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## **ANNEX 8-A**

### ENTRY AND TEMPORARY STAY OF NATURAL PERSONS

#### ARTICLE 8-A.1

##### Objectives

The objectives of this Annex are to:

- (a) set out provisions in addition to those specified in Chapter X (Trade in Services) in relation to the movement of natural persons covered under this Annex between the Parties;
- (b) facilitate the movement of the natural persons of a Party covered by this Annex into the territory of the other Party; and
- (c) ensure streamlined and transparent entry and temporary stay of natural persons to whom this Annex applies.

#### ARTICLE 8-A.2

##### Scope

This Annex shall apply to measures of a Party affecting the entry and temporary stay in its territory of natural persons of the other Party who are Business Visitors, Intra-Corporate Transferees, Contractual Service Suppliers, Independent Professionals, and for the Union, Short-term Business Visitors, in respect of the supply of services.

## ARTICLE 8-A.3

### Intra-Corporate Transferees, Business Visitors

In the sectors inscribed in its Schedule [XXX], and subject to any terms, limitations, conditions and qualifications set out therein:

- (a) each Party shall allow:
  - (i) the entry and temporary stay of intra-corporate transferees;
  - (ii) the entry and temporary stay of business visitors without requiring a work permit or other prior approval procedure of similar intent;
- (b) A Party shall not maintain or adopt limitations in the form of numerical quotas or economic needs tests, including labour market tests, regarding the total number of natural persons that, in a specific sector, are allowed entry as business visitors or that a juridical person of the other Party may employ as intra-corporate transferees, either on the basis of a territorial subdivision or on the basis of its entire territory.

## ARTICLE 8-A.4

### Short-term business visitors

1. Subject to the relevant conditions and qualifications specified in Schedule [XXX], the Union shall allow the entry and temporary stay of short-term business visitors of India for the purposes of carrying out the activities listed in Schedule [XXX], subject to the following conditions:

- (a) the short-term business visitors are not engaged in selling their goods or supplying services to the general public;
- (b) the short-term business visitors do not, on their own behalf, receive remuneration from within the Union; and

(c) the short-term business visitors are not engaged in the supply of a service in the framework of a contract concluded between a juridical person that has not established in the territory of the Union, and a consumer there, except as provided for in Schedule [XXX];

2. Unless otherwise specified in Schedule [XXX], the Union shall allow entry of short-term business visitors without the requirement of a work permit, economic needs test or other prior approval procedures of similar intent.

#### ARTICLE 8-A.5

##### Contractual Service Suppliers and Independent Professionals

In the sectors inscribed in its Schedule [XXX], and subject to any terms, limitations, conditions and qualifications set out therein:

- (a) a Party shall allow the entry and temporary stay of contractual service suppliers and independent professionals of the other Party in its territory;
- (b) a Party shall not adopt or maintain limitations on the total number of contractual service suppliers and independent professionals of the other Party allowed entry and temporary stay, in the form of numerical quotas or economic needs tests, including labour market tests.

#### ARTICLE 8-A.5

##### Procedural Commitments for Applications for Entry and Temporary Stay

In respect of the processing of applications for entry and temporary stay, including, where relevant, extensions or renewals thereof, pursuant to its commitments in this Annex:

- (a) Each Party shall ensure that fees charged by its competent authorities for the processing of applications for entry and temporary stay do not unduly impair or delay trade in services under this Agreement.
- (b) Subject to the competent authorities' discretion, documents required from the applicant[s] for applications for the grant of entry and temporary stay shall be commensurate with the purpose for which they are collected.
- (c) Complete applications for the grant of entry and temporary stay shall be processed as expeditiously as possible.
- (d) The competent authorities of each Party shall endeavour to provide, without undue delay, information in response to requests from an applicant concerning the status of an application.
- (e) If the competent authorities of each Party require additional information from the applicant in order to process the application, they shall endeavour to notify in line with its domestic processes, without undue delay, the applicant of the required additional information and to set a reasonable deadline for providing it.
- (f) The competent authorities of each Party shall notify the applicant of the outcome of the application promptly after a decision has been taken.
- (g) If the application is approved, the competent authorities of each Party shall promptly notify the applicant of the period of stay and other relevant terms and conditions.
- (h) If the application is denied, the competent authorities of each Party shall, upon request or upon their own initiative make available to the applicant information on any available review and/or appeal procedures and to the extent required by the law of a Party, the reasons for denial.
- (i) Each Party shall endeavour to accept applications in electronic format.
- (j) Where appropriate and to the extent its law permits, each Party shall accept copies

of documents, authenticated in accordance with its law, in place of original documents.

## ARTICLE 8-A.6

### Transparency

1. Each Party shall make publicly available information on relevant measures that pertain to the entry and temporary stay of natural persons of the other Party covered by Paragraph 1 of Article on Scope.
2. The information referred to in paragraph 1 shall, to the extent possible, include the following:
  - (a) categories of visa, permits or any similar type of authorisation regarding the entry and temporary stay;
  - (b) documentation required and conditions to be met;
  - (c) method of filing an application and options on where to file, such as consular offices or online;
  - (d) application fees and an indicative timeframe of the processing of an application;
  - (e) the maximum length of stay under each type of authorisation described in point (a);
  - (f) conditions for any available extension or renewal;
  - (g) rules regarding accompanying spouses and dependents; and
  - (h) available review or appeal procedures.
3. Upon modifying or amending any measure that affects entry and temporary stay of natural persons of the other Party, each Party shall endeavour to ensure that the

information published or otherwise made publicly available pursuant to paragraphs 1 and 2 is updated as soon as possible.

#### ARTICLE 8-A.7

##### Additional Commitments for Intra-corporate Transferees and their Family Members<sup>1</sup>

1. The competent authorities of each Party shall adopt a decision on the application for an intra- corporate transferee entry or temporary stay or a renewal of it and notify the decision to the applicant in writing, in accordance with the notification procedures under national law, as soon as possible but not later than 90 days from the date on which the complete application was submitted.

2. Where the information or documentation supplied in support of the application is incomplete, the competent authorities shall notify the applicant within a reasonable period of the additional information that is required and set a reasonable deadline for providing it. The period referred to in paragraph 1 shall be suspended until the competent authorities have received the additional information required.

3. The European Union shall extend to family members of natural persons of India, who are intra-corporate transferees to the European Union, the right of temporary entry and stay granted to family members of an intra-corporate transferee under Article 19 of Directive 2014/66/EU of the European Parliament and of the Council<sup>2</sup>.

4. India shall grant to the family members of the natural persons of a Member State of the European Union who are intra-corporate transferees to India, a treatment that is equivalent to the treatment granted by that Member State to the family members of the

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<sup>1</sup> Paragraphs 1, 2 and 3 do not apply for the Member States of the European Union that are not subject to the application of the Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer ("ICT Directive").

<sup>2</sup> Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third- country nationals in the framework of an intra-corporate transfer (OJ EU L 157, 27.5.2014, p. 1-22).

natural persons of India who are intra-corporate transferees in that Member State.