

ANNEX 8A

Schedule of Specific Commitments of India on Trade in Services

(Referred to in Chapter 8)

Explanatory Notes to India's Schedule of Specific Commitments

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 July 10, 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); and
 - (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).
3. The alphabetical and numerical divisions are only indicative of the description of specific commitments, but shall not be construed as being a part of the specific commitments.
4. 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.
5. Oman's Schedule in Annex 8B (Schedule of Specific Commitments) for Trade in Services shall not be used to interpret India's commitments or obligations under Chapter 8 (Trade in Services) of the Agreement.

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
I. HORIZONTAL COMMITMENTS				
ALL SECTORS INCLUDED IN THIS SCHEDULE	<p><u>Modes 1), 2), 3), 4):</u> Unbound with respect to social services established or maintained for a public purpose, such as income security, social security, insurance, social welfare, public education, public training, public health, child care, public utilities, public transport, freight transport and public housing. Such services may be subject to public monopolies or to exclusive rights granted to private operators</p> <p>3) (i) Legal Entity</p> <p>(a) Unless otherwise specified in the sectoral commitments, commercial presence shall take the form of incorporation of a company in India as a joint venture or a wholly owned subsidiary in accordance with the laws of India.</p> <p>(b) Certain limited activities may also be undertaken as permitted under the Foreign Exchange Management Act (FEMA) and any other applicable laws by a foreign entity through liaison office/representative office, project office or branch office, subject to relevant approvals.</p>	<p>1), 2), 3), 4): Taxation laws for domestic and foreign service suppliers, as per the provisions of the relevant applicable laws and regulations shall apply</p> <p>3) (i) As provided under Market Access column, and in case of collaboration with public sector enterprises or government undertakings as joint venture partners, preference in access will be given to foreign service suppliers or entities which offer the best terms for transfer of technology.</p> <p>(ii) Subsidies, where granted, shall be available only to domestic service suppliers.</p> <p>(iii) In addition and without prejudice to residency restrictions specified in sectoral commitments of this Schedule, residency requirements specified in the Companies Act, 2013, as revised and amended from time to time, shall be applicable.</p> <p>(iv) 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 Foreign Exchange Management Act, as revised and amended from time to time, shall be applicable, provided that any changes to the Consolidated FDI Policy Circular of 2020 shall not be applied in a manner so as to nullify or impair the benefits under the</p>		

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
		terms of a specific commitment. ¹		
	<p>(ii) 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 (latest) and applicable regulations of the Foreign Exchange Management Act, as revised and amended from time to time, shall be applicable, provided that any changes to the Consolidated FDI Policy Circular of 2020 shall not be applied in a manner so as to nullify or impair the benefits under the terms of a specific commitment.²</p> <p>4) Unbound except for measures concerning the entry and temporary stay of a natural person of a Party as defined in this schedule and subject to the terms of the Annex on Movement of Natural Persons</p>	<p>(v) India reserves the right to regulate payments to a foreign collaborator resulting from foreign technology transfer or on the use of trademarks and brand names of the foreign collaborator.</p> <p>4) Unbound except as indicated in the market access column for the categories of natural person of a Party as referred to in the market access column and subject to the terms of the Annex on Movement of Natural Persons</p> <p>The following restrictions shall apply for all categories of natural persons specified in the column on Market Access:</p> <p>(a) Taxation laws for domestic and foreign service suppliers, as per the provisions of the relevant applicable laws and regulations</p>		

¹It is understood that with regard to equity and other restrictions specified in sectoral commitments such restrictions shall prevail over any provision of the Consolidated FDI Policy Circular of 2020 and applicable regulations of the Foreign Exchange Management Act or any amendments made thereto from time to time with regard to relevant sectoral commitments.

²It is understood that with regard to equity and other restrictions specified in sectoral commitments such restrictions shall prevail over any provision of the Consolidated FDI Policy Circular of 2020 and applicable regulations of the Foreign Exchange Management Act or any amendments made thereto from time to time with regard to relevant sectoral commitments. It is further understood that India's commitments are without prejudice to any policies or regulations that it may maintain with a view to ensuring national security.

