

Without prejudice

European Union-Canada Comprehensive economic and Trade Agreement (CETA)

Annex I: Reservations for Existing Measures and Liberalisation Commitments

1. The Schedule of a Party sets out, pursuant to Chapters [X] (Investment), and [Y] (Cross-Border Trade in Services), the reservations taken by that Party with respect to existing measures that do not conform with obligations imposed by:

- (a) Articles [A and B] (National Treatment),
- (b) Articles [C and D] (Most-Favoured-Nation Treatment),
- (c) Articles [E and F] (Market Access)
- [(d) Article G (Performance Requirements), or
- (e) Article H (Senior Management and Boards of Directors),

and, in certain cases, sets out commitments for immediate or future liberalisation.

2. Each reservation sets out the following elements:

- (a) **Sector** refers to the general sector in which the reservation is taken;
- (b) **Sub-Sector** refers to the specific sector in which the reservation is taken;
- (c) **Industry Classification** refers, where applicable, to the activity covered by the reservation according to CPC classification codes;
- (d) **Type of Reservation** specifies the obligation referred to in paragraph 1 for which a reservation is taken;
- (e) **Level of Government** indicates the level of government maintaining the measure for which a reservation is taken;
- (f) **Measures** identifies the laws, regulations or other measures, as qualified, where indicated, by the **Description** element, for which the reservation is taken. A measure cited in the **Measures** element
 - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement, and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure, and
 - (iii) in particular, includes for EU Directives, any laws, regulations or other measures which implement the Directive at Member State level;
- (g) **Description** sets out commitments, if any, for liberalisation on the date of entry into force of this Agreement, and the remaining non-conforming aspects of the existing measures for which the reservation is taken; and
- (h) **Phase-Out** sets out commitments, if any, for liberalisation after the date of entry into force of this Agreement.

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3. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant provisions of the Chapters against which the reservation is taken. To the extent that:

(a) the **Phase-Out** element provides for the phasing out of non-conforming aspects of measures, the **Phase-Out** element shall prevail over all other elements;

(b) the **Measures** element is qualified by a liberalisation commitment from the **Description** element, the **Measures** element as so qualified shall prevail over all other elements; and

(c) the **Measures** element is not so qualified, the **Measures** element shall prevail over all other elements, unless any discrepancy between the **Measures** element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the **Measures** element should prevail, in which case the other elements shall prevail to the extent of that discrepancy.

4. Where a Party maintains a measure that requires that a service provider be a citizen, permanent resident or resident of its territory as a condition to the provision of a service in its territory, a reservation for that measure taken with respect to cross-border services shall operate as a reservation with respect to investment, to the extent of that measure.

5. For purposes of this Annex:

CPC means Central Product Classification (CPC) numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, *Provisional Central Product Classification*, 1991;

ISIC rev 3.1 means the International Standard Industrial Classification of all Economic Activities as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 4, *ISIC REV 3.1*, 2002;

CPC ver. 1.0 means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, N° 77, *CPC ver 1.0*, 1998.

6. The following abbreviations are used in the Schedule:

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EU	European Union
ES	Spain
EE	Estonia
FI	Finland
FR	France
EL	Greece
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania
LU	Luxembourg
MT	Malta
NL	Netherlands
PL	Poland

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PT Portugal
RO Romania
SK Slovakia
SI Slovenia
SE Sweden
UK United Kingdom

The current EU offer does not include reservations concerning cultural services at this stage, pending the conclusion of the horizontal discussions on cultural diversity. The EU reserves the right to introduce reservations concerning these services subsequently, in the light of the results of these horizontal discussions.

Depending upon the final outcome of the provisions on national treatment relating to mode 4 (the temporary presence of natural persons), the EU reserves the right to introduce EU Member State specific reservations.

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Schedule of the European Union (applicable to all EU Member States unless otherwise indicated)

Sector: All Sectors
Sub-sector:
Industry classification:
Type of Reservation: National Treatment
~~Senior Management and Boards of Directors~~
Level of Government: EU level
Measures: Treaty on the Functioning of the European Union
Directive 2006/123/EC of 12 December 2006 on services in the internal market

Description: **Investment**
Article 54: Companies or firms formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business with the Union shall, for the purposes of this Chapter, be treated in the same way as natural persons who are nationals of Member States.

Treatment accorded to subsidiaries of Canadian companies or firms formed in accordance with the law of the Member States of the EU and having their registered office, central administration or principal place of business within the EU is not extended to branches or agencies established in the Member States of the EU by Canadian companies. Only subsidiaries are considered as being juridical persons of the EU entitled to receive the treatment accorded by Article 54.

Phase-out: None

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Sector: All Sectors
Sub-sector:
Industry classification:
Type of Reservation: National Treatment
Level of Government: EU level
Measures: Treaty on the Functioning of the European Union
Directive 2006/123/EC of 12 December 2006 on services in the internal market
Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications
Directives 2009/50/EC, 2003/109/EC, 2005/71/EC

Description: **Cross-Border Services**
[The rights derived from the Treaty on the Functioning of the European Union on the free movement of persons and](#)

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services, and the rights derived from the measures adopted pursuant to these provisions, do not apply to nationals of third countries.

The treatment provided to cross-border service providers in accordance with the Internal Market of the EU is only granted to those natural persons who are nationals of a Member State of the European Union, or enterprises formed in accordance with the law of the Member States of the EU and having their registered office, central administration or principal place of business within the EU.

This reservation is without prejudice to treatment which may be granted by the EU's obligations under Article XVII of the General Agreement on Trade in Services.

European Union Directives on mutual recognition of diplomas only apply to the nationals of the European Union. "Blue card holders" (Directives 2009/50/EC), long term residents (2003/109/EC) and scientific researchers (2005/71/EC) are treated in the same way as EU citizens with respect to recognition of professional qualifications. The right to practice a regulated professional service in one Member State does not grant the right to practice in another Member State.

Phase-out: None

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Sector: All sectors
Sub-sector: Graduate Trainees
Industry classification:
Type of Reservation: National Treatment

Description: **Investment**
For AT, CZ, DE, ES, FR, HU, the training which is to be delivered as a result of the transfer of a graduate trainee to a juridical person in the respective countries specified must be linked to the university degree which has been obtained by the graduate trainee.

Existing Measures:

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Sector: Public Health, Social and Education Services
Sub-sector:
Industry classification: CPC 92, CPC 93
Type of Reservation: Market Access

National Treatment
Senior Management and Boards of Directors

Level of Government: Central and Sub-federal

Measures: As set out in the **Description** element

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Description:	<p>Investment</p> <p>Any EU Member State, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise or an existing governmental entity providing public health, social or education services, may prohibit or impose limitations on the ownership of such interests or assets, and on the ability of owners of such interests and assets to control any resulting enterprise, by investors of Canada or of a non-Party or their investments. With respect to such a sale or other disposition, any EU Member State may adopt or maintain any measure relating to the nationality of senior management or members of the boards of directors, as well as any measure limiting the number of suppliers.</p> <p>For purposes of this reservation:</p> <p>(a) any measure maintained or adopted after the date of entry into force of this Agreement that, at the time of the sale or other disposition, prohibits or imposes limitations on the ownership of equity interests or assets or imposes nationality requirements or imposes limitations on the numbers of suppliers described in this reservation shall be deemed to be an existing measure; and</p> <p>(b) "state enterprise" means an enterprise owned or controlled through ownership interests by any Member State and includes an enterprise established after the date of entry into force of this Agreement solely for the purposes of selling or disposing of equity interests in, or the assets of, an existing state enterprise or governmental entity.</p>
Phase-out:	None
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Sector:	Agriculture
Sub-sector:	
Industry classification:	
Type of Reservation:	Performance Requirements
Level of Government:	EU level
Measures:	REGULATION (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)
Description:	<p>Investment</p> <p>The intervention agencies designated by the Member States shall buy cereals which have been harvested in the EU. No export refund shall be granted on rice imported from and re-exported to third countries. Only EU rice producers may claim compensatory payments.</p>
Phase-out:	None

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Sector:	Business services
Sub-sector:	Legal services
Industry classification:	part of CPC 861
Type of Reservation:	Market Access National Treatment Most-Favoured-Nation Treatment
Level of Government:	Central
Measures:	Austria - Rechtsanwaltsordnung (Lawyers Act) - RAO, RGBl. Nr. 96/1868 as amended, art. 1 and 21c Belgium - Belgian Judicial Code (Articles 428-508) ; Royal Decree of 24 August 1970 Bulgaria - Attorney Law; Law for Mediation; Law for the Notaries and Notarial Activity Cyprus - Denmark - Lovbekendtgørelse nr. 1053 af 29. oktober 2009 (Act No 1069 of 29 October 2009 on the administration of justice) Estonia - Advokatuuriseadus (Bar Association Act), RT I 2001, 36, 201; Notariaadiseadus (Notaries Act), RT I 2000, 104, 684; Kohtutäituri seadus (Bailiffs Act), RT I 2009, 68, 463; Finland - Laki asianajajista (Advocates Act) (496/1958), Section 1 and 3(1), Oikeudenkäymiskaari (4/1734) (Code of Judicial Procedure) France - Loi du 31 décembre 1971, article 56 Loi 90-1258 relative à l'exercice sous forme de société des professions libérales Loi 90- 1259 du 31 décembre 1990, article 7 Germany - § 59e, § 59f Bundesrechtsanwaltsordnung (BRAO) § 4, § 5, § 6 Bundesnotarordnung (BNotO) § 52e, § 52 f Patentanwaltsordnung (PAO) Greece - Lawyers Code (Law 3026/1954), as amended by Presidential Decree 172/1989 Hungary - ACT XI of 1998 on Attorneys at Law Ireland - Italy - Royal Decree 1578/1933 art. 17 Law on the legal profession Latvia - Criminal Procedure Law, Section 79 Advocacy Law of the Republic of Latvia, Section 4 Lithuania - Law on the Bar of the Republic of Lithuania of 18 March 2004 No. IX-2066 as last amended on 15 April 2008 No.X-494; ; Republic of Lithuania Law on the Notarial profession 15 September 1992 - No I-2882 (As last amended on 23 September 2010 - No XI-1033); Luxembourg - Loi du 10 août 1991 sur la profession d'avocat, as modified on 13 November 2002 Malta - Code of Organisation and Civil Procedure (Cap. 12) Poland - Act of 5 July 2002 on the provision by foreign lawyers of legal assistance in the Republic of Poland, art. 19 Portugal - Law 15/2005, article 203 and article 194 Portuguese Bar Statute (Estatuto da Ordem dos Advogados)

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and Decree-Law 229/2004, article 5 and 7 to 9. Decree-law 88/2003, article 77 and 102, Solicitadores Public Professional Association Statute (Estatuto da Câmara dos Solicitadores), as amended by Law 49/2004, by Law 14/2006 and by Decree-Law n.º 226/2008; Law 78/2001 article 31.º; articles 4.º Regulation of family and labour mediation (Ordinance 282/2010), Law 21/2007 on criminal mediation (article 12); Law 32/2004, as modified by Decree-Law 282/2007 and Law 34/2009), on Insolvency administrator (Article 3.º and 5, among others); Decree-Law 54/2004, article 1 (Regime jurídico das sociedades de administradores de insolvência).

Romania - Attorney Law; Law for Mediation; Law for the Notaries and the Notarial Activity

Slovak Republic - Act 586/2003 on Advocacy, art. 2 and 12

Slovenia - Zakon o odvetništvu (Neuradno prečiščeno besedilo-ZOdv-NPB2 Državnega Zbora RS z dne 21.5.2009 (Attorneys Act) unofficial consolidated text prepared by the Slovenian parliament from 21 5.2010)

Spain - Estatuto General de la Abogacía Española, aprobado por Real Decreto 658/2001, art. 13.1ª

Sweden - Rättegångsbalken (The Swedish Code of Judicial Procedure) (1942:740)

The Swedish Bar Association Code of Conduct adopted 29 August 2008

United Kingdom

- For England and Wales, the Solicitors Act 1974, the Administration of Justice Act 1985 and the Legal Services Act 2007;

- For Scotland, the Solicitors (Scotland) Act 1980, the Legal Services (Scotland) Act 2010 and the professional rules of the Faculty of Advocates ("Guide to the Professional Conduct of Advocates")

- For Northern Ireland, the Solicitors NI Order 1976 and the Code of Conduct for the Bar Library of NI

Description:**Cross-Border Services and Investment**

The **EU**, except for (**BG, CZ, DK, ES, NL, PL, SE, SI**) requires residency (commercial presence is required) in order to obtain full admission to the Bar, which is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

EU: To provide legal services in respect of domestic (EU and Member States) law, commercial presence may be required to take one of the legal forms which are allowed under national law on a non-discriminatory basis. Some types of legal form may be reserved exclusively to lawyers admitted to the Bar, also on a non-discriminatory basis.

For **DE, ES, EL, FR, HU, LT, LV, LU, MT, PT, SK:** only EEA or Swiss nationals may be admitted to the Bar, and are thus entitled to provide legal services in respect of domestic law.

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In **FR**, representation before the "Cour de Cassation" and "Conseil d'Etat" is subject to quotas. In a law firm providing services in respect of French or EU law, at least 75% of the partners holding 75% of the shares shall be lawyers fully admitted to the Bar in France.

For **BE**: Representation before the "Cour de Cassation" is subject to quota. Need to have a certificate issued by the Belgian Minister of Foreign Affairs under which the national law or international convention allows reciprocity (reciprocity condition. The residency requirement for a foreign lawyer to obtain full admission to the Bar is at least 6 years from the date of application for registration, 3 years under certain conditions.

Attorneys from foreign countries can act as advocates in court in **LT** only in accordance with bilateral agreements on legal assistance.

For **FI**: For admission to the Bar, which is required for the use of the Finnish title "asianajaja", nationality of and residency within the EEA is required

For AT: According to the Lawyers Act, only EEA lawyers or lawyers of the Swiss confederation are allowed to provide legal services through commercial presence. Cross border supply of legal services by Canadian lawyers (who must be fully qualified in Canada) is only authorized in respect of public international law and national Canadian law. For ~~full~~ admission to the Bar, required for the practice of domestic (EU and Member State) law including representation before courts, nationality in the EEA (or the Swiss confederation) is required. Equity participation and shares in the operating result of any law firm of Canadian lawyers (who must be fully qualified in Canada) is allowed up to 25%; the rest must be held by fully fledged EEA lawyers (or lawyers of the Swiss confederation) and only the latter may exercise decisive influence in the decision making of the law firm which is – according to Art 1a of the Lawyers Act – in Austria generally limited to certain forms of associations.

For BG: Insofar as Canada and its territories and provinces allow Bulgarian lawyers to represent their nationals under domestic law, Bulgaria will allow Canadian lawyers to represent a Canadian national under domestic law under the same conditions and in cooperation with a Bulgarian lawyer. For this purpose, foreign lawyers must be admitted to act as an attorney by a decision of the Supreme Bar Council and registered in the Unified register of foreign lawyers. Enterprises must be registered in Bulgaria as a lawyer partnership ("advokatsko sadrujje") or a law firm ("advokatsko drujestvo"). The name of the law firm may only include the names of the partners, so a foreign firm would not be able to use its name unless the named partners

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were registered in Bulgaria as well. Full admission to the Bar is allowed only for EU nationals or for foreign nationals, who are qualified lawyers and have obtained their diploma providing the capacity to practice in an EU Member State. For procedural representation they should be accompanied by a Bulgarian lawyer.

For legal mediation services, permanent residence is required.

For **DK**: 90% of shares of a Danish law firm must be owned by lawyers with a Danish licence to practice or law firms registered in Denmark. Only lawyers with a Danish licence to practice may sit on the board or be a member of the management of a Danish law firm. The remaining 10% can be owned by other employees in law firms, who can also sit on the board and be part of the management of the firm.

Marketing of legal advisory services is restricted to lawyers with a Danish licence to practice.

For **EE**: For legal services other than advisory services to clients related to their legal rights and obligations and providing information on legal matters, commercial presence is restricted to sole proprietorships or to law firms with limited liability, in which cases permission is needed from the Bar Association (Advokatuur).

For **HU**: Commercial presence should take the form of partnership with a Hungarian barrister (*ügyvéd*) or a barrister's office (*ügyvédi iroda*). Full admission to the Bar is subject to a nationality condition, coupled with a residency requirement. For foreign lawyers the scope of legal activities is limited to the provision of legal advice on home country and international law, which shall take place on the basis of a collaboration contract concluded with a Hungarian attorney or a law firm.

~~For **IT**: EU nationality condition in order to be enrolled in the professional register of lawyers which is necessary for the practice of domestic law~~

For **LV**: Nationality requirement for sworn solicitors, to whom legal representation in criminal proceedings is reserved. In so far as Canada and its provinces and territories allow Latvian advocates to practice in their territories within the framework of an agreement on legal assistance, Latvia will allow Canadian advocates to practice in Latvia under the same conditions.

For **PL**: Foreign lawyers may establish only in the form of a registered partnership ~~or~~ a limited partnership, or a limited joint-stock partnership while domestic companies have access also to the forms of civil law partnership and professional partnership.

For **PT**: only law firms where the shares belong exclusively to lawyers admitted to the Portuguese Bar can practice in

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Portugal; access to the profession of «solicitadores» is subject to a nationality condition (EEA).

For **RO**: A member of a bar from another country may practice the legal profession in Romania, in accordance with the conditions established by Romanian law.

To provide legal advice on Romanian law, a foreign lawyer is required to pass an exam organised by UNBR, to test their knowledge of the Romanian language and Romanian law.

Commercial presence must take one of the legal forms which are allowed under national law on a non-discriminatory basis, described in art. 5.

A foreign lawyer may not make oral or written conclusions before the courts and other judicial bodies, except for international arbitration.

The fees payable to foreign lawyers will be recorded and will be paid entirely in Romania.

For **SI**: Commercial presence is restricted to sole proprietorship or to a law firm with unlimited responsibility (partnership) only. Canadian lawyers may be entered in the directory of foreign lawyers in the Republic of Slovenia under the professional title "lawyer", with all the rights and obligations in the exercise of the profession meets, the condition of professional competence, active command of the Slovene language, is trusted to provide the legal profession, has the equipment and facilities, which are necessary for the exercise of the profession and passed an examination from knowledge of the legal order of the Republic of Slovenia.

For **SE**: admission to the Bar, which is required only for the use of the Swedish title "*advokat*", residency within the EU, EEA or Switzerland is required. Exemptions may be granted by the board of the Swedish Bar Association.

Phase-out: None

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Sector: Business Services
Sub-sector: Technical testing and analysis services
Industry classification: CPC 8676
Type of Reservation: Market Access
 National Treatment

Level of Government:

Measures: Regulation (EC) No -765/2008 of the European Parliament and of the European Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93

Description: **Cross-Border Services** ~~and Investment~~

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Technical testing and analysis services compulsory for obtaining marketing authorisations or for utilisation authorisations which are required in order to place goods on the EU market are restricted to accredited services providers established within the EU, except where a Canadian service provider has been recognised by the EU in accordance with ~~Protocol X~~an agreement on the mutual recognition of conformity assessment bodies, and subject to the conditions contained therein.

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Sector: Business services
Sub-sector: Medical and Dental Services, Midwives services, Services provided by nurses
Industry classification: CPC 9312, CPC 93191
Type of Reservation: Market Access
National Treatment

~~Senior Management and Boards of Directors~~

Level of Government: EU level
Measures: **CZ:** Act. 95/2004 Coll., On the conditions for acquiring and recognising qualifications for the performance of the medical occupations of physician, dentist, and pharmacist
Act. 96/2004 Coll., On conditions of obtaining and recognition of qualification for the performance of non-medical occupations in health service and for the due performance of activities related to the provision of health care
Act. 96/2004 Coll., On conditions of obtaining and recognition of qualification for the performance of non-medical occupations in health service and for the due performance of activities related to the provision of health care

Description: **Cross-Border Services and Investment**
The provision of medical and dental services, and the services provided by midwives and nurses in the EU, with the exception of **BE** and **SE**, requires residency. These services may only be provided by natural persons.

For Belgium and France, see separate reservation.

For **BG, MT**, these services may only be provided by EU nationals having prior authorisation which may be subject to an ENT.

This reservation applies to the relevant services which are carried out on a commercial basis or in competition with other suppliers.

Phase-out: None

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Sector: Distribution

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Sub-sector:	Retail sales of pharmaceuticals and of medical goods
Industry classification:	CPC 63211
Type of Reservation:	Market Access National Treatment Senior Management and Boards of Directors
Level of Government:	Central
Measures:	Austria: Apothekengesetz (Pharmacy Law), RGBl. No. 5/1907 as amended, §3 Arzneimittelgesetz (Medication Act) BGBl. Nr. 185/1983 as amended, §57-63 Belgium: Arrêté royal du 21 janvier 2009 portant instructions pour les pharmaciens Arrêté royal du 10 novembre 1967 relatif à l'exercice des professions des soins de santé Bulgaria - Law on the Medicinal Products in Human Medicine, art. 146, 161, 195, 222, 228 Czech Republic - Act No 378/2007 Coll. (on Pharmaceuticals), par. 87 Act. 123/2000 Coll., on Medical Devices Denmark: Apotekerloven (Danish Pharmacy Act) LBK nr. 855 of 04/08/2008 Estonia: Ravimiseadus (Medicinal Products Act), RT I 2005, 2, 4; § 25 (3), §30, § 42 ¹ France - Code de la santé publique, art. L4221-1, L4221-13 and L5125-10 Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008 (Law 90-1258 on the exercise as a society of professionals) Germany - Apothekengesetz (German Pharmacy Act), § 2 para 2, § 11a Arzneimittelgesetz (German Drugs Act), §§ 43 para. 1, 73 para. 1 Nr. 1a Greece - Hungary - Act XCVIII of 2006 on the General Provisions Relating to the Reliable and Economically Feasible Supply of Medicinal Products and Medical Aids and on the Distribution of Medicinal Products Italy - Law 362/1991, art. 1, 4, 7 and 9 Legislative Decree CPS 233/1946, art. 7-9 Decree of the President of the Republic (DPR) 221/1950, par. 3 and 7 Luxembourg - Loi du 4 juillet 1973 concernant le régime de la pharmacie (annex a043), Règlement grand-ducal du 27 mai 1997 relatif à l'octroi des concessions de pharmacie (annex a041), Règlement grand-ducal du 11 février 2002 modifiant le règlement grand-ducal du 27 mai 1997 relatif à l'octroi des concessions de pharmacie (annex a017) Malta: Pharmacy Licence Regulations (LN279/07) issued under the Medicines Act (Cap. 458). Portugal - Decree-Law 307/2007 (Articles 9, 14, 15) Ordinance 1430/2007 Slovak Republic - Act 140/1998 on drugs and medical devices, art. 35a

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Act 578/2004 on healthcare providers, medical employees, professional organisation

Slovenia - Law on Pharmacy Activities (Official Gazette No. 36/2004), art. 2, 6-8, 13-14

Medicinal Products Act (Official Gazette of the RS, no. 31/06, 45/08), art. 17, 21, 74, 79, 81

Spain - Ley 16/1997, de 25 de abril, de regulación de servicios de las oficinas de farmacia (Law 16/1997, of 25 April, regulating services in pharmacies), art. 2 and 3.1

Description:

Cross-Border Services and Investment

For **all EU countries** with the exception of BE: mail order is only possible from EEA countries and Switzerland, thus establishment in any of these countries is required for the retail of pharmaceuticals and specific medical goods to the general public in the EU. In BG and EE, the mail order of pharmaceuticals is prohibited.

For **AT, BG, EE**: The retail of pharmaceuticals and specific medical goods to the public may only be carried out through a pharmacy.

For **BE**: Mail order is only authorised for pharmacies open to public, thus establishment in Belgium is required for the retail of pharmaceuticals and specific goods to the general public.

For **BG**: Managers of pharmacies must be qualified pharmacists and may only manage one pharmacy in which they themselves work. Requirement for permanent residence for pharmacists. A quota exists for the number of pharmacies which may be owned per person.

For **DE, DK, EL, ES, LU**: only natural persons are permitted to provide retail services of pharmaceuticals and specific medical goods to the public.

DE, IT, SK require residency in order to obtain a licence as a pharmacist and/or to open a pharmacy for the retail of pharmaceuticals and certain medical goods to the public.

For **AT, DE, EL, FR, HU**: EEA or Swiss nationality is required in order to operate a pharmacy.

For **DE**: nationals of other countries or persons who have not passed the German pharmacy exam may only obtain a licence to take over a pharmacy which has already existed during the preceding three years. The total number of pharmacies per person is restricted to one pharmacy and up to three branch pharmacies.

For **EE**: The retail of pharmaceuticals and specific medical goods to the public may only be carried out through a pharmacy. Mail order sale of medicinal products as well as delivery by post or express service of medicinal products ordered through the Internet is prohibited.

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For **FR**: foreign pharmacists may be permitted to establish within annually established quotas.

For **EE, ES, HU, and PT**: establishment authorisation is subject to an economic needs test. Main criteria: density conditions in the area.

In **FR** and **IT**, commercial presence must take one of the legal forms which are allowed under national law on a non-discriminatory basis.

For **AT**: EEA or Swiss nationality is required for leaseholders and persons in charge of managing a pharmacy.

For **MT**: Issuance of Pharmacy licences under specific restrictions. No person shall have more than one licence in his name in any town or village (Regulation 5(1) of the Pharmacy Licence Regulations (LN279/07)), except in the case where there are no further applications for that town or village (Regulation 5(2) of the Pharmacy Licence Regulations (LN279/07)).

