



EUROPEAN  
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ANNEX 3 – PART 1/2

## **ANNEX**

*to the*

### **Proposal for a Council Decision**

**on the signing, on behalf of the European Union, of the Interim Agreement on Trade  
between the European Union and the United Mexican States**

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MAIN TEXT.

EXISTING MEASURES

EXPLANATORY NOTES

1. The List of a Party to this Annex sets out, pursuant to Articles 10.12 (Non-Conforming Measures and Exceptions) and 11.8 (Non-Conforming Measures and Exceptions), the existing measures of that Party that do not conform to the obligations set out in the following provisions:

- (a) 10.7 (National Treatment), 11.6 (National Treatment);
- (b) 10.8 (Most-Favoured-Nation Treatment), 11.7 (Most-Favoured-Nation Treatment);
- (c) 10.9 (Performance Requirements);
- (d) 10.10 (Senior Management and Board of Directors); or
- (e) 11.5 (Local Presence).

2. For the purposes of this Annex:
  - (a) "CMAP" means Mexican Classification of Activities and Products (Clasificación Mexicana de Actividades y Productos) numbers as set out by the National Institute for Statistics and Geography (Instituto Nacional de Estadística y Geografía), in the Mexican Classification of Activities and Products (Clasificación Mexicana de Actividades y Productos), 1994;
  - (b) "CPC" means Central Product Classification numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991; and
  - (c) "ISIC" means the International Standard Industrial Classification of all Economic Activities numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 4, ISIC REV 3.1, 2002.
3. The List of a Party is without prejudice to the rights and obligations of the Parties under GATS.
4. Each entry in the List sets out the following elements:
  - (a) "sector" refers to the general sector in which the entry is made;
  - (b) "subsector" refers to the specific sector in which the entry is made;

- (c) "industry classification" refers to, if applicable, the activity covered by the non-conforming measure according to CMAP, CPC or ISIC;
- (d) "obligations concerned" specifies the obligations referred to in paragraph 1 that, pursuant to Articles 10.12 (Non-Conforming Measures and Exceptions) and 11.8 (Non-Conforming Measures and Exceptions), do not apply to the measures listed in the entry;
- (e) "level of Government" indicates the level of government maintaining the specified measures;
- (f) "measures" identifies the laws, regulations or other measures, as qualified, where indicated, by the "description" element, for which the entry is made; 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;
  - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and
  - (iii) includes, for the European Union directives, any laws, regulations or other measures which implement the relevant directive at Member State level; and

(g) "description" either sets out the non-conforming aspects of the existing measure or provides a general non-binding description of the measure for which the entry is made.

5. In the interpretation of an entry, all elements of that entry shall be considered. An entry shall be interpreted in light of the Articles to which the "Obligations Concerned" in that entry refer.

6. The "measure" element prevails over other elements, unless a discrepancy between the "measure" element and the other elements considered in their totality is so substantial and material that it would be unreasonable to conclude that the "measure" element prevails, in which case the other elements prevail to the extent of that discrepancy.

7. A reservation maintained at the level of the European Union applies to a measure of the European Union and of a Member State at the national level as well as to a measure of a government within a Member State, unless the reservation excludes a Member State.

8. A reservation maintained at the national level of Mexico or of a Member State applies to a measure of a government at the central, regional or local level within that country.

9. Articles 11.5 (Local Presence) and 11.6 (National Treatment) are separate disciplines and a measure that does not conform to Article 11.5 (Local Presence) exclusively, needs not be reserved against Article 11.6 (National Treatment).

10. If a Party maintains a measure that requires a service supplier to be a natural person, citizen, permanent resident, or resident of its territory or to be domiciled in it as a condition to the provision of a service in its territory, a reservation for that measure taken with respect to an obligation referred to in paragraph 1 in relation to Chapter 11 (Cross-Border Trade in Services) shall operate as a reservation with respect to an obligation referred to in paragraph 1 in relation to Chapter 10 (Investment Liberalisation), to the extent of that measure.

11. The List of a Party does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures that do not constitute a national treatment limitation within the meaning of Article 10.7 (National Treatment) or 11.6 (National Treatment), or a market access limitation within the meaning of Article 10.6 (Market Access) or 11.4 (Market Access). Those measures, such as the requirement to obtain a licence, universal service obligations, the requirement to have recognised qualifications in regulated sectors, the requirement to pass specific examinations which may include language examinations, and any non-discriminatory requirements that certain activities shall not be carried out in protected zones or areas, even if not listed, apply in any case.

12. The following abbreviations are used in the List of the European Union:

AT Austria

BE Belgium<sup>1</sup>

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<sup>1</sup> For the purposes of the reservations in Belgium, the central level of government covers the federal government and the governments of the regions and the communities as each of them holds equipollent legislative powers.



BG Bulgaria

CY Cyprus

CZ Czechia

DE Germany

DK Denmark

EE Estonia

EEA European Economic Area

EL Greece

ES Spain

EU European Union, including all its Member States

FI Finland<sup>2</sup>

FR France

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<sup>2</sup> For the purposes of the reservations in Finland, a regional level of government means the Åland Islands.

HR Croatia

HU Hungary

IE Ireland

IT Italy

LT Lithuania

LU Luxembourg

LV Latvia

MT Malta

NL Netherlands

PL Poland

PT Portugal

RO Romania

SE Sweden

SI Slovenia

SK Slovakia

13. For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to natural persons or enterprises of Mexico the treatment granted in a Member State to natural persons or enterprises of another Member State pursuant to the Treaty on the Functioning of the European Union (hereinafter referred to as "TFEU"), or to any measure adopted pursuant to the TFEU, including their implementation in the Member States. Pursuant to the TFEU, that treatment is granted only to enterprises constituted or organised in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the European Union, including those enterprises established within the European Union which are owned or controlled by natural persons or enterprises of Mexico.

14. For the purposes of the List of Mexico:

- (a) "CFE" means the Federal Electricity Commission (Comisión Federal de Electricidad);
- (b) "CNIE" means the National Commission on Foreign Investments (Comisión Nacional de Inversiones Extranjeras);
- (c) "CNE" means the National Energy Commission (Comisión Nacional de Energía);
- (d) "concession" means an authorisation granted by Mexico to a person to exploit a natural resource or provide a service, for which Mexican nationals and Mexican enterprises are granted priority over foreigners;

- (e) "foreigners exclusion clause" means the express agreement or covenant forming an integral part of an enterprise's statutes, which sets forth that the enterprise shall not admit, directly or indirectly, foreign investors or enterprises with foreigners admission clause as partners or shareholders of the enterprise;
- (f) "PEMEX" means Petróleos Mexicanos;
- (g) "SAGARPA" means the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food (Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca, y Alimentación);
- (h) "SCT" means the Ministry of Communications and Transportation (Secretaría de Comunicaciones y Transportes);
- (i) "SE" means the Ministry of Economy (Secretaría de Economía); and
- (j) "SENER" means the Ministry of Energy (Secretaría de Energía).