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	<p>Modes 1), 2), 3), 4): India reserves the right to adopt or maintain any measure that it considers necessary to protect its national security interests</p> <p>1), 2), 3), 4) Requirements specified in the Foreign Exchange Management Act (FEMA) along with its rules, as amended from time to time, shall be applicable.</p>	<p>shall apply;</p> <p>(b) Subsidies, where granted, shall be available only to natural persons who are citizens of India.</p> <p>Modes 1), 2), 3), 4): India reserves the right to adopt or maintain any measure that it considers necessary to protect its national security interests</p> <p>1), 2), 3), 4) Requirements specified in the Foreign Exchange Management Act (FEMA) along with its rules, as amended from time to time, shall be applicable.</p>		
	<p><u>Categories of Natural Persons</u></p> <p>Business Visitors will have access in all sectors and sub-sectors committed, and Intra-Corporate Transferees will have access in all sectors and sub-sectors where Mode 3 has been committed, unless specified in the sectoral section.</p> <p>(A) Business visitor means a natural person who seeks temporary entry in India for the following purposes:</p> <ul style="list-style-type: none"> (i) for negotiating and entering into agreements for supply of services, where such negotiations do not involve making of direct sales to the general public or in supplying services directly; or (ii) for negotiating sale of goods (including distribution or retailing arrangements), where such negotiations do not involve direct sales to the general public; (iii) an investor or an employee of an investor 			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	<p>(who is a manager, executive or specialist as defined under this schedule) for establishing investments, or</p> <p>(iv) as an advisor to a person described in sub-paragraphs (i) to (iii) of this sub-clause (A), so long as any such advisory role is solely confined to that person, and does not involve any direct dealings with the general public.</p> <p>Duration: Entry and temporary stay of business visitors shall be granted for a period of 90 days stay stipulation on a single visit, provided the business visitors meet the required criteria for the grant of temporary entry and:</p> <ul style="list-style-type: none"> a. presents proof of nationality; and b. does not receive any remuneration from a source located within the Party granting the visa. <p>(B) Intra-corporate transferee means the natural person who is employed by a juridical person with a commercial presence in India, who is being transferred to a branch or a representative office or an affiliate or subsidiary on a temporary basis, and who belong to the category of employees including a manager, executive or specialist as defined below:</p> <p>(a) Manager means a natural person who directs a branch office or one or more departments as their head, or supervise or control the work of other supervisory, professional or managerial personnel and have the authority to appoint or remove the personnel and powers to exercise discretionary authority over day-to-day operations;</p>			

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	<p>(b) Executive means a natural person who is in a senior position within a juridical person including a branch who primarily directs the management, has wide decision making powers and either is a member of the board of directors or receives directions from the board or the general body of shareholders;</p> <p>(c) Specialist means a natural person within an organisation who possess high qualifications and knowledge at an advanced level relevant to the organisation's activities or of the organisation's research, equipment, techniques or management and may include persons who are members of accredited professional bodies.</p> <p>Duration: Entry and temporary stay of intra-corporate transferees, shall be granted for a period of 2 years or the period of the contract, whichever is less, subject to any other condition prescribed under India's immigration regulations.</p>			

II. SECTOR SPECIFIC COMMITMENTS

1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
(b) Accounting and Book Keeping Services (CPC 862**) (excluding Auditing Services)	<p>1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section</p>	<p>1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section and further subject to the requirement of obtaining professional indemnity insurance from</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>home country of service provider</p> <p>1), 2), 4): Services requiring use of title of Chartered Accountant or Cost Accountant under applicable domestic laws can be rendered only subject to registration with relevant professional body under a scheme of reciprocity</p>	
(d) Architectural Services (CPC 8671)	<p>1) None</p> <p>2) None</p> <p>3) None except that commercial presence would be only through incorporation as partnership firm constituted by Architects</p> <p>4) Unbound except for the categories of natural persons specified in the horizontal section who:</p> <p>(a) undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or</p> <p>(b) is recognised as an 'Architect' under applicable national laws, subject to registration with relevant professional body under a scheme of reciprocity between India and the government of the country of origin of such person</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>1), 2), 3): Services requiring use of title and style of 'Architect' under applicable national law shall be subject to registration with relevant professional body under a scheme of reciprocity</p> <p>4) Unbound except for the categories of persons indicated in the market access column and subject to restrictions specified in the horizontal section</p>	
(e) Engineering Services (CPC 8672)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(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	
(g) Urban planning and landscape architectural services (CPC 8674)	1) None 2) None 3) None except that commercial presence would be only through incorporation as partnership firm constituted by Architects 4) Unbound except for the categories of natural persons specified in the horizontal section who: (a) undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or (b) is recognized as an 'Architect' under applicable national laws, subject to registration with relevant professional body under a scheme of reciprocity between India and the government of the country of origin of such person	1) None 2) None 3) None 1), 2), 3): Services requiring use of title and style of 'Architect' under applicable national law shall be subject to registration with relevant professional body under a scheme of reciprocity 4) Unbound except for the categories of persons indicated in the market access column and subject to restrictions specified in the horizontal section	
(h) Medical and Dental Services (CPC 9312)	1) None 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) Commercial presence subject to the condition that the latest technology for treatment will be	1) Unbound except as provided in the Market Access column 2) None 3) Professionals qualified outside India can practice medicine for charitable	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>brought in and as provided in national treatment column</p> <p>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</p>	<p>purposes, and dentistry for teaching and research purposes subject to permissions from relevant authorities under the applicable domestic laws</p> <p>4) Unbound except for the categories of persons indicated in the Market Access column and subject to restrictions specified in the horizontal section</p>	
(i) Veterinary services (CPC 932)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section</p>	
(j) Services provided by midwives, nurses, physiotherapists and para-medical personnel (CPC 93191)	<p>1) None 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</p> <p>2) None</p> <p>3) None subject to the condition that the latest technology for treatment will be brought in and as provided in national treatment column</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound except as provided in the Market Access column</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	
B. Computer and Related Services (CPC 841, 842, 843, 844, 845+849)	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