For **PT**: In commercial companies where the capital is represented by shares, these shall be nominative. No person may hold or exercise, at the same time, directly or indirectly, ownership, operation or management of more than four pharmacies.

For FI and SE: see country specific reservation (Annex II).

For SI: Pharmacy activity can be performed on the basis of concessions by private persons granted by the competent administrative body of the commune or municipality with the agreement of the Ministry of Health, after the prior opinion of the Chamber of Pharmacy and the Institute for Health Insurance of Slovenia.

Phase-out: Future legislation will remove the DE nationality requirement

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Sector: Air Transport
Sub-sector: Supporting services for air transport, Rental of aircraft
Industry classification: CPC 734, CPC 7461, CPC 7469, CPC 83104
Type of Reservation: Market Access
 National Treatment
~~Most-Favoured-Nation~~
Level of Government: EU level
Measures: Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 ~~on~~ establishing common rules for the operation of air services in the Community

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Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports

Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for 2299/1989 as amended by Regs 3089/1993 and 323/1999 relating to ~~C~~computerised ~~R~~reservation ~~S~~systems

Description:

Cross-Border Services and Investment

Aircraft used by EU air carriers must be registered in the EU Member State licensing the carrier or, if the licensing Member State so allows, elsewhere in the EU. To be registered, aircraft may be required to be owned either by natural persons meeting specific nationality criteria or by enterprises meeting specific criteria regarding ownership of capital and control. By exception, aircraft registered in Canada may be leased by a Canadian air carrier to an air carrier of the EU under certain circumstances - for the air carrier of the EU's exceptional needs, seasonal capacity needs, or needs to overcome operational difficulties, which cannot reasonably be satisfied through leasing aircraft registered within the EU, and subject to obtaining the approval for a limited duration from the Member State of the EU licensing the air carrier of the EU.

An operating licence may be granted to an air carrier provided that Member States and/or nationals of Member States, or countries that have an agreement with the EU allowing for majority ownership and control on a reciprocal basis, own more than 50% of the undertaking and effectively control it, except as provided otherwise in an agreement.

For groundhandling services, establishment within the EU area may be required and may be subject to a condition of reciprocity. The level of openness of groundhandling services depends on the size of airport. The number of providers in each airport may be limited. For "big airports", this limit may not be less than two suppliers.

For airport operations, establishment within the EU is required. Airport operation services (excluding services relating to security and safety) may be subject to individual concession or licence from public authorities. Special approval from the competent authority may be needed for holder of the licence or the concession to transfer the operation licence or concession in total or in part to a third party.

With respect to computer reservation services (CRS), where air carriers of the EU are not accorded equivalent treatment (meaning non-discriminatory treatment of EU carriers and EU CRS services suppliers) to that provided in the EU by CRS services suppliers outside the EU, or where CRS services suppliers of the EU are not accorded equivalent treatment to that provided in the EU by non-EU air carriers, measures

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may be taken to accord equivalent treatment, respectively, to the non-EU air carriers by the CRS services suppliers in the EU, or to the non-EU CRS services suppliers by the air carriers in the EU.

Phase-out: None

*

Sector: Transport

Sub-sector: Internal Waterways Transport, Supporting Services for Internal Waterways Transport

Industry classification: CPC 722, part of CPC 745

Type of Reservation: Market Access

National Treatment

~~Most-Favoured-Nation Treatment~~

Level of Government: EU level

Measures:

Council Regulation (EEC) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State

Council Regulation (EC) No 1356/96 of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services

Council Regulation (EEC) No 2919/85 of 17 October 1985 laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation

Description:

Cross-Border Services and Investment

Goods or passenger transport operations by inland waterway may only be provided by an operator that fulfils the following conditions:-

- is established in a Member State,
- is entitled there to carry out the (international) transport of goods or passengers by inland waterway, and
- uses vessels registered in a Member State or in possession of a certificate of membership of a fleet of a Member State.

In addition, the vessels must be owned by natural persons domiciled in a Member State and who are Member States nationals, or owned by legal persons registered in a Member State and the majority of whom are Member State nationals. Derogations from the majority ownership requirement may exceptionally be provided.

Measures based upon existing or future agreements on access to inland waterways (including agreements relating to

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the Rhine-Main-Danube link) reserve certain traffic rights to operators based in the countries concerned who meet nationality criteria regarding ownership. Subject to regulations implementing the Mannheim Convention on Rhine Shipping.

In Spain, Sweden and Finland there is no legal distinction between maritime and internal waterways. The regulation of maritime transport applies equally to internal waterways.

Phase-out: None

*

Sector: Transport
Sub-sector: Water transport: pushing and towing
Industry classification: CPC 7214, CPC 7224
Type of Reservation: Market Access
Level of Government:
Measures:

Description: **Cross-Border Services and Investment**
For the EU, with the exception of LT and LV, only vessels carrying the flag of an EU Member State may provide pushing and towing services.

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Phase-out: None

*

Sector: Transport
Sub-sector: Rail transport
Industry classification: CPC 711
Type of Reservation: Market Access
Most-Favoured-Nation Treatment

Level of Government:
Measures: Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings as amended by Directives 2001/13/EC, Directive 2004/49/EC, 2006/103/EC and 2007/58/EC₇

Description: **Cross-Border Services**
The provision of rail transport services requires a licence, which can only be granted to railway undertakings established in a Member State.

Phase-out: None

*

Sector: Transport
Sub-sector: Other transport services (provisions of combined transport services)
Industry classification: CPC 741-749
Type of Reservation: Market Access
Level of Government:

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Measures:

Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States

Description:

Cross-Border Services and Investment

Only hauliers established in a Member State who meet the conditions of access to the occupation and access to the market for transport of goods between Member States may, in the context of a combined transport operation between Member States, carry out initial and/or final road haulage legs which form an integral part of the combined transport operation and which may or may not include the crossing of a frontier.

Limitations affecting any given modes of transport apply. Necessary measures can be taken to ensure that the motor vehicle taxes applicable to road vehicles routed in combined transport are reduced or reimbursed.

Phase-out:

None

*

Sector:

Supporting services for all modes of transport

Sub-sector:

Customs Clearance Services

Industry classification:

part of CPC 748

Type of Reservation:

National Treatment

Level of Government:

EU

Measures:

Council Regulation (EEC) No. 2913/92

Description:

Cross-Border Services and Investment

Customs clearance services may only be provided by EU residents.

Phase-out:

None

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Schedule of Austria

Sector: All Sectors
Sub-sector: Acquisition, purchase, rental or leasing of real estate
Industry classification:
Type of Reservation: National Treatment
Level of Government: Sub-national
Measures: Burgenländisches Grundverkehrsgesetz, LGBL. Nr. 25/2007 as amended
 Kärntner Grundverkehrsgesetz, LGBL. Nr. 9/2004 as amended
 NÖ- Grundverkehrsgesetz, LGBL. 6800 as amended
 OÖ- Grundverkehrsgesetz, LGBL. Nr. 88/1994 as amended
 Salzburger Grundverkehrsgesetz, LGBL. Nr. 9/2002 as amended
 Steiermärkisches Grundverkehrsgesetz, LGBL. Nr. 134/1993 as amended
 Tiroler Grundverkehrsgesetz, LGBL. Nr. 61/1996 as amended
 Vorarlberger Grundverkehrsgesetz, LGBL. Nr. 42/2004 as amended
 Wiener Ausländergrundverkehrsgesetz, LGBL. Nr. 11/1998 as amended

Description: **Investment**
 The acquisition, purchase and rental or leasing of real estate by non-EU natural persons and enterprises requires authorisation by the competent regional authorities (Länder). Authorisation will only be granted if the acquisition is considered to be in the public (in particular economic, social and cultural) interest.

Phase-out: None

*

Sector: All Sectors
Sub-sector:
Industry classification:
Type of Reservation: Senior Management and Boards of Directors
Level of Government:
Measures: Aktiengesetz, BGBl. Nr. 98/1965 as amended, § 254 (2)
 GmbH-Gesetz, RGBL. Nr. 58/1906 as amended, § 107 (2)
 Gewerbeordnung, BGBl. Nr. 194/1994 as amended, § 39 (2a)

Description: **Investment**
 For the operation of a branch, non EEA-corporations must appoint at least one person responsible for its representation who is resident in Austria. Executives (managing directors, natural persons) responsible for the observance of the Austrian Trade Act (Gewerbeordnung) must be domiciled in Austria.

Phase-out: None

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Sector:	Business services
Sub-sector:	Accounting and bookkeeping services, Auditing services, Taxation advisory services
Industry classification:	CPC 862, CPC 863
Type of Reservation:	Market Access National Treatment Senior Management and Boards of Directors
Level of Government:	Central
Measures:	Wirtschaftstreuhandberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999 as amended), § 12, § 65, § 67, § 68 (1) 4 Bilanzbuchhaltungsgesetz (BibuG, BGBl. I Nr. 11/2008 as amended, § 7, § 11, § 56 and § 59 (1)) 4.Bilanzbuchhaltungsgesetz (BibuG, BGBl. I Nr. 161/2006 as amended), § 59 (1) 4 Bilanzbuchhaltungsgesetz (BibuG, BGBl. I Nr. 11/2008 as amended), § 7 and § 56
Description:	Cross-Border Services and Investment EEA nationality is required to provide public accountancy services.

The capital interests and voting rights of foreign accountants, bookkeepers, auditors and tax advisers, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25%. In addition, the majority of Managing Directors and representatives of the company must be professionals qualified according to Austrian law.

The service provider must have an office or professional seat in the EEA in order to provide bookkeeping services, and to be entitled to practice as an auditors or tax advisor according to Austrian law.

Phase-out: None

*

Sector:	Health and Social Services
Sub-sector:	
Industry classification:	CPC 9311, CPC 9312 , CPC 93192
Type of Reservation:	Market Access National Treatment Most-Favoured-Nation Treatment
Level of Government:	Central
Measures:	Medical Act, BGBl. I Nr. 169/1998 as amended, §4 (2) and §5 (b), §§ 8(5), 32, 33 and 35 Federal Act Regulating High Level Allied Health Professions, BGBl. Nr. 460/1992

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Federal Act regulating Medical Masseurs lower and upper level, BGBl. Nr. 169/2002 as amended
Austrian Hospital Act (KAKuG), BGBl Nr. 1/1957 as amended, § 3 (2)a (and the implementing Acts of the "Bundesländer")

Description: **Cross-Border Services and Investment**
EEA or Swiss nationality is required in order to provide medical and ambulance services.

Regarding medical services, non-EEA-citizens may apply for the following authorisations: Postgraduate training, medical practice as a general medical practitioner/specialist in hospitals and penal institutions, medical practice as a general practitioner in a self-employed capacity, and medical activities for educational purposes.

This reservation does not apply to dental services or services provided by psychologists and psychotherapists.

The authorisation of hospitals requires an ENT, where consideration is given i.a. to the density of population, existing facilities, transport infrastructure, specialisation and spatial distance between hospitals.

Phase-out: None

*

Sector: Veterinary Services
Sub-sector:
Industry classification: CPC 932
Type of Reservation: Most-Favoured-Nation Treatment
Level of Government: Central
Measures: Tierärztegesetz (Veterinary Act), BGBl. Nr. 16/1975 as amended, §3 (3) 1

Description: **Cross-Border Services and Investment**
Only EEA nationals may provide veterinary services. The nationality requirement is waived for third country nationals where there is an agreement with that country providing for national treatment with respect to investment and cross-border trade of veterinary services.

Phase-out: None

*

Sector: Distribution
Sub-sector: Retail sales of tobacco
Industry classification: CPC 63108
Type of Reservation: National Treatment
Level of Government: Central
Measures: Tobacco Monopoly Act 1996, § 5 and § 27

Description: **Cross-Border Services and Investment**

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Only natural persons may apply for an authorisation to operate as a tobacconist. Priority is given to EEA nationals.

Phase-out: None

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Sector: Distribution

Sub-sector: Distribution of arms, munitions and explosives

Industry classification:

Type of Reservation: National Treatment

Level of Government: Central

Measures: Gewerbeordnung (Austrian Trade Act), BGBl. Nr. 194/1994 as amended, §§139-141

Description:

Cross-Border Services and Investment

Authorisation is required for the distribution of arms, munitions, and explosives. Authorisation may only be given to natural persons who are EEA nationals domiciled in Austria, or enterprises and partnerships with their seat or headquarters in Austria. Additionally, members of the management board or managing partners/shareholders entitled to represent the enterprise must be EEA nationals who are domiciled in Austria.

Phase-out: None

*

Sector: Education services

Sub-sector: Higher education services

Industry classification: CPC 923

Type of Reservation: Market Access

National Treatment

Level of Government: Central

Measures: University of Applied Sciences Studies Act, BGBl I Nr. 340/1993 as amended, § 2, University Accreditation Act, BGBl. I Nr. 168/1999 as amended, § 2,

Description:

Cross-Border Services and Investment

The provision of privately funded university level education services in the area of applied sciences requires an authorisation from the competent authority, the Council for Higher education (Fachhochschulrat). An investor seeking to provide an applied science study programme must have his primary business being the supply of such programmes, and must submit a needs assessment and a market survey for the acceptance of the proposed study programme. The competent Ministry may deny an authorisation where the programme is determined to be incompatible with national educational interests.

The applicant for a private university requires an authorisation from the competent authority (the Austrian

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accreditation council). The competent Ministry may deny the approval if the decision of the accreditation authority contradicts national educational interests.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Insurance and insurance-related services
Industry classification:
Type of Reservation: National Treatment
Level of Government: Central
Measures: Austrian Insurance Supervision Act, §5 (1) 3 (VAG)

Description: **Investment**
In order to obtain a licence to open a branch office, foreign insurers must have a legal form corresponding or comparable to a joint stock company or a mutual insurance association in their home country.

The management of a branch office must consist of at least two natural persons resident in Austria.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Insurance
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Insurance Supervision Act (VAG), BGBl. Nr. 569/1978 as amended, §1 (2)

Description: **Cross-Border Services and Investment**
Promotional activity and intermediation on behalf of a subsidiary not established in the European Union or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited.

Phase-out: None

*

Sector: Sporting Services
Sub-sector: Ski school services, Mountain Guide Services
Industry classification: part of CPC 96419
Type of Reservation: National Treatment
Senior Management and Boards of Directors
Level of Government: Sub-national
Measures: Kärntner Schischulgesetz, LGBL. Nr. 53/97 as amended

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Kärntner Berg- und Schiführergesetz, LGBL. Nr. 25/98 as amended
 NÖ- Sportgesetz, LGBL. Nr. 5710 as amended
 OÖ- Sportgesetz, LGBL. Nr. 93/1997 as amended
 Salzburger Schischul- und Snowboardschulgesetz, LGBL. Nr. 83/89 as amended
 Salzburger Bergführergesetz, LGBL. Nr. 76/81 as amended
 Steiermärkisches Schischulgesetz, LGBL. Nr. 58/97 as amended
 Steiermärkisches Berg- und Schiführergesetz, LGBL. Nr. 53/76 as amended
 Tiroler Schischulgesetz. LGBL. Nr. 15/95 as amended
 Tiroler Bergsportführergesetz, LGBL. Nr. 7/98 as amended
 Vorarlberger Schischulgesetz, LGBL. Nr. 55/02 as amended
 §4 (2)a
 Vorarlberger Bergführergesetz, LGBL. Nr. 54/02 as amended
 Wien: Gesetz über die Unterweisung in Wintersportarten, LGBL. Nr. 37/02 as amended

Description:**Cross-Border Services and Investment**

The operation of ski schools and mountain guide services is governed by the laws of the 'Bundesländer'. The provision of these services may require EEA nationality. Enterprises may be required to appoint a Managing Director who is an EEA national. ~~Restrictions regarding the legal form may exist.~~

Phase-out:

None

*

Sector:

Transport

Sub-sector:

Water Transport, Supporting Services for Water Transport

Industry classification:

CPC 72 (7211-7214, 7221-7224), part of CPC 745

Type of Reservation:

National Treatment

Level of Government:

Central

Measures:

Seeschiffahrtsgesetz (Maritime Act), BGBl. 174/1981 as amended
 Schifffahrtsgesetz, BGBl. I Nr. 62/1997 as amended, §75f

Description:**Cross-Border Services and Investment**

For internal waterways transport:

EEA nationality is required for natural persons in order to set up a shipping company. The majority of the governing boards of enterprises must have EEA nationality. A registered company or permanent establishment in Austria is required. More than 50% of the business shares and the working capital must be held by EEA nationals.

For maritime transport:

The right to operate a vessel under Austrian flag is only granted to EEA-citizens and EEA-juridical persons registered in the EEA. More than 50% of vessels, capital shares and working capital have to be owned by EEA-citizens. The majority of the supervisory board and the managing board must be composed of EEA-citizens and must be resident in

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the EEA. Permanent establishment including a representative resident in Austria is required and the management of the ship has to be carried out from the Austrian territory.

Phase-out: None

*

Sector: Transport
Sub-sector: Pipeline Transport
Industry classification: CPC 713
Type of Reservation: Market Access
National Treatment
Senior Management and Boards of Directors
Level of Government: Central
Measures: Rohrleitungsgesetz (Law on Pipeline Transport), BGBl. Nr. 411/1975 as amended, § 5(1) and (2), §§ 5 (1) and (3), 15, 16
Gaswirtschaftsgesetz (Gas Act), BGBl. I Nr. 121/2000 as amended, § 14, 15 and 16

Description: **Cross-Border Services and Investment**
With regard to natural persons, authorisation is only granted to EEA nationals domiciled in the EEA. Enterprises and partnerships must have their seat in the EEA. The operator of the network must appoint a Managing Director and a Technical Director who is responsible for the technical control of the operation of the network, both of whom must be EEA nationals.

The competent authority may waive the nationality and domiciliation requirements where the operation of the network is considered to be in the public interest.

For the transportation of goods other than gas and water the following applies:

With regard to natural persons, authorisation is only granted to EEA-nationals who must have a seat in Austria. Enterprises and partnerships must have their seat in Austria. An ENT/interests test is applied. Cross border pipelines must not jeopardise Austria's security interests and its status as a neutral country. Enterprises and partnerships have to appoint a managing director who must be an EEA citizen. The competent authority may waive the nationality and seat requirements if the operation of the pipeline is considered to be in the national economic interest.

Phase-out: None

*

Sub-sector: Transmission and distribution of electricity
Industry classification: CPC 887 or ISIC
Type of Reservation: Market access and National Treatment
Senior Management and Boards of Directors

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**Level of Government:
Measures:**

Regional
Steiermärkisches Elektrizitätswirtschafts- und
Organisationsgesetz (ELWOG), LGBl. Nr. 70/2005 as
amended; Kärntner Elektrizitätswirtschafts- und
Organisationsgesetz (ELWOG), LGBl. Nr. 24/2006 as
amended

Description:

Cross-Border Services and Investment

With regard to natural persons, authorisation is only granted to EEA-nationals domiciled in the EEA. If the operator appoints a managing director or a leaseholder, the domicile requirement is waived.

Juridical persons (enterprises) and partnerships must have their seat in the EEA. They must appoint a managing director or a leaseholder, both of whom must be EEA-nationals domiciled in the EEA.

The competent authority may waive the domicile and nationality requirements where the operation of the network is considered to be in the public interest.

Phase-out:

None

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Schedule of Belgium

Sector: Business Services
Sub-sector: Auditing services
Industry classification: CPC 86211 and 86212 other than accounting services
Type of Reservation: National Treatment
 Senior Management and Boards of Directors
Level of Government: Federal
Measures: Law of July 22nd, 1953 creating an Institute of the Auditors of Firms and organising the public supervision of the occupation of auditor of firms, coordinated on April 30th, 2007

Description: **Cross border Services and Investment**
 To be qualified to act in an official capacity as a "firm's auditor", it is required:

- to be a national of a State which grants the benefit of reciprocity to the auditors of Belgian firms on its territory, in regard to conditions of access to the profession;
- to maintain an establishment in Belgium where the professional activity will take place and where acts, documents and correspondence relating to it, will be maintained and
- for societies, to have at least an administrator or manager of the society firm's auditor and management established in Belgium.

Phase-out: None

*

Sector: Business Services
Sub-sector: Architectural services and urban planning and landscape architectural services
Classification: CPC 8671 and CPC 8674
Type of reservation: National Treatment
Most-Favoured-Nation Treatment
Level of Government: Federal
Existing measures: Law of February 20, 1939 on the protection of the title of the architect's profession
 Law of 26th June 1963, which creates the Order of Architects
 Regulations of December 16th, 1983 of ethics established by national Council in the Order of Architects (Approved by art. 1st of A.R. of April 18th, 1985, M.B ., May 8th, 1985).

Description: **Cross-border services and Investment**
 The provision of architectural services in Belgium requires control over the execution of jobs.

Foreign architects (other than the nationals of the Member States of the European Union or another party of the EEA) may provide architectural services only on the basis of reciprocity by their country of origin.

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Foreign architects authorised in their host countries and wishing to exercise their profession on an occasional basis in Belgium are required to obtain prior authorisation from the Council of Order in the geographical area where they intend to exercise their activity.

Phase-out: None

*

Sector: Business Services
Sub-sector: Placement Services of Personnel
Industry classification: CPC 87202
Type of Reservation: National Treatment
Market Access
Level of Government: Regional
Measures:

Flemish Region: Besluit van de Vlaamse Regering van 10 december 2010 tot uitvoering van het decreet betreffende de private arbeidsbemiddeling

Walloon Region: Décret du 3 avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement (Decree of 3 April 2009 on registration of placement agencies), art. 7 ; Arrêté du Gouvernement wallon du 10 décembre 2009 portant exécution du décret du 3 avril 2009 relatif à l'enregistrement ou à l'agrément des agences de placement (Decision of the Walloon Government of 10 December 2009 implementing the Decree of 3 April 2009 on registration of placement agencies), art. 4

Description: **Cross-Border Services and Investment**

Flemish Region: A company having its head office outside the EEA has to prove that it supplies placement services in its country of origin.

Walloon Region: A specific type of legal entity is required to supply placement services. A company having its head office outside the EEA has to demonstrate that it fulfils the conditions as set out in the Decree (for instance on the type of legal entity) and has to prove that it supplies placement services in its country of origin.

*

Sector: Air transport
Sub-sector: Supporting services for air transport, rental of aircraft
Industry classification: CPC 734, CPC 83104
Type of Reservation: National treatment
Level of Government: Federal

Description: **Cross border services and Investment**

Private aircraft belonging to natural persons who are not nationals of a Member State of the EU or of the EEA may only be registered if they are domiciled or resident in

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Belgium without interruption for at least one year.
Private aircraft belonging to foreign legal entities not formed in accordance with the law of a Member State of the EU or of the EEA may only be registered if they have a seat of operations, agency or office in Belgium without interruption for at least one year.

Existing Measures: Arrêté Royal du 15 mars 1954 réglementant la navigation aérienne

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Sector: Transport
Sub-sector: Air transport services
Industry classification: CPC 73
Type of Reservation: National treatment
Level of Government: Federal

Description: **Cross border services and Investment**
A licence is required to provide air transport services. To obtain the licence, the air carrier must have at its disposal, owned or under any type of lease, at least one aircraft registered in his name on the Belgian register.

Existing Measures: Arrêté ministériel du 3 août 1994 fixant les conditions de délivrance des licences d'exploitation aux transporteurs aériens.

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Schedule of Bulgaria

Sector: All Sectors
Sub-sector:
Industry classification:
Type of Reservation: National Treatment
Level of Government: Central
Measures: Commercial Law, art. 17a
 Law for Encouragement of Investments, art. 24

Description: **Investment**
 Foreign legal persons, unless established under the legislation of an EU Member State or the EEA, may exercise a business and pursue activities if established in the Republic of Bulgaria in the form of a company registered in the Commercial Register. Establishment of branches is subject to authorisation.

Representative offices of foreign enterprises are to be registered with Bulgarian Chamber of Commerce and Industry and may not engage in economic activity but are only entitled to advertise their owner and act as representatives/agents.

Phase-out: None

*

Sector: All sectors
Sub-sector: Intra-Corporate Transfers
Industry classification:
Type of Reservation: Market Access
 National Treatment
Level of Government:
Measures: Employment Promotion Act

Description: **Investment**
The number of foreign natural persons employed within a Bulgarian juridical person may not exceed 10 percent of the average annual number of citizens of the European Union employed by the respective Bulgarian juridical person. Where less than 100 persons are employed, the number may, subject to authorisation, exceed 10 percent.

The maximum length of stay for natural persons transferred to juridical persons in BG as intra-corporate transferees is 3 years.