15. For greater certainty, for the purposes of the List of Mexico, the terms "Nation" and "State" mean Mexico.

RESERVATIONS FOR EXISTING MEASURES

LIST OF THE EU

List of reservations:

I-EU-1 – All sectors

I-EU-2 – Professional Services (all professions except health-related)

I-EU-3 – Professional Services (health-related professions and retail of pharmaceuticals)

I-EU-4 – Research and Development Services

I-EU-5 – Real Estate Services

I-EU-6 – Business Services

I-EU-7 – Construction Services

I-EU-8 – Distribution Services

I-EU-9 – Education Services

I-EU-10 – Environmental Services

I-EU-11 – Health Services and Social Services

I-EU-12 – Tourism and Travel related Services

I-EU-13 – Recreational, Cultural and Sporting Services

I-EU-14 – Transport Services and Services Auxiliary to Transport Services

I-EU-15 – Agriculture, fishing and manufacturing

I-EU-16 – Energy related activities

I-EU-1 – All sectors

Sector – Subsector: All sectors

Obligations Concerned: National Treatment

Most-Favoured-Nation Treatment

Local Presence

Performance Requirements

Senior Management and Board of Directors

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Level of Government: EU / Member State (unless otherwise specified)

Description:

(a) Type of establishment

With respect to Investment Liberalisation – National Treatment:

The EU: Treatment accorded pursuant to the Treaty on the Functioning of the European Union (hereinafter referred to as "TFEU") to enterprises formed in accordance with the law of the EU or of a Member State and having their registered office, central administration or principal place of business within the EU, including those established in the Member States by investors of Mexico, is not accorded to branches or agencies of enterprises established outside the EU.

Treatment granted to enterprises formed by investors of Mexico in accordance with the law of the EU or of a Member State and having their registered office, central administration or principal place of business within the EU, is without prejudice to any condition or obligations, consistent with Chapter 10 (Investment Liberalisation), which may have been imposed on those enterprises when they were established in the EU and which shall continue to apply.

Measures: In the EU: TFEU.



With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

The EU (applies also to the regional level of government): Any 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 health, social or education services (CPC 93, 92) may prohibit or impose limitations on the ownership of those interests or assets, and on the ability of owners of those interests and assets to control any resulting enterprise, by investors of Mexico or their enterprises. With respect to that sale or other disposition, any Member State may adopt or maintain any measure relating to the nationality of senior management or members of the boards of directors.

For the purposes of this reservation:

- (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 as described in this reservation shall be deemed to be an existing measure; and
- (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.

Measures:

As set out in the description element above.

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors:

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

Measures:

AT: Aktiengesetz, BGBl. Nr. 98/1965, § 254 (2);

GmbH-Gesetz, RGBL. Nr. 58/1906, § 107 (2); and

Gewerbeordnung, BGBl. Nr. 194/1994, § 39 (2a).

In EE: A foreign company shall appoint a director or directors for a branch. A director of a branch shall be a natural person with active legal capacity. The residence of at least one director of a branch shall be in the EEA or in the Swiss Confederation.

Measures:

EE: Äriseadustik (Commercial Code) § 385.

In FI: At least one of the partners in a general partnership or of general partners in a limited partnership shall have residency in the EEA or, if the partner is a juridical person, be domiciled (no branches allowed) in the EEA. Exemptions may be granted by the registration authority.

To carry on trade as a private entrepreneur, residency in the EEA is required.

If a foreign organisation from a country outside the EEA intends to carry on a business or trade by establishing a branch in FI, a trade permit is required.

Residency in the EEA is required for at least one of the ordinary and one of the deputy members of the board of directors and for the managing director. Company exemptions may be granted by the registration authority.

Measures:

FI: Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), s. 1;

Osuuskuntalaki (Co-Operatives Act) 1488/2001;

Osakeyhtiölaki (Limited Liabilities Company Act) (624/2006); and

Laki luottolaitostoiminnasta (Act on Credit Institutions) (121/2007).

In SE: A foreign company, which has not established a legal entity in SE or is conducting its business through a commercial agent, shall conduct its commercial operations through a branch, registered in SE, with independent management and separate accounts. The managing director and the vice-managing director of the branch, if appointed, shall reside in the EEA. A natural person not resident in the EEA who conducts commercial operations in SE, shall appoint and register a resident representative responsible for the operations in SE. Separate accounts shall be kept for the operations in SE. The competent authority may grant exemptions from the branch and residency requirements in individual cases. 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.

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, headquarters 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 competent authority.

For limited liability companies and co-operative economic associations, at least 50 % of the members of the board of directors, at least 50 % of the deputy board members, the managing director, the vice-managing director, and at least one of the persons authorised to sign for the company, if any, shall reside within the EEA. The competent authority may grant exemptions from this requirement. If none of the company's or society's representatives reside in SE, the board must appoint and register a person resident in SE, who has been authorised to receive servings on behalf of the company or society.

Corresponding conditions apply to the establishment of all other types of legal entities.

Measures:

SE: 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); and

Act on European Economic Interest Groupings (1994:1927).

In SK: A foreign natural person whose name is to be registered in the Commercial Register as a person authorised to act on behalf of the entrepreneur is required to submit residence permit for Slovakia.

Measures:

SK: Act 513/1991 on Commercial Code (Article 21); and

Act no 404/2011 on Residence of Aliens (Articles 22 and 32).

With respect to Investment Liberalisation – National Treatment

In BG: Foreign legal persons, unless established under the legislation of a Member State of the European Union or of a Member State of the EEA, may conduct business and pursue activities if established in BG 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 shall not engage in economic activity but are only entitled to advertise their owner and act as representatives or agents.

Measures:

BG: Commercial Law, Article 17a; and

Law for Encouragement of Investments, Article 24.

In PL: The scope of operations of a representative office shall only encompass advertising and promotion of the foreign parent company represented by the office. For all sectors except legal services, non-EU investors may undertake and conduct economic activity only in the form of a limited partnership, limited joint-stock partnership, limited liability 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).

Measures:

PL: Act of 6 March 2018 on rules regarding the economic activity of foreign entrepreneurs and other foreign persons in the territory of the Republic of Poland.

With respect to Investment Liberalisation – National Treatment, Performance Requirements:

In BG: Established companies may employ third-country nationals only for positions for which there is no requirement for Bulgarian nationality. The total number of third-country nationals employed by them over the last 12 months shall not exceed 20 % (35 % for small and medium-sized enterprises) of the average number of Bulgarian nationals, nationals of other Member States, of states parties to the Agreement on the EEA or of the Swiss Confederation hired on an employment contract. The employer must also prove that there is no suitable Bulgarian, EU, EEA or Swiss worker for the respective position by conducting labour market test before employing third country nationals. Third country nationals may not be employed for positions which require Bulgarian nationality.

For highly qualified, seasonal and posted workers, as well as for intra-corporate transferees, researchers and students, there is no limitation to the number of third-country nationals working for one company. In these cases no labour market test is required.

Measures:

BG: Labour Migration and Labour Mobility Act.

(b) Acquisition of real estate

With respect to Investment Liberalisation – National Treatment:

In AT (applies to the regional level of government): 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.