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C. Research and Development Services						
<u>Explanatory Note:</u> Commitment on Research and Development 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.						
(a) R&D services on the following natural sciences only: Heat, light, electromagnetism, astronomy, but excluding atomic energy and related matters (CPC 85101)	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				
Engineering and technology, including applied science and technology for casting, metal, machinery, electricity, communications, vessels, aircrafts, civil engineering, construction, information, etc. (CPC 85103)						
R&D services in Agricultural Sciences (CPC 85104)	1) None 2) None 3) Unbound 4) Unbound except as in the horizontal section	1) None 2) None 3) Unbound 4) Unbound except as in the horizontal section				
(b) R&D services on social sciences and humanities, excluding law	1) None 2) None 3) None	1) None 2) None 3) None				

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC 852**)	4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section	
(c) Interdisciplinary R&D Services (CPC 853)	1) None 2) None 3) Unbound 4) Unbound except as in the horizontal section	1) None 2) None 3) Unbound 4) Unbound except as in the horizontal section	
D. Real Estate Services (b) Only for consultancy services on a fee or contract basis (CPC 822**)	1) None 2) None 3) None 4) Unbound except as in the horizontal section	1) None 2) None 3) None 4) Unbound except as in the horizontal section	
E. Rental/Leasing Services (without operators, excluding any financial leasing services)			
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 in the horizontal section	1) None 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to 4) Unbound except as 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 in the horizontal section	1) None 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to 4) Unbound except as in the horizontal section	
(c) Rental/ leasing services without operators relating to other transport equipment (CPC 83101 + 83102 + 83105) (excluding Railroad Transport &	1) Unbound 2) None 3) None 4) Unbound except as in the horizontal section	1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to 4) Unbound except as in the horizontal section	

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
Multimodal Transport)				
(d) Rental/ leasing services without operators relating to other machinery and equipment (CPC 83106 – 83109)	1) Unbound 2) None 3) None 4) Unbound except as in the horizontal section	1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to 4) Unbound except as in the horizontal section		
(e) Rental/ leasing services concerning personal and household goods (CPC 832)	1) Unbound 2) None 3) None 4) Unbound except as in the horizontal section	1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to 4) Unbound except as in the horizontal section		
F. Other Business Services				
(a) Advertising Services Sale or leasing services of advertising space or time (CPC 87110) Planning, creating and placement 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 except as provided in national treatment column 4) Unbound except as 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 in the horizontal section		
(c) Management consulting services excluding all services relating to legal consultancy (CPC 86501**, 86502**, 86503**, 86505**, 86506**, 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		

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
(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		
(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 subject to requirements as may be specified under relevant state and local level laws and regulations 4) Unbound except as in the horizontal section	1) None 2) None 3) None subject to requirements as may be specified under relevant state and local level laws and regulations 4) Unbound except as in the horizontal section		
(h) (i) Service incidental to Mining (CPC 883) (ii) Site preparation work for mining (CPC 5115)	1) None 2) None 3) None subject to requirements as may be specified under relevant state and local level laws and regulations 4) Unbound except as in the horizontal section	1) None 2) None 3) None subject to requirements as may be specified under relevant state and local level laws and regulations 4) Unbound except as in the horizontal section		
(j) Services incidental to energy distribution (CPC 887 <i>**limited only to consultancy services related to the transmission and distribution on a fee or contract basis of electricity</i>)	1) None 2) None 3) None subject to requirements as may be specified under relevant state and local level laws and regulations 4) Unbound except as in the horizontal section	1) None 2) None 3) None subject to requirements as may be specified under relevant state and local level laws and regulations 4) Unbound except as in the horizontal section		
(k) Placement and supply services of Personnel (CPC 872)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal	1) None 2) None 3) None 4) Unbound except as indicated in the		

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	section	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		
(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		
(p) Photographic Services excluding aerial photography, satellite pictures and satellite enabled photography (CPC 875**)	1) None 2) None 3) None 4) Unbound except as in the horizontal section	1) None 2) None 3) None 4) Unbound except as 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		
(s) Convention services (CPC 87909*)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal	1) None 2) None 3) None 4) Unbound except as indicated in the		