Phase-out: None

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Sector: Forestry and Logging
Sub-sector:
Industry classification: ISIC rev 3.1: 020

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~~Type of Reservation:~~ National Treatment
~~Level of Government:~~ Central
~~Measures:~~ Law on Forests, art. 10

~~Description:~~ **Investment**
~~Logging activities may only be performed by traders registered in a public registry at the Executive Forestry Agency.~~

~~Phase-out:~~ None

*

Sector: Business services
Sub-sector: Taxation advisory services
Industry classification: CPC 863
Type of Reservation: National treatment
Senior Management and Boards of Directors

Level of Government:

Measures:

Description: **Cross-Border Services**
EU nationality condition for tax advisors

Phase-out: None

*

Sector: Business services
Sub-sector: Auditing services –
Industry classification: CPC 86211 and CPC 86212 other than accounting services
Type of Reservation: Market Access
Level of Government: Central
Measures: Independent Financial Audit Act

Description: **Investment**
"Specialised audit entity" is a company registered under the Bulgarian Commerce Act, or under the legislation of another Member State of the European Union, or the European Economic Area Agreement, with principal subject of activity independent financial audit of financial statements of enterprises and three-fourths of its members being registered auditors, auditors and/or audit entities from other Member State of the European Union, with good repute and which is:

- a) a general partnership in which more than half of the partners are registered auditors, auditors and/or audit entities from other Member State of the European Union;
- b) a limited partnership in which more than half of the partners with unlimited liability are registered auditors, auditors and/or audit entities from other Member States;
- c) a limited liability company in which more than half of the votes in the General Meeting of the partners and of the capital belong to registered auditors, auditors and/or audit entities from other Member States.

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Phase-out: None

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Sector: Business Services
Sub-sector: Architectural Services, Urban Planning and Landscape
Architectural Services, Engineering Services, Integrated
Engineering Services
Industry classification: CPC 8671, CPC 8672, CPC 8673, CPC 8674
Type of Reservation: Market Access
Level of Government: Central
Measures: Spatial Development Act, art. 230

Description: **Cross-Border Services and Investment**
For projects of national or regional significance, foreign nationals and enterprises may survey and design works in Bulgaria independently only after winning a competitive procedure and when selected as contractors under the terms and procedures established by the Public Procurement Act, or in partnership with local investors.

Foreign architects must have experience of at least two years in the field of construction. A Bulgarian nationality condition applies to urban planning and landscape architectural services.

Foreigners and nationals of Member States of the European Union or of the other States which are Contracting Parties to the Agreement on the European Economic Area, whose professional qualification has been recognised according to the procedure established by the Recognition of Professional Qualifications Act, may perform the activities (investigation, design, control, construction and supervisory activities) within the scope of the qualification thereof under the terms established by the Chambers of Architects and Engineers in Project Development Design Act.

Phase-out: None

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~~**Sector:** Health and Social services
Sub-sector: Human Health Services, Social Services
Industry classification: CPC 931, CPC 933
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Law for Medical Establishments, art. 3b, 29, 36, 37, 40, 46
Professional Organisation of Medical Nurses, Midwives and
Associated Medical Specialists Guild Act, articles 4 and 35
Social Assistance Act~~

~~**Description:** **Cross-Border Services and Investment**
Establishment by foreign investors for the provision of health and health-related services is subject to authorisation and registration. Medical establishments shall be founded by~~

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~~enterprises registered under the legislation of an EEA Member State.~~

~~Requirement for permanent residence for foreign doctors, dental doctors, nurses and midwives.~~

~~The doctors and dentists providing non-stationary care in the Republic of Bulgaria are planned and allocated by territorial principle on the basis of the needs of the population for accessible and timely medical care.~~

~~Social services can be performed by Bulgarian natural persons and legal persons, or natural persons who carry out commercial activities and legal persons that have been incorporated under the legislation of another Member State of the EU or the EEA. Entry into a register with the Social Assistance Agency is required. For provision of social services to children under 18 years of age, also a licence is required.~~

~~Phase-out:~~ None

*

Sector: Business Services
Sub-sector: Related scientific and technical consulting services, Aerial photography
Industry classification: CPC 8675, part of CPC 87504
Type of Reservation: National Treatment
Level of Government: Central
Measures: Cadastre and Property Register Act, Geodesy and Cartography Act

Description: **Cross-Border Services**
A professionally competent body is the person (physical or juridical) that may execute functions pertinent to cadastral surveying, geodesy and cartography. Establishment is required, as well as Bulgarian nationality for activities in aerial photography and for geodesy, cadastral surveying, and in cartography when studying movements of the earth crust.

Phase-out: None

*

Sector: Business Services
Sub-sector: Translation and Interpretation Services
Industry classification: CPC 87905
Type of Reservation: National Treatment
Level of Government: Central
Measures: Regulation for the legalisation, certification and translation of documents

Description: **Cross-Border Services and Investment**

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A contract with the Ministry of Foreign Affairs is required for official translations provided by translation agencies.

Phase-out: None

*

Sector: Distribution

Sub-sector: Commission Agents' Services, Wholesale and retail trade services

Industry classification: **Part of CPC 621**, CPC 62228, CPC 62251, CPC 62271, part of CPC 62272, CPC 62276, CPC 63108, part of CPC 6329

Type of Reservation: Market Access

National Treatment

Level of Government: Central

Measures:

Law of Veterinary Activity, art. 343, 363, 373
Law for Prohibition of the Chemical Weapons and for Control over the Toxic Chemical Substances and Their Precursors, art. 6
Law on Control of Exports of Weapons and Dual-Use Items and Technology, art. 46
Law for the Tobacco and Tobacco Products, art. 21, 27, 30

Description:

Cross-Border Services and Investment

Distribution (wholesale and retail) of chemical products, petroleum and petroleum products, gas, precious metals, tobacco, tobacco products, is subject to authorisation and is performed after registration under the Commercial Register. (establishment is required). Authorisation may only be given to EEA nationals or foreign citizens with permanent residence in BG. Department stores may be subject to an ENT, depending on the rules of the local municipality.

Phase-out: None

*

Sector: Education Services

Sub-sector:

Industry classification: CPC 92

Type of Reservation: National Treatment

Level of Government: Central

Measures:

Public Education Act, art. 12
Law for the Higher Education, paragraph 4 of the additional provisions
Vocational Education and Training Act, art. 22

Description:

Cross-Border Services and Investment

Provision of primary, secondary and higher education is exercised only by authorised Bulgarian enterprises.

Bulgarian kindergartens and schools with foreign participation shall be opened or transformed at the request of associations, or corporations, or enterprises of Bulgarian and foreign natural and/or legal entities, duly registered in

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the Republic of Bulgaria, by decision of the Council of Ministers on a motion by the Minister of Education, Youth and Science. Foreign kindergartens and schools shall be opened or transformed at the request of foreign legal entities in accordance with international agreements and conventions and under the provisions above.

Foreign high schools cannot open their divisions on the territory of the Republic of Bulgaria. Foreign high schools can open faculties, departments, institutes and colleges in Bulgaria only within the structure of the Bulgarian high schools and in cooperation with them.

Distance learning shall be conducted only by those higher schools which have been accredited and established under the terms and conditions of this Act.

Foreign centres for vocational training and centres for information and vocational orientation shall be opened by foreign corporate bodies carrying out their activity in the Republic of Bulgaria in compliance with international agreements and which have obtained licence for vocational training or for vocational orientation. The licence for vocational training or for vocational orientation shall be issued by the National Agency for Vocational Education and Training.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Insurance and insurance-related services
Industry classification:
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors
Level of Government: Central
Measures: Insurance Code, art. 8, 41, 47b

Description: **Investment**
 Before establishing a branch or agency in Bulgaria to provide insurance, a foreign insurer/re-insurer must have been authorised to operate in the same classes of insurance as those it wishes to provide in Bulgaria in its country of origin.
 Local incorporation (no branches) is required for insurance intermediaries.
 Residency requirement for the members of managing and supervisory body of (re)insurance undertakings and every person authorised to manage or represent the (re)insurance undertaking.

Phase-out: None

*

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Sector: Financial Services
Sub-sector: Banking and other financial services (excluding insurance)

Industry classification:

Type of Reservation:

Market Access

National Treatment

Senior Management and Boards of Directors

Level of Government:

Central

Measures:

Law of Credit Institutions, art. 2, 17

Code Of Social Insurance, art. 121e

Currency Law, art. 3

Description:

Investment

A bank shall be established as a joint-stock company.

The bank shall be managed and represented jointly by at least two persons, at least one of whom shall be proficient in the Bulgarian language.

The persons who manage and represent the bank shall manage the bank by being personally present at its management address.

In order to perform public attraction of deposits or other renewable resources as well as other services, a bank headquartered in a non-EU member state is required to obtain a license from BNB for taking up and pursuing of business activities in the Republic of Bulgaria through a branch.

The financial institution shall be established as a shareholding company, a limited liability company or a commandite company with shares and the place of its main business shall be in the territory of the Republic of Bulgaria. Only financial institutions registered in Bulgaria and foreign financial institutions with a seat in a member state may carry out activity on the territory of Republic of Bulgaria.

Pension insurance shall be carried out as a joint-stock company licensed in accordance with the Code of Social Insurance and registered under the Commerce Act or under the legislation of another Member State (no branches).

The promoters and shareholders of pension insurance companies may be non-resident legal persons, registered as a social insurance, commercial insurance or other financial institution under the national law thereof, if they present bank references from a first-class foreign bank confirmed by the Bulgarian National Bank. Non-resident individuals can not be promoters and shareholders of pension insurance companies.

The income of the supplementary voluntary pension funds; as well as similar income directly connected with voluntary pension insurance carried out by persons who are registered under the legislation of another EU Member State and who

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may, in compliance with the legislation concerned, perform voluntary pension insurance operations, shall not be taxable according to the procedure established by the Corporate Income Tax Act.

The Chairperson of the Management Board, the Chairperson of the Board of Directors, the Executive Director and the Managerial Agent must have a permanent address or hold a durable residence permit in Bulgaria.

Phase-out: None

*

Sector: Tourism and Travel Related Services
Sub-sector: Hotel, Restaurants and Catering, Travel Agencies and Tour Operators Services, Tourist Guides Services
Industry classification: CPC 641, CPC 642, CPC 643, CPC 7471, CPC 7472
Type of Reservation: National Treatment
Level of Government: Senior Management and Boards of Directors
Measures: Central
 Law For Tourism, art. 17, 45

Description: **Cross-Border Services and Investment**
 Incorporation (no branches) is required.

Tour operation or travel agency services may be provided by a person established in a Member State of the European Union or in another State which is a Contracting Party to the Agreement on the European Economic Area if, upon establishment in the territory of the Republic of Bulgaria, the said person presents a copy of a document certifying the right thereof to practise such activity and a certificate or another document issued by a credit institution or an insurer containing data of the existence of insurance covering the liability of the said person for damage which may ensue as a result of a culpable non-fulfilment of professional duties.

The number of foreign managers is not to exceed the number of managers who are Bulgarian nationals, in cases where the public (state and/or municipal) share in the equity capital of a Bulgarian company exceeds 50 percent.

Nationality condition for tourist guides.

Phase-out: None

*

27. Sector: Transport
Sub-sector: Water Transport, Supporting Services for Water Transport
Industry classification: CPC 72, part of CPC 745
Type of Reservation: Market Access
 National Treatment
 Senior Management and Board of Directors
Level of Government: Central

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Measures:

Merchant Shipping Code

Law For The Sea Waters, The Internal Water Ways And The Ports Of The Republic Of Bulgaria

Ordinance for the condition and order for selection of Bulgarian carriers for carriage of passengers and cargoes under international treaties

Ordinance 3 for servicing of unmanned vessels

Description:

Cross-Border Services and Investment

~~Towage and pushing involving the use of vessels, between the ports of the Republic of Bulgaria shall be carried out by vessels flying the Bulgarian flag or that of an EU Member State.~~

The carriage and any activities related to hydraulic-engineering and underwater technical works, prospecting and extraction of mineral and other inorganic resources, pilotage, bunkering, receipt of waste, water-and-oil mixtures and other such, performed by vessels in the internal waters, the territorial sea and on the inland waterways of the Republic of Bulgaria, shall be performed by vessels flying the Bulgarian flag or EU flagged vessels.

Services provided to unmanned vessels in the Bulgarian ports and warehouses on the Danube river are provided only through Bulgarian enterprises (incorporation is required).

The number of the service providers at the ports may be limited depending on the objective capacity of the port, which is decided by an expert commission, set up by the Minister of Transport, Information Technology and Communications.

Nationality condition for supporting services. The master and the chief engineer of the vessel shall mandatorily be Bulgarian citizens or citizens of a Member State of the European Union, or of a Contracting Party to the Agreement on the European Economic Area, or of the Swiss Confederation. Not less than 25 per cent of the positions at management and operational level and not less than 25 per cent of the positions at order-taking level shall be occupied by Bulgarian citizens.

*

Sector:

Transport

Sub-sector:

Rail transport, Supporting services for rail transport

Industry classification:

CPC 711

Type of Reservation:

National Treatment

Level of Government:

Central

Measures:

Law For The Railway Transport, art. 37, 48

Description:

Cross-Border Services and Investment

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Only EU nationals may provide rail transport or supporting services for rail transport in Bulgaria. A licence to carry out passenger and/or freight transportation by rail is issued by the Minister of Transport to railway operators registered as traders.

A licence is also required for the activities connected with evaluation of the technical condition of the vehicles. It is issued only to physical persons and/or enterprises, registered under the Commercial Act.

Phase-out:

None

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Schedule of Cyprus

Sector:	All sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	The Immovable Property Acquisition (Aliens) Law (Chapter 109), as amended by laws number 52 of 1969, 55 of 1972, 50 of 1990 and 54(I) of 2003
Description:	<p>Investment</p> <p>Cypriots or persons of Cypriot origin, as well as E.U. citizens, are allowed to acquire any property in Cyprus without restrictions.</p> <p>All foreigners are only given permission to acquire one of the following: One apartment, or one house, or a building plot or land up to 4,014 square meters.</p> <p>A foreigner - the law uses the term "alien"- is any person who is not a citizen of the Republic, including a foreign controlled company. The term does not include foreigners of Cypriot origin or non Cypriot spouses of citizens of the Republic.</p> <p>Foreigners must obtain the permission of the Council of Ministers prior to the acquisition of real estate property. Regarding estate property (land) not exciding 2676 sq. meters, these powers have been assigned to the pertinent Authorities of every District (District Administrations), in order for the procedure to become speedier.</p> <p>The Council of Ministers also decides about the acquisition of real estate property by businesses, industries and other organizations. Priority and exceptions are given to any business activities that promote vital economic and other interests of the Republic of Cyprus (services, research and technology, innovation, industrial production, etc).</p>
Phase-out:	None
Sector:	Agriculture
Sub-sector:	
Industry classification:	ISIC rev 3.1: 011, 012, 013 and 014
Type of Reservation:	Market Access
Level of Government:	
Measures:	
Description:	<p>Investment</p> <p>Non-EU participation is allowed only up to a maximum level of 49%.</p>
Phase-out:	None

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Sector: Business services
Sub-sector: Accounting and bookkeeping services, Auditing services,
Taxation advisory services
Industry classification: CPC 86211, CPC 86212, CPC 86213, CPC 86219, CPC 86220,
CPC 863
Type of Reservation: Market Access
Level of Government:
Measures:

Description: **Cross-Border Services and Investment**
Access is restricted to natural persons who have obtained an authorisation from the Minister of Finance. The authorisation is subject to an economic needs test. Main criteria: the employment situation in the sub-sector. Professional associations (partnerships) between natural persons are permitted. No body corporate is allowed.

Phase-out: None

*

~~**Sector:** Business services
Sub-sector: Building cleaning services
Industry classification: CPC 874
Type of Reservation: National Treatment
Level of Government:
Measures:
Description: **Investment**
Nationality condition for specialists.
Phase-out: None~~

*

Sector: Education Services
Sub-sector:
Industry classification: CPC 92
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Laws for Private Schools and Institutes (5/1971 -
77(I)/2008)

Description: **Cross-Border Services and Investment**
The owner of a Private University must be a private company registered in Cyprus according to the provisions of the Laws of the Republic of Cyprus.

No private institution may be established and operate in the Republic by:

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- (a) a person not being either a national of the Republic or a national of a Member State
- (b) a person convicted of an offence of moral turpitude or involving dishonesty;
- (c) a member of the public service of the Republic, or of the public educational service of the Republic, or a public corporate body;
- (d) a person in the service of a foreign government or organisation;
- (e) a private company registered in the Republic or the Member States in which a person, who belongs in any of the categories mentioned in paragraphs (b),(c) or (d) of this section is a shareholder or a member of the administration.

The Republic of Cyprus reserves the right to take any measure with regard to the services offered by the Pedagogical Institute of Cyprus¹ e.g. programmes (seminars, conferences, workshops etc.) for the professional development of teachers and school leaders, support to schools.

Phase-out: None

*

Sector: Tourism and Travel Related Services
Sub-sector: Tourist Guides Services
Industry classification: CPC 7472
Type of Reservation: Market Access
 National Treatment
 Senior Management and Boards of Directors

Level of Government:
Measures: The Tourism and Travel Offices and Tourist Guides Laws 1995 to 2004 (N.41(I)/1995-2004)

Description: **Cross-Border Services and Investment**
 A licence to establish and operate a tourism and travel company, as well as the renewal of an operating licence of an existing company, shall be granted only to EU natural or legal persons.

No non-resident company except those established in another member state, can operate in Cyprus, on an organised or permanent basis, the activities referred to under section 3, unless represented by a resident company.

The provision of tourist guide services requires EU nationality.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Banking and other financial services (excluding insurance)

¹ The services offered by the Pedagogical Institute of Cyprus relate to both sub-sectors D and E, as described above.

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Industry classification:

Type of Reservation:

Market Access
National Treatment

Level of Government:

Measures:

Description:

Investment

Only members (brokers) of the Cyprus Stock Exchange can undertake business pertaining to securities brokerage in Cyprus. A brokerage firm may only be registered as a member of the Cyprus Stock Exchange if it has been established and registered in accordance with the Enterprises Law of Cyprus (no branches are permitted).

Phase-out:

None

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Schedule of the Czech Republic

Sector:	All Sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	Act No. 95/1999 Coll. (on Conditions relating to the transfer of agricultural land and forests from the state ownership to ownership of other entities)
Description:	<p>Investment</p> <p>Agricultural and forest land can be acquired by foreign natural persons having permanent residence in the Czech Republic and enterprises established in the Czech Republic.</p> <p>Specific rules apply to agricultural and forest land under state ownership. State agricultural land can be acquired only by Czech nationals, by municipalities and by public universities (for training and research). Legal persons (regardless of the form or place of residence) can acquire state agriculture land from the state only if a building, which they already own, is built on it or if this land is indispensable for the use of such building. Only municipalities and public universities can acquire state forests.</p>
Phase-out:	Currently Act No. 95/1999 Coll is being amended which may result in the need to update this reservation

*

Sector:	<u>Health and Social Services, Business and production services.</u>
Sub-sector:	<u>Veterinary Services, Taxation Advisory Services, Paramedical Personnel, Restorer, Physiotherapists</u>
Industry classification:	<u>CPC 932, CPC 863, CPC 93191, CPC 96322</u>
Type of Reservation:	<u>Market Access</u>
Level of Government:	<u>Central</u>
Measures:	<u>Act No. 166/1999 Coll. (Veterinary Act), §58-63, 39</u> <u>Act No. 381/1991 Coll. (on the Chamber of Veterinary Surgeons of the Czech Republic), par. 4</u> <u>Act. 523/1992 Coll., On tax advising</u> <u>Act. 20/1987 Coll., on State monument care</u> <u>Act. 96/2004 Coll., On conditions of obtaining and recognition of qualification for the performance of non-medical occupations in health service and for the due performance of activities related to the provision of health care</u>
Description:	<u>Cross-Border Services and Investment</u> <u>Access is restricted to natural persons only.</u>
Phase-out:	<u>None</u>
Sector:	<u>All Sectors</u>

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~~Sub-sector: Veterinary Services, Taxation Advisory Services, Paramedical Personnel, Restaurateurs, Physiotherapists~~
~~Industry classification: CPC 932, CPC 863, CPC 963~~
~~Type of Reservation: Market Access~~
~~Level of Government: Central~~
~~Measures: Act No. 166/1999 Coll. (Veterinary Act), §58-63, 39
Act No. 381/1991 Coll. (on the Chamber of Veterinary Surgeons of the Czech Republic), par. 4
Act. 523/1992 Coll., On tax advising
Act. 20/1987 Coll., on State monument care
Act. 96/2004 Coll., On conditions of obtaining and recognition of qualification for the performance of non-medical occupations in health service and for the due performance of activities related to the provision of health care~~
~~Description: **Cross-Border Services and Investment**
Access is restricted to natural persons only.~~
~~Phase-out: None~~

*

Sector: Education Services
Sub-sector: Higher education services
Industry classification: CPC 923
Type of Reservation: National Treatment
Level of Government: Central
Measures: Act No. 111/1998, Coll. (Higher Education Act), § 39
[Link for English version of the Act](#)
Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act)
[Link for English version of the Act](#)
Description: **Cross-Border Services**
Establishment in the EU is required to apply for state approval to operate as a private higher education institution. This reservation does not apply to secondary technical and vocational education services.
Phase-out: None

*

Sector: Health and Social Services
Sub-sector: Human Health Services
Industry classification: CPC 931
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Act No. 160/1992 Coll. (on Health Care in Non-governmental Health Care Facilities), par. 10

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

Act No 378/2007 Coll., on Pharmaceuticals and on Amendments to Some Related Acts (Act on Pharmaceuticals)
Act. 123/2000 Coll., on Medical Devices

Act. 285/2002 Coll., on the Donating, Taking and Transplanting of Tissues and Organs and on Amendment to Certain Acts (Transplantation Act)

Description:**Cross-border Services and Investment**

Foreign natural or legal persons require an authorisation from the Ministry of Health of the Czech Republic to operate private health care institutions. The possibility to be registered as a provider of non-governmental health care facilities requires residency in Czech Republic.

Phase-out:

None

*

Sector:

Community, social and personal services

Sub-sector:

Environmental protection services/Recycling services/Packaging

Industry classification:**Type of Reservation:**

Market Access

Level of Government:

Central

Measures:

Act. 477/2001 Coll. (Packaging Act) par. 16

Description:**Investment**

An authorised package company must be a legal person established as a joint-stock company.

The producers of packaging or packaged goods are subject to obligations relating to package take-back and recovery.

These producers can fulfil their obligations either individually or through the services provided by an authorised package company, which is only allowed to provide services relating to packaging take-back and recovery. The requirement concerning the form of the company applies only to the authorised company, not to the producers.

Phase-out:

None

*

Sector:

Transport

Sub-sector:

Rail transport

Industry classification:

CPC 711

Type of Reservation:

National Treatment

Level of Government:

Central

Measures:

Act No. 266/1994 Coll. (on Rail Transport)

Description:**Cross-Border Services**

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For passenger and freight transportation and pushing and
towing services by rail, incorporation is required (no
branches).

Phase-out:

None

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Schedule of Denmark

Sector:	All Sectors
Sub-sector:	Acquisition of real estate
Industry classification:	National Treatment
Type of Reservation:	Central
Level of Government:	Danish Act on acquisition of real property Lovbekendtgørelse nr. 566 af 28. august 1986 om erhvervelse af fast ejendom (Ministry of Justice Act No. 566 of 28 August 1985), as amended by act No. 1102 of 21 December 1994 and Order No. 764 of 18 September 1995 Danish Act on Agricultural Real Estate (lov om landbrugsejendomme)
Measures:	

Description:**Investment**

[The Danish Act on Acquisition of Real Property applies to agricultural land as the term "real property" refers to all real estate and thus includes agricultural and rural land.](#)

Only persons who have permanent residence in Denmark or who have earlier resided permanently in Denmark for at least 5 years are able to purchase real estate property in Denmark. This requirement also applies to enterprises, associations and other bodies, public or private institutions, foundations and charitable trusts that have no registered office in Denmark, and to foreign public authorities.

Other persons must apply to the Ministry of Justice for permission to purchase real estate property, which will be permitted if the applicant is going to use the real estate property as primary residence during the stay in Denmark or for self-employment in Denmark.

Purchase of real estate property which will be used as secondary residence/summer house for the applicant will be permitted only if the person concerned has particularly close relations or ties to Denmark.

The purchase of real estate property for enterprises, associations and other bodies, public or private institutions, foundations and charitable trusts that have no registered office in Denmark will be permitted where the acquisition is a prerequisite for the business activities of the purchaser.

[The acquisition of agricultural land by private or legal persons is also governed by the Danish Act on Agricultural Real Estate \(lov om landbrugsejendomme\), which imposes restrictions on all persons, Danish or foreign, when acquiring agricultural property. Accordingly, any private or legal person, who wishes to acquire agricultural real estate, must fulfill the requirements in both laws.](#)

[An agricultural holding may be acquired by an individual, provided that the acquirer - or another person - takes](#)

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permanent residence at the holding no later than 6 month following the acquisition. There is no limitation on citizenship.

If the acquirer is not a citizen of one of the countries of the European Union (EU) or of the European Economic Area (EEA), the acquirer must also have a permit from the Ministry of Justice, unless the acquirer actually lives in Denmark or formerly has lived in Denmark for at least 5 years.

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Phase-out: None

*

Sector: Business services
Sub-sector: Accounting and bookkeeping services, Auditing services
Industry classification: CPC 86211, 86212, 86213, 86219, 86220
Type of Reservation: Market Access
Level of Government: Central
Measures: Revisorloven (The Danish Act on Approved Auditors and Audit Firms), Act No. 468 of 17 June 2008

Description: **Cross-Border Services and Investment**
Residency is required in order to provide auditing services.

In order to enter into partnership with Danish authorised accountants, foreign accountants must obtain permission from the Danish Commerce and Enterprises Agency.