Measures:

AT: Burgenländisches Grundverkehrsgesetz, LGBL. No. 25/2007;

Kärntner Grundverkehrsgesetz, LGBL. No. 9/2004;

NÖ Grundverkehrsgesetz, LGBL. 6800;



OÖ Grundverkehrsgesetz, LGBL. No. 88/1994;

Salzburger Grundverkehrsgesetz, LGBL. No. 9/2002;

Steiermärkisches Grundverkehrsgesetz, LGBL. No. 134/1993;

Tiroler Grundverkehrsgesetz, LGBL. No. 61/1996;

Voralberger Grundverkehrsgesetz, LGBL. No. 42/2004; and

Wiener Ausländergrundverkehrsgesetz, LGBL. No. 11/1998.

In CY: Cypriots or persons of Cypriot origin, as well as nationals of a Member State, are allowed to acquire any property in CY without restrictions. A foreigner shall not acquire, otherwise than mortis causa, any immovable property without obtaining a permit from the Council of Ministers. For foreigners, where the acquisition of immovable property exceeds the extent necessary for the erection of a premises for a house or professional roof, or otherwise exceeds the extent of two donums (2676 sq. meter), any permit granted by the Council of Ministers shall be subject to the terms, limitations, conditions and criteria set by Regulations made by the Council of Ministers and approved by the House of Representatives. A foreigner is any person who is not a citizen of CY, including a foreign controlled company. The term does not include foreigners of Cypriot origin or non-Cypriot spouses of citizens of CY.

Measures:

CY: The Immovable Property Acquisition (Aliens) Law (Chapter 109), as amended by laws number 52 of 1969, 55 of 1972, 50 of 1990, 54(I) of 2003 and 161(I)/2011.

In CZ: Agricultural and forest land can be acquired by foreign natural persons having permanent residency in CZ and enterprises established in CZ. 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) may 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 that building. Only municipalities and public universities may acquire state forests.

Measures:

CZ: 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); and

Act No. 503/2012, Coll. on State Land Office.

In DK: In accordance with the Danish Acquisition Act, a natural person who is not resident in DK, or who has not been resident in DK in the past for a total period of 5 years, shall obtain a permission from the Ministry of Justice in order to acquire real property. EU and EEA citizens who wish to take up residence in order to work, establish a business, or deliver services in DK need not obtain permission in order to buy real property for those purposes. The acquisition of real property for leisure purposes (second homes) requires permission unless the individual buyer meets the residence requirement laid down in the Acquisition of Real Property Act. Permission is required from the Ministry of Environment and Food for the acquisition of agricultural real estate for natural persons or legal persons based outside the EU (and EEA).

Measures:

DK: Danish Act on Acquisition of Real Property (Consolidation Act No. 265 of 21 March 2014 on Acquisition of Real Property);

Acquisition Executive Order (Executive Order No. 764 of 18 September 1995); and

Agricultural Holdings Act (Consolidation Act No. 27 of 4 January 2017).

In EL: For foreign natural or legal persons, discretionary permission from the Ministry of Defence is needed for the 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 that company.

Measures:

EL: Law 1892/1990, as amended by Article 114 of Law 3978/2011, in combination – as far as the application is concerned – with the ministerial decision 110/3/330340/Σ.120/7-4-14 of the Ministry of Defence.

In HR: Foreign companies are only allowed to acquire real estate for the supply of services if they are established and incorporated in HR as legal persons. Acquisition of real estate necessary for the supply of services by branches requires the approval of the Ministry of Justice. Agricultural land shall not be acquired by foreigners.

Measures:

HR: Law on Possession and other Material Rights (OG 91/96, 68/98, 137/99, 22/00, 73/00, 114/01, 79/06, 141/06, 146/08, 38/09 i 153/09, 143/12, 152/14); Agricultural Land Act (OG 152/08, 25/09, 153/09, 21/10, 31/11 and 63/11), (OG 39/13, 48/15), Article 2; Ownership and other Proprietary Rights Act, Articles 354 to 358.b; and Agricultural Land Act and General Administrative Procedure Act. (OG 47/09).

In HU: 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.

Measures:

HU: Government Decree No. 251/2014 (X. 2.) on the Acquisition by Foreign Nationals of Real Estate other than Land Used for Agricultural or Forestry Purposes, Act LXXVIII of 1993 (Paragraph 1/A).

In MT: Non-nationals of a Member State shall not acquire immovable property for commercial purposes. Companies with 25 % (or more) of non-EU shareholding shall obtain an authorisation from the competent authority (Minister responsible for Finance) to buy immovable property for commercial or business purposes. The competent authority shall determine whether the proposed acquisition represents a net benefit to the Maltese economy.

Measures:

MT: Immovable Property (Acquisition by Non-Residents) Act (Cap. 246); and

Protocol No 6 of the EU Accession Treaty on the acquisition of secondary residences in Malta.

In PL: 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.

Measures:

PL: Law of 24th March 1920 on the Acquisition of Real Estate by Foreigners (Journal of Laws of 2016, item 1061 as amended).

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment:

In LV: Acquisition of urban land by nationals of Mexico is permitted through incorporated companies registered in LV or other Member States:

- (a) if more than 50 % of their equity capital is owned by nationals of Member States, the Latvian Government or a 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 which LV has concluded bilateral agreements on the promotion and reciprocal protection of investments and which have been approved by the Latvian Parliament before 31 December 1996;

- (c) if more than 50 % of their equity capital is possessed by natural persons and companies of third countries with which Latvia has concluded bilateral agreements on the promotion and reciprocal protection of investments after 31 December 1996, if in those agreements the rights of Latvian natural persons and companies on the acquisition of land in the respective third country have been determined;
- (d) if more than 50 % of their equity capital is possessed by persons from (a) to (c) together; or
- (e) which are public joint stock companies, if their shares thereof are quoted in the stock exchange.

Where Mexico allows Latvian nationals and enterprises to purchase urban real estate in their territories, LV will allow nationals of Mexico and enterprises to purchase urban real estate in LV under the same conditions as Latvian nationals.

Measures:

LV: Law on land reform in the cities of the Republic of Latvia, Articles 20 and 21.

In RO: Foreign nationals, stateless persons and legal persons (other than nationals of a Member State of the European Union and nationals of a Member State of the EEA) may acquire property rights over lands, under the conditions regulated by international treaties, based on reciprocity. Foreign nationals, stateless persons and juridical persons may not acquire the property right over lands under more favourable conditions than those applicable to the national of a Member State and to juridical persons established according to the legislation of a Member State.

Measures:

RO: Law No. 17/2014 on some measures regulating the selling-buying agricultural land situated outside town amending Law No. 268/2001 on the privatisation of companies that own land in public ownership and private management of the state for agricultural and establishing the State Domains Agency, with subsequent amendments.

In DE: Certain conditions of reciprocity may apply to the acquisition of real estate.

Measures:

DE: The Introductory Law to the Civil Code (Einführungsgesetz zum Bürgerlichen Gesetzbuche, EGBGB).



In ES: Foreign investment in activities directly relating to real estate investments for diplomatic missions by states that are not Member States require an administrative authorisation from the Spanish Council of Ministers, unless there is a reciprocal liberalisation agreement in place.

Measures:

ES: Royal Decree 664/1999 of 23 April 1999 relating to foreign investment.