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Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
	section		horizontal section	
(t) Specialty design services (CPC 87907**)	1) None 2) None 3) None except that commercial presence would be only through incorporation as partnership firm constituted by Architects 4) Unbound except as indicated in the horizontal section for natural persons falling under a specified category who: (a) undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or (b) is recognised as an 'Architect' under applicable national laws, subject to registration with relevant professional body under a scheme of reciprocity between India and the government of the country of origin of such person.	1) None 2) None 3) None except as provided in MA column 4) Unbound except for the categories of persons indicated in the market access column and subject to restrictions specified in the horizontal section 1), 2), 3): Services requiring use of title and style of 'Architect' under applicable national law can be rendered only subject to registration with relevant professional body under a scheme of reciprocity		
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		
<u>Other:</u> Telephone based support services (i)Telephone call centre services (CPC Ver. 1.1/2 - 85931):	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	
<p>This subclass includes:</p> <ul style="list-style-type: none"> a) taking orders for clients by telephone b) soliciting contribution or providing information for clients by telephone c) telemarketing, and <p>(ii) Other telephone based support services (CPC Ver. 1.1/2 - 85939):</p> <p>This subclass includes:</p> <ul style="list-style-type: none"> a) telephone answering services b) telephone wake-up services 				
<p>2C. Telecommunication Services³</p> <p>a) Voice telephone services (CPC 7521**) + Cellular mobile telephone</p> <p>b) Packet switched Data Transmission Services (CPC 7523**)</p> <p>(i) Radio Paging Services</p> <p>(ii) Internet Services</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) The service will be permitted to be provided as per license agreement⁴ only after the service provider incorporated as a company in India, gets a licence from the Designated Authority</p> <p>The services provider should be a company registered in India with maximum foreign investment up to 74%, subject to observance of Act, Rules, Regulations, licensing, security and other terms and conditions by service provider as well as investors in the service provider.</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) (i) None except the following:</p> <p>The Chief Officer in charge of Technical Network Operations, Chief Security Officer and officer/officials of the licensee companies, as may be specified under the security conditions, including those dealing with lawful interception of messages shall be resident Indian citizens</p>		

³ Excluding broadcasting services and measures affecting such services.

⁴ The license agreement includes terms and conditions of the license for providing service.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
c) Circuit switched data transmission services (CPC 7523**)	For foreign investment more than 49%, Government approval would be required.	The majority Directors on the Board of the licensee company shall be Indian citizens.		
d) Telex Service (CPC 7523**)	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.			
e) Telegraph Services (CPC 7522**)		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.		
f) Facsimile Services (CPC 7521**+ 7529**)	Resale of telephone services is not permitted.			
g) Private Leased Circuit Services (CPC 7522**+7523**)	4) Unbound except as indicated in the horizontal section	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. (ii) Unbound for Indian Government Public Sector Undertakings		
Data and Message transmission services, in the following:		4) Unbound except as indicated in the horizontal section		
h) Electronic mail (CPC 7523)	1) None except the provision of all services is subject to commercial arrangements with licensed Telecom service Providers	1) None		
i) Voice mail (CPC 7523)	2) None	2) None		
j) On-line information and data base	3) The service will be permitted to be provided as per license agreement only after the service provider, incorporated as a company in India, gets a licence from the Designated Authority	3) None		

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k) retrieval (CPC 7523) l) 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**)	<p>The service provider should be a company registered in India with maximum foreign investment up to 74%, subject to observance of Act, Rules, Regulations, licensing, security and other terms and conditions by service provider as well as investors in the service Provider.</p> <p>For foreign investment more than 49%, Government approval would be required.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>4) Unbound except as indicated in the Horizontal section</p>		
D. Audiovisual Services (a) Motion picture or video tape production services (CPC 96112) Motion picture or video distribution services (CPC 96113)	<p>1) Unbound 2) Unbound* 3) None except that Import of titles restricted to 100 per year 4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound 2) Unbound* 3) None 4) Unbound except as indicated in the horizontal section</p>		
Sound recording services (CPC Ver. 2 9611): • Sound recording services (CPC Ver. 2 96111) • Live recording services (CPC Ver. 2 96112) • Sound recording originals	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal commitments</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal commitments</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(CPC Ver. 2 96113) Audiovisual post-production services (CPC Ver. 2 9613): Audiovisual editing services (CPC Ver.2 96131); Transfers and duplication of masters services (CPC Ver.2 96132); Colour correction and digital restoration services (CPC Ver.2 96133); Visual effects services (CPC Ver.2 96134); Animation services (CPC Ver.2 96135); Captioning, titling and subtitling services (CPC Ver.2 96136); Sound editing and design services (CPC Ver.2 96137); Other post-production services (CPC Ver.2 96139)			
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES A. General construction work for buildings (CPC 512)	1) None 2) None 3) None except: (i) Foreign investment in construction of farm houses is prohibited. (ii) Construction services relating to petroleum sector shall be subject to economic needs tests and other applicable regulatory	1) None 2) None 3) None As provided in Market Access column, and additionally all foreign investment (except in the case of construction work in respect of hotels, tourist resorts, hospitals special economic zones,	