Phase-out: None

*

Sector: Health and Social Services
Sub-sector:
Industry classification: CPC 931 part of CPC 85201
Type of Reservation: National Treatment
Level of Government:
Measures:

Description: **Cross-Border Services**
A limited authorisation to carry out a specific function may be issued to a foreign service supplier for up to 18 months.

Phase-out: None

*

Sector: Veterinary Services
Sub-sector:
Industry classification: CPC 932
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Act no. 433 of 9 June 2004 on veterinary surgeons

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Description: **Cross-Border Services and Investment**
Access is restricted to natural persons.

Phase-out: None

*

Sector: Business Services
Sub-sector: Real estate services (on a fee or a contract basis)
Industry classification: CPC 821 and CPC 822
Type of Reservation: National Treatment
Level of Government:
Measures: The Act on the sale of real estate" (Danish: Lov om omsætning af fast ejendom

Description: ~~**Cross-Border Services and Investment**~~
~~Residency is required in order to provide real estate services unless a waiver is obtained from the Danish Commerce and Enterprises Agency.~~

The title of "real estate agent" may only be used by natural persons who have been admitted to the real estate agent register. Section 25(2) of the Act on the sale of real estate lays down the requirements for admission to the register. The Act requires that the applicant be a Danish resident or a resident of EU, EEA or Switzerland.

The Act on the sale of real estate is only applicable when providing real estate services to Danish consumers.

Other legislation concerning the access for foreigners to buy/sell property in Denmark may be applicable, e.g. residency requirements.

Phase-out: None

*

Sector: Business Services
Sub-sector: Translation and Interpretation Services
Industry classification: CPC 87905
Type of Reservation: Most-Favoured-Nation Treatment
Level of Government: Central
Measures: Lov om translætører og tolke (Act on Authorised Translators and Interpreters), Act no. 181 of 25 March 1988, sections 1 and 1a

Description: **Cross-Border Services and Investment**
For authorised public translators and interpreters, an authorisation from the Danish Commerce and Enterprises Agency is required.

Exemptions from the authorisation requirement for occasional and temporary supply of these services may be granted to persons who are established in an equivalent profession to that of state authorised translator and

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interpreter in another EU country, in an EEA country or in Switzerland.

Phase-out: None

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: National Treatment
Senior Management and Board of Directors

Description: **Investment**
Requirement of residence and nationality for the majority of members of the board and for managers.

*

Sector: Education Services
Sub-sector: Higher Education Services
Industry classification: CPC 923
Type of Reservation: National Treatment
Level of Government:
Measures:

Description: **Investment**
Nationality condition for university professors.

Phase-out: None

*

Sector: Transport
Sub-sector: Water Transport, Supporting Services for Water Transport
Industry classification: CPC 72, CPC 745, CPC 742
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Lov om Dansk Internationalt Skibsregister (Danish International Ship Register Act), para 1 (2)
Søloven (Danish Merchant Shipping Act), para 1 (2).
Lov om Havne (Harbour Act), sections 9 (6-7) and 10 (4-5)

Description: **Cross-Border Services and Investment**
Non-EU residents cannot own Danish flagged vessels except:-

1) Through an enterprise incorporated in Denmark i.e. an agency, a branch or a subsidiary. In order to operate a shipping business as a Danish company, the company management must be comprised of at least two thirds Danish nationals residing in Denmark or in the EU/EEA area. Furthermore, the vessels must be effectively managed, controlled and operated from the enterprise either through a

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Danish citizen, an EU/EEA national or a person having Danish residence; or

2) Through the establishment of a subsidiary company in another EU/EEA country and the transfer of the ownership of the ship to this EU/EEA company. This EU/EEA company must then establish an agency, branch or subsidiary undertaking in Denmark and the ship must be effectively managed, controlled and directed from Denmark by this agency, branch or subsidiary body, either through a Danish national, an EU/EEA national or a person with place of residence in Denmark.

When a foreign private port operator performs ship stevedoring services and other ship-related services at a Danish port in collaboration with a Danish municipal port, permission from the Minister of Transport is required according to the Harbours Act.

Municipal ports need permission from the Minister of Transport in order to perform ship stevedoring services and other ship-related services such as pilotage, towage etc. State ports are prohibited from performing these services.

The Harbours act does not place restrictions on private port operators, thus foreign *private* port operators are not prohibited from performing ship stevedoring services and other ship-related services at Danish ports. However, foreign *state* and *municipal* port operators are subject to the restrictions of the Harbours Act.

~~When a foreign private port operator performs ship stevedoring services and other ship-related services at a Danish port in collaboration with a Danish municipal port, permission from the Minister of Transport is required according to the Harbours Act.~~

Phase-out: None

*

Sector: Energy
Sub-sector: Pipeline transportation of fuels
Industry classification: CPC 7131
Type of Reservation: Market Access
Level of Government: Central
Measures: Bekendtgørelse nr. 724 af 1. juli 2008 om indretning, etablering og drift af olietanke, rørsyrtemer og pipelines (Order on the arrangement, establishment and operation of oil tanks, piping systems and pipelines), no. 724 of 1 July 2008

Description: **Investment**

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The owner or user intending to establish a pipeline for the transport of crude or refined petroleum and petroleum products and of natural gas must obtain a permit from the local authority before commencing work. The number of such permits which are issued may be limited.

Phase-out:

None

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Schedule of Estonia

Sector: All Sectors
Sub-sector:
Industry classification:
Type of Reservation: Senior Management and Boards of Directors
Level of Government: Central
Measures: Ärisedustik (Commercial Code) § 63¹ (2), § 385 (1)

Description: **Investment**
A foreign company shall appoint a director or directors for a branch. A director must be a natural person with active legal capacity. The residence of at least one director must be in Estonia, in a member state of European Economic Area or in Switzerland.

Phase-out: None

*

Sector: All Sectors
Sub-sector:
Industry classification:
Type of Reservation: Senior Management and Boards of Directors
Level of Government:
Measures:

Description: ~~Cross Border Services and Investment~~
At least half of the members of the board of directors of a public or private limited company shall have their residence in the EEA or Switzerland.

Phase-out: None

*

~~**Sector:** Business Services
Sub-sector: Architectural Services, Urban Planning and Landscape Architectural Services, Engineering Services, Integrated Engineering Services
Industry classification: CPC 8671, CPC 8672, CPC 8673, CPC 8674
Type of Reservation: National Treatment
Level of Government:
Measures:~~

~~**Description:** **Cross Border Services and Investment**
At least one responsible person (project manager or consultant) must be resident in Estonia.~~

~~**Phase-out:** None~~

*

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~~Sector:~~ Business services
~~Sub-sector:~~ Building-cleaning services
~~Industry classification:~~ CPC 874
~~Type of Reservation:~~ National Treatment
~~Level of Government:~~
~~Measures:~~

~~Description:~~ **Investment**
Nationality condition for specialists.

~~Phase-out:~~ None

*

~~Sector:~~ Legal services
~~Sub-sector:~~ Patent agents
~~Industry classification:~~ part of CPC 861
~~Type of Reservation:~~ Market Access, National Treatment
~~Level of Government:~~ Central
~~Measures:~~ Patendivolniku seadus (Patent Agents Act) § 14 (1)

~~Description:~~ **Cross-Border Services**
A patent agent must be a citizen of Estonia or of a Member State of the European Union with permanent residence in Estonia.

~~Phase-out:~~ None

*

~~Sector:~~ Legal services
~~Sub-sector:~~ Patent agents, Sworn Translators
~~Industry classification:~~ part of CPC 861
~~Type of Reservation:~~ Market Access
National Treatment
~~Level of Government:~~ Central
~~Measures:~~ Patendivolniku seadus (Patent Agents Act) § 14 (1)
Vandetõlgi seadus (Sworn Translators Act) § 3 (2)

~~Description:~~ **Cross-Border Services**
A patent agent must be a citizen of Estonia or of a Member State of the European Union with permanent residence in Estonia.

A sworn translator must be a citizen of a Member State of the European Union.

~~Phase-out:~~ None

*

~~Sector:~~ Financial Services
~~Sub-sector:~~ Insurance and insurance-related services
~~Industry classification:~~
~~Type of Reservation:~~ National Treatment

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**Level of Government:
Measures:**

Description:

Investment

For direct insurance, the management body of an insurance joint stock company with Canadian capital participation may include Canadian nationals only in proportion to the Canadian participation and in any event not more than half of the members of the board of directors. The head of the management of a subsidiary or an independent company must permanently reside in Estonia.

Phase-out:

None

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Schedule of Finland

Sector: All sectors
Sub-sector:
Industry classification:
Type of Reservation: National Treatment
 Senior Management and Boards of Directors
Level of Government: Central
Measures: Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), Section 1.3
 Osakeyhtiölaki (Limited Liabilities Company Act) (624/2006), Chapter 6

Description: **Cross-Border Services and Investment**
 For carrying on trade as a partner in a Finnish limited or general partnership, a trade permit is required and at least one of the general partners needs to have residency or be domiciled in the EEA.
 If a foreign organisation intends to carry on a business or trade by establishing a branch in Finland, a trade permit is required.
 Residency in the EEA is required for at least one of the ordinary and deputy members of the Board of Directors and for the Managing Director. Exemptions may be granted by the registration authority.

Phase-out: None

*

Sector: Animal Husbandry
Sub-sector: Reindeer husbandry
Industry classification: ISIC Rev. 3.1 014
Type of Reservation: Market Access
 National Treatment
Level of Government: Central
Measures: Poronhoitolaki (Reindeer Husbandry Act) (848/1990), Chapter 1, Section 4

Description: **Investment**
 Only EEA nationals resident in the reindeer herding area may own reindeers and exercise reindeer husbandry.

Phase-out: None

*

Sector: Business Services
Sub-sector: Auditing Services
Industry classification: CPC 86211 and 86212 other than accounting services
Type of Reservation: National Treatment

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Level of Government:	Central
Measures:	Tilintarkastuslaki (Auditing Act) (459/2007), Section 3(2)
Description:	Cross-Border Services and Investment EEA residency required for at least one of the auditors of a Finnish Limited Liability company and of companies which are under obligation to carry on an audit.
Phase-out:	None
	*
Sector:	Business Services
Sub-sector:	Translation Services
Industry classification:	part of CPC 87905
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	Laki auktorisoiduista kääntäjistä (Act on Authorised Translators) (1231/2007), section 2(1))
Description:	Cross-Border Services and Investment Residency in EEA required for certified translators.
Phase-out:	None
	*
Sector:	All sectors
Sub-sector:	
Industry classification:	
Type of Reservation:	Market Access, National Treatment
Level of Government:	Central
Measures:	Tavaramerkkilaki (Trademarks Act) (7/1964) Laki patenttiasiamiehistä (Patent Agent Act) (552/1967) Laki kasvinjalostajanoikeudesta (Plant Breeder's Right Act) 1279/2009 Mallioikeuslaki (Registered Designs Act) 221/1971
Description:	Cross-Border Services A patent agent must be resident in the EEA and be recorded in the Patent Agents Register. If the applicant is a juridical person, that person must be domiciled in the EEA and employ a person resident in the EEA and recorded in the Patent Agents Register. An applicant for a trademark registration or proprietor of a registered trademark not domiciled or resident in Finland shall appoint a representative resident in the EEA to represent him in all matters concerning the trademark. A Finnish corporate body may also act as a representative. Any person not domiciled in Finland who has filed an opposition shall appoint a representative resident in Finland to represent him in the opposition proceedings.

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The holder of a design not domiciled in Finland shall appoint an agent resident in Finland to represent him in all matters concerning the right to the design.

Phase-out: None

*

Sector: Transport
Sub-sector: Supporting Services for Water Transport
Industry classification: CPC 745
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Merilaki (Maritime Act) (674/1994)

Description: **Cross-Border Services and Investment**
~~Pushing and towing services,~~ Supporting services for maritime transport and rental of vessels with crew, when provided in Finnish maritime waters or internal waterways, are reserved to fleets operating under the national, EU or Norwegian flag.

Phase-out: None

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Schedule of France

Sector: Agriculture and hunting
Sub-sector:
Industry classification: ISIC rev 3.1: 011, 012, 013, 014, 015
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Code rural et de la pêche maritime: Article R331-1 on installation and article L. 529-2 on agricultural co-operatives

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Description: **Investment**
The establishment of farms and agricultural co-operatives by non-EU investors is subject to authorisation. Prior authorisation is required in order to become a member or act as a director of an agricultural co-operative.

Phase-out: None

*

Sector: **Fishing and aquaculture**
Sub sector:
Industry classification:
Type of Reservation: Market access
National Treatment
Senior Management and Boards of Directors
Measures : Code rural et de la pêche maritime : article L921-3

Description: **Investment**
A French vessel flying the French flag may be issued a fishing authorisation or may be allowed to fish on the basis of national quotas only when a real economic link on the territory of the French Republic is established and that the vessel is directed and controlled from a permanent establishment located on French territory.

Phase out: None

*

Sector: Business services
Sub-sector: Accounting and bookkeeping services, Auditing services, Taxation advisory services
Industry classification: CPC 86211, CPC 86212CPC 86213, CPC 86219, CPC 86220, CPC 863
Type of Reservation: Market Access
Level of Government: Central
Measures: Ordonnance 45-2138 du 19 septembre 1945, article 3, 7, 26 et 27

Description: **Cross-Border Services and Investment**
Provision of accounting and bookkeeping services by a foreign service supplier is conditional on a decision of the

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Minister of Economics, Finance and Industry, in agreement with the Minister of Foreign Affairs.

For accounting and bookkeeping services: provision through SEL (anonyme, à responsabilité limitée ou en commandite par actions), AGC (Association de gestion et comptabilité) or SCP only. For taxation advisory services, provision through SEL (anonyme, à responsabilité limitée ou en commandite par actions) or SCP only.

For statutory audits: provision through any company form except SNC, SCS.

Phase-out: None

*

Sector: Business services
Sub-sector: Veterinary Services
Industry classification: CPC 932
Type of Reservation: Market Access
National Treatment
Senior Management and Boards of Directors
Level of Government: Central
Measures: Code rural et de la pêche maritime articles L241-1 ; L241-2 ; L241-2-1

Description: **Cross-Border Services and Investment**
Nationality condition limited to EU and EEA citizens. Insofar as Canada allows French citizens to provide veterinary services then France will allow Canadian service suppliers to provide veterinary services under the same conditions.

The legal forms available to a company providing veterinary services are limited to three types of companies (SEP; SCP; SEL).

Phase-out: None

*

Sector: Business Services
Sub-sector: Real estate services
Industry classification: CPC 821, CPC 822
Type of Reservation: National Treatment
Level of Government:
Measures:

Description: **Cross-Border Services and Investment**
Residency requirement.

Phase-out: None

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Sector: Business Services
Sub-sector: Related Scientific and Technical Consulting Services
Industry classification: CPC 8675
Type of Reservation: Market Access
National Treatment
Senior Management and Boards of Directors
Level of Government: Central
Measures: Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008

Description: **Cross-Border Services and Investment**
For surveying, access through a SEL (anonyme, à responsabilité limitée ou en commandite par actions), SCP, SA and SARL only. ~~Nationality condition for surveying operations relating to the establishment of property rights and to land law.~~

Foreign investors are required to have a specific authorisation for exploration and prospecting services.

Phase-out: None

*

Sector: Distribution
Sub-sector: Distribution of tobacco
Industry classification: part of CPC 6222, part of CPC 6310
Type of Reservation: Market Access
Level of Government: Central
Measures: Code général des impôts, art. 568 et articles 276-279 de l'annexe 2 de ce code

Description: **Cross-Border Services and Investment**
State monopoly on wholesale and retail sales of tobacco.
Nationality condition for tobacconists (i.e. buraliste).

Phase-out: None

*

Sector: Education Services
Sub-sector: Privately funded Primary, Secondary, Higher Education Services, Other Education Services
Industry classification: CPC 921, CPC 922, CPC 923
~~CPC 929~~

Type of Reservation: Market access
National Treatment
Senior Management and Boards of Directors

Level of Government:
Measures: Articles L 444-5, L 914-4, L 441-8, L 731-8, L 731-1 du code de l'éducation

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Description:

Cross-Border Services and Investment

French or EU nationality is required in order to establish a privately funded educational institution.

However, Canadian nationals may obtain an authorisation from the relevant competent authorities in order to teach in primary, secondary and higher level educational institutions.

Canadian nationals may also obtain an authorisation from the relevant competent authorities in order to establish and operate and / or manage primary, secondary or higher level educational institutions. Such authorisation is granted on a discretionary basis.

Phase-out:

None

*

Sector:

Health and Social Services

Sub-sector:

Industry classification:

CPC 931, CPC 933

Type of Reservation:

Market Access

National Treatment

Senior Management and Boards of Directors

Level of Government:

Central

Measures:

Loi 90-1258 relative à l'exercice sous forme de société des professions libérales, modifiée par les lois 2001-1168 du 12 décembre 2001 et 2008-776 du 4 août 2008 et la loi 66-879 du 29 novembre 1966 (SCP)

Code de la santé publique, Article L6122-1, L6122-2 (Ordonnance 2010-177 du 23 février 2010)

Description:

Cross-Border Services and Investment

While other types of legal form are available for EU investors, foreign investors only have access to the legal forms of "société d'exercice libéral" and "société civile professionnelle".

For medical, dental and midwives services, nationality is required. However, access by foreigners is possible within annually established quotas.

For medical, dental and midwives services and services by nurses, provision through SEL (anonyme, à responsabilité limitée ou en commandite par actions) or SCP only.

For hospital and ambulance services, residential health facilities (other than hospital services) and social services, an authorisation is necessary in order to exercise management functions. The authorisation process takes into account the availability of local managers.

Phase-out:

None

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Schedule of Germany

Sector:	Manufacturing
Sub-sector:	323 - Newspapers, journals and periodicals, appearing at least four times a week and 324 - Newspapers, journals and periodicals, appearing less than four times a week
Industry classification:	
Type of Reservation:	Senior Management and Boards of Directors
Level of Government:	Regional
Measures:	
Description:	<p>Investment</p> <p>Each publicly distributed and/or printed newspaper, journal, or periodical must clearly indicate a "responsible editor" (the full name of a natural person).</p> <p>The responsible editor must be a permanent resident of an EEA country. Exceptions may be allowed by the Federal Minister of the Interior.</p> <p style="text-align: center;">*</p>
Sector:	Business services
Sub-sector:	Legal services: Patent lawyers
Industry classification:	Part of CPC 861
Type of reservation:	National treatment
Level of Government:	
Measures:	§§ 59e, f Bundesrechtsanwaltsordnung (Federal Lawyers Act); Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland; § 52e, § 52f, § 154a und § 154 b Patentanwaltsordnung; Gesetz über die Eignungsprüfung für die Zulassung zur Patentanwaltschaft
Description:	<p>Cross-Border Services and Investment</p> <p>Third-country (non EU Member States) nationals are not allowed to act as patent lawyers. Only patent lawyers are allowed to provide legal services relating to patents in Germany.</p>
Phase-out:	None
	*
Sector:	Business services
Sub-sector:	Accounting services, Auditing services
Industry classification:	CPC 86211 and 86212 other than "accounting services", (auch CPC 86213, CPC 86219, CPC 86220)
Type of Reservation:	Market Access National Treatment
Level of Government:	Senior Management and Boards of Directors
Measures:	Central Handelsgesetzbuch, HGB, (Code of Commercial Law), Wirtschaftsprüferordnung, WPO, (Public Accountant Act)

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Description:

Cross-Border Services and Investment

Auditing companies ("Wirtschaftsprüfungsgesellschaften") may only adopt certain German legal forms. Incorporated companies, associations limited by shares, limited liability companies, general partnerships, limited commercial partnerships, other partnerships and European companies (SE) may be recognised as "Wirtschaftsprüfungsgesellschaften". General partnerships and limited commercial partnerships may be recognised as "Wirtschaftsprüfungsgesellschaften" if they are listed as trading partnerships in the commercial register on the basis of their fiduciary activities, Art. 27 WPO. The entity "GmbH & Co. ~~Kommanditgesellschaft KG~~" ~~—as any other KG such as the Societas Europaea—~~ may carry out accounting and auditing services.

Establishment in the EU is required in order to provide auditing services. However, auditors from third countries registered in accordance with Art. 134 WPO may carry out the statutory audit of annual financial statements or provide the consolidated financial statements of a company with its headquarters outside the European Union, whose transferable securities are offered for trading in a regulated market.

An unofficial English version of the Public Accountancy Act may be found under http://www.apak-aoc.de/english/statutory_provisions/statutory_provisions.asp

Phase-out:

None

*

Sector:

Business services

Sub-Sector:

Interpretation Services: Sworn interpreters in negotiations, publicly appointed sign language interpreters
CPC 87905

Classification:

Industry classification:

Market Access
National Treatment

Level of Government:

Federal and Regional

Measures:

§ 14 Absatz 3 und § 15 Absatz 2 des Gesetzes zur Ausführung des Gerichtsverfassungsgesetzes und von Verfahrensgesetzen der ordentlichen Gerichtsbarkeit vom 16.12. 1975 (AGGVG), zuletzt geändert durch Art. 17 des Gesetzes vom 29.07.2010 (GBl. S. 555)

Description:

Cross-Border Services and Investment

Accreditation as a sworn interpreter for juridical proceedings may be reserved to nationals established in the EU or EEA or of Switzerland. A derogation is possible under certain circumstances where there is an insufficient number of

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accredited sworn interpreters for legal proceedings in a given
language.

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Sector: Business services
Sub-sector: Medical and Dental Services, Midwives services, Services
provided by nurses
Industry classification: CPC 9312, CPC 93191
Type of Reservation: Market Access
National Treatment
Level of Government: Regional
Measures: [Psychotherapeutengesetz \(Act on the Provision of Psychotherapy Services of 16 July 1998\)](#),
[§ 7 Absatz 3 Musterberufordnung fuer Aerzte \(German Model professional Code for doctors\)](#),
[§§ 99 and seq. SGB V \(Book on Social Security No. V\), Statutory Health Insurance,](#)
[§ 1 Absatz 2 and Absatz 5 Hebammengesetz \(Midwife Code\),](#)
[§ 291b SGB V \(Book on Social Security No. V\) E-health provider,](#)
[Heilberufekammergesetz des Landes Baden-Württemberg in der Fassung vom 16. März 1995 \(GBl. BW of 17.05.1995 S. 314\), zuletzt geändert durch Artikel 2 des Gesetzes zur Änderung des Landespflegegesetzes und anderer berufsrechtlicher Vorschriften vom 15.06.2010 \(GBl. BW of 22.06.2010, page 427, S. 431\),](#)
[§ 31 Heilberufsgesetz Brandenburg \(HeilBerG\) vom 28.04.2003, zuletzt geändert durch Artikel 2 des Gesetzes vom 11.06.2008 \(GVBl. I page 134, 139\),](#)
[Bremisches Gesetz über die Berufsvertretung, die Berufsausübung, die Weiterbildung und die Berufgerichtsbarkeit der Ärzte, Zahnärzte, Psychotherapeuten, Tierärzte und Apotheker \(Heilberufsgesetz - HeilBerG\) vom 12.05.2005, zuletzt geändert durch Artikel 2 Gesetz zur Umsetzung der EU-DienstleistungsRL im Land Bremen und Novellierung weiterer Rechtsnormen vom 24.11.2009 \(Brem.GBl. S. 535\),](#)
[§ 29 Heilberufsgesetz \(HeilBG NRW\) of 09.05.2000 in der Fassung vom 17.12.2009 \(GV. NRW 2009 page 865\),](#)
[§ 20 Heilberufsgesetz \(HeilBG Rheinland-Pfalz\) of 07.02.2003 in der Fassung vom 15.09.2011 \(GV. R-Pf 2011 page 425\),](#)
[Gesetz über Berufsausübung, Berufsvertretungen und Berufgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder und Jugendlichenpsychotherapeuten im Freistaat \(Sächsisches Heilberufekammergesetz – SächsHKaG\) vom 24.05.1994 \(SächsGVBl. S. 935\), zuletzt geändert durch Artikel 2 Absatz 5 des Gesetzes vom 19.05.2010 \(SächsGVBl. S. 142, 143\),](#)
[Gesetz über die öffentliche Berufsvertretung, die Berufspflichten, die Weiterbildung und die Berufgerichtsbarkeit der Ärzte/ Ärztinnen, Zahnärzte/ Zahnärztinnen, psychologischen Psychotherapeuten/](#)

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Psychotherapeutinnen und Kinder- und Jugendlichenpsychotherapeuten/-psychotherapeutinnen, Tierärzte/Tierärztinnen und Apotheker/Apothekerinnen im Saarland (Saarländisches Heilberufekammergesetz - SHKG) vom 19.11. 2007, zuletzt geändert durch Gesetz vom 19.11.2008 (Amtsbl. S. 1930). **To be completed**

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Description:

Cross-Border Services and Investment

Access is restricted to natural persons.

Geographical restrictions may be imposed on professional registration, which apply to nationals and non-nationals alike. Doctors (including psychologists ~~and~~, psychotherapists, ~~but not~~and dentists) need to register with the regional associations of statutory health insurance physicians/ dentists (kassenärztliche / zahnärztliche Vereinigungen), if they wish to treat patients insured by the statutory sickness funds. This registration can be subject to quantitative restrictions based on the regional distribution of doctors, for dentists this this restriction does not apply.

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Registration is necessary only for doctors participating in the public health scheme.

EU nationality is required to provide medical and dental services, which may be waived on an exceptional basis in cases of public health interest. For medical, dental and midwives services, access is restricted to natural persons only. Establishment requirements may apply. Future legislation is expected to remove the nationality condition for medical and dental services.