## I-EU-2 – Professional Services (all professions except health-related)

|                          |   |
|--------------------------|---|
| Sector – Subsector:      | Professional services – legal services; patent agent, industrial property agent, intellectual property attorney; accounting and bookkeeping services; auditing services, taxation advisory services architecture and urban planning services, engineering Services, and integrated engineering services |
| Industry Classification: | CPC 861, 862, 863, 8671, 8672, 8673, 8674, part of 879  |
| Obligations Concerned:   | National Treatment<br><br>Most-Favoured-Nation Treatment<br><br>Senior Management and Board of directors<br><br>Local Presence  |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services  |
| Level of Government:     | EU / National (unless otherwise specified)  |

Description:

(a) Legal services (part of CPC 861)

For greater certainty, in accordance with the Explanatory Notes, in particular paragraph 10, requirements to register with a Bar may include a requirement to having obtained a law degree in the host country or equivalent, or having done some training under supervision of a licensed lawyer, or requiring upon membership an office or a post address within the Bar's jurisdiction. To the extent those requirements are non-discriminatory, they are not listed.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Local Presence:

In AT: EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts. Only lawyers of EEA or Swiss nationality are allowed to provide legal services through commercial presence. Equity participation by foreign lawyers (who must be fully qualified in their home country) and shares of any law firm is allowed up to 25 %; the rest shall be held by fully qualified EEA or Swiss lawyers and only the latter may exercise decisive influence in the decision making of the law firm.

Measures:

AT: Rechtsanwaltsordnung (Lawyers Act) – RAO, RGBI. Nr. 96/1868, Articles 1 and 21c.

In BE (with respect also to Most-Favoured-Nation Treatment): Residency is required for full admission to the Bar, necessary for the practice of legal services in respect of Belgian domestic law, including representation before courts. The residency requirement for a foreign lawyer to obtain full admission to the Bar is at least six years from the date of application for registration, three years under certain conditions. It is required to have a certificate issued by the Belgian Minister of Foreign Affairs under which the national law or international convention allows reciprocity (reciprocity condition).

Measures:

BE: Belgian Judicial Code (Articles 428-508); Royal Decree of 24 August 1970.

In BG (with respect also to Most-Favoured-Nation Treatment:): The practice of legal services in respect of EU and Member State law, including representation before courts, is reserved to nationals of a Member State or foreign nationals, who are qualified lawyers and have obtained their diploma providing the capacity to practice in a Member State. Foreign lawyers may be admitted to act as an attorney by a decision of the Supreme Bar Council and must be registered in the Unified register of foreign lawyers. Foreign lawyers shall be accompanied by a Bulgarian lawyer for representation before courts. Permanent residency is required for legal mediation services. In BG, full national treatment on the establishment and operation of companies, as well as on the supply of services, may be extended only to companies established in, and citizens of, countries with which bilateral agreements on mutual legal assistance have been or will be concluded.

Measures:

BG: Attorney Law, Law for Mediation, and Law for the Notaries and Notarial Activity.

In CY: EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services, including representation before courts. Only advocates enrolled in the Bar may be partners or shareholders or members of the board of directors in a law firm in CY.

Measures:

CY: Advocates Law (Chapter 2), as amended by laws number 42 of 1961, 20 of 1963, 46 of 1970, 40 of 1975, 55 of 1978, 71 of 1981, 92 of 1983, 98 of 1984, 17 of 1985, 52 of 1985, 9 of 1989, 175 of 1991, 212 of 1991, 9(I) of 1993, 56(I) of 1993, 83(I) of 1994, 76(I) of 1995, 103(I) of 1996, 79(I) of 2000, 31(I) of 2001, 41(I) of 2002, 180(I) of 2002, 117(I) of 2003, 130(I) of 2003, 199(I) of 2004, 264(I) of 2004, 21(I) of 2005, 65(I) of 2005, 124(I) of 2005, 158(I) of 2005, 175(I) of 2006, 117(I) of 2007, 103(I) of 2008, 109(I) of 2008, 11(I) of 2009, 130(I) of 2009, 4(I) of 2010, 65(I) of 2010, 14(I) of 2011, 144(I) of 2011, 116(I) of 2012 and 18(I) of 2013.

In CZ: Full admission to the Bar is required for the practice of legal services, including representation before courts. For the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts, EEA or Swiss nationality and residency in CZ is required.

Measures:

CZ: Act No. 85/1996 Coll., the Legal Profession Act.

In DE: Only lawyers with EEA and Swiss qualification may be admitted to the Bar and are thus entitled to provide legal service in respect of domestic law. Commercial presence is required in order to obtain full admission to the Bar. Exemptions may be granted by the competent bar association. For foreign lawyers (with other than EEA and Swiss qualification) there may be restrictions for holding shares of a law firm which provides legal services in domestic law. Foreign lawyers can offer legal services in foreign law when they prove expert knowledge, registration is required to provide legal services in DE.

Measures:

DE: § 59e, § 59f, § 206 Bundesrechtsanwaltsordnung (BRAO; Federal Lawyers Act), Gesetz über die Tätigkeit europäischer Rechtsanwälte in Deutschland (EuRAG); § 10 Rechtsdienstleistungsgesetz (RDG).

In DK: Requirements apply for the performing of legal services under the title "advokat" (lawyer). Representation before courts is mainly reserved for lawyers with a Danish license to practice. Shares of a law firm shall only be owned by lawyers with a Danish license who actively practice law in the firm, its parent company or its subsidiary company, employees in the firm, or another law firm registered in DK. Furthermore, 90 % of shares of a Danish law firm must be owned by lawyers with a Danish license, lawyers qualified in a Member State and registered in DK who actively practice law in the firm, its parent company or its subsidiary company, or law firms registered in DK.

Measures:

DK: Lovbekendtgørelse No. 1101 of 22 September 2017 (Consolidated Act No. 1101 of 22 September 2017 on the Administration of Justice).

In EE: Residency (commercial presence) is required for the practice of legal services in respect of EU and Member State law, participation in criminal proceedings and representation before the Supreme Court. Non-discriminatory legal form requirements apply.

Measures:

EE: Advokaturiseadus (Bar Association Act);

Notariaadiseadus (Notaries Act);

Kohtutäituri seadus (Bailiffs Act), tsiviilkohtumenetluse seadustik (Code of Civil Procedure);  
Halduskohtumenetluse seadus (Code of Administrative Court Procedure);

Kriminaalmenetluse seadustik (Code of Criminal Procedure); and

Väiärteomenetluse seadustik (Code of Misdemeanour Procedure).



In EL: EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

Measures:

EL: New Lawyers' Code n. 4194/2013.

In ES: EEA or Swiss nationality is required for the practice of legal services in respect of EU and Member State law, including representation before courts. The competent authorities may grant nationality waivers.

Measures:

ES: Estatuto General de la Abogacía Española, aprobado por Real Decreto 658/2001, Article 13.1<sup>a</sup>.

In FR: Residency or establishment is required for full admission to the Bar, necessary for the practice of legal services in respect of French domestic law, including representation before courts.

Measures:

FR: Loi du 31 décembre 1971, article 56;

Loi 90-1258 relative à l'exercice sous forme de société des professions libérales; and

Loi 90-1259 du 31 décembre 1990, Article 7.

In FI: EEA or Swiss residency and Bar membership is required for the use of the professional title of "advocate" (in Finnish "asianajaja"). Legal services, including Finnish domestic law, may also be provided by non-Bar members.

