only during the period of rental/ lease) for the purposes of international trade (like tankers, dry bulk cargo vessels, cargo and freight vessels etc.).

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Appendix 8-H-1

MOST-FAVOURED-NATION TREATMENT SECTORAL COVERAGE OF INDIA

1. The reference to the "CPC" against specific sectors or sub-sectors is a reference to 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).
2. India reserves the right to adopt or maintain any measure that accords differential treatment pursuant to:
 - (a) any existing or future bilateral or multilateral agreement which:
 - (i) creates an internal market in services and investment;
 - (ii) grants the right of establishment of commercial presence; or
 - (iii) requires the approximation of legislation in one or more economic sectors.

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

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The right of establishment of commercial presence means an obligation to abolish in substance all barriers to establishment of commercial presence among the parties to the regional economic integration agreement by the entry into force of that agreement. The right of establishment of commercial presence shall include the right of nationals of the parties to the regional economic integration agreement to set up and operate juridical persons under the same conditions provided for nationals under the law of the country where such establishment takes place.

The approximation of legislation means:

- (i) the alignment of the legislation of one or more of the parties to the regional economic integration 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 regional economic integration 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 regional economic integration agreement.

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- (b) any existing or future bilateral or multilateral agreement between India and any country or countries included in the United Nations list of Least Developed Countries (hereinafter referred to as "LDCs") for as long as any such country or countries do not graduate from the LDC category.^{1,2}
- 3. India reserves the right to adopt or maintain any measure that accord differential treatment with respect to the entry of natural persons of a third country into India.
- 4. India reserves the right to adopt or maintain any measures that accord differential treatment that constitutes exception to, or derogation from, Article 3 or 4 of the TRIPS Agreement, as specifically provided for in Articles 3, 4, and 5 of that Agreement.
- 5. Subject to paragraphs 2, 3 and 4, India shall accord to services and service suppliers of the European Union treatment no less favourable than that it accords to like services and service suppliers of a third country in respect of the following sectors and subsectors. For greater certainty, "treatment no less favourable" does not require India to accord treatment that is more favourable than that provided to like services or service suppliers of a third country. For example, if India accords treatment to services or service suppliers of a third country subject to certain conditions, it may apply the same conditions to like services or service suppliers of the European Union.
 - (a) Accounting and auditing services (CPC 862);

¹ In respect of LDCs that share land border with India, this paragraph shall apply even after graduation of such countries from the LDC category.

² This subparagraph shall not apply to differential treatment accorded by India to services and service suppliers of any country that is party to a multilateral agreement covered by this subparagraph, if that country is not an LDC.

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- (b) Taxation services (CPC 863);
- (c) Architectural services (CPC 8671);
- (d) Urban planning and landscape architectural services (CPC 8674);
- (e) Engineering services (CPC 8672);
- (f) Integrated engineering services (CPC 8673);
- (g) Medical and dental services (CPC 9312);
- (h) Veterinary services (CPC 932);
- (i) Services provided by midwives, nurses, physiotherapists and paramedical personnel (CPC 93191);
- (j) Consultancy services related to the installation of computer hardware (CPC 841);
- (k) Software implementation services (CPC 842);
- (l) Data processing services (CPC 843);

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- (m) Data base services (CPC 844);
- (n) Other computer and related services (CPC 845, 849);
- (o) R&D services on natural sciences and engineering (CPC 851);
- (p) Interdisciplinary R&D services (CPC 853);
- (q) Advertising services (CPC 871);
- (r) Services incidental to agriculture (CPC 8811);
- (s) Services incidental to manufacturing (CPC 884 and 885);
- (t) Services incidental to forestry (CPC 8814);
- (u) Management consulting services – excluding services relating to legal consultancy (part of CPC 865);
- (v) Services related to management consulting (CPC 866);
- (w) Related scientific and technical consulting services (CPC 8675);

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- (x) Building cleaning services (CPC 874);
- (y) Photographic services (CPC 875);
- (z) Packaging services (CPC 876);
- (aa) Convention services (CPC 87909);
- (bb) Interior design services (part of CPC 87907);
- (cc) General construction work for buildings (CPC 512);
- (dd) Installation and assembly work (CPC 514, 516);
- (ee) Building completion and finishing work (CPC 517);
- (ff) Whole sale trade services (CPC 622);
- (gg) Retailing services (CPC 631, 632, 6111, 6113 and 6121);
- (hh) Higher education services (CPC 923);
- (ii) Adult education services (CPC 924);

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(jj) Sewage services (CPC 9401);

(kk) Refuse disposal services (CPC 9402);

(ll) Sanitation and similar services (CPC 9403);

(mm) Other environmental services (CPC 9404, 9405, 9406 and 9409);

(nn) Hospital services (CPC 9311);

(oo) Hotels and restaurants (incl. catering) (CPC 641, 642 and 643);

(pp) Travel agencies and tour operators services (CPC 7471); and

(qq) Tourist guides services (CPC 7472).