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Telemedicine may only be provided in the context of a primary treatment involving the physical presence of the doctor.

Number of ICT-service providers may be limited to guarantee interoperability, compatibility and necessary safety standards. This is applied in a non-discriminatory way.

Phase-out:

None

*

Sector:

Health and Social Services

Sub-sector:

Human health and Social Care services, hospitals, ambulance services, rescue services

Industry classification:

CPC 931, 933, CPC 91122 and CPC 91290

Type of Reservation:

Market Access

National Treatment

Level of Government:

Federal and Regional

Measures:

Psychotherapeutengesetz (Act on the Provision of Psychotherapy Services of 16 July 1998)

Personenbeförderungsgesetz (Act on Public Transport), § 8 Krankenhausfinanzierungsgesetz (Hospital Financing)

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Act),
§§ 14, 30 ~~Gewerbeordnung (German Industrie- und
Handelskammergesetz~~ (Trade, Commerce and Industry
Regulation Act),
§ 108 Sozialgesetzbuch V (Book on Social Security No. V),
Statutory Health Insurance,
§ 291b SGB V (Book on Social Security No. V) E-health
provider,
§ 15 Sozialgesetzbuch VI (Book on Social Security No. VI),
§ 34 Sozialgesetzbuch VII (Book on Social Security No. VI),
§ 21 Sozialgesetzbuch IX (Book on Social Security No. IX),
§ 72 Sozialgesetzbuch XI (Book on Social Security No. XI),
Long-term Care Insurance,
§ 34 SGB VII (Book on Social Security No. VII),
Unfallversicherung,
§ 21 SGB IX (Book on Social Security No. IX), Rehabilitation
und Teilhabe behinderter Menschen),
§ 72 Sozialgesetzbuch XI (Book on Social Security No. XI),
Long-term Care Insurance,
Berliner Gesetz zur Neuregelung des Krankenhausrechts vom
18.09.2011, Gesetz- und Verordnungsblatt für Berlin vom
30.09.11,
sections 2 and 3 of the Bavarian Act on Hospitals
(Bayerisches Krankenhausgesetzes - BayKrG) vom
28.03.2007, geändert durch das Nachtragshaushaltsgesetz
2008 vom 23.04.2008,
§§ 17-19 Hessisches Krankenhausgesetz 2011 (HKHG 2011)
vom 21.12.2010 (GVBl. I 2010, Seite 587),
Krankenhausgesetz für das Land Mecklenburg-Vorpommern
(LKHG M-V) vom 20.05.2011 (GVOBl. M-V 2011, page 327),
§ 6 Landeskrankenhausgesetz Rheinland-Pfalz (LKG Rh-Pf)
in der Fassung vom 01.12.2010 (GVBl. Seite 433),
§ 4 Thüringischer Krankenhausgesetz (Thür KHG) in der
Fassung der Neubekanntmachung 30.04.2003 (GVBl. Seite
262),

Description:

Cross-Border Services and Investment

Rescue service and "qualified ambulance services" are organised and regulated by the Länder. Most Länder delegate competences in the field of rescue services to the municipalities. Municipalities are allowed to give priority to not-for-profit operators. This applies equally to foreign as well as domestic service providers. Ambulance services are subject to planning, permission and accreditation.

Physical presence is required in order to provide teletherapy. Number of ICT-service providers may be limited to guarantee interoperability, compatibility and necessary safety standards. This is applied in a non-discriminatory way.

Germany imposes quantitative restrictions in the publicly funded hospital sector including economic needs tests based on a regional health plan on a non-discriminatory basis. Criteria vary among 16 Länder. Regulatory goals focus on

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the prevention of over-supply, the guarantee of equal and sufficient supply of health services in all regions and the control of public expenditure.

The possibility for private operators to provide privately funded health and social services is subject to concession. An economic needs test may apply. Main criteria: number of and impact on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

Phase-out: None

*

Sector: Business services
Sub-sector: Veterinary services
Industry classification: CPC 932
Type of Reservation: Market Access
 National Treatment
Level of Government: Central / sub central
Measures: Federal Code for the Veterinary Profession (Bundes-Tierärzteordnung, § 4 Abs. 3)
 sub-central level:
 Acts on the Councils for the Medical Profession of the Länder (Heilberufs- und Kammergesetze der Länder) and (based on these) Codes of Professional Conduct of the Veterinary Practitioners' Councils (*Berufsordnungen der Kammern*)

Description: **Cross-Border Services and Investment**
 Access is restricted to natural persons.

Telemedicine may only be provided in the context of a primary treatment involving the physical presence of the doctor.

Phase-out: None

*

Sector: **Other Business Services**
Sub-sector: Supply Services of support personnel
Industry classification: CPC 87203
Type of Reservation: National Treatment
Level of Government: Central
Measures: Sec. 1 Temporary Agency Act
 (Arbeitnehmerüberlassungsgesetz -AÜG)

Description: **Cross Border Services and Investment**
 EU nationality or a commercial presence in the EU is required in order to obtain a licence to operate as a temporary employment agency (Pursuant to Sec. 3 paras. 2 & 3 of this Act)

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Phase-out: None

*

Sector: **Transport**

Sub-sector: Water Transport, Supporting Services for Water Transport, Rental of ships, leasing services of ships without operators

Industry classification: CPC 72, CPC 745, CPC 83103, CPC 7213, 7223, CPC 86751; CPC 86754; CPC 8730 (Miet-/ Leasingdienstleistung ohne Besatzung /Führer in Verbindung mit Schiffen = CPC 83103), Vermietung von Schiffen mit Besatzung (=CPC 7213, 7223)

Type of Reservation: Market access
National Treatment
Most-Favoured-Nation Treatment

Level of Government: Central

Measures: §§ 1, 2 Flaggenrechtsgesetz (Flag Protection Act), § 2 Verordnung über die Küstenschifffahrt vom 05.07. 2002, §§ 1, 2 Binnenschifffahrtsaufgabengesetz (BinSchAufgG), Vorschriften aus der (Schifffahrts-) Patentverordnung in der Fassung vom 08.04.2008, § 9 Abs.2 Nr. 1 Seelotsgesetz vom 08.12. 2010 (BGBl. I S. 1864), § 1 Nr. 9, 10, 11 und 13 Seeaufgabengesetz (SeeAufgG), See-Eigensicherungsverordnung vom 19.09.2005 (BGBl. I S. 2787), geändert durch Artikel 516 Verordnung vom 31.10.2006 (BGBl. I S. 2407)

Description: **Cross-Border Services and Investment**

A water vehicle that does not belong to a German or EU national may be used in the German federal waterways only after specific authorisation.

Cabotage operations may only be performed by vessels flying German or another EU Member State flag. Waivers for non-EU vessels may only be granted if no EU vessels are available or if they are available under very unfavourable conditions, or on the basis of reciprocity. Waivers for vessels flying under the Canadian flag may be granted on the basis of reciprocity (§ 2 para. 3 KüSchVO)

All activities falling within the scope of the pilot law are regulated and accreditation is restricted to German, EU/EEA MS or Swiss nationals.

For rental/leasing of ships with or without operators, where international sea transport is affected by measures ensuring the competitiveness of the German merchant fleet, the conclusion of contracts for freight transport by ships flying a foreign flag or the chartering of such vessels may be restricted.

Transactions between residents and non-residents concerning

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- the rental of internal waterways vessels, which are not registered in the economic area,
- the transport of freight with such internal waterways vessels or
- the towing services by such internal waterways vessels

within the economic area maybe restricted.

Phase-out:

None

Without prejudice

Schedule of Greece

Sector:	All sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	Law No 1892/90
Description:	<p>Cross-Border Services and Investment</p> <p>Permission from the Ministry of Defence is needed for acquisition of real estate in the border regions either directly or through equity participation in a company which is not listed in the Greek Stock Exchange and which owns real estate in those regions, or any change in the persons of the stockholders of such company.</p>
Phase-out:	None
	*
Sector:	Business Services
Sub-sector:	Auditing Services
Industry classification:	CPC 86211 and 86212 other than accounting services
Type of Reservation:	National Treatment
Level of Government:	
Measures:	Presidential Decree 226/1992, Law 3693/2008 on Auditing Standards (Implementation of Directive 2006/43/EC) Law 3386/2005 on the entry, residency and integration of foreign nationals in Greece Law 3844/2010 on Services (Implementation of Directive 2006/123/EC)
Description:	<p>Cross-Border Services and Investment</p> <p>EU nationality is required in order to obtain a licence to be a statutory auditor. By Regulatory Act, the ELTE (Oversight Body in Greece) may issue a licence to a third country auditor if, in its discretion, the conditions laid down in Articles 4 and 6 to 11 of Law 3693/2008 is met.</p> <p>The majority of the Members of the Board of an audit firm a) must be appointed by audit firms, which have been granted a professional licence in any EU member-state or b) should consist of auditors licenced in Hellas.</p>
Phase-out:	None
	*
Sector:	Business Services
Sub-sector:	Architectural services, Urban planning and landscape architectural services, Engineering services
Industry classification:	CPC 8671, CPC 8674, CPC 8672
Type of Reservation:	National Treatment
Level of Government:	

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Measures: Art. 24 Law 3386/2005 on the entry, residency and integration of foreign nationals in Greece; Law 3844/2010 on Services (Implementation of Directive 2006/123/EC)

Description: **Cross-Border Services and Investment**
Residency requirement.

Phase-out: None

*

Sector: Veterinary Services

Sub-sector:

Industry classification: CPC 932

Type of Reservation: National Treatment

Senior Management and Boards of Directors **Level of Government:**

Measures: Presidential Degree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B)

Description: **Cross-Border Services and Investment**
EU Nationality condition.

Phase-out: None

*

Sector: Health and Social Services

Sub-sector: Services provided by Nurses, Physiotherapists and Paramedical Personnel

Industry classification: part of CPC 93191

Type of Reservation: National Treatment

Level of Government: Central

Measures: Law 1666/1986

Description: **Cross-Border Services and Investment**
Hellenic nationality is required for dental technicians.

*

Sector: Education Services

Sub-sector:

Industry classification: CPC 921, CPC 922, CPC 923

Type of Reservation: National Treatment

Senior Management and Boards of Directors

Level of Government:

Measures: Laws 682/1977, 284/1968, 2545/1940 and Presidential Degree 211/1994 as amended by Presidential Degree 394/1997

Description: **Cross-Border Services and Investment**
Nationality condition for majority of members of the Board in primary and secondary schools and for teachers in primary and secondary education.

Phase-out: None

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Sector: Financial Services
Sub-sector: Insurance and insurance-related services
Industry classification:
Type of Reservation: Market Access
Level of Government:
Measures: Legislative Degree 400/1970

Description: **Investment**
The right of establishment does not cover the creation of representative offices or other permanent presence of insurance companies, except where such offices are established as agencies, branches or head offices.

Phase-out: None

*

Sector: Tourism and Travel Related Services
Sub-sector: Tourist Guides Services
Industry classification: CPC 7472
Type of Reservation: National Treatment
Senior Management and Boards of Directors
Level of Government: Presidential Degree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B)
Measures:

Description: **Cross-Border Services and Investment**
EU Nationality condition.

Phase-out: None

*

Sector: Transport
Sub-sector: Supporting Services for Water Transport
Industry classification: CPC 745
Type of Reservation: Market Access
Level of Government: Central
Measures: Code of Public Maritime Law (Legislative Degree 187/1973)

Description: **Investment**
Public monopoly in port areas for cargo-handling services.

Phase-out: None

*

Sector: Road Transport
Sub-sector: Operators of road freight transport services
Industry classification: CPC 7123
Type of Reservation: National Treatment
Level of Government: Central
Measures: Licensing of road freight transport operators:

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Greek law 3887/2010 (Government Gazette A' 174)
Presidential Decree 346/2001 (Government Gazette A' 233)
Penalties for cabotage operations:
Greek law 3446/2006 article 4.1.46 (Government Gazette A' 49)

Description:

Cross-Border Services and Investment

In order to engage in the occupation of road freight transport operator a Hellenic licence is needed. Licences are granted on non-discriminatory terms. Road freight transport operations established in Greece may only use vehicles that are registered in Greece.

Road freight transport operations performed within Greece for third parties on a temporary basis by operators established in non - EU country (cabotage) are prohibited, unless a bilateral agreement between Greece and that country expressly permits it.

Phase-out:

None

Without prejudice

Schedule of Hungary

Sector:	All sectors
Sub-sector:	Acquisition of arable land and of real estate
Industry classification:	
Type of Reservation:	National Treatment, MFN <u>Most-Favoured Nation Treatment</u>
Level of Government:	Central
Measures:	Act VL of 1994 on Arable Land Government Decree No. 7/1996 on the Acquisition of Real Estate by Foreigners
Description:	Investment Non-resident natural and legal persons are not allowed to acquire arable land. <u>More favourable treatment may be granted to certain third countries on the basis of reciprocity.</u> The purchase of real estate by non-residents is subject to obtaining authorisation from the appropriate administrative authority responsible for the geographical location of the property.
Phase-out:	None
	*
Sector:	All sectors
Sub-sector:	Intra-Corporate Transfers
Industry classification:	
Type of Reservation:	Market Access, Senior Management and Boards of Director
Level of Government:	Central
Measures:	Decree of the Minister for Social and Labour Affairs No. 16/2010 on the employment of third country nationals on the national labour market
Description:	Investment Under Hungarian legislation, natural persons who have been a partner in a juridical person do not qualify to be transferred as intra-corporate transferees.
Phase-out:	None
	*
Sector:	<u>Legal services</u>
Sub-sector:	Patent agents
Industry classification:	CPC 8613
Type of Reservation:	Market Access
Level of Government:	Central
Measures:	Act XXXII of 1995 on Patent Attorneys
Description:	<u>Cross-Border Services</u> <u>For supplying services as patent agents services, residency is required for non EEA nationals.</u>
Phase-out:	None

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Sector: Business services
Sub-sector: Urban planning and landscape architectural services
Industry classification: CPC 8674
Type of Reservation: Market Access
Level of Government: Central
Measures: Act LVIII of 1996 on the Professional Chambers of Architects and Engineers

Description:

Cross Border Services

The supply of urban planning and landscape architectural services by non-EEA nationals requires residency. The supply of cross border services is therefore only available to service suppliers established in the EEA.

~~For supplying urban planning and landscape architectural services, membership of the Hungarian Chamber of Architects is required. For non-EEA nationals, residency is required. The supply of cross border services is therefore only available to service suppliers established in the EEA.~~

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Phase-out:

None

*

Sector: Business services
Sub-sector: Veterinary Services
Industry classification: CPC 932
Type of Reservation: Market Access
Level of Government: Central
Measures: Act XCIV of 1995 on the Hungarian Veterinary Chamber and on the conditions how to supply Veterinary services

Description:

Cross Border Services and Investment

For supplying veterinary services, membership of the Hungarian Veterinary Chamber is required. For non-EEA nationals, residency is required.

~~Establishment a~~ Authorisation for establishment is subject to an economic needs test. Main criteria: labour market conditions in the sector.

Phase-out:

None

*

Sector: Business services
Sub-sector: Rental/Leasing Services without Operators /Relating to ships
Industry classification: CPC 83103
Type of Reservation: Market Access
Level of Government: National Treatment
Measures: Act XLII of 2000 on water transportation

Description:

Cross Border services and Investment

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Acquisition of a shipping licence to operate in international and inland waters is reserved to enterprises established in Hungary and operating shipping vessels registered in EEA member states. Shipping licences are reserved to EEA nationals or enterprises having majority (at least 51%) EEA ownership.

The captain and deputy captain of vessels flying the Hungarian flag and operating in international and/or inland waters are required to be EEA nationals.

Phase-out: None

*

Sector: Business Services

Sub-sector: Services Related to Management Consulting – Arbitration and Conciliation Services

Industry classification: CPC 86602

Type of Reservation: ~~Market Access~~National treatment

Level of Government: Central

Measures: Act LV of 2002 on Mediation

Description:

Cross Border services

The minister in charge of the juridical system may authorise - by way of admission into the register - the pursuit of mediation (e.g. arbitration and conciliation) activities ~~to~~ by juridical or natural persons that are established in or residents in Hungary.

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Phase-out: None

*

Sector: Business Services

Sub-sector: Translation services

Industry classification: CPC 87905

Type of Reservation: Market Access

Level of Government: Central

Measures: Decree of the Council of Ministers No. 24/1986 on Official translation and interpretation

Description:

Cross Border services and Investment

Official translation, official certification of translation, and certified copies of official documents in foreign languages may only be provided by the National Translation and Authentication Office (OFFI).

Phase-out: None

*

Sector: Distribution Services

Sub-sector: Commission Agents' Services

Industry classification: CPC 621

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Type of Reservation: Market Access
Level of Government: Central
Measures: Act CXXXVIII of 2007 on Investment Firms and Commodity Dealers, and on the Regulations Governing their Activities

Description: **Cross Border services**
Foreign companies may only supply commodity ~~dealers'~~ dealing (brokers' brokering) services through a branch office or establishment in Hungary. A licence is required from the Hungarian Financial Supervisory Authority.

Phase-out: None

*

Sector: Tourism and Travel Related Services
Sub-sector: Travel Agencies and Tour Operators Services, Tourist Guide Services
Industry classification: CPC 7471, CPC 7472
Type of Reservation: Market Access
Level of Government: Central
Measures: Act CLXIV of 2005 on Trade, Government Decree No. 213/1996 (XII.23.) on Travel Organization and Agency Activities

Description: **Cross Border services**
The supply of Travel Agent and Tour Operators services, and Tourist Guide Services on a cross-border basis, is subject to a licence issued by the Hungarian Trade Licensing Office. Licences are reserved to EEA nationals and juridical persons having their seats in the EEA member states.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Banking and Other Financial Services
Industry classification: CPC 811, 813
Type of Reservation: National Treatment
Level of Government: Central
Measures: Act CXII of 1996 on Credit Institutions and Financial Enterprises

Description: **Cross Border services**
Non-EEA companies may provide financial services or engage in activities auxiliary to financial services solely ~~by way~~ efthrough its Hungarian branch.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Banking and Other Financial Services

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Industry classification: CPC 811, 813
Type of Reservation: Market Access, Boards of Director
Level of Government: Central
Measures: Act CXII of 1996 on Credit Institutions and Financial Enterprises; Act CXX of 2001 on the Capital Market

Description: **Investment**
The board of directors of a credit institution shall have at least two members recognised as residents according to foreign exchange regulations and having had prior permanent residence in Hungary for at least one year.

Branches of non EEA investment fund management companies may not engage in the management of European investment funds and may not provide asset management services to private pension funds.

Phase-out: None

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Schedule of Ireland

Sector:	All Sectors
Sub-sector:	Acquisition, purchase, rental or leasing of real estate
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	
Measures:	
Description:	Investment Prior written consent of the Land Commission is necessary for the acquisition of any interest in Irish land by domestic or foreign enterprises or foreign nationals. Where such land is for industrial use (other than agricultural industry), this requirement is waived subject to certification to this effect from the Minister for Enterprise, Trade and Employment. This law does not apply to land within the boundaries of cities and towns.
Phase-out:	None
	*
Sector:	Agriculture and hunting
Sub-sector:	
Industry classification:	ISIC rev 3.1: 1531
Type of Reservation:	National Treatment
Level of Government:	
Measures:	
Description:	Investment Establishment by Canadian residents in flour milling activities is subject to authorisation.
Phase-out:	None
	*
Sector:	Business Services
Sub-sector:	Auditing Services
Industry classification:	CPC 86211 and 86212 other than accounting services
Type of Reservation:	Market Access
Level of Government:	
Measures:	
Description:	Investment Provision through partnership only.
Phase-out:	None
	*
Sector:	Veterinary Services
Sub-sector:	
Industry classification:	CPC 932
Type of Reservation:	Market Access

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**Level of Government:
Measures:**

Description:

Investment

Access through partnership or natural persons only.

Phase-out:

None

*

Sector:

Financial Services

Sub-sector:

Banking and other financial services (excluding insurance)

Industry classification:

Market Access

Type of Reservation:

Level of Government:

Measures:

Description:

Cross-Border Services and Investment

In the case of collective investment schemes constituted as unit trusts and variable capital enterprises (other than undertakings for collective investment in transferable securities, UCITS), the trustee/depository and management company is required to be incorporated in Ireland or in another Member State of the EU (no branches). In the case of an investment limited partnership, at least one general partner must be incorporated in Ireland. To become a member of a stock exchange in Ireland, an entity must either (I) be authorised in Ireland, which requires that it be incorporated or be a partnership, with a head/registered office in Ireland, or (II) be authorised in another Member State.

Phase-out:

None

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Schedule of Italy

Sector:	All sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of Reservation:	National Treatment Most-Favoured-Nation Treatment
Level of Government:	Central
Measures:	Italian Civil Code, art. 16
Description:	Cross-Border Services and Investment In so far as Canada and its provinces and territories allow Italian nationals and enterprises to purchase real estate in their territories, Italy will allow Canadian nationals and enterprises to purchase real estate in Italy under the same conditions.
Phase-out:	None
	*
Sector:	All sectors
Sub-sector:	
Industry classification:	
Type of Reservation:	Market Access National Treatment
Level of Government:	Central
Measures:	Law 474/1994 (privatisation of public enterprises) Law 488/1999, art. 66 (2000 financial law) Law 350/2003, art. 4 par 227-230 (2004 financial law) Decree of the Prime Minister (DPCM) 10.6.2004 Decree of the Prime Minister (DPCM) 20.5.2010
Description:	Investment For a period of five years <u>from the initial privatisation</u> , the acquisition of equity stakes exceeding 5% of enterprises operating in the fields of defence, transport services, telecommunications and energy may be subject to the approval of the competent authorities. The approval can only be denied under the following conditions: [to be added] .
Phase-out:	None
	*
Sector:	Publishing and printing
Sub-sector:	
Industry classification:	ISIC rev 3.1: 221 and 222
Type of Reservation:	National Treatment Senior Management and Boards of Directors Most-Favoured-Nation Treatment
Level of Government:	Central
Measures:	Law 416/1981, art. 1 (and subsequent amendments)
Description:	Cross-Border Services and Investment EU nationality is required for the owner of publishing and printing companies and for publishers. In so far as Canada

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and its provinces and territories allow Italian nationals and enterprises to exercise these activities, Italy will allow Canadian nationals and enterprises to exercise these activities under the same conditions. Insofar as Canada and its provinces and territories allow Italian investors to own more than 49% of the capital and voting rights in a Canadian publishing company, then Italy will allow Canadian investors to own than 49% of the capital and voting rights in an Italian publishing company under the same conditions.

Phase-out:	None
	*
Sector:	Business Services
Sub-sector:	Accounting and Bookkeeping Services, Auditing Services, Taxation Advisory Services
Industry classification:	CPC 86211, CPC 86212, CPC 86213, CPC 86219, CPC 86220, CPC 863
Type of Reservation:	Market Access National Treatment
Level of Government:	Central
Measures:	Auditing: Legislative Decree 58/1998, art. 155, 158 and 161 Decree of the President of the Republic 99/1998 Legislative Decree 39/2010, art. 2 Accounting, Bookkeeping and Taxation: Legislative Decree 139/2005
Description:	Cross-Border Services and Investment For auditing services, residency in Italy is required for individual auditors. Residence or business domicile and enrolment in the professional register is required to provide Accounting, Bookkeeping and Taxation services.
Phase-out:	None
	*
Sector:	Business Services
Sub-sector:	Architectural Services, Engineering Services, Urban Planning and Landscape Architectural
Industry classification:	CPC 8671, CPC 8672, CPC 8673, CPC 8674
Type of Reservation:	Market Access National Treatment
Level of Government:	Central
Measures:	Royal Decree 2537/1925 regulation on the profession of architect and engineer
Description:	Cross-Border Services and Investment Residence and enrolment in the professional register is required.
Phase-out:	None

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Sector: Veterinary Services
Sub-sector:
Industry classification: CPC 932
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Legislative Decree C.P.S. 233/1946, art. 7-9
Decree of the President of the Republic (DPR) 221/1950,
par. 7

Description: **Cross-Border Services and Investment**
Residency in Italy is required for enrolment in the professional register, which is necessary for the exercise of the profession.

Phase-out: None

*

Sector: Business Services
Sub-sector: R & D Services On Social Sciences And Humanities -
Psychologists
Industry classification: CPC 852
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Law 56/1989 on the psychologist profession

Description: **Cross-Border Services and Investment**
Residence and enrolment in the professional register is required.

Phase-out: None

*

Sector: Business Services
Sub-sector: Real estate services
Industry classification: CPC 821, CPC 822
Type of Reservation: National Treatment
Level of Government: Central
Measures: Law 39/1989, art. 2 and 3
Ministerial Decree 452/1990, art. 3, 5 and 11
Legislative Decree 59/2010, art. 73

Description: **Cross-Border Services and Investment**
Real estate agents, who are nationals of non-EU countries, must be resident in Italy. If the activity is exercised by a juridical person, the residency requirement must be fulfilled by the legal representative of the company or by the persons in charge of the activity (agents/mediators).