Measures:

FI: Laki asianajajista (Advocates Act) (496/1958), ss. 1 and 3; and

Oikeudenkäymiskaari (Code of Judicial Procedure) (4/1734).

In HR: EU nationality is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts. In proceedings involving international law, parties may be represented before arbitration courts and ad hoc courts by foreign lawyers who are members of their home country bar association.

Measures:

HR: Legal Profession Act (OG 9/94, 51/01, 117/08, 75/09, 18/11).

In HU: EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts. Foreign lawyers may provide legal advice on home country and international law in partnership with a Hungarian attorney or a law firm.

Measures:

HU: Act XI of 1998 on Attorneys at Law.

In LT (with respect also to Most-Favoured-Nation Treatment): EEA or Swiss nationality and residency (commercial presence) and full admission to the Bar are required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts. Attorneys from foreign countries may practice as advocates in court only in accordance with bilateral agreements.

Measures:

LT: Law on the Bar of the Republic of Lithuania of 18 March 2004 No. IX-2066 as last amended on 12 December 2017 by law No XIII-571.

In LU: EEA or Swiss nationality and residency (commercial presence) is required for the practice of legal services in respect of LU domestic law, including representation before courts. The Council of the Order may, on the basis of reciprocity, agree to waive the nationality requirement for a foreign national.

Measures:

LU: Loi du 16 décembre 2011 modifiant la loi du 10 août 1991 sur la profession d'avocat.

In LV (with respect also to Most-Favoured-Nation Treatment): EEA or Swiss nationality is required for the practice of legal services in respect of Latvian domestic criminal law, including representation before courts. Attorneys from foreign countries shall practise as advocates in court only in accordance with bilateral agreements on mutual legal assistance. For EU or foreign advocates, special requirements exist. For example, participation in court proceedings in criminal cases is only permitted in association with an advocate of the Latvian Collegium of Sworn Advocates.

Measures:

LV Criminal Procedure Law, s. 79, Advocacy Law of the Republic of Latvia, s. 4.

In MT: EEA or Swiss nationality as well as residency (commercial presence) is required for the practice of legal services in respect of Maltese domestic law, including representation before courts.

Measures:

MT: Code of Organisation and Civil Procedure (Cap. 12).

In NL: Only locally-licensed lawyers registered in the Dutch registry can use the title "advocate". Instead of using the full term "advocate", (non-registered) foreign lawyers are obliged to mention their home country professional organisation for the purposes of their activities in NL.

Measures:

NL: Advocatenwet (Act on Advocates).

In PT (with respect also to Most-Favoured-Nation Treatment): Residency (commercial presence) is required in order to practice Portuguese domestic law. For representation before courts, full admission to the Bar is required. Foreigners holding a diploma awarded by any Faculty of Law in Portugal, may register with the Portuguese Bar (Ordem dos Advogados), under the same terms as Portuguese nationals, if their respective country grants Portuguese nationals reciprocal treatment.

Other foreigners holding a Degree in Law which has been acknowledged by a Faculty of Law in PT may register as members of the Bar Association provided they undergo the required articling and pass the final assessment and admission exam. Only law firms where the shares belong exclusively to lawyers admitted to the Portuguese Bar can practice in PT.

Measures:

PT: Law 15/2005, Articles 203, 194;

Portuguese Bar Statute (Estatuto da Ordem dos Advogados) and Decree-Law 229/2004, Articles 5, 7 – 9;

Decree-law 88/2003, Articles 77 and 102;

Public Professional Association Statute (Estatuto da Câmara dos Solicitadores), as amended by Law 49/2004, by Law 14/2006 and by Decree-Law No. 226/2008;

Law 78/2001, Articles 31, 4;

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, Articles 3 and 5, among others; and

Decree-Law 54/2004, Article 1 (Regime jurídico das sociedades de administradores de insolvência).

In RO: A foreign lawyer shall not make oral or written conclusions before courts and other judicial bodies, except for international arbitration.

Measures:

RO: Attorney Law;

Law for Mediation; and

Law for the Notaries and the Notarial Activity.

In SI (with respect also to Most-Favoured-Nation Treatment): Representing clients before the court against payment is conditioned by commercial presence in SI. A foreign lawyer who has the right to practise law in a foreign country may perform legal services or practise law under the conditions laid down in Article 34a of the Attorneys Act, provided the condition of actual reciprocity is fulfilled. Compliance with the condition of reciprocity is verified by the Ministry of Justice.

Measures:

SI: 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 21.5.2009).

In SE: 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 an advocate, provided that the company in question is domiciled in a country within the EU, the EEA or Switzerland. Subject to an exemption from the Board of the Swedish Bar Association, a member of the Swedish Bar Association may also be employed by a non-EU law firm. Bar 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.

EEA or Swiss residency is required for admission to the Bar and use of the title of "advokat". Exemptions may be granted by the board of the Swedish Bar Association. Admission to the Bar is not necessary for the practice of Swedish domestic law.



Measures:

SE: Rättegångsbalken (The Swedish Code of Judicial Procedure) (1942:740), the Swedish Bar Association Code of Conduct adopted 29 August 2008.

In SK: EEA nationality as well as residency (commercial presence) in SK is required for the practice of legal services in respect of Slovak domestic law, including representation before courts. For non-EU lawyers actual reciprocity is required.

Measures:

SK: Act 586/2003 on Advocacy, Articles 5, 12.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Local Presence

With respect to Investment Liberalisation – National Treatment:

In PL: Foreign lawyers shall establish only in the form of a registered partnership, a limited partnership, or a limited joint-stock partnership.

Measures:

PL: Act of 5 July 2002 on the provision by foreign lawyers of legal assistance in the Republic of Poland, Article 19.

With respect to Cross-Border Trade in Services – Local Presence:

In IE: Residency (commercial presence) is required for the practice of legal services in respect of Irish domestic law, including representation before courts.

Measures:

IE: Solicitors Acts 1954-2011.

In IT: Residency (commercial presence) is required for the practice of legal services in respect of domestic (EU and Member State) law, including representation before courts.

Measures:

IT: Royal Decree 1578/1933, Article 17 law on the legal profession.

- (b) Patent agents, Industrial property agents, Intellectual property attorneys (part of CPC 879, 861, 8613)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In BG, CY, EE and LT: EEA or Swiss nationality is required for the practice of patent agency services.

In DE: Only patent lawyers with German qualification may be admitted to the Bar and are thus entitled to provide patent agent services in DE in domestic law. Foreign patent lawyers can offer legal services in foreign law when they prove expert knowledge, registration is required to provide legal services in DE. Foreign (other than EEA and Swiss qualification) patent lawyers may not establish a firm together with national patent lawyers. Foreign (other than EEA and Swiss) patent lawyers may have their commercial presence only in the form of a Patentanwalts-GmbH or Patentanwalt-AG and may only acquire a minority share.

In ES and PT: EEA nationality is required for the practice of industrial property agent services.