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
B. General Construction work for civil engineering (CPC 513) C. Installation and assembly work (CPC 514+516) D. Building completion and finishing work (CPC 517) E. Other (CPC 511+515+518)	<p>requirements.</p> <p>(iii) Subject to relevant state and local level laws and regulations.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>educational institutions, old age homes, and investment by non-resident Indians) shall be subject to regulatory requirements specified under the Consolidated FDI Policy Circular 2020 and relevant Foreign Exchange Management Act (FEMA) regulations such as restrictions on repatriation of the foreign investment during a lock-in period of 3 years calculated for each tranche of FDI.</p> <p>State and local level regulations including land-use requirements, building bye-laws and provision of community amenities and common facilities, shall apply.</p> <p>4) Unbound except as indicated in the horizontal section</p>		
4. DISTRIBUTION SERVICES (EXCLUDING E-COMMERCE AND LIVE ANIMALS)				
A. 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	<p>1) None</p> <p>2) None</p> <p>3) None subject to approval of Reserve Bank of India ("RBI")/ Government and conformity with Foreign Exchange Management Act ("FEMA") regulations, as applicable and except for requirements as may be specified under relevant state and local level laws and regulations</p> <p>4) Unbound except as in the horizontal commitments</p>	<p>1) None</p> <p>2) None</p> <p>3) None except as provided in the Market Access column</p> <p>4) Unbound except as indicated in the horizontal commitments</p>		

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
motor vehicles, bicycles and motorcycles (CPC 62114)				
Furniture, household goods, hardware and ironmongery (CPC 62115)				
Textiles, clothing and footwear (CPC 62116)				
B. Wholesale trade services	1) None	1) None		
Agricultural raw materials excluding live animals (CPC 6221**)	2) None	2) None		
Food excluding beverages and tobacco (CPC 6222**)	3) None subject to approval of RBI/ Government and conformity with Foreign Exchange Management Act (FEMA) regulations, as applicable and requirements as may be specified under relevant state and local level laws and regulations	3) None except as provided in the MA column		
Textiles, clothing and footwear (CPC 6223)	4) Unbound except as in the horizontal commitments	4) Unbound except as in the horizontal commitments		
Household appliances, articles and equipment (CPC 6224)				
Miscellaneous consumer goods (CPC 6226)				

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
Machinery, equipment and supplies (CPC 6228)				
C. 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 Foreign Exchange Management Act.)	1) Unbound 2) Unbound 3) Foreign investment up to 51% allowed subject to conformity with India's Consolidated FDI Policy Circular of 2020 and Foreign Exchange Management Act (FEMA) regulations and any other laws and regulations including at state/local level, as applicable 4) Unbound except as in the horizontal section	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as in the horizontal section		
D. Franchising Services in respect of Single Brand retailing services as specified in category C above (franchising services for tobacco and liquor excluded).	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 Foreign Exchange Management Act (FEMA) regulations and any other laws and regulations, including at state/local level, as applicable	1) Unbound 2) Unbound 3) Unbound		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	4) Unbound except as in the horizontal section	4) Unbound except as in the horizontal section	
5. EDUCATIONAL SERVICES			
C. Higher Education Services (CPC 923)	<p>1) None subject to the condition that service providers would be subject to regulations, as applicable to domestic providers in the country 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</p> <p>2) None</p> <p>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 capitation 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</p> <p>4) Unbound except as in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None subject to relevant laws and regulations</p> <p>4) Unbound except as in the horizontal section</p>	
6. ENVIRONMENTAL SERVICES (Excluding environmental services provided by public utilities and governmental authorities)	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. Refuse Disposal Services (CPC 9402)			
C. Sanitation and Similar Services (CPC 9403)			

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons		
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments			
7. FINANCIAL SERVICES						
The commitments in financial services are made in accordance with the General Agreement on Trade in Services and the Annex on Financial Services. All the commitments are subject to entry requirements, domestic laws, rules, regulations, guidelines and the terms and conditions of the Reserve Bank of India (RBI), Securities and Exchange Board of India (SEBI), Insurance Regulatory and Development Authority of India (IRDAI) and any other competent authority in India. In each of the services sub-sectors access is subject to fulfilment of minimum capitalisation norms and regulations of RBI, SEBI, IRDAI, and any other competent authority of India.						
The sectors/sub-sectors listed below are in accordance with the listing in the Annex on Financial Services of the GATS.						
A. Insurance and Insurance Related Services	1) Unbound 2) Unbound 3) None except that commercial presence would be through incorporation of a company with foreign investment not exceeding 49% and subject to fulfilment of minimum capitalisation norms 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section				
Life Insurance [5(a)(i)(A)]						
Non-life insurance [5(a)(i)(B)]	1) Unbound except 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. This position will be maintained. 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 2) Unbound 3) None except that commercial presence would be through incorporation of a company with foreign investment not exceeding 49% and subject to fulfilment of minimum capitalisation norms	1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section				

