Appendix 8-A-1

SCHEDULE OF THE EUROPEAN UNION FOR BUSINESS VISITORS, INTRA-CORPORATE TRANSFEREES, AND SHORT-TERM BUSINESS VISITORS

Headnotes

1. For the purposes of this Schedule:

(a) "business visitors" means natural persons working in a senior position within a juridical person of India, who:

(i) are responsible for setting up an enterprise of such juridical person in the territory of the European Union;

(ii) do not offer or provide services or engage in any economic activity other than that which is required for the purposes of the establishment of that enterprise; and

(iii) do not receive remuneration from a source located within the European Union;

(b) "intra-corporate transferees" means natural persons, who:

(i) have been employed by a juridical person of India, or have been partners in it, for a period, immediately preceding the date of the intra-corporate transfer, of not less than one year in the case of managers and specialists and of not less than six months in the case of trainee employees;

(ii) at the time of application reside outside the territory of the European Union;

(iii) are temporarily transferred to an enterprise of the juridical person in the territory of the European Union which is a member of the same group as the originating juridical person, including its representative office, subsidiary, branch or head company[1]; and

(iv) belong to one of the following categories:

(A) managers[2];

(B) specialists; or

(C) trainee employees;

(c) "manager" means a natural person working in a senior position, who primarily directs the management of the enterprise in the European Union, receiving general supervision or direction principally from the board of directors or from shareholders of the business or their equivalent and whose responsibilities include:

(i) directing the enterprise or a department or subdivision thereof;

(ii) supervising and controlling the work of other supervisory, professional or managerial employees; and

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1 Managers and specialists may be required to demonstrate that they possess the professional qualifications and experience needed in the juridical person to which they are transferred.

2 While managers do not directly perform tasks concerning the actual supply of the services, this does not prevent them, in the course of executing their duties as described above, from performing such tasks as may be necessary for the provision of the services.

(iii) having the authority to recommend hiring, dismissing or other personnel-related actions;

(d) "specialist" means a natural person possessing specialised knowledge, essential to the enterprise's areas of activity, techniques or management. In assessing such knowledge, account shall be taken not only of knowledge specific to the enterprise, but also of whether the person has a high level of qualification, including adequate professional experience of a type of work or activity requiring specific technical knowledge, including possible membership of an accredited profession; and

(e) "trainee employee" means a natural person possessing a university degree who is temporarily transferred for career development purposes or to obtain training in business techniques or methods and is paid during the period of the transfer[1].

2. Article 8-A.3 (Intra-corporate transferees and business visitors) and Article 8-A.4 (Short-term business visitors) do not apply to any existing non-conforming measure listed in this Schedule, to the extent of the non-conformity.

3. 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

[1] The recipient enterprise may be required to submit a training programme covering the duration of the stay for prior approval, demonstrating that the purpose of the stay is for training. For AT, CZ, DE, FR, ES, HU and LT, training must be linked to the university degree which has been obtained.

(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.

4. Commitments for intra-corporate transferees, business visitors and short-term business visitors do not apply in cases where the intent or effect of their temporary presence is to interfere with, or otherwise affect the outcome of, any labour or management dispute or negotiation.

5. All other requirements set out in the laws and regulations of the European Union or its Member States regarding entry, stay, work and social security measures, including regulations concerning period of stay, minimum wages as well as collective wage agreements, even if not listed in this Schedule, continue to apply.

6. The permissible length of stay shall be for a period of up to three years for managers and specialists, up to one year for trainee employees, up to 90 days within any six-month period for business visitors and up to 90 days within any six-month period for short-term business visitors.

7. 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.

8. For the purposes of this Schedule, the following abbreviations apply:

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

DISCLAIMER: *These texts are published for information purposes only and may undergo further modifications. These texts are without prejudice to the outcome of the Agreement between India and the EU. The texts will be final upon signing. The Agreement will become binding on the Parties only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.*

FR France

HR Croatia

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

Schedule

1. Business visitors

All sectors	In AT, CZ: A business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound. In SK: A business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound. Work permit required, including economic needs test. In CY: Permissible length of stay: up to 90 days in any 12-month period. A business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound.
Entertainment services (including theatre, live bands, circus and discotheque services) (CPC 9619)	In FR: Access to management functions is subject to authorisation by the competent authority.

2. Intra-corporate transferees

All sectors	In EU: Managers and specialists may be required to demonstrate they possess the professional qualifications and experience needed in the juridical person to which they are transferred. In AT, CZ, SK: Intra-corporate transferees need to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound. In FI: Senior personnel needs to be employed by an enterprise other than a non-profit organisation. In HU: Natural persons who have been a partner in an enterprise do not qualify to be transferred as intra-corporate transferees.
Entertainment services (including theatre, live bands, circus and discotheque services) (CPC 9619)	In FR: Access to management functions is subject to authorisation by the competent authority.