In IE: On an establishment basis, legal form requires that at least one of the directors, partners, managers or employees of a company to be registered as a patent or intellectual property attorney in IE. Cross-border basis requires EEA nationality and commercial presence, principal place of business in an EEA state, qualification under the law of an EEA state.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – Local Presence:

In IE: For establishment, at least one of the directors, partners, managers or employees of a company to be registered as a patent or intellectual property attorney in IE. Cross-border basis requires EEA nationality and commercial presence, principal place of business in an EEA state, qualification under the law of an EEA state.

With respect to Cross-Border Trade in Services – Local Presence:

In EE: permanent residency is required for the practice of patent agency services.

In CY, FI and HU: EEA residency is required for the practice of patent agency services.

In SI: Residency in SI is required for a holder or applicant of registered rights (patents, trademarks, design protection). Alternatively a patent agent or a trademark and design agent registered in SI is required for the main purpose of services of process, notification, etc.

Measures:

BG: Article 4 of the Ordinance for Representatives regarding Intellectual Property.

CY: Advocates Law (Chapter 2), as amended by laws number 42 of 1961, 20 of 1963, 46 of 1970, 40 of 1975, 55 of 1978, 71 of 1981, 92 of 1983, 98 of 1984, 17 of 1985, 52 of 1985, 9 of 1989, 175 of 1991, 212 of 1991, 9(I) of 1993, 56(I) of 1993, 83(I) of 1994, 76(I) of 1995, 103(I) of 1996, 79(I) of 2000, 31(I) of 2001, 41(I) of 2002, 180(I) of 2002, 117(I) of 2003, 130(I) of 2003, 199(I) of 2004, 264(I) of 2004, 21(I) of 2005, 65(I) of 2005, 124(I) of 2005, 158(I) of 2005, 175(I) of 2006, 117(I) of 2007, 103(I) of 2008, 109(I) of 2008, 11(I) of 2009, 130(I) of 2009, 4(I) of 2010, 65(I) of 2010, 14(I) of 2011, 144(I) of 2011, 116(I) of 2012 and 18(I) of 2013.

DE: § 52e, § 52 f, § 154a und § 154 b Patentanwaltsordnung (PAO).

EE: Patendivoliniku seadus (Patent Agents Act) § 2, § 14.

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

FI: Tavaramerkkilaki (Trademarks Act) (7/1964); Laki auktorisoiduista teollisoikeusasiamiehistä (Act on Authorised Industrial Property Attorneys) (22/2014); and

Laki kasvinjalostajanoikeudesta (Plant Breeder's Right Act) 1279/2009; and Mallioikeuslaki (Registered Designs Act) 221/1971.

HU: Act XXXII of 1995 on Patent Attorneys.

IE: Section 85, and 86 of the Trade Marks Act 1996, as amended;

Rule 51 of the Trade Marks Rules 1996, as amended;

Section 106 and 107 of the Patent Act 1992, as amended; and

Register of Patent Agent Rules S.I. 580 of 2015.

LT: 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; and

Patent Attorneys Regulation, approved by the Order of Government of the Republic of Lithuania on 20 May 1992 No. 362 (as last amended on 8 November 2004 No. 1410).

PT: Decree-Law 15/95, as modified by Law 17/2010, by Portaria 1200/2010, Article 5, and by Portaria 239/2013; and

Law 9/2009.

SI: Zakon o industrijski lastnini (Industrial Property Act), Uradni list RS, št. 51/06 – uradno prečiščeno besedilo in 100/13 (Official Gazette of the Republic of Slovenia, No. 51/06 – official consolidated text and 100/13).

- (c) Accounting and bookkeeping services (CPC 8621 other than auditing services, 86213, 86219, 86220)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In FR: The provision of accounting and bookkeeping services by a foreign service supplier is conditional on a decision of the Minister of Economics, Finance and Industry, in agreement with the Minister of Foreign Affairs. (CPC 86213, 86219, 86220).

Measures:

FR: Ordonnance 45-2138 du 19 septembre 1945, Articles 3, 7, 7 ter, 7 quinquies, 27 and 42 bis.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Local Presence:

In AT: The capital interests and voting rights of foreign accountants, bookkeepers, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 %. The service supplier must have an office or professional seat in the EEA (CPC 862).

Measures:

AT: Wirtschaftstreuhänderberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999), § 12, § 65, § 67, § 68 (1) 4; and

Bilanzbuchhaltungsgesetz (BibuG), BGBl. I Nr. 191/2013, §§ 7, 11, 28.

With respect to Cross-Border Trade in Services – Local Presence:

In IT: Residence or business domicile is required for enrolment in the professional register, which is necessary for the provision of accounting and bookkeeping services (CPC 86213, 86219, 86220)

Measures:

IT: Legislative Decree 139/2005; and Law 248/2006.



In SI: Establishment in the EU is required in order to provide accounting and bookkeeping services (CPC 86213, 86219, 86220).

Measures:

SI: Auditing Act (ZRev-2), Official Gazette RS No. 65/2008 (as last amended No 63/13);

Companies Act (ZGD-1), Official Gazette RS No 42/2006 (as last amended No 15/17); and

Act on services in the internal market, Official Gazette RS No. 21/10.

- (d) Auditing services (CPC 86211, 86212 other than accounting and bookkeeping services)

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment:

In the EU: The competent authorities of a Member State may recognise the equivalence of the qualifications of an auditor who is a national of Mexico or of any third country in order to approve them to act as a statutory auditor in the European Union, subject to reciprocity (CPC 8621).

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In ES: Statutory auditors shall be nationals of a Member State. This reservation does not apply to the auditing of non-EU companies listed in a Spanish regulated market.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Local Presence:

In AT: The capital interests and voting rights of foreign auditors, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 %. The service supplier shall have an office or professional seat in the EEA.

In SI: A third country audit entity may hold shares or form partnerships in Slovenian audit company provided that, under the law of the country in which the third-country audit entity is incorporated, Slovenian audit companies may hold shares or form partnership in an audit entity in that country (reciprocity requirement). A permanent residency in SI is required for at least one member of the management board of an audit company establishment in SI.

In SK: Only an enterprise in which at least 60 % of capital interests or voting rights are reserved to Slovak nationals or nationals of a Member State shall be authorised to carry out audits in SK.

With respect only to Cross-Border Trade in Services – Senior Management and Board of Directors:

In BE: An establishment in BE is required where the professional activity will take place and where acts, documents and correspondence relating to it will be maintained, and to have at least one administrator or manager of the established approved as auditor.

With respect to Cross-Border Trade in Services – Local Presence:

In DK: Provision of statutory auditing services requires Danish approval as an auditor. Approval requires residency in a Member State of the European Union or a Member State of the EEA.

In FI: EEA residency required for at least one of the auditors of a Finnish limited liability company and of companies which are under the obligation to carry out an audit. An auditor must be a locally-licensed auditor or a locally-licensed audit firm.

In HR: Auditing services may be provided only by legal persons established in HR or by natural persons resident in HR.

In IT: Residency is required for the provision of auditing services by natural persons.

In LT: Establishment in EEA is required for the provision of auditing services.

In PL: Establishment in the EU is required in order to provide auditing services.

In SE: Auditors of co-operative economic associations and certain other enterprises which are not certified or approved accountants shall be resident within the EEA, unless the Government, or a Government authority appointed by the Government, in a particular case allows otherwise. Only auditors approved in SE and auditing firms registered in SE may perform statutory auditing services. EEA residency is required. The titles of "approved auditor" and "authorised auditor" shall only be used by auditors approved or authorised in SE.