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	<p>norms</p> <p>4) Unbound except as indicated in the horizontal section</p>			
Reinsurance and retrocession [5(a)(ii)]	<p>1), 2) Reinsurance can be taken with foreign reinsurers to the extent of the residual uncovered risk after obligatory or statutory placements domestically with Indian insurance companies. While obtaining reinsurance support, the order of preference shall be followed by non-life insurers as specified under IRDAI regulations</p> <p>3) None except that commercial presence would be through incorporation of a company with foreign investment not exceeding 49% and subject to fulfilment of minimum capitalisation norms</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section</p>		
Insurance intermediation, limited to reinsurance Ex. [5(a)(iii)]	<p>1), 2) Unbound except that reinsurance of domestic risks can be placed abroad with foreign reinsurers through a reinsurance broker registered with IRDAI</p> <p>3) (i) Overseas brokers are allowed subject to registration by the IRDAI and in compliance with the extant regulations.</p> <p>(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.</p> <p>(iii) No representative/liaison offices are permitted for Intermediaries.</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Unbound</p>		

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section		
Services auxiliary to insurance: consultancy, actuarial, risk assessment Ex. [5(a)(iv)]	<p>1) None</p> <p>2) Unbound</p> <p>3) <u>Auxiliary services, other than actuarial services:</u> None except that commercial presence would be through incorporation of a company in India with foreign investment not exceeding 51% subject to verification by the regulatory authority and subject to fulfilment of minimum capitalisation norms In the case of Actuarial Services, commercial presence through partnerships subject to approval under applicable law and formal certification by Institute of Actuaries of India.</p> <p>4) Unbound except as in the horizontal section</p>	<p>1) None except for certification and residency requirements for actuarial services</p> <p>2) None</p> <p>3) <u>Auxiliary services, other than actuarial services:</u> As provided under Market Access column and provided that residency requirements for key managerial personnel, restrictions on repatriation and compliance with disclosure requirements, shall apply as provided under law.</p> <p><u>Actuarial Services–</u> Unbound</p> <p>4) Unbound except as in the horizontal section</p>		
B. Banking and other financial services (excluding insurance)				
Acceptance of deposits and other repayable funds from the public [5(a)(v)]	<p>1) Unbound</p> <p>2) Unbound</p> <p>3)</p> <p>(i) In each of the services given below in which commitments are being undertaken for Banking and non-banking financial services companies, access is subject to fulfilment of minimum capitalization norms and subject to regulations of the Reserve Bank of India and</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3)</p> <p>(i) Unbound for wholly owned subsidiaries</p> <p>(ii) Public sector enterprises can invest surplus funds in term deposits only with</p>		
Lending of all types, including consumer credit, mortgage credit,				

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
Factoring and financing of commercial transactions [5(a)(vi)] All payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers drafts [5(a)(viii)] Guarantees and commitments [5(a)(ix)] Trading for own account of the following [Ex.5(a)(x)]: (A) money market instruments (including cheques, bills, certificates of deposits) (B) foreign exchange (E) transferable securities	<p>any other competent authority in India.</p> <p>(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.:</p> <p>(a) branch operations of a foreign bank with numerical limits in accordance with India's GATS commitments (GATS/SC/42/Suppl.4)⁵ or</p> <p>(b) as a wholly owned subsidiary (WOS) of a foreign bank licensed and supervised as a bank in its home country; or</p> <p>(c) through foreign investment by a foreign bank in a private sector bank in India through FDI, subject to foreign investment ceiling of 49%.</p>	<p>scheduled commercial banks incorporated in India; their investment of surplus funds in term deposits with wholly owned subsidiaries would be subject to applicable guidelines/ law.</p>		
Clearing services for other banks for cheques, drafts and other instruments [Ex. 5(a)(xiv)]	<p>Provided that the single mode of presence under (a) or (b) shall be subject to the following requirements:</p> <ul style="list-style-type: none"> - 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 			

⁵ India's commitment on numerical limits for branch operations is as per its GATS commitment, with no special dispensation to the Parties to this Agreement

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	<p>and any other prudential requirements, that may be specified by the Reserve Bank of India.</p> <ul style="list-style-type: none"> - the branch operations or WOS can also hold investment not exceeding 5% in a private sector bank in India. <p>In the private sector banks under sub-clause (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 Reserve Bank 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.</p> <p>(iii) Banks are allowed to install ATMs at branches and other places identified by them. Installation of ATM at a place other than in licensed branches is treated as a new place of business and requires a license. Licenses issued for ATMs installed by foreign banks will not be included in the numerical ceiling referred to in item (ii) above. 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.</p> <p>(iv) 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</p>			

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	<p>sheet of the banking system exceeds 15%.</p> <p>(v) Restrictions would be placed on further entry of new wholly owned subsidiary 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.</p> <p>(vi) Foreign banks are subject to non-discriminatory resource allocation requirements.</p>			
	<p><u>For transferable securities [5(a)(x)(E)]</u></p> <p>(vii) In addition to the above, 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.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p><u>For transferable securities [5(a)(x)(E)]</u></p> <p>(iii) Unbound except as indicated in the Market Access column.</p> <p>4) Unbound except as indicated in the horizontal section</p>		
<ul style="list-style-type: none"> - Factoring; - Venture Capital; - Financial Leasing 5(a)(vii); - Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of 	<p>1) Unbound</p> <p>2) Unbound</p> <p>3)</p> <p>(i) Access is subject to fulfilment of minimum capitalization norms, and subject to regulations of the Reserve Bank of India and any other competent authority in India.</p> <p>(ii) Allowed for foreign financial services companies (including banks) through incorporation as a company in India.</p> <p>(iii) For venture capital: Participation limited to only</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Unbound except for entities established in accordance with the limitation specified in the market access column</p>		