3. Short-term business visitors

All activities	In CY, DK, HR: Work permit, including economic needs test, required in case the short-term business visitor supplies a service. In LV: Work permit required for operations or activities to be performed on the basis of a contract. In MT: Work permit required. No economic needs tests performed. In SI: A single residency and work permit is required for the supply of services exceeding 14 days at a time and for certain activities (research and design; training seminars; purchasing; commercial transactions; translation and interpretation). An economic needs test is not required. In SK: In case of supplying a service in the territory of the Slovak Republic, a work permit, including economic needs test, is required beyond seven days in a month or 30 days in a calendar year.
Research and design	In AT: Work permit, including economic needs test, required, except for research activities of scientific and statistical researchers.
Marketing research	In AT: Work permit required, including economic needs test. Economic needs test is waived for research and analysis activities for up to seven days in a month or 30 days in a calendar year. University degree required. In CY: Work permit required, including economic needs test.
Trade fairs and exhibitions	In AT, CY: Work permit, including economic needs test, required for activities beyond seven days in a month or 30 days in a calendar year.

After-sales or after-lease service	In AT: Work permit required, including economic needs test. Economic needs test is waived for natural persons training workers to supply services and possessing specialised knowledge. In CY: Work permit is required beyond seven days in a month or 30 days in a calendar year. In CZ: Work permit is required if work exceeds seven consecutive calendar days or a total of 30 days in a calendar year. In DE: Installers, repair and maintenance personnel and supervisors should be employed as such by the juridical person that made the sale or lease of commercial or industrial equipment or machinery, or computer software, or by an enterprise that is part of the same corporate group as the enterprise that made that sale or lease. In ES: Work permit required. Installers, repair and maintainers should be employed as such by the juridical person supplying the good or service or by an enterprise which is a member of the same group as the originating juridical person for at least three months immediately preceding the date of submission of an application for entry and they should possess at least three years of relevant professional experience, where applicable, obtained after the age of majority. In FI: Depending on the activity, a residence permit may be required. In SE: Work permit required, except for: (i) natural persons who participate in training, testing, preparation or completion of deliveries, or similar activities within the framework of a business transaction; or (ii) fitters or technical instructors in connection with urgent installation or repair of machinery for up to two months, in the context of an emergency. No economic needs test required.
Commercial transactions	In AT, CY: Work permit, including economic needs test, required for activities beyond seven days in a month or 30 days in a calendar year. In FI: The natural person needs to be supplying services as an employee of a juridical person of India.

Tourism personnel	In CY, ES, PL: Unbound. In FI: The natural person needs to be supplying services as an employee of a juridical person of India. In SE: Work permit required, except for drivers and staff of tourist buses. No economic needs test required.
Translation and interpretation	In AT: Work permit required, including economic needs test. In CY, PL: Unbound.

4. The activities business visitors are permitted to engage in are:

(i) meetings and consultations: natural persons attending meetings or conferences, or engaged in consultations with business associates;

(ii) research and design: technical, scientific and statistical researchers conducting independent research or research for an enterprise located in India;

(iii) marketing research: market researchers and analysts conducting research or analysis for an enterprise located in India;

(iv) training seminars: personnel of an enterprise who enters the European Union to receive training in techniques and work practices which are utilised by companies or organisations in the European Union, provided that the training received is confined to observation, familiarisation and classroom instruction only;

(v) trade fairs and exhibitions: personnel attending a trade fair for the purpose of promoting their company or its products or services;

(vi) sales: representatives of a supplier of services or goods taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves. Business visitors do not engage in making direct sales to the general public;

(vii) purchasing: buyers purchasing goods or services for an enterprise, or management and supervisory personnel, engaging in a commercial transaction carried out in India;

(viii) after-sales or after-lease service: installers, repair and maintenance personnel and supervisors, possessing specialised knowledge essential to a seller's contractual obligation, performing services or training workers to perform services pursuant to a warranty or other service contract incidental to the sale or lease of commercial or industrial equipment or machinery, or computer software, purchased or leased from an enterprise located outside the European Union into which temporary entry is sought, throughout the duration of the warranty or service contract;

(ix) commercial transactions: management and supervisory personnel and financial services personnel (including insurers, bankers and investment brokers) engaging in a commercial transaction for an enterprise located in India;

(x) tourism personnel: tour and travel agents, tour guides or tour operators attending or participating in conventions or accompanying a tour that has begun in India; and

(xi) translation and interpretation: translators or interpreters performing services as employees of an enterprise located in India.