In SI: Commercial presence is required.

Measures:

The EU: Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC; and Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts.

AT: Wirtschaftstreuhänderberufsgesetz (Public Accountant and Auditing Profession Act), BGBl. I No. 58/1999, § 12, § 65, § 67, § 68 (1) 4.

BE: 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.

DK: Revisorloven (Danish Act on Approved Auditors and Audit Firms), Act No. 1167 of 9 September 2016.

ES: Ley 22/2015, de 20 de julio, de Auditoría de Cuentas (new Auditing Law: Law 22/2015 on Auditing services).

FI: Tilintarkastuslaki (Auditing Act) (459/2007); and

Sectoral laws requiring the use of locally-licensed auditors.

HR: Audit Act (OG 146/05, 139/08, 144/12), Article 3.

IT: Legislative Decree 58/1998, Articles 155, 158 and 161;

Decree of the President of the Republic 99/1998; and

Legislative Decree 39/2010, Article 2.

LT: Law on Audit of 15 June 1999 No. VIII -1227 (a new version of 3 July 2008 No. X-1676).

PL: Act of 11 May 2017 on statutory auditors, audit firms and public oversight – Journal of Laws of 2017, item 1089.

SE: Revisorslagen (Auditors Act) (2001:883); Revisionslag (Auditing Act) (1999:1079); Aktiebolagslagen (Companies Act) (2005:551); Lag om ekonomiska föreningar (The Co-operative Economic Associations Act) (1987:667); and

Others, regulating the requirements to make use of approved auditors.

SI: Auditing Act (ZRev-2), Official Gazette RS No. 65/2008 (as last amended No 63/13); and

Companies Act (ZGD-1), Official Gazette RS No. 42/2006 (as last amended No 15/17).

SK: Act 423/2015 on Statutory audit.

- (e) Taxation advisory services (CPC 863, not including legal advisory and legal representational services on tax matters, which are to be found legal services)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Local Presence:

In AT: The capital interests and voting rights of foreign tax advisors, qualified according to the law of their home country, in an Austrian enterprise may not exceed 25 %. The service supplier shall have an office or professional seat in the EEA.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In BG: Nationality of a Member State is required for tax advisors.

With respect to Cross-Border Trade in Services – Local Presence:

In HU: EEA residency is required for the supply of taxation advisory services, insofar as they are being supplied by a natural person present in the territory of HU.

In IT: Residency is required.

Measures:

AT: Wirtschaftstreuhänderberufsgesetz (Public Accountant and Auditing Profession Act, BGBl. I Nr. 58/1999), § 12, § 65, § 67, § 68 (1) 4.

BG: Accountancy Act, Independent Financial Audit Act, Income Taxes on Natural Persons Act, Corporate Income Tax Act.

HU: Act XCII of 2003 on the Rules of Taxation; and

Decree of the Ministry of Finance No. 26/2008 on the licensing and registration of taxation advisory activities.

IT: Legislative Decree 139/2005; and Law 248/2006.

- (f) Architecture and urban planning services, engineering and integrated engineering services (CPC 8671, 8672, 8673, 8674)

With respect only to Investment Liberalisation –National Treatment; and Cross-Border Trade in Services –National Treatment:

In BG: Foreign specialists shall have experience of at least two years in the field of construction. EEA nationality is required for urban planning and landscape architectural services (CPC 8674).

In HR: a design or project created by a foreign architect, engineer or urban planner shall be validated by an authorised natural or legal person in HR with regard to its compliance with Croatian Law (CPC 8671, 8672, 8673, 8674).



With respect to Cross-Border Trade in Services – National Treatment:

In BE: The provision of architectural services includes control over the execution of the works (CPC 8671, 8674). Foreign architects authorised in their host countries and willing to practice their profession on an occasional basis in BE are required to obtain prior authorisation from the Council of Order in the geographical area where they intend to practice their activity.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Local Presence:

In CY: Nationality and residency condition applies for the provision of architecture and urban planning services, engineering and integrated engineering services (CPC 8671, 8672, 8673, 8674).

With respect to Cross-Border Trade in Services – Local Presence:

In CZ: Residency in the EEA is required (CPC 8671, 8672, 8673, 8674).

In IT: Residency or professional domicile or business address in IT is required for enrolment in the professional register, which is necessary for the exercise of architectural and engineering services (CPC 8671, 8672, 8673, 8674).

In HU: EEA residency is required for the supply of the following services, insofar as they are being supplied by a natural person present in the territory of HU: architectural services, engineering services (only applicable to graduate trainees), integrated engineering services and landscape architectural services (CPC 8671, 8672, 8673, 8674).

In SK: Residency in the EEA is required for registration in the professional chamber, which is necessary for the exercise of architectural and engineering services (CPC 8671, 8672, 8673, 8674).

Measures:

BE: Law of February 20, 1939 on the protection of the title of the architect's profession; and

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).

BG: Spatial Development Act;

Chamber of Builders Act; and

Chambers of Architects and Engineers in Project Development Design Act.

CY: Law 41/1962;

Law 224/1990; and

Law 29(i) 2001.

CZ: Act No. 360/1992 Coll. on practice of profession of authorised architects and authorised engineers and technicians working in the field of building constructions.

HR: Act on Architectural and Engineering Activities in Physical Planning and Building (OG 152/08, 49/11, 25/13); and

Physical Planning Act of 12 December 2013 (011-01/13-01/291).

HU: Act LVIII of 1996 on the Professional Chambers of Architects and Engineers.

IT: Royal Decree 2537/1925 regulation on the profession of architect and engineer;

Law 1395/1923; and Decree of the President of the Republic (D.P.R.) 328/2001.

SK: Act 138/1992 on Architects and Engineers, Articles 3, 15, 15a, 17a and 18a.

### I-EU-3 – Professional Services (health-related professions and retail of pharmaceuticals)

Sector – Subsector: Professional services – medical (including psychologists) and dental services; midwives, nurses, physiotherapists and paramedical personnel; veterinary services; retail sales of pharmaceutical, medical and orthopaedic goods and other services provided by pharmacists

Industry Classification: CPC 9312, 93191, 932, 63211

Obligations Concerned: National Treatment

Most-Favoured-Nation Treatment

Senior Management and Board of Directors

Local Presence

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Level of government: EU / Member State (unless otherwise specified)

Description:

- (a) Medical, dental, midwives, nurses, physiotherapists and para-medical services (CPC 852, 9312, 93191)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Local Presence:

In CY: Cypriot nationality and residency condition applies for the provision of medical (including psychologists), dental, midwives, nurses, physiotherapists and para-medical services.

Measures:

CY: Registration of Doctors Law (Chapter 250);

Registration of Dentists Law (Chapter 249);

Law 75(I)/2013 – Podologists;

Law 33(I)/2008 – Medical Physics;

Law 34(I)/2006 – Occupational Therapists;

Law 9(I)/1996 – Dental Technicians;

Law 68(I)/1995 – Psychologists;

Law 16(I)/1992;

Law 23(I)/2011 – Radiologists/Radiotherapists;

Law 31(I)/1996 – Dieticians/Nutritionists;

Law 140/1989 – Physiotherapists; and Law 214/1988 – Nurses.