Phase-out: None

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Sector: Business Services
Sub-sector: Related Scientific and Technical Consulting Services,
Services Incidental to Agriculture, Services Incidental to
Mining
Industry classification: CPC 8675, part of CPC 881
Type of Reservation: Market Access
National Treatment
Level of Government: Central and regional (for exploration)
Measures: Exploration services: Royal Decree 1447/1927; Legislative
Decree 112/1998, art. 34
Geologists: Law 112/1963 (art. 2 and 5); DPR 1403/1965
(art. 1)
Biologists, chemical analyst: : law 396/1967 on the
profession of biologist; Royal Decree 842/1928 on the
profession of chemical.
Agronomists: Law 3/1976 on the profession of agronomist.
"Periti agrari": Law 434/1968 as amended by Law 54/1991.

Description: **Cross-Border Services and Investment**
Residency or professional domicile in Italy is required for
enrolment in the geologists' register, which is necessary for
the exercise of the professions of surveyor or geologist.

For biologists, chemical analysts, agronomists and "*periti
agrari*", residency and enrolment in the professional register
is required. Third country nationals can enrol under condition
of reciprocity.

For certain exploration services activities related to mining
(minerals, oil, gas, etc.), exclusive rights may exist.

Phase-out: None

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: National Treatment
Senior Management and Boards of Directors
Level of Government: Central
Measures: Law on public security (TULPS) 773/1931 art. 133-141 Art.
138 – 134 – 136. –Royal Decree 635/1940 Art. 257

Description: **Cross-Border Services and Investment**
Italian or EU Nationality and residency requirement in order to
obtain the necessary authorisation to supply security guard
services and the transport of valuables.

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Sector: Distribution services
Sub-sector: Distribution of tobacco
Industry classification: part of CPC 6222, part of CPC 6310

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Type of Reservation:	Market Access
Level of Government:	Central
Measures:	Legislative Decree 184/2003 Law 165/1962 Law 3/2003 Law 1293/1957 Law 907/1942 Decree of the President of the Republic (D.P.R.) 1074/1958
Description:	Cross-Border Services and Investment In order to distribute and sell tobacco, a licence is needed. The licence is granted through public procedures. The granting of licences is subject to an economic needs test. Main criteria: population and geographical density of existing selling points. For an intermediary between wholesale and retail, owners of magazines (magazzini), EU nationality is required.
Phase-out:	None
	*
Sector:	Education Services
Sub-sector:	
Industry classification:	CPC 92
Type of Reservation:	Market Access
Level of Government:	Central
Measures:	Royal Decree 1592/1933 (Law on secondary education) Law 243/1991 (Occasional public contribution for private universities) Resolution 20/2003 of CNVSU (Comitato nazionale per la valutazione del sistema universitario) Decree of the President of the Republic (DPR) 25/1998
Description:	Cross-Border Services and Investment An economic needs test is applied for the opening of private universities authorised to issue recognised diplomas or degrees based on a 3 year programme. Main criteria: population and density of existing establishments.
Phase-out:	None
	*
Sector:	Financial Services
Sub-sector:	Insurance and insurance-related services
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	Law 194/1942, art. 4
Description:	Cross-Border Services and Investment Residency in Italy is required for enrolment in the actuarial register, which is necessary for the exercise of the actuarial profession.
Phase-out:	None

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Sector: Financial Services
Sub-sector: Banking and other financial services (excluding insurance)
Industry classification:
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Legislative Decree 58/1998, art. 1, 19, 28, 30-33, 38, 69 and 80
Joint Regulation of Bank of Italy and Consob 22.2.1998, art. 3 and 41
Regulation of Bank of Italy 25.1.2005, Title V, Chapter VII, Section II
Consob Regulation 16190 of 29.10.2007, art. 17-21, 78-81 and 91-111

Description: **Cross-Border Services and Investment**
In order to be authorised to manage the securities settlement system or central securities depository services with an establishment in Italy, a company is required to be incorporated in Italy (no branches).

In the case of collective investment schemes other than UCITS harmonised under EU legislation, the trustee/depository is required to be incorporated in Italy or in another Member State of the EU and established through a branch in Italy. Management enterprises of UCITS not harmonised under EU legislation are also required to be incorporated in Italy (no branches).

Only banks, insurance enterprises, investment firms and enterprises managing UCITS harmonised under EU legislation having their legal head office in the EU, as well as UCITS incorporated in Italy may carry out activity of pension fund resources management.

In providing the activity of door-to-door selling, intermediaries must utilise authorised financial salesmen resident within the territory of a Member State of the EU.

Representative offices of non-EU intermediaries cannot carry out activities aimed at providing investment services, including trading for own account and for account of customers, placement and underwriting of financial instruments (branch required).

Phase-out: None

*

Sector: Tourism and Travel Related Services
Sub-sector: Tourist Guides Services
Industry classification: CPC 7472

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Type of Reservation: National Treatment
Level of Government: Regional
Measures: Law 135/2001 art. 7.5 and 6
Law 40/2007 (DL 7/2007)

Description: **Cross-Border Services and Investment**
Tourist guides from non-EU countries need to obtain a specific licence from the Region in order to act as a professional tourist guide. The licence is granted to tourist guides demonstrating adequate competence and knowledge.

Phase-out: None

Sector: Transport *
Sub-sector: Supporting Services for Water Transport
Industry classification: part of CPC 745
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Shipping Code
Law 84/1994
Ministerial decree 585/1995

Description: **Investment**
An economic needs test is applied for maritime cargo-handling services. Main criteria: number of and impact on existing establishments, population density, geographic spread and creation of new employment.

Phase-out: None

Without prejudice

Schedule of Latvia

Sector:	All sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of Reservation:	<u>Market Access</u> National Treatment Most-Favoured-Nation Treatment
Level of Government:	Central
Measures:	Law on land reform in the cities of the Republic of Latvia Law on land privatisation in rural areas
Description:	Investment Acquisition of urban land by foreign investors is permitted through incorporated companies registered in Latvia or other EU Member States:- a) if more than 50% of their equity capital is owned by Latvian or EU Member States nationals, the Latvian Government or municipality separately or in total; b) if more than 50% of their equity capital is owned by natural persons and companies of third countries with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments and which have been approved by the Latvian Parliament before 31th December 1996; c) if more than 50% of their equity capital is possessed by natural persons and companies of third countries with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments following the 31th December 1996 if in those agreements the rights of Latvian natural persons and companies on acquisition of land in respective third country have been determined; d) if more than 50 % of their equity capital is possessed by persons from a) to c) together; e) which are public joint stock companies if their shares thereof are quoted in the stock exchange. Other natural and legal persons may not acquire:- a) land in State border zones; b) land in the protection zones of the Baltic Sea and the Gulf of Riga and in the protection zones of other public reservoirs and water courses, except for the cases when they are intended for building pursuant to the master plan of a city; c) agricultural and forest land pursuant to the territorial planning of city local government. Acquisition of rural land by foreign investors is permitted through incorporated companies registered in Latvia:- a) if more than 50 % of their equity capital is possessed by Latvian nationals, Latvian Government or municipality separately or all together;

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- b) if more than 50 % of their equity capital is possessed by physical and enterprises of third countries with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments and which has been approved by Latvian Parliament until 31th December 1996;
- c) if more than 50 % of their equity capital is possessed by natural persons and companies of third countries with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments following the 31th December 1996 if in those agreements the rights of Latvian juridical and physical persons on acquisition of land in respective third country have been determined;
- d) if more than 50 % of their equity capital is possessed by persons from a) to c) together;
- e) which are public stock companies if their shares thereof are quoted in the stock exchange;
- f) rural land may be acquired in ownership by farms and individual undertakings registered in Latvia and belonging to Latvian nationals.

Until 1 May 2014, land may be acquired in ownership in accordance with the Civil Law and other laws by:-

- 1) the nationals of other European Union Member States if they want to engage in entrepreneurship in Latvia as self-employed farmers and reside in Latvia for at least three consecutive years, as well as have been engaged in agriculture in Latvia for at least three consecutive years; and
- 2) other nationals of the European Union Member States and legal persons registered in the European Union Member States, except for agricultural and forest land.

Other persons may not acquire:-

- a) land in the border zone of the State;
- b) land in nature reserves and other protected nature areas in zones of nature reserves;
- c) land in the protection zone of coastal dunes of the Baltic Sea and the Gulf of Riga;
- d) land in the protection zones of public reservoirs and water courses, except sections, in which a group of constructions is intended in conformity with the territorial planning of local government;
- e) agricultural and forest land in conformity with the territorial planning of local government; and
- f) land in the mineral deposits of national significance.

Where Canada and its provinces and territories allow Latvian nationals and enterprises to purchase real estate in their territories, Latvia will allow Canadian nationals and enterprises to purchase real estate in Latvia under the same conditions.

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Phase-out:

~~From 1 May 2014, The~~ nationals of the European Union Member States and legal persons registered in the European Union Member States starting ~~with from~~ 1 May 2014 may acquire ~~land in ownership~~rural land under the same provisions ~~as the subjects referred from a) to f) below~~as Latvian nationals, unless there is sufficient evidence that there shall be serious difficulties or there is a possibility of occurrence of such difficulties in the market of the agricultural land of Latvia, in which case the transition period may be extended for a period of time not longer than three years.

~~Acquisition of rural land by foreign investors is permitted through incorporated companies registered in Latvia~~

~~a) if more than 50 % of their equity capital is possessed by Latvian nationals, Latvian Government or municipality separately or all together;~~

~~b) if more than 50 % of their equity capital is possessed by natural persons and companies of third countries with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments and which has been approved by Latvian Parliament until 31th December 1996;~~

~~c) if more than 50 % of their equity capital is possessed by natural persons and companies of third countries with whom Latvia has concluded bilateral agreements on promotion and reciprocal protection of investments following the 31th December 1996 if in those agreements the rights of Latvian juridical and physical persons on acquisition of land in respective third country have been determined;~~

~~d) if more than 50 % of their equity capital is possessed by persons from a) to c) together;~~

~~e) which are public stock companies if their shares thereof are quoted in the stock exchange;~~

~~f) rural land may be acquired in ownership by farms and individual undertakings registered in Latvia and belonging to Latvian nationals.~~

Phase-out:

None

*

Sector:

Business Services

Sub-sector:

Auditing Services

Industry classification:

CPC 86211 and 86212 other than accounting services

Type of Reservation:

Market Access

National Treatment

Level of Government:

Central

Measures:

Law on Sworn Auditors

Description:

Investment

In a commercial company of sworn auditors (excluding partnership of sworn auditors), a foreign investor may not own more than 49% of the voting capital shares. The other voting capital shares shall be owned by sworn auditors or commercial companies of sworn auditors, or auditors or

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commercial companies of auditors of Member States of the EU or states of the EEA, who, in accordance with laws of the Member State of the EU or the state of the EEA, are entitled to pursue the professional activity of a sworn auditor or a company of sworn auditors, as this professional activity is defined in the laws of Latvia. *In compliance with laws of Latvia is pursued by a sworn auditor or a commercial company of sworn auditors*

Phase-out: None

*

Sector: Printing and Publishing

Sub-sector:

Industry classification: CPC 88442

Type of Reservation: Market Access

Level of Government:

Measures: Law on the Press and Other Mass Media, Section 8

Description: **Investment**
Only legal persons incorporated in the Republic of Latvia, and natural persons of the Republic of Latvia have the right to found and publish mass media. Branches are not allowed.

Phase-out: None

*

Sector: Services auxiliary to transport

Sub-sector: Services auxiliary to maritime transport – maritime agency services

Industry classification:

Type of Reservation: Market Access

Level of Government:

Measures: Maritime Code of Latvia, Article 112

Description: **Investment**
Ship agency services in the ports of Latvia may be carried out by a commercial company, which shall comply with the following requirements:—
a) its fixed capital is not less than LVL 5 000, financial resources comply with the activities to be performed (certified with an annual account, an auditor's report or statements issued by credit institutions), as well as all payments to the State budget have been made (certified with statements issued by the relevant institutions regarding payments made into the State budget);
b) it has entered into a ship agent's professional activity civil liability insurance contract.

Phase-out: None

Without prejudice

Schedule of Lithuania

Sector:	All sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of Reservation:	National Treatment Most-Favoured-Nation Treatment
Level of Government:	
Measures:	The Constitutional Law of the Republic of Lithuania on the Implementation of Paragraph 3 of Article 47 of the Constitution of the Republic of Lithuania of 20 June 1996, No. I-1392 as last amended 20 March 2003, No. IX-1381.

Description:	<p>Investment Acquisition of ownership of land, internal waters and forests shall be permitted to foreign nationals, legal persons and foreign organisations:-</p> <p>1. set up in:</p> <ol style="list-style-type: none"> 1) the European Union member states or states parties to the Europe (Association) Agreement concluded with the European Communities and their member states; 2) Member states of the Organisation for Economic Co-operation and Development, North Atlantic Treaty Organisation and states parties to the European Economic Area Agreement. <p>2. Moreover, the acquisition of agricultural and forestry land is subject to additional limitations. Only foreign nationals who have been permanently living and engaged in agricultural activities in Lithuania for at least three years, and foreign legal persons and other foreign organisations which have set up representative offices or branches could acquire agricultural and forestry land. The latter exception will remain valid until 30 April 2014.</p> <p>In so far as Canada and its provinces and territories allow Lithuanian nationals and enterprises to purchase real estate in their territories, Lithuania will allow Canadian nationals and enterprises to purchase real estate in Lithuania under the above-mentioned conditions.</p>
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Phase-out:	None
	*
Sector:	Business Services
Sub-sector:	Auditing Services
Industry classification:	CPC 86211 and 86212 other than accounting services
Type of Reservation:	Market Access
Level of Government:	
Measures:	Law on Audit of 15 June 1999 No.VIII -1227 (a new version of 3 July 2008 No X-1676)

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Description:	Cross-Border Services and Investment Not less than 75% of shares should belong to auditors or auditing companies of the EU or EEA. Auditor's report must be prepared in conjunction with an auditor accredited to practice in Lithuania. The establishment is not permitted in the form of a Public Stock Corporation (AB).
Phase-out:	None
	*
Sector:	Business services
Sub-sector:	Rental/Leasing services without operators Rental/Leasing of ships
Industry classification:	CPC 83103
Type of Reservation:	National treatment
Level of Government:	
Measures:	The Law of the Republic of Lithuania on Merchant Shipping of 12 September 1996, No.I-1513 Maritime ships registration rules of the Republic of Lithuania 4 July 2005 No.3-301
Description:	Investment Ships must be owned by Lithuanian natural persons or companies established in Lithuania.
Phase-out:	None
	*
Sector:	Business services
Sub-sector:	Patent agents
Industry classification:	Part of CPC 879
Type of reservation:	National treatment
Level of Government:	
Measures:	Law on Trade Marks of 10 October 2000 No. VIII-1981; Law on Designs of 7 November 2002 No.IX-1181; Patent Law of 18 January 1994 No.I-372; Law on the Legal Protection of Topographies of Semiconductor Products of 16 June 1998; Patent Attorneys Regulation, approved by the Order of Government of the Republic of Lithuania on 20 May 1992 No.362 (as last amended on 3 May 2004 No.539); Regulation on Procedure of Conducting and taking patent Attorneys Examination, approved by the Order of the Director of the State Patent Bureau of Republic of Lithuania on 28 August, 2008 No.3R-62.
Description:	Cross-Border Services and Investment Third-country (non EU Member States) nationals are not allowed to be registered as patent attorneys. Only patent

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attorneys are allowed to provide patent agent services in the Republic of Lithuania.

Phase-out: None

*

Sector: Postal and courier services
Sub-sector: Postal services
Industry classification: CPC 751
Type of reservation: Market access and National Treatment
Measures: Postal Law of the Republic of Lithuania of 15 April 1999 No VII-1141

Description: **Cross-Border Services and Investment**
The services reserved for a universal postal service provider (The State enterprise Lietuvos Pastas) shall be the clearance, distribution, transport, delivery and handing in of items of domestic correspondence, direct mail and incoming cross-border items of correspondence within the established maximum weight - 50 grams.

Phase-out: 1 January 2013

*

Sector: Educational services (only privately-funded services)
Sub-sector: Other education services
Industry classification: CPC 929
Type of reservation: Market access
Level of Government:

Measures: Law of Republic of Lithuania on higher education of 21 March 2000 No VIII-1586 as last amended on 26 June 2008 No X-1640

Description: **Cross-Border Services and Investment**
Establishment needed. A higher education establishment not belonging to the State or a branch of a foreign higher education establishment may be established only by a legal person (except State higher education establishments of the Republic of Lithuania) who has a resource base necessary to ensure functioning of a higher education establishment and an authorisation to conduct studies, obtained in the manner prescribed by the Government.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Banking and other financial services (excluding insurance)
Industry classification:
Type of Reservation: Market Access
Senior Management and Boards of Directors
Level of Government:

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Measures: Law on Banks of the Republic of Lithuania of 30 March 2004 No IX-2085
Law on Collective Investment Undertakings of the Republic of Lithuania of 4 July 2003 No IX-1709
Law on Supplementary Voluntary Pension Accumulation of the Republic of Lithuania of 3 June 1999 No VIII-1212

Description: **Investment**
For the purpose of asset management, incorporation as a specialised management company (no branches) is required. Only banks having their registered office or branch in Lithuania may act as the depositories of the assets of investment funds. Only banks having their registered office or branch in Lithuania and authorized to provide investment services in the Member State or in the European Economic Area State may act as the depositories of the assets of pension funds. At least one head of bank's administration must speak the Lithuanian language and permanently reside in the Republic of Lithuania.

Phase-out: None

*

Sector: Transport
Sub-sector: Rail-transport services
Industry classification: CPC 711
Type of reservation: Market access and National Treatment
Level of Government:
Measures: Railway transport Code of the Republic of Lithuania of 22 April 2004 No.IX-2152 as amended by 8 June 2006 No.X-653.

Description: **Cross-Border Services and Investment**
Only railway undertakings having their registered office in the Community and licensed in accordance with EU legislation can provide rail transport services in the territory of Lithuania, except transit services, for which exclusive rights are granted to railway undertakings which are owned, or whose stock is 100% owned, by the State.

Phase out: None

*

Sector: Distribution
Sub-sector: Distribution of pyrotechnics
Industry classification:
Type of Reservation: Market access
Level of Government: Central
Measures: Law on Supervision of Civil Pyrotechnics Circulation (23 March 2004. No. IX-2074)

Without prejudice

Description: **Cross-Border Services**
The distribution of pyrotechnics is subject to licensing. Only the juridical persons established in the EU may obtain a licence.

*

Sector: Energy
Sub-sector: Distribution of gaseous fuels through mains
Industry classification: ISIC Rev.3.1: 402
Type of reservation: Market access
Measures: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973

Description: **Cross-Border**
Establishment is required. Licences for transmission, distribution, storage and liquefaction activities may only be issued to legal persons of the Republic of Lithuania or branches of foreign legal persons or other organisations (subsidiaries) established in the Republic of Lithuania.

Phase-out: None

*

Sector: Energy
Sub-sector: Transmission and Distribution of Electricity
Industry classification: ISIC Rev.3.1: 401, CPC 887
Type of reservation: Market access
Measures: Law on electricity of the Republic of Lithuania of 20 July 2000 No VIII-1881

Description: **Cross-Border Services**
The licences for transmission, distribution, public supply and organizing of trade of electricity may be issued to legal persons of the Republic of Lithuania or branches of foreign legal person or other organisations established in the Republic of Lithuania.

Phase-out: None

*

Sector: Services incidental to energy distribution
Sub-sector: Transmission and Distribution of Natural gas
Industry classification: CPC 887
Type of reservation: Market access
Level of Government:
Measures: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973

Description: **Cross-Border Services**
The licences for transmission, distribution, storage and liquefaction activities may be issued to legal persons of the

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Republic of Lithuania or branches of foreign legal person or
the other organisations established in the Republic of
Lithuania.

Phase-out:

None

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Schedule of Luxembourg

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Schedule of Malta

Sector:	All sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	Immoveable Property (Acquisition By Non-Residents) Act (Cap. 246).
Description:	<p>Investment Non-EU nationals may not acquire immovable property for commercial purposes.</p> <p>Companies with 25% (or more) of non-EU shareholding must obtain an authorisation from the Competent Authority (Minister responsible for Finance) to buy immovable property for commercial or business purposes. The Competent Authority will determine whether the proposed acquisition represents a net benefit to the Maltese economy.</p>
Phase-out:	None
	*
Sector:	Business Services
Sub-sector:	Real estate services
Industry classification:	CPC 821, CPC 822
Type of Reservation:	National Treatment
Level of Government:	
Measures:	Immoveable Property (Acquisition By Non-Residents) Act (Cap. 246). Protocol No 6 of the EU Accession Treaty on the acquisition of secondary residences in Malta.
Description:	<p>Cross-Border Services Non-EU citizens may not acquire immovable property in Malta unless they are granted a permit as required by Immoveable Property Act.</p>
Phase-out:	None
	*
Sector:	Business services
Sub-sector:	Building-cleaning services
Industry classification:	CPC 874
Type of Reservation:	National Treatment
Level of Government:	
Measures:	
Description:	<p>Investment EU nNationality condition for specialists.</p>
Phase-out:	None
	*
Sector:	Education Services

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Sub-sector:	Higher education services, Adult education services
Industry classification:	CPC 923, CPC 924
Type of Reservation:	National Treatment
Level of Government:	
Measures:	Education Act (Cap. 327), Article 20(3)
Description:	Cross-Border Services Service providers must obtain a licence from the Ministry of Education Culture, Youth and Sport. The decision on whether to issue a licence may be discretionary.
Phase-out:	None
	*
Sector:	Transport
Sub-sector:	Water Transport, Supporting Services for Water Transport
Industry classification:	CPC 721, CPC 745, part of CPC 742, part of CPC 749
Type of Reservation:	National Treatment
Level of Government:	
Measures:	
Description:	Cross-Border Services and Investment A licence is required from the Malta Maritime Authority for the Rental of Vessels with Crew for vessels trading exclusively within local waters. Specific Public Service Obligations govern commercial shipping exclusively within Malta's internal waters. Nationality condition for supporting services.
Phase-out:	None
	*
Sector:	Transport services
Sub-sector:	Other transport services
Industry classification:	CPC 712
Type of Reservation:	Market Access National treatment
Level of Government:	
Measures:	
Description:	Cross-Border Services and Investment Taxis: Numerical Restrictions on the number of licences apply Karozzini (horse drawn carriages): Numerical Restrictions on the number of licences apply.
Phase-out:	The taxi restrictions (by 2014, 250 in Malta, 50 in Gozo) will no longer apply as from the 1 January 2015, provided that the Transport Malta shall, by 30 June, 2014 hold consultations with representatives of operators of taxis in order to be in a position to analyse the impact if new taxi licenses were to be granted.

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Karozzini (horse drawn carriages): The current numerical restriction of (111 permits), will be abolished in a couple of months time, when the new regulations (which are now out for public consultation) come into force

*

Sector: Energy
Sub-sector: Electricity
Industry classification:
Type of Reservation: Market Access
Level of Government:
Measures: Enemalta Act (Cap. 272)

Description: **Investment**
EneMalta plc has a monopoly for the provision of electricity.

Phase-out: None

Schedule of the Netherlands

*

Sector: Business Services
Sub-sector: Services by patent agents
Industry classification:
Type of Reservation: National Treatment
Level of Government: Central
Measures: Rijksoctrooiwet 1995 (Patent law 1995)

Description: **Cross-Border Services and Investment**
 To represent applicants for patents or to pursue any other business before the Patent Office (Bureau I.E.), a patent agent must be resident in the Kingdom of the Netherlands and registered by the Patent Office. Foreign applicants for patents must choose domicile with a registered patent agent.

Phase-out: None

*

Sector: Business Services
Sub-sector: Hallmarking services
Industry classification:
Type of Reservation: Market Access
Level of Government: Central
Measures: Waarborgwet 1986

Description: **Investment**
 The hallmarking of precious metal articles is exclusively granted to two Dutch public monopolies.

Phase-out: None

*

Sector: Veterinary Services
Sub-sector:
Industry classification: CPC 932
Type of Reservation: Market Access
Level of Government: Central
Measures: Wet op de uitoefening van de diergeneeskunde 1990 (WUD)

Description: **Cross-Border Services and Investment**
Access is restricted to natural persons.

Phase-out: None

*

Sector: Business Services
Sub-sector: Architectural services and urban planning and landscape architectural services

Without prejudice

Classification: CPC 8671 and CPC 8674
Type of reservation: Market Access
Level of Government: Central
Existing measures: Wet op de Architectentitel

Description: **Cross-Border services**
The provision of architectural services, urban and landscape planning services, garden architectural services and/or interior architectural services in The Netherlands, requires registration in the architect register. Foreign architects (other than the nationals of the Member States of the European Union or another party of the EEA) may apply for registration, if their qualification is recognised by a member state of the EU or another party of the EEA. Applications on the basis of a non-recognised qualification need to be examined by the Architect Register Bureau ('Bureau Architectenregister'). Examination requires a fee of € 1000,- for qualifications acquired within the EU or € 1500,- for qualifications acquired outside the EU.

Phase-out: None

*

Sector: Business Services
Sub-sector: Accounting and bookkeeping services, Auditing services, Taxation advisory services
Industry classification: CPC 862
Type of Reservation: Market Access
Level of Government: Central
Measures: - Wet toezicht accountantsorganisaties (Audit Firms Supervision Act)
 - Besluit toezicht accountantsorganisaties (Decree on supervision of audit firms)

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Description: **Cross-Border Services and Investment**
A Certificate of Professional Competence is required for any qualified professional accountant from another country than the Netherlands, who wishes to apply for the mandatory membership of Royal NIVRA and carry the legally protected title of *registeraccountant* (abbreviated as RA). The legal requirements with respect to the Certificate of Professional Competence are different for applicants who hold a recognised accountancy qualification (a professional title) from a member state of the European Union or another party to the European Economic Area than for applicants who hold an accountancy qualification from other countries.