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
services related to such issues 5(a)(xi)	<p>those foreign venture capital investors that are already registered under provisions of SEBI (Foreign Venture Capital Investor) Regulations, 2000.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>4) Unbound except as indicated in the horizontal section</p>	
Asset Management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services [5(a)(xiii)]	<p>1) Unbound</p> <p>2) Unbound</p> <p>3)</p> <p>(i) Access is subject to fulfilment of minimum capitalization norms, and subject to regulations of the Reserve Bank of India and any other competent authority in India.</p> <p>(ii) Commercial presence would be through incorporation as a company in India.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) None except as indicated in Market Access column</p>	
Money broking [5(a)(xii)]	<p>1) 2) and 3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) 2) and 3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section</p>	
Provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services [5(a)(xv)]	<p>1), 2), 3) None except that supply of services shall be subject to domestic laws or regulations (extant and future) with reference to data, including its transfer, storage and processing</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>1) None except as indicated in the Market Access column</p> <p>2) None except as indicated in the Market Access column</p> <p>3) None except as indicated in the Market Access column</p> <p>4) Unbound except as indicated in the horizontal section</p>	
Financial consultancy services, i.e. financial	1) Unbound	1) Unbound	

Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
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 Ex. [5(a)(xvi)]	<p>2) Unbound</p> <p>3)</p> <p>(i) Access is subject to fulfilment of minimum capitalization norms, and subject to regulations of the Reserve Bank of India and any other competent authority in India.</p> <p>(ii) Allowed for foreign banks licensed to do banking business in India.</p> <p>(iii) Allowed for foreign financial services companies (including banks) through incorporation.</p> <p>4) Unbound except as indicated in the horizontal section</p>	<p>2) Unbound</p> <p>3) Unbound except as specified in the market access column.</p> <p>4) Unbound except as indicated in the horizontal section</p>	
Payment systems [5(a)(xvii)]	<p>1) Access to respective Payment Systems infrastructure on a reciprocal basis, without a need to get onboard onto the other payment system, for: (i) QR code based merchant payments, and (ii) instant fund transfers</p> <p>2) Unbound</p> <p>3) Unbound</p> <p>4) Unbound</p>	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Unbound</p> <p>4) Unbound</p>	
8. HEALTH-RELATED AND SOCIAL SERVICES A. Hospital Services (CPC 9311)	<p>1) None for provision of services on provider to provider basis such that the transaction is between two established medical institutions, covering the areas of second opinion to help in diagnosis of cases or in the field of research</p> <p>2) None</p> <p>3) None except that commercial presence subject to the condition that the latest technology for treatment will be brought in</p> <p>4) Unbound except as indicated in the horizontal section. None for charitable purposes</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
9. TOURISM AND TRAVEL-RELATED SERVICES	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		
A. Hotels and other lodging services (CPC 641- 643)				
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		
C. Tourist Guides Services (CPC 7472)	1) Unbound* 2) None 3) 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		
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (OTHER THAN AUDIOVISUAL SERVICES)				
A. Entertainment Services (including theatre and live bands (CPC 9619**))	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 in the horizontal section	1) None 2) None 3) None 4) Unbound except as in the horizontal section		

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
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, and betting services)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal commitments and subject to reciprocity	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal commitments		

11. TRANSPORT SERVICES

A. Maritime transport services

The commitments in Maritime Transport are made in accordance with the General Agreement on Trade Services. All commitments are subject to domestic laws, entry requirements, rules and regulations and the terms and conditions of the Directorate General of Shipping, Reserve Bank of India and any other competent authority in India. For supply of Maritime Auxiliary Services through commercial presence under Mode 3, it 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 and subject to the conditions as are required by law and applicable to such companies.

India reserves the right to adopt or maintain any measure with respect to cabotage in maritime transport services. Thus, in case of India, the rights and obligations of the chapter on trade in services shall not be applicable for cabotage in 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 that: - For government cargoes, and Government owned/controlled cargo, and in all cases Tendering by Government authorities or public sector undertakings for import or export of cargo, and for chartering a vessel for carriage of any government or privately owned/controlled cargoes for export or import: Preference will be given to Indian Flag vessels - 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 that: - For government cargoes, and Government owned/controlled cargo, and in all cases Tendering by Government authorities or public sector undertakings for import or export of cargo, and for chartering a vessel for carriage of any government or privately owned/controlled cargoes for export or import: Preference will be given to Indian Flag vessels - Government policy on FOB/FAS will hold good	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: 1. Pilotage 2. Towing, tug assistance & pushing 3. Provisioning, fuelling & watering 4. Garbage collecting & ballast water disposal 5. Port Captain services 6. Navigation aids
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Modes of supply: 1) Cross-border supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons			
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
			<p>water and electrical supplies.</p> <p>7. Shore based operational services essential to ship operations, including communications,</p> <p>8. Emergency repair facilities</p> <p>9. Anchorage, berth and berthing services.</p>
	(ii) LNG: Unbound	(ii) LNG: Unbound	
	<p>1) (c) Passenger: None except that all such transport shall be on the basis of bilateral agreements on reciprocity basis</p> <p>2) None</p> <p>3) (a) None but 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</p> <p>3) (b) Other forms of commercial presence for the supply of International Maritime Transport Services (as per definitions): Unbound</p> <p>4) (a) Ships crews: Unbound (b) key shore personnel: Unbound</p>	<p>1) (c) Passenger: None except that all such transport shall be on the basis of bilateral agreements on reciprocity basis</p> <p>2) None</p> <p>3) (a) None</p> <p>3) (b) Unbound</p> <p>4) (a) Ships crews: Unbound (b) key shore personnel: Unbound</p>	
MARITIME AUXILIARY SERVICES			
Maritime Cargo Handling Services	<p>1) Unbound</p> <p>2) None</p> <p>3) None except as indicated in Horizontal commitment/ Head Note to this schedule</p>	<p>1) Unbound</p> <p>2) None</p> <p>3) None except as indicated in Horizontal commitment/ Head Note to this schedule</p> <p>4) Unbound except as indicated in the</p>	

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
	4) Unbound except as indicated in the horizontal section	horizontal section		
Storage and Warehousing services in Ports	1) Unbound* 2) None 3) None except as indicated in horizontal commitments/Head Note to this Schedule 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None except as indicated in horizontal commitments/ Head Note to this Schedule 4) Unbound except as indicated in the horizontal section		
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 as indicated in Horizontal commitment/Head Note to this Schedule. 4) Unbound except as indicated in the horizontal section	1) Unbound* 2) None 3) None except as indicated in Horizontal commitment/Head Note to this Schedule. 4) Unbound except as indicated in the horizontal section		
Maritime Agency Services	1) None 2) None 3) None except as indicated in Horizontal commitment/ Head Note to this Schedule 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None except as indicated in Horizontal commitment/Head Note to this Schedule 4) Unbound except as indicated in the horizontal section		
Maritime Freight Forwarding Services	1) None 2) None 3) None except as indicated in Horizontal commitment/ Head Note to this Schedule 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None except as indicated in Horizontal commitment/ Head Note to this schedule 4) Unbound except as indicated in the horizontal section		
International rental/ charter of vessels with crew or on bareboat basis (excluding cabotage and	1) Unbound 2) None except obtaining permission from Director General (Shipping) for chartering a foreign flag vessel in the absence of availability of a suitable	1) Unbound 2) None except vessels rented by Indian nationals are considered as foreign vessels		

Modes of supply: 1) Cross-border supply		2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments	
offshore transport)	Indian vessel 3) Unbound 4) Unbound except as indicated in the horizontal section	3) Unbound 4) Unbound except as indicated in the horizontal section		
Maintenance and repairs of seagoing vessels	1) None 2) None 3) None except as indicated in Horizontal commitment/ Head Note to this Schedule 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None except as indicated in Horizontal commitment/ Head Note to this Schedule 4) Unbound except as indicated in the horizontal section		
Ship Broking Service (CPC 748**)	1) Unbound 2) None 3) None except as indicated in the Head Note 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) None except as indicated in the Head Note 4) Unbound except as indicated in the horizontal section		
Air Transport Services and Airport Services The commitments below are subject to the terms and conditions of the GATS Annex on Air Transport Services				
<u>Aircraft repair and maintenance services</u> , i.e., activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance	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		

(*) Unbound due to lack of technical feasibility

(**) Specific commitment for that code does not extend to the total range of services covered under that code.

**Attachment to India's Schedule of Specific Commitments:
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. 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 located in India and any other port also located in India and traffic originating and terminating in the same port located in the country and further includes transportation of passengers or goods between a port located in India and installation and structures situated on the continental shelf of India.
3. 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.
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 behalf 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 computerised information systems and electronic data interchange;
- (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) organising 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 the International Maritime Organization (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/ licensing of shipping service supplier is under consideration in India.

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 authorising 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 organised independently of the stevedoring or terminal operator companies. The activities covered, include the organisation and supervision of:
 - the loading/discharging of cargo to/from a ship;
 - the lashing/unlashing of cargo;
 - the reception/delivery and safekeeping of cargoes before shipment or after discharge.

The organisation and supervision include 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.

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 organizing 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;
- 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/Departments or based on loan/ credit agreements with other countries, as well as exports by Indian Government Agencies/ 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.).