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Registeraccountants are only entitled to carry out statutory audits of historical financial information, if they also possess a practicing license of the Dutch Authority of Financial Markets (AFM).

Audit organisations need to be registered with the Dutch Authority of Financial Markets (AFM). The legal requirements

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with respect to this registration are different for applicants from a member state of the European Union or another party to the European Economic Area than for from other countries.

Phase-out: None

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Sector: Education services
Sub-sector: Primary education services, Secondary education services
Industry classification: CPC 921, CPC 922
Type of Reservation: National Treatment
Level of Government: Central
Measures: Wet op het primair onderwijs (Primary Education Law), art. 3.3
Wet op het voortgezet onderwijs (Secondary Education Law) art. 33a

Description: **Investment Cross-Border Services**
The Minister of Education, Culture and Science may grant permission to teach at Dutch schools to persons who have obtained a qualification (proof of competence) outside the Netherlands. The Minister may restrict or condition this permission.

Phase-out: None

*

Sector: Energy and Mining
Sub-sector: Electricity, Gas, Mining
Industry classification: Market Access
Type of Reservation: Central
Level of Government: Elektriciteitswet 1998
Measures: Gaswet
Mijnbouwwet

Description: **Investment**
The ownership of the electricity network and the gas pipeline network are exclusively granted to the Dutch government.

Phase-out: None

Without prejudice

Schedule of Poland

Sector:	All sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	Law of 24th March 1920 on the Acquisition of Real Estate by Foreigners (Journal of Laws of 2004 No. 167, item 1758 with later amendments)
Description:	<p>Investment</p> <p>The acquisition of real estate, direct and indirect, by foreigners requires a permit. A permit is issued through an administrative decision by a minister competent in internal affairs, with the consent of the Minister of National Defence, and in the case of agricultural real estate, also with the consent of the Minister of Agriculture and Rural Development.</p>
Phase-out:	None
	*
Sector:	Publishing and printing
Sub-sector:	
Industry classification:	ISIC rev 3.1: 221, 222
Type of Reservation:	Senior Management and Boards of Directors
Level of Government:	Central
Measures:	Act of 26 January 1984 on Press law, Journal of Laws, No. 5, item 24, with subsequent amendments
Description:	<p>Investment</p> <p>Nationality condition for the editor-in-chief of newspapers and journals.</p>
Phase-out:	None
	*
Sector:	All sectors
Sub-sector:	Types of establishment
Industry classification:	
Type of Reservation:	Market Access
Level of Government:	Central
Measures:	Act of 2 July 2004 on freedom of economic activity, art. 13.3 and 95. 1
Description:	<p>Investment</p> <p>The scope of operations of a representative office may only encompass advertising and promotion of the foreign parent company represented by the office.</p> <p>For all sectors except legal services and services provided by healthcare units, non-EU investors may undertake and conduct economic activity only in the form of a limited partnership, limited joint-stock partnership, limited liability</p>

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company, and joint-stock company, while domestic companies have access also to the forms of non-commercial partnership companies (general partnership and unlimited liability partnership).

Phase-out: None

*

Sector: Veterinary Services

Sub-sector:

Industry classification: CPC 932

Type of Reservation: National Treatment

Senior Management and Boards of Directors

Level of Government: Central

Measures: Law of 21st December 1990 on the Profession of Veterinary Surgeon and Chambers of Veterinary Surgeons

Description: **Cross-Border Services and Investment**
Nationality condition. Foreign persons may apply for permission to practice.

Phase-out: None

*

Sector: Business Services

Sub-sector: Translation and Interpretation Services

Industry classification: CPC 87905

Type of Reservation: National Treatment

Most-Favoured-Nation Treatment

Level of Government: Central

Measures: Act of 25 November 2004 on the profession of sworn translator/interpreter (Journal of Laws no 273 item 2702, as amended), art. 2.1

Description: **Cross-Border Services and Investment**
A sworn translator may only be a natural person who has EU or EEA nationality. Insofar as Canada and its provinces and territories allow a Polish national to provide the services of a sworn translator, Poland will allow Canadian nationals to provide the services of a sworn translator.

Phase-out: None

*

Sector: Business Services

Sub-sector: Photographic Services

Industry classification: part of CPC 87504

Type of Reservation: National Treatment

~~Senior Management and Boards of Directors~~

Level of Government: Central

Measures: Act of 3rd July 2002 on Aviation Law

Description: **Cross-Border Services and Investment**

Without prejudice

Only Polish nationals may supply aerial photographic services.

Phase-out: None

Sector: ~~Business services~~ *

Sub-sector: ~~Building cleaning services~~

Industry classification: ~~CPC 874~~

Type of Reservation: ~~National Treatment~~

Level of Government:

Measures:

Description: ~~Investment~~
~~Nationality condition for specialists.~~

Phase-out: ~~None~~

*

Sector: Financial Services

Sub-sector: Insurance and insurance-related services

Industry classification:

Type of Reservation: Market Access

Level of Government: Central

Measures: Act on insurance activity of May 22, 2003 (Journal of Laws 2003, No 124, item 1151)
Act on insurance mediation of May 22, 2003 (Journal of Laws 2003, No 124, item 1154) – Articles 16 and 31

Description: **Cross-Border Services and Investment**
Local incorporation (no branches) required for insurance intermediaries.

Phase-out: None

*

Sector: Air Transport

Sub-sector: Supporting Services for Air Transport

Industry classification: part of CPC 742

Type of Reservation: Market Access

Level of Government: Central

Measures: Polish Aviation Law of 3 July 2002, Articles 174.2 and 174.3 3

Description: **Investment**
For storage services of frozen or refrigerated goods and bulk storage services of liquids or gases at airports, the possibility to supply certain categories of services will depend on the size of the airport. The number of providers in each airport may be limited due to available space constraints, and to not less than two suppliers for other reasons.

For airport operation services, foreign participation is limited to 49%.

Phase-out: None

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Sector: Energy services
Sub-sector:
Industry classification:
Type of Reservation: National Treatment
Most-Favoured-Nation Treatment
Level of Government: Central
Measures: Energy Law Act of 10 April 1997, art. 32 and 33

Description:

Cross-Border Services and Investment

The following activities are subject to licensing under the Energy Law Act:-

- 1) the generation of fuels or energy, except for: generation of solid or gaseous fuels; generation of electricity using electricity sources of the total capacity of not more than 50 MW other than renewable energy sources; cogeneration of electricity and heat using sources of the total capacity of not more than 5 MW other than renewable energy sources; generation of heat using the sources of the total capacity of not more than 5 MW;
- 2) storage of gaseous fuels in storage installations, liquefaction of natural gas and regasification of liquefied natural gas at LNG installations, as well as the storage of liquid fuels, except for: the local storage of liquid gas at installations of the capacity of less than 1 MJ/s capacity and the storage of liquid fuels in retail trade;
- 3) the transmission or distribution of fuels or energy, except for: the distribution of gaseous fuels in grids of less than 1 MJ/s capacity and the transmission or distribution of heat if the total capacity ordered by customers does not exceed 5 MW;
- 4) the trade in fuels or energy, except for: the trade in solid fuels; the trade in electricity using installations of voltage lower than 1 kV owned by the customer; the trade in gaseous fuels if their annual turnover value does not exceed the equivalent of EUR 100,000; the trade in liquid gas, if the annual turnover value does not exceed EUR 10,000; and the trade in gaseous fuels and electricity performed on commodity exchanges by brokerage houses which conduct the brokerage activity on the exchange commodities on the basis of the Act of 26 October 2000 on commodity exchanges, as well as the trade in heat if the capacity ordered by the customers does not exceed 5 MW. The limits on turnover do not apply to wholesale trade services in gaseous fuels or liquid gas or to retail services of bottled gas.

A licence may only be granted by the Competent Authority to an applicant who has registered their principal place of business or residence in the territory of the EU, Swiss Confederation or the EEA.

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Phase-out:

None

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Schedule of Portugal

Sector:	Business services
Sub-sector:	Accounting services, Auditing services
Industry classification:	CPC 86211, CPC 86212, CPC 86213, CPC 86219
Type of Reservation:	Market Access
Level of Government:	
Measures:	Decree-Law 452/99, amended and republished by Decree-Law 310/2009 – Portuguese Public Professional Association Statute for Accountants (Estatuto da Ordem dos Técnicos Oficiais de Contas) – Articles 85 and 87. Decree-Law 487/99 amended and republished by Decree-Law 224/2008 – Portuguese Public Professional Association for Statutory Auditors (Estatuto da Ordem dos Revisores Oficiais de Contas) - Articles 95, 96 and 97.
Description:	Investment Accounting services: Only locally licensed accountants can own accountancy firms. Auditing services: Locally licensed statutory auditors must own 75% of the equity share of an audit firm.
Phase-out:	None
	*
Sector:	Business services
Sub-sector:	Other business services (Collection Agency services, Credit reporting services)
Industry classification:	CPC 87902, CPC 87901
Type of Reservation:	Market Access National Treatment
Description:	Investment EU nationality is required for the provision of collection agency services and credit reporting services.
	*
Sector:	Business Services
Sub-sector:	Industrial property attorney
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	
Measures:	Decree-Law 15/95, as modified by Law 17/2010, on industrial property agents, article 2; Portaria 1200/2010, article 5.
Description:	Cross-Border Services In order to register industrial property rights, residents from non-EU countries must act through an industrial property

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attorney. Industrial property attorneys are subject to an EEA nationality condition.

Phase-out: None

*

Sector: Veterinary Services

Sub-sector:

Industry classification: CPC 932

Type of Reservation: Market Access

Level of Government:

Measures: Decree-Law 368/91 (Statute of the Veterinary Professional Association)

Description: **Cross-Border Services and Investment**

Residency is required in order to provide veterinary services.

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Phase-out: None

*

Sector: Business Services

Sub-sector: Real estate services

Industry classification: CPC 821, CPC 822

Type of Reservation: National Treatment

Level of Government:

Measures: Decree-Law 211/2004 (Articles 3 and 25), as amended and republished by Decree-Law 69/2011

Description: **Cross-Border Services and Investment**

Residency in the EEA is required for natural persons.
Incorporation in the EEA is required for legal persons.

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Phase-out: None

*

Sector: Business Services

Sub-sector: Services related to agriculture

Industry classification: part of CPC 88

Type of Reservation: Market Access

Level of Government:

Measures:

Description: **Investment**

The professions of biologist, chemical analyst and agronomist are reserved for natural persons.

Phase-out: None

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Sector: Business Services

Sub-sector: Related scientific and technical consulting services

Industry classification: CPC 8675

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Type of Reservation:	Market Access
Level of Government:	
Measures:	Decree-Law 109/04, Decree-Law 90/90, Decree-Law 88/90, Decree-Law 270/2001 amended and republished by Decree-Law 340/2007
Description:	Investment The exercise of activities related to prospecting, exploration of oil, mineral deposits and mineral masses require a concession contract for the prospecting, exploration of oil, and an exploration and prospecting contract for mineral deposits (State owned) and a prospecting licence for mineral masses (not State owned).
Phase-out:	None
	*
Sector:	Business Services
Sub-sector:	Rental and Leasing without operator – Relating to other transport equipment
Industry classification:	CPC 831
Type of Reservation:	Market Access
Level of Government:	
Measures:	Decree Law 354/86, amended and republished by Decree Law 77/2009 (art 3); Decree law 15/88, amended by Decree-law 306/94 and 203/99 (art2)
Description:	Investment Incorporation (no branches) required.
	*
Sector:	Business Services
Sub-sector:	Security services
Industry classification:	CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation:	National Treatment Senior Management and Boards of Directors
Description:	Investment Nationality requirement for specialised personnel.
	*
Sector:	Financial Services
Sub-sector:	Insurance and insurance-related services
Industry classification:	
Type of Reservation:	Market Access National Treatment
Level of Government:	
Measures:	Chapter I, Section VI of Decree-Law 94-B/98, Article 34, nr. 6, and Article 7
Description:	Investment

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In order to establish a branch in Portugal, foreign insurance companies need to demonstrate prior operational experience of at least five years. Direct branching is not permitted for insurance intermediation, which is reserved to companies formed in accordance with the law of an EU Member State.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Banking and other financial services (excluding insurance)
Industry classification:
Type of Reservation: Market Access
Level of Government:
Measures: Decree-Law 12/2006, as amended by Decree-Law 180/2007 and Decree-Law 357-A/2007, Regulation 7/2007-R, as amended by Regulation 2/2008-R and Regulation 19/2008-R and Regulation 8/2009.

Description: **Investment**
 Pension fund management may be provided only by specialised companies incorporated in Portugal for that purpose and by insurance companies established in Portugal and authorised to take up the life insurance business, or by entities authorised to pension fund management in other EU Member States. Direct branching from non-EU countries is not permitted.

Phase-out: None

*

Sector: Transport
Sub-sector: Road Transport
Industry classification: CPC 71222 (Rental services of passenger cars with operator – “Limousine Services”)
Type of Reservation: Market Access
Level of Government: National
Measures: Decree-Law 41/80, August 21

Description: **Cross Border Services and Investment**
 Economic needs test for limousine services. Main criteria: number of and impact on existing establishments, population density, geographic spread, impact on traffic conditions and creation of new employment

Phase-out: None

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Schedule of Romania

Sector:	All sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of Reservation:	National Treatment Most Favoured National Treatment
Level of Government:	
Measures:	Law 312/2005, regarding acquisition of property over land by foreign citizens and stateless persons, as well as foreign legal persons
Description:	Investment (1) Foreign nationals, stateless persons and juridical persons (other than EU, EEA) may acquire property rights over lands, under the conditions regulated by international treaties, based on reciprocity. (2) Foreign nationals, stateless persons and juridical persons may not acquire the property right over lands under more favorable conditions than those applicable to the national of a Member State and to juridical persons established according to the legislation of a Member State.
Phase-out:	None *
Sector:	Business Services
Sub-sector:	Auditing Services
Industry classification:	CPC 86211 and 86212 other than accounting services
Type of Reservation:	National Treatment
Level of Government:	
Measures:	Emergency Governmental Ordinance no. 90/2008, with subsequent amendments, which transposed the provisions of the Directive 2006/43/EEC on statutory audits of annual accounts and consolidated.
Description	The statutory audit activity shall be carried out only by the statutory auditors or audit firms who are approved under the conditions provided for by Emergency Ordinance no. 90/2008.
Phase-out:	None *
Sector:	Business services
Sub-sector:	Building-cleaning services
Industry classification:	CPC 874
Type of Reservation:	National Treatment
Level of Government:	
Measures:	
Description:	Investment Nationality condition for specialists.

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Phase-out:	None
	*
Sector:	Environmental Services
Sub-sector:	Other
Industry classification:	
Type of Reservation:	Market Access National Treatment
Level of Government:	Central
Measures:	Law No 195/2005 on environmental protection with amendments Ministerial Order of the Minister of Environment No 410/2008 (Official Journal No 339 from 1 May 2008) approving the authorization procedure for the harvesting, capture and/or acquisition activities and commercialization on internal market and export of mineral samples, of plants and vertebrates and invertebrate fossils, and of wild specimens of flora and fauna, and also their import
Description:	Investment Services relating to the harvesting, capture and/or acquisition activities and commercialisation on internal market and export of minerals samples, of plants and vertebrates and invertebrate fossils, and of wild specimens of flora and fauna. Quantitative and territorial restrictions are applied for all the providers, in the view of preserving wild species of flora and fauna and to ensure their durable use, by regulating harvesting, capture and/or acquisition activities of the species on national territory and also regulating the commerce (including import) on internal and external markets for non CITES species. See Annex to MO No 410/2008
Phase-out:	None
	*
Sector:	Environmental Services
Sub-sector:	Other
Industry classification:	
Type of Reservation:	Market Access National Treatment
Level of Government:	Central and UE level
Measures:	Emergency Government Ordinance No 43/2007 on the deliberate release and placing on the market of the genetically modified organisms Law No 247/2009 for the approval of the Emergency Government Ordinance No 43/2007 on the deliberate release into environment of genetically modified organisms

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Directive 2001/18/EC on the deliberate release into the environment of the genetically modified organisms, amended by Directive 2008/27/EC

Description:

Investment

The above mentioned national legislation regulates the activities regarding the deliberate release into environment of the genetically modified organisms.

The authorisation for the deliberate release into environment for placing on the market of the genetically modified organisms is compulsory. The procedure is set out at EU level.

It is also compulsory the registration in a specific national register and a register with the locations for deliberate release into the environment for placing on the market.

Import of such organisms are also falling under the above mentioned legislation requirements.

Requirements regarding the residence of service providers – Art. 29 of EGO No 43/2007.

Requirements regarding an obligation for the service provider to take a specific legal form – Annex 3A.

Requirements regarding territorial restrictions – Art. 18(8) letter g.

Requirements regarding minimum tariffs paid by the provider – Art. 29, paragraph (4) and MO No 890/2009.

Requirements regarding obligation to obtain an authorisation or recording in a register – Annex 3.

Phase-out:

None

*

Sector:

Environmental Services

Sub-sector:

Other

Industry classification:

Type of Reservation:

Market Access
National Treatment

Level of Government:

Central and UE level

Measures:

Emergency Government Ordinance No 44/2007 on the contained use of genetically modified organisms
Law No 3/2008 for the approval of the EGO No 44/2007 on the contained use of the genetically modified organisms
Directive 90/219/CEE on the contained use of the genetically modified microorganisms, modified by Directive 2009/41/EC

Description:

Investment

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The above mentioned national legislation regulates the activities regarding the contained use of genetically modified organisms.

The authorization for the contained use of genetically modified organisms is compulsory. The procedure is set out at national level.

It is also compulsory the registration in a specific register regarding the contained use of genetically modified organisms activities.

Import of such organisms are also falling under the above mentioned legislation requirements.

Requirements regarding an obligation for the service provider to take a specific legal form – Art. 17 of EGO No 44/2008.

Requirements regarding minimum tariffs paid by the provider – Art. 28 of EGO No 44/2008 and MO No 890/2009.

Requirements regarding obligation to obtain an authorization or recording in a register – Annex 3.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Banking and other financial services (excluding insurance)
Industry classification: Market access
Type of Reservation: National Treatment
Level of Government:
Measures: Law no. 297/2004 on capital markets
 CNVM Regulation no. 2/2006 on regulated markets and alternative trading systems

Description: **Investment**
 Market operators are Romanian legal persons set up as joint stock companies according to the provisions of the Company Law. The alternative trading systems could be managed by a market operator set up under the conditions described above or by an investment firm authorised by CNVM

Phase-out: None

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Schedule of the Slovak Republic

Sector:	Business Services
Sub-sector:	Architectural services, Urban planning and landscape architectural services, Engineering services, Integrated engineering services
Industry classification:	CPC 8671, CPC 8674, CPC 8672, CPC 8673
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	Act 138/1992 on Architects and Engineers, art. 3, 15, 15a, 17a, 18a
Description:	Cross-Border Services and Investment Obligatory membership in the Slovak Chamber of Architects or Slovak Chamber of Engineer. Slovak residency is required for membership.
Phase-out:	None
	*
Sector:	Business services
Sub-sector:	Veterinary services
Industry classification:	CPC 932
Type of Reservation:	Market Access
Level of Government:	National Treatment
Measures:	Central Act 442/2004 on Private Veterinary Doctors, art. 2
Description:	Cross-Border Services and Investment Obligatory membership in the Slovak Chamber of Veterinary Doctors. Residency in Slovakia required for membership. Access is restricted to natural persons only.
Phase-out:	None
	*
Sector:	Distribution
Sub-sector:	Distribution of arms, munitions and explosives
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	Act 190/2003 on arms and ammunition, Art. 29-30
Description:	Cross-Border Services and Investment Authorisation is required for the distribution, production, repair and rental of arms, ammunition and explosives. Authorisation may only be given to natural persons resident in Slovak Republic, or companies with their seat or headquarters in Slovak Republic.
	*

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Sector: Environmental Services
Sub-sector: Processing and recycling of used batteries and accumulators, waste oils, old cars and waste from electrical and electronic equipment
Industry classification: part of CPC 9402
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Act 223/2001 on Waste

Description: **Cross-Border Services**
For processing and recycling of used batteries and accumulators, waste oils, old cars and waste from electrical and electronic equipment. Incorporation in EU/EEA is required (residency requirement).

Phase-out: None *

Sector: Health related and Social Services
Sub-sector:
Industry classification: CPC 931, CPC 933
Type of Reservation: Market Access
National Treatment
Level of Government: Central
Measures: Act 576/2004 on Health Treatment

Description: **Cross-Border Services and Investment**
Services must be provided by natural person.

Phase-out: None *

Sector: After-Sales or After-Lease Service provided by Short Term Business Visitors

Sub-sector:

Industry classification:

Type of Reservation: National Treatment

Level of Government: Central

Measures: Act No. 5/2004 on Employment Services

Description: **Cross-Border Services**
After-Sales or After-Lease Service can only be provided 7 days in a month or 30 days in a calendar year without a work permit.

Phase-out: None

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Schedule of Slovenia

Sector:	All sectors
Sub-sector:	Acquisition of real estate
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	Ustav(a) Republike Slovenije (Constitution of the Republic of Slovenia), art. 68
Description:	<p>Investment</p> <p>Enterprises, established in the Republic of Slovenia with foreign capital participation, may acquire real estate in the territory of the Republic of Slovenia. Branches established in the Republic of Slovenia by foreign persons may only acquire real estate, except land, necessary for the conduct of the economic activities for which they are established.</p> <p>In so far as Canada is an OECD Member country, this reservation does not apply.</p>
Phase-out:	None
	*
Sector:	Business services
Sub-sector:	Accounting and bookkeeping services, Auditing services
Industry classification:	CPC 86211, CPC 86212, CPC 86213, CPC 86219, CPC 86220
Type of Reservation:	Market Access
Level of Government:	
Measures:	Zakon o revidiranju (Zrev-2 Uradni list RS, št. 65/2008), (Auditing Act - Official Gazette RS No. 65/2008):
Description:	<p>Cross-Border Services and Investment</p> <p>Commercial presence is required. For auditing services, provision is only allowed through an auditing company.</p> <p>Audit Company means (Article 3, point 10 Auditing Act Official Gazette RS No. 65/2008):</p> <ul style="list-style-type: none"> - a company with the registered office in the Republic of Slovenia, organised as a company in accordance with the Companies Act and holding a valid licence from the Slovenian Institute of Auditors to provide auditing service; - a certified auditor who independently provides auditing services as a sole practitioner and has a valid licence from the Institute to provide auditing services.
Phase-out:	None
	*
Sector:	Business Services
Sub-sector:	Real estate services
Industry classification:	CPC 821, CPC 822

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Type of Reservation: National Treatment
Level of Government: Central
Measures: Real Estate Agencies Act

Description: **Cross-Border Services**
In so far as Canada and its provinces and territories allow Slovenian nationals and enterprises to supply real estate agent services, Slovenia will allow Canadian national and enterprises to supply real estate agent services under the same conditions, in addition to the fulfilment of the following requirements: entitlement to act as a real estate agent in the country of origin, submission of the relevant document on impunity in criminal procedures, and inscription into the registry of real estate agents at the competent (Slovenian) ministry.

Phase-out: None

*

Sector: Education Services
Sub-sector: Primary education services
Industry classification: CPC 921
Type of Reservation: National Treatment
Level of Government: Central
Measures: Organisation and Financing of Education Act (Official Gazette of Republic of Slovenia, no. 12/1996) and its revisions, art. 40

Description: **Cross-Border Services and Investment**
Elementary schools may be founded by Slovenian natural or legal persons only.

The service provider must establish a registered office or branch office.

Phase-out: None

*

Sector: Health and Social Services
Sub-sector: Human Health Services, Social services
Industry classification: CPC 931, CPC 933
Type of Reservation: Market Access
Level of Government: Central
Measures: Law of Health Services, Official Gazette of the RS, No. 23/2005, art. 1 and 3, art. 62-64
Infertility Treatment and Procedures of the Biomedically-Assisted Procreation Act, Official Gazette of the RS, No.: 70/00, art. 15 and 16

Description: **Cross-Border Services and Investment**
A state monopoly is reserved for the following services: supply of blood, blood preparations, removal and preservation of human organs for transplant, sociomedical,

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hygiene, epidemiological and health-ecological services, patho-anatomical services, and biomedically-assisted procreation.

Social services can only be provided via establishment. Private social services outside the public service network can be provided on the basis of a concession as participants in the public system or via work permits for services outside public system.

*

Sector: Financial Services
Sub-sector: Banking and other financial services (excluding insurance)
Industry classification:
Type of Reservation: Market Access
Level of Government: Central
Measures: Pension and Disability Insurance Act (Official Gazette no. 109/2006), art. 306

Description: **Investment**
 A pension scheme may be provided by a mutual pension fund (which is not a legal entity and is therefore managed by an insurance company, a bank or a pension company), a pension company or an insurance company. Additionally a pension scheme can also be offered by pension scheme providers established in accordance with the regulations applicable in an EU Member State.

Phase-out: None

*

Sector: Energy services
Sub-sector: Pipeline transportation of fuels, Storage and warehouse of fuels transported through pipelines
Industry classification: CPC 7131, part of CPC 742
Type of Reservation: National Treatment
Level of Government: Central
Measures: Energetski zakon (Energetic Act), Official Gazette RS,. No 27/07- consolidated text, 70/80, 22/2010

Description: **Cross-Border Services**
 A licence is required to perform the production, trading and distribution of liquid fuels, processing of oil and petroleum products, transmission and distribution of energy and fuels through networks, storing of gaseous, liquid and solid fuels, supply of electricity, gas or heat, operation of electricity and/or natural gas market, and representation and intermediation in electricity and natural gas markets. The activities are subject to registration, which is conditioned establishment in Slovenia.

Phase-out: None

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Schedule of Spain

Sector: All sectors
Sub-sector:
Industry classification:
Type of Reservation: Market Access

Level of Government:
Measures: Royal Decree 664/1999 of 23 April 1999 relating to foreign investments.

Description: **Investment**
Foreign investments in activities directly related to real estate investments for diplomatic missions by States that are not members of the European Union require an administrative authorisation from the Spanish Council of Ministers, unless there is a reciprocal liberalisation agreement in place.

Phase-out: None

*

Sector: Business Services
Sub-sector: Auditing Services
Industry classification: CPC 86211 and 86212 other than accounting services
Type of Reservation: National Treatment
Senior Management and Boards of Directors

Level of Government:
Measures:

Real Decreto Legislativo 1/2011 de 1 de julio por el que se aprueba el texto refundido de la Ley de Auditoría de Cuentas, arts. 8.1, 8.2.c, 9.2 y 9.3 y art.10.1 Ley 12/2010, de 30 de junio, por la que se modifica la Ley 19/1988 de Auditoría de Cuentas, art. 7.1, 7.4, 7.10 y 7.11.

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Description: **Cross-Border Services and Investment**
Statutory auditors are subject to an EU nationality condition. This reservation does not apply to the auditing of non-EU companies listed in a Spanish regulated market.

A qualification examination on Spanish auditing regulations is required for non-Spaniards.

Phase-out: None

*

Sector: Business Services
Sub-sector: Intellectual property attorney
Industry classification:
Type of Reservation: National Treatment

Level of Government:

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Measures: Ley 11/1986, de 20 de marzo, de Patentes de Invención y Modelos de utilidad, art. 155-157.

Description: **Cross-Border Services**
In order to register intellectual property rights, residents from non-EU countries must act through an intellectual property attorney. Industrial property attorneys are subject to an EU nationality condition, a test of skills and certain qualification requirements.

Phase-out: None

*

Sector: Business Services
Sub-sector: Architectural Services, Engineering Services, Services incidental to mining

Industry classification: CPC 8671, CPC 8671, part of CPC 883

Type of Reservation: Market Access

Level of Government:

Measures:

Description: **Investment**
For architects and engineers, including mining engineers, access is restricted to natural persons.

Phase-out: None

*

Sector: Veterinary Services

Sub-sector:

Industry classification: CPC 932

Type of Reservation: Market Access

Level of Government: Central

Measures: Real Decreto 1840/2000. Estatutos Generales de la Organización Colegial Veterinaria Española (Statute of Veterinary Association of Spain). Art. 62 y 64.

Description: **Cross-Border Services**
Membership in professional association is obligatory and subject to an EU nationality condition, which may be waived through a bilateral professional agreement. Recognition of higher education diplomas required.

Phase-out: None

*

~~**Sector:** Business services~~

~~**Sub-sector:** Duplicating services~~

~~**Industry classification:** CPC 87904~~

~~**Type of Reservation:** Market Access~~

~~**Level of Government:** Central~~

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Measures: Ley de Propiedad Intelectual, Real Decreto Legislativo 1/1999, modificado por Ley 23/2006, art. 17 y 18.

Description: **Cross-Border Services**
For duplicating texts under copyright, authorization is required from author or through CEDRO (Centro Español de Derechos Reprográficos)

Phase-out: None

*

Sector: Business Services
Sub-sector: Real estate services
Industry classification: CPC 821
Type of Reservation: Market Access
Level of Government:
Measures:

Description: **Investment**
For real estate services involving own or leased property, access through natural persons, partnership or "sociedad en comandita" only. For real estate services on a fee or a contract basis, access through natural persons only.

Phase-out: None

*

Sector: Business Services
Sub-sector: Services Relating to Agriculture and Forestry, Related scientific and technical consulting services
Industry classification: part of CPC 88, CPC 8675
Type of Reservation: Market Access
Level of Government:
Measures:

Description: **Investment**
Access for chemical analysis, agronomist, engineers in forestry, surveyors and geologists through natural persons only.

Phase-out: None

*

Sector: Business Services
Sub-sector: Security services
Industry classification: CPC 87302, 87303, 87304, 87305, 87309
Type of Reservation: Market Access
National Treatment
Senior Management and Boards of Directors

Description: **Investment**

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Access through Sociedades Anonimas, Sociedades de Responsabilidad Limitada, Sociedades Anonimas Laborales and Sociedades Cooperativas only.

Nationality requirement for specialised personnel.

*

Sector: Distribution
Sub-sector: Retail sales of tobacco
Industry classification: CPC 63108
Type of Reservation: Market Access
Level of Government: Central
Measures: Ley 13/1998 de 4 de Mayo de Ordenación del Mercado de Tabacos y Normativa Tributaria, art. 4

Description: **Cross-Border Services and Investment**
State monopoly on retail sales of tobacco. Establishment is subject to an EU nationality condition.

Phase-out: None

*

Sector: Distribution
Sub-sector: Retailing services, except mail order
Industry classification: CPC 631-632
Type of Reservation: Market Access
Level of Government:
Measures: Ley 7/1996, de 15 de enero, de Ordenación del Comercio Minorista; modificada por la Ley 1/2010, de 1 de marzo de 2010, art.1, 2, y 53-55.

Description: **Cross-Border Services**
Municipalities authorization required.

Phase-out: None

*

Sector: Education Services
Sub-sector: Higher Education Services
Industry classification: CPC 923
Type of Reservation: Market Access
Level of Government: Central
Measures: Ley Orgánica 6/2001, de 21 de Diciembre, de Universidades. (Law 6 / 2001 of 21 December, on Universities), art. 4

Description: **Investment**
An authorisation is required in order to open a private university which issues recognised diplomas or degrees; the procedure involves obtaining the advice of the Parliament. An economic needs test is applied, main criteria are population size and density of existing establishments.

Phase-out: None

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Sector: Financial Services
Sub-sector: Insurance and insurance-related services
Industry classification:
Type of Reservation: National Treatment
Level of Government: Central
Measures: Real Decreto Legislativo 6/2004, de 29 de octubre, por el que se aprueba el texto refundido de la Ley de ordenación y supervisión de los seguros privados (Law on regulation and supervision of private insurance)

Description: **Cross-Border Services and Investment**
Before establishing a branch or agency in Spain in order to provide certain classes of insurance, a foreign insurer must have been authorised to operate in the same classes of insurance in its country of origin for at least five years.

Phase-out: None

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Sector: Tourism and Travel Related Services
Sub-sector: Tourist Guides Services
Industry classification: CPC 7472
Type of Reservation: National Treatment
Senior Management and Boards of Directors
Level of Government:
Measures: Subfederal

Description: **Cross-Border Services and Investment**
Nationality condition.

Phase-out: None

Without prejudice

Schedule of Sweden

Sector:	All sectors
Sub-sector:	Types of establishment
Industry classification:	
Type of Reservation:	Market access National Treatment Senior Management and Boards of Directors
Level of Government:	Central
Measures:	Lag om utländska filialer m.m (Foreign Branch Offices Act) (1992:160) Aktiebolagslagen (Companies Act) (2005:551), The Co-operative Economic Associations Act (1987:667) Act on European Economic Interest Groupings (1994:1927)
Description:	<p>Investment</p> <p>A foreign company, which has not established a legal entity in Sweden or is conducting its business through a commercial agent, shall conduct its commercial operations through a branch, registered in Sweden, with independent management and separate accounts. The managing director of the branch must reside in the EEA. A natural person not resident in the EEA, who conducts commercial operations in Sweden, shall appoint and register a resident representative responsible for the operations in Sweden. Separate accounts shall be kept for the operations in Sweden. The competent authority may in individual cases grant exemptions from the branch and residency requirements. Building projects with duration of less than a year - conducted by a company located or a natural person residing outside the EEA - are exempted from the requirements of establishing a branch or appointing a resident representative.</p> <p>A Swedish limited liability company may be established by a natural person resident within the EEA, by a Swedish legal person or by a legal person that has been formed according to the legislation in a state within the EEA and that has its registered office, head quarters or principal place of business within the EEA. A partnership may be a founder, only if all owners with unlimited personal liability are resident within the EEA. Founders outside the EEA may apply for permission from the Companies Registration office.</p> <p>For limited liability companies and co-operative economic associations, at least 50 % of the members of the board of directors and the managing director, if any, must reside within the EEA. The Companies Registration Office may grant exemptions from this requirement. If none of the company's/society's representatives reside in Sweden, the board must appoint and register a person resident in Sweden, who has been authorised to receive servings on behalf of the company/society.</p> <p>Corresponding conditions prevail for establishment of all other types of legal entities.</p>

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Phase-out: None

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Sector: Fishing and Aquaculture

Sub-sector:

Industry classification: ISIC rev 3.1: 0501, 0502

Type of Reservation: Market Access

National Treatment

Level of Government: Central

Measures:

Maritime Law (1994:1009)

Fisheries Act (1993:787)

Ordinance for fishing, aquaculture and the fishing industry (1994:1716)

The Fishing Regulations of the National Board of Fisheries (2004:25)

The Ship Security Regulation (2003:438)

Description:

Investment

A ship shall be deemed Swedish and can carry the Swedish flag if more than half is owned by Swedish citizens or juridical persons. The Government may permit foreign vessels to fly the Swedish flag where their operations are under Swedish control or the owner can demonstrate that he has his permanent residence in Sweden. Vessels which are more than 50% owned by EEA nationals or companies having their registered office, central administration or principal place of business in the EEA and whose operation is controlled from Sweden, may also be registered in the Swedish register.

Professional fishing is fishing with a professional fishing license or fishing by foreign fishermen with a specific permit to fish professionally in Swedish territorial waters or in the Swedish economic zone.

A professional fishing license may be given to a fisherman for whom fishing is essential to his living and if the fishing has a connection to the Swedish fishing industry. A connection to Swedish fishing industry can for example be shown if the fishermen lands half the catch during a calendar year (in value) in Sweden, half the fishing trips departs from a Swedish harbour or half of the fishermen in the fleet are domiciled in Sweden.

For vessels over five meters, a vessel permit is needed together with the professional fishing license. A permit is granted if, among other things, the vessel is registered in the national registry, the vessel have a real economic connection to Sweden, the permit holder is a fisherman with a professional fishing license and if the commander of the vessel is a fisherman with a professional fishing license.

Without prejudice

The commander of a fishing vessel over 20 gross tonnages, a trading vessel or a traditional vessel shall be a citizen of an EEA member state. Exemptions may be granted by the Swedish Transport Agency.

Phase-out: None

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Sector: Business services
Sub-sector: Legal services
Industry classification: part of CPC 861
Type of Reservation: Market access
 National Treatment
Level of Government: Central
Measures: Rättegångsbalken (The Swedish Code of Judicial Procedure) (1942:740)

Description: **Cross-Border Services and Investment**
 A member of the Swedish Bar Association may not be employed by anyone other than a Bar member or a company conducting the business of a Bar member. However, a member of the Bar may be employed by a foreign company conducting the business of advocate, provided that the company in question is domiciled in a country within the EU, the EEA or Switzerland.

Members conducting their practice in the form of a company or a partnership may not have any other objective and may not carry out any other business than the practice of an advocate. Collaboration with other advocate businesses is permitted, however, collaboration with foreign businesses requires permission by the Board of the Bar Association.

Only a Member may directly or indirectly, or through a company, practice as an advocate, own shares in the company or be a partner. Only a Member may be a member or deputy member of the board or deputy managing director, or an authorised signatory or secretary of the company or the partnership.

Phase-out: None

*

Sector: Business Services
Sub-sector: Auditing Services
Industry classification: CPC 86211 and 86212 other than accounting services
Type of Reservation: National Treatment
Level of Government: Central
Measures: Revisorslagen (Auditors Act) (2001:883)
 Act on Annual Reports etc. in Certain Enterprises (1980:1103)
 Auditing Act (1990:1079)

Without prejudice

Companies Act (2005:551)
The Co-operative Economic Associations Act (1987:667)
and others, regulating the requirements to make use of
approved auditors

Description:**Cross-Border Services and Investment**

Only auditors approved in Sweden may perform statutory auditing services in certain legal entities, among others in all limited companies, and physical persons. Only such persons may be shareowners or form partnerships in companies which practice qualified auditing (for official purposes). Residency within the EEA or Switzerland required for approval.

The titles of "approved auditor" and "authorised auditor" may only be used by auditors approved or authorised in Sweden.

Auditors of co-operative economic associations and certain other enterprises who are not certified or approved accountants must be resident within the EEA, unless the Government or a Government authority appointed by the Government in a separate case allows otherwise.

Phase-out:

None

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Sector:

Business Services

Sub-sector:

Rental/Leasing of vehicles without Operators

Industry classification:

CPC 831

Type of Reservation:

National Treatment

Level of Government:

Central

Measures:

Lag (1998:424) om biluthyrning (Act on renting and leasing cars)

Description:**Cross-Border Services**

Suppliers of rental or leasing services of cars and certain off-road vehicles (terrängmotorfordon) without a driver, rented or leased for a period of less than one year, are obliged to appoint someone to be responsible for ensuring, *inter alia*, that the business is conducted in accordance with applicable rules and regulations and that the road traffic safety rules are followed. The responsible person must reside in Sweden.

Phase-out: None

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Sector:

Business services

Sub-sector:

Rental/Leasing services without operators, Rental/Leasing of ships

Industry classification:

CPC 83103

Type of Reservation:

National Treatment

Level of Government:

Central

Without prejudice

Measures:	Sjölagen (Maritime Law) (1994:1009), chapter 1, § 1
Description:	<p>Investment</p> <p>To fly the Swedish flag, proof of dominating Swedish operating influence must be shown in case of foreign ownership interests in ships. Dominating Swedish influence means a proportionally large share of Swedish ownership in the ship, and that the operation of the ship is located in Sweden. Foreign ships may be granted exemptions from this rule where they are rented/leased by Swedish legal persons through bareboat charter contracts. To be granted an exemption, the bareboat charter contract must be provided to the Swedish Maritime Administration and demonstrate that the charterer takes full responsibility for operation and crew of the leased/rented ship. The duration of the contract should be at least 1-2 years.</p>
Phase-out:	None
	*
Sector:	Professional services
Sub-sector:	
Industry classification:	
Type of Reservation:	National Treatment
Level of Government:	Central
Measures:	Cooperative building societies law (1991:614)
Description:	<p>Cross-Border Services</p> <p>The economic plan for a building society must be certified by two persons. These persons must be publicly approved by authorities in the EEA.</p>
Phase-out:	None
	*
Sector:	All sectors
Sub-Sector:	
Industry Classification:	
Type of Reservation:	National Treatment Market Access
Measures:	Patents Act (1967:837) Trade Mark Act (2010:877) Design Protection Act (1970:485) Plant Variety Rights Act (1997:306)
Description:	<p>Cross-Border Services</p> <p>A holder/applicant of registered rights (patents, trademarks, design protection, and plant variety rights) who is not resident in Sweden shall have an agent residing in Sweden for the main purpose of services of process, notification etc.</p>
Phase-Out:	None

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Sector: Other business services n.e.c.
Sub-sector: Pawn-shops
Industry classification: Part of CPC 87909
Type of Reservation: Market Access
Level of Government: Central

Measures: **Pawn Shop Act (1995:1000)**

Description: **Investment**
Pawn-shops must be established as a limited liability company or as a branch.

Phase-out: None

*

Sector: Distribution Services
Sub-sector: Retailing services
Industry classification: part of CPC 631, part of CPC 6322
Type of Reservation: Market Access
Level of Government: Central, Local
Measures: The Alcohol Act (2010:1622)
Temporary Sales Act (1990:1183)

Description: ~~**Cross-Border Services and Investment**~~
Systembolaget AB has a governmental monopoly on retail sales of liquor, wine and beer (except non-alcoholic beer). Alcoholic beverages are beverages with an alcohol content over 2.25 percentage per volume. For beer, the limit is an alcohol content over 3.5 percentage per volume.

Authorisation for temporary trade in clothing, shoes and foodstuffs that are not consumed at the point of sale may be subject to an economic needs test by local municipalities. Main criteria: impact on existing stores in the geographic area in question. The legislation is not applied on a discriminatory basis.

Phase-out: The restriction on temporary trading is under review and will most probably be removed as of the 1st of July 2012

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Sector: Printing and Publishing
Sub-sector:
Industry classification: CPC 88442, ISCI rev. 3.1:22
Type of Reservation: National Treatment
Senior Management and Boards of Directors
Level of Government: Central

Measures: The Freedom of the Press Act (1949:105)

Description: **Cross-Border Services and Investment**

Without prejudice

Natural persons who are owners of periodicals that are printed and published in Sweden must reside in Sweden or be citizens of the EEA. Owners of such periodicals who are juridical persons must be established in the EEA.

Periodicals that are printed and published in Sweden, and technical recordings must have a responsible editor, who must be domiciled in Sweden.

Phase-out: None

*

Sector: Environmental services
Sub sector: Protection of ambient air and climate
Industry classification: CPC 9404
Type of Reservation: Market Access
Level of Government: Central
Measures: The Vehicles Act (2002:574)

Description: **Cross Border and Investment**
 Only entities established in Sweden and/or having their principal seat in Sweden are eligible for accreditation to perform control services of exhaust gas.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Insurance and insurance-related services
Industry classification:
Type of Reservation: National Treatment
Level of Government: Central
Measures: Lag om försäkringsförmedling (Insurance Mediation Act) (2005:405), Chapter 3, § 2

Description: **Investment**
 Insurance mediation undertakings not incorporated in Sweden may establish only through a branch.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Insurance and insurance-related services
Industry classification:
Type of Reservation: Market Access
Level of Government: Central
Measures: Foreign Insurers Business in Sweden Act (1998:293)

Description: **Cross-border Services**
 The supply of insurance is allowed only through an insurance service supplier authorised in Sweden, provided that the foreign service supplier and the Swedish insurance company

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belong to the same group of companies or have an agreement of cooperation between them.

Phase-out: None

*

Sector: Financial Services
Sub-sector: Banking and other financial services (excluding insurance)
Industry classification:
Type of Reservation: National Treatment
Level of Government: Central
Measures: Sparbankslagen (Savings Bank Act) (1987:619), chapter 2, § 1, part 2

Description: **Investment**
A founder of a savings bank shall be a natural person resident in the EEA.

Phase-out: None

*

Sector: Water Transport
Sub-sector:
Industry classification: CPC 72
Type of Reservation: National Treatment
Level of Government: Central
Measure: The Ship Security Regulation (2003:438)

Description: **Cross-Border Services and Investment**
The commander of a fishing vessel over 20 gross tonnages, a trading vessel or a traditional vessel shall be a citizen of an EEA member state. Exemptions may be granted by the Swedish Transport Agency.

Phase-out: None

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Sector: Transport
Sub-sector: Water Transport, Supporting Services for Water Transport
Industry classification: CPC 72, CPC 745
Type of Reservation: National Treatment
Most-Favoured-Nation Treatment
Level of Government: Central
Measures: Maritime Act (1994:1009)

Description: **Cross-Border Services and Investment**

Without prejudice

A ship shall be deemed Swedish and can carry the Swedish flag if more than half is owned by Swedish citizens or juridical persons. The Government can permit foreign vessels to fly the Swedish flag where their operations are under Swedish control or the owner can demonstrate that he has his permanent residence in Sweden. Vessels which are more than 50% owned by EEA nationals or companies having their registered office, central administration or principal place of business in the EEA and whose operation is controlled from Sweden, may also be registered in the Swedish register.

Phase-out: None

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Sector: Rail Transport

Sub-sector:

Industry classification: CPC 7111

Type of Reservation: Market Access

Level of Government: Central

Measures: Järnvägslagen (Rail road Act) (2004:519), Chapter 5, Section 2c

Description:

Investment

Picking up and setting down passengers on the line between Stockholm City and Arlanda Airport (where Arlanda is the starting or final destination of the journey) is limited to one operator. The operator for the line between Arlanda and Stockholm may allow other operators to use their line. This reservation does not apply to transport of passengers between Arlanda and other destinations than Stockholm.

Phase-out: None

*

Sector: Road Transport

Sub-sector: Operators of road haulage and road passenger transport services

Industry classification: CPC 712

Type of Reservation: Market Access

National Treatment

Senior Management and Boards of Directors

Level of Government: Central

Measures: Yrkestrafiklag (XXXX:XX) (Act on professional traffic)

Lag om vägtrafikregister (2001:558) (Act on road traffic registry)

Yrkestrafikförordning (XXXX-XX) (Government regulation on professional traffic)

Taxitrafiklag (xxx:xx) (Act on Taxis)

Taxitrafikförordning (xxxx:xx) (Government regulation on taxis)

Without prejudice

Description:**Cross-Border Services and Investment**

In order to engage in the occupation of road transport operator, a Swedish licence is needed. Criteria for receiving a taxi licence include that the company has appointed a natural person to act as the transport manager (a de facto residency requirement – see the Swedish reservation on types of establishment).

Criteria for receiving a licence for other road transport operators require that the company is established in the EU, has an establishment situated in Sweden and has appointed a natural person to act as the transport manager, who must be resident in the EU.

Licences are granted on non-discriminatory terms, except that operators of road haulage and road passenger transport services may as a general rule only use vehicles that are registered in the national road traffic registry. If a vehicle is registered abroad, owned by a natural or legal person whose principal residence is abroad and is brought to Sweden for temporary use, the vehicle may be temporarily used in Sweden. Temporary is usually defined by the Swedish Transport Agency as meaning not more than one year.

Operators of cross-border road haulage and road passenger transport services abroad need to be licensed for such operations by the competent authority in the country where it is established. Additional requirements for cross-border trade may be regulated in bilateral road transport agreements. For vehicles where no such bilateral agreement is applicable, a licence is also needed from the Swedish Transport Agency.

Phase-out:

None

Sector:

Supporting and Auxiliary Water Transport Services

Sub-sector:

Pilotage and Berthing Services

Industry classification:

CPC 7452

Type of Reservation:

Market Access

Level of Government:

National Treatment

Measures:

Central

Förordningen (1982:569) om lotsning m.m. (Ordinance (1982:569) on pilotage etc.)

Swedish Transport Agency's Regulations and General Advice (TSFS 2009:123) on pilotage

Säkerhetsskyddslagen (1996:627)

Description:**Cross-Border Services and Investment**

The Swedish Transport Agency has established in which fairways and waters the use of a pilot is compulsory in Swedish territorial waters. As a general principle, the use of a pilot is compulsory in Swedish internal waters (landward of the baseline). For access to the larger ports in Sweden, there are designated pilotage fairways. In these fairways,

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specific rules (e.g. vessel dimensions) determine whether or not pilotage is compulsory.

Pilotage services in Swedish territorial waters can only be performed by employees of the Swedish Maritime Administration. Swedish citizenship is required in order to be employed as a pilot by the Swedish Maritime Administration. The Swedish Transport Agency can issue an exemption from compulsory pilotage, in the form of a Pilot Exemption Certificate.

Phase-out:

None

Schedule of United Kingdom

Sector:	Veterinary services
Sub-sector:	
Industry classification:	CPC 932
Type of Reservation:	Market Access
Level of Government:	Central
Measures:	Veterinary Surgeons Act (1966)
Description:	<p>Cross-Border Services and Investment Access through partnership or natural persons only.</p> <p>Physical presence is required to perform veterinary surgery. It is a criminal act under the Veterinary Surgeons Act 1966 for anyone in the UK who is not a veterinary surgeon (and a member, therefore, of the Royal College of Veterinary Surgeons (RCVS)) to perform veterinary surgery.</p>
Phase-out:	None
	*
Sector:	Energy
Sub-sector:	Extraction of crude petroleum and natural gas, Services incidental to mining, Related scientific and technical consulting services
Industry classification:	ISIC 11, CPC 883 , CPC 8675
Type of Reservation:	Market Access
Level of Government:	Central
Measures:	Petroleum Act 1988
Description:	<p>Cross-Border Services A licence is necessary to undertake exploration and production activities on the UK Continental Shelf (UKCS).</p> <p>This reservation applies to production licences issued with respect to the UK Continental Shelf. To be a Licensee, a company must have a place of business within the UK. That means either (a) a staffed presence in the UK, (b) registration of a UK company at Enterprises House, or (c) registration of a UK branch of a foreign company at Enterprises House. This requirement exists both for any company applying for a new licence and for any company seeking to join an existing licence by assignment. It applies to all licences and to all enterprises, whether operator or not.</p> <p>To be a party to a Licence that covers a producing field, a company must either (a) be registered at Enterprises House as a UK company, or (b) carry on its business through a fixed place of business in the UK as defined in section 148 of</p>

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Finance Act 2003 (which normally requires a staffed presence).

To be an **operator**, additional requirements may apply to ensure an operator's ability to manage operations properly.

Phase-out:

None