In DE (applies also to the regional level of government): Geographical restrictions may be imposed on professional registration, which apply to nationals and non-nationals alike. Establishment requirements may apply for medical, dental and midwives services.

Doctors (including psychologists, psychotherapists and dentists) shall register with the regional associations of statutory health insurance physicians or dentists (*kassenärztliche* or *kassenzahnärztliche 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 restriction does not apply. Registration is necessary only for doctors participating in the public health scheme. Non-discriminatory restrictions on the legal form of establishment required to provide these services may exist.

Establishment requirements may apply.

Telemedicine may only be provided in the context of a primary treatment involving the prior physical presence of a doctor. The number of information and communications technology (ICT) service suppliers may be limited to guarantee interoperability, compatibility and necessary safety standards. This is applied in a non-discriminatory way (CPC 9312, 93191).

Measures:

DE: Bundesärzteordnung (Federal Medical Regulation);

Gesetz über die Ausübung der Zahnheilkunde;

Gesetz über die Berufe des Psychologischen Psychotherapeuten und des Kinder- und Jugendlichenpsychotherapeuten (Act on the Provision of Psychotherapy Services of 16.07.1998);

Gesetz über die berufsmäßige Ausübung der Heilkunde ohne Bestallung;

Gesetz über den Beruf der Hebamme und des Entbindungspflegers;

Gesetz über die Berufe in der Krankenpflege;

§ 7 Absatz 3 Musterberufsordnung fuer Aerzte (German Model professional Code for doctors);

§95,§ 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) on E-health providers;

Heilberufekammergesetz des Landes Baden-Württemberg in der Fassung of 16. 03. 1995 (GBl. BW of 17.05.1995 S. 314);

Gesetz über die Berufsausübung, die Berufsvertretungen und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder- und Jugendlichenpsychotherapeuten (Heilberufe-Kammergesetz - HKaG) in Bayern of 06.02.2002 (BAY GVBl 2002, page 42);

Gesetz über die Kammern und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Apotheker, Psychologischen Psychotherapeuten und Kinder- und Jugendpsychotherapeuten (Berliner Kammergesetz) of 04.09.1978 (Berliner GVBl. page 1937, rev. page 1980);

§ 31 Heilberufsgesetz Brandenburg (HeilBerG) of 28.04.2003;



Bremisches Gesetz über die Berufsvertretung, die Berufsausübung, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Psychotherapeuten, Tierärzte und Apotheker (Heilberufsgesetz - HeilBerG) of 12.05.2005;

§ 29 Heilberufsgesetz (HeilBG NRW) of 09.05.2000;

§ 20 Heilberufsgesetz (HeilBG Rheinland-Pfalz) of 07.02.2003;

Gesetz über Berufsausübung, Berufsvertretungen und Berufsgerichtsbarkeit der Ärzte, Zahnärzte, Tierärzte, Apotheker sowie der Psychologischen Psychotherapeuten und der Kinder und Jugendlichenpsychotherapeuten im Freistaat (Sächsisches Heilberufekammergesetz – SächsHKaG) of 24.05.1994 (SächsGVBl. page 935);

Gesetz über die öffentliche Berufsvertretung, die Berufspflichten, die Weiterbildung und die Berufsgerichtsbarkeit der Ärzte / Ärztinnen, Zahnärzte / Zahnärztinnen, psychologischen Psychotherapeuten / Psychotherapeutinnen und Kinder- und Jugendlichenpsychotherapeuten / -psychotherapeutinnen, Tierärzte / Tierärztinnen und Apotheker / Apothekerinnen im Saarland (Saarländisches Heilberufekammergesetz – SHKG) of 19.11.2007; and

Thüringer Heilberufegesetz of 29. Januar 2002 (GVBl 2002, 125).

With respect to Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment:

In IT: EU nationality is required for the services provided by psychologists, foreign professionals may be allowed to practise based on reciprocity (part of CPC 9312).

Measures:

IT: Law 56/1989 on the psychologist profession.

(b) Veterinary services (CPC 932)

With respect to Investment Liberalisation– National Treatment, Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment:

In AT: Only nationals of a Member State of the EEA may provide veterinary services. The nationality requirement is waived for nationals of a non-Member State of the EEA where there is an EU agreement with that non-Member State of the EEA providing for national treatment with respect to investment liberalisation and cross-border trade of veterinary services.

In ES: Membership in the professional association is required for the practice of the profession and requires EU nationality, which may be waived through a bilateral professional agreement.

In FR: EEA nationality is required for the supply of veterinary services, but the nationality condition may be waived subject to reciprocity.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Local Presence:

In CY: Nationality and residency condition applies for the provision of veterinary services.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In EL: EEA or Swiss nationality is required for the supply of veterinary services.

In HU: EEA nationality is required for membership of the Hungarian Veterinary Chamber, necessary for supplying veterinary services.

With respect to Investment Liberalisation – National Treatment:

In HR: Only EU nationals can establish a veterinary practice in the HR.

In PL: For the provision of veterinary services by a natural person present in the territory of PL, only EU nationals may provide veterinary services. Foreign persons may apply for permission to practise.

With respect to Cross-Border Trade in Services – Local Presence:

In CZ: Physical presence in the territory is required for the supply of veterinary services.

In HR: Only legal and natural persons established in a Member State for the purpose of conducting veterinary activities can supply cross border veterinary services in HR.

In IT and PT: Residency is required for the supply of veterinary services.

In SI: Only legal and natural persons established in a Member State for the purpose of conducting veterinary activities can supply cross-border veterinary services in SI.

In SK: Residency in the EEA is required for registration in the professional chamber, which is necessary for the exercise of the profession.

Measures:

AT: Tierärztegesetz (Veterinary Act), BGBl. Nr. 16/1975, §3 (2) (3).

CY: Law 169/1990.

CZ: Act No. 166/1999 Coll. (Veterinary Act), §58-63, 39; and

Act No. 381/1991 Coll. (on the Chamber of Veterinary Surgeons of the Czech Republic), paragraph 4.

EL: Presidential Degree 38/2010; and

Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B).

ES: Real Decreto 126/2013, de 22 de febrero, por el que se aprueban los Estatutos Generales de la Organización Colegial Veterinaria Española. Articles 62, 64.

FR: Code rural et de la pêche maritime Articles L241-1; L241-2; L241-2-1.

HR: Veterinary Act (OG 41/07, 55/11), Articles 89, 106.

HU: Act CXXVII of 2012 on the Hungarian Veterinary Chamber and on the conditions how to supply Veterinary services.

IT: Legislative Decree C.P.S. 233/1946, Articles 7-9; and

Decree of the President of the Republic (DPR) 221/1950, paragraph 7.

PL: Law of 21st December 1990 on Profession of Veterinary Surgeon and Chambers of Veterinary Surgeons.

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

SI: Pravilnik o priznavanju poklicnih kvalifikacij veterinarjev (Rules on recognition of professional qualifications for veterinarians), Uradni list RS, št. (Official Gazette No) 71/2008, 7/2011, 59/2014 in 21/2016, Act on services in the internal market, Official Gazette RS No 21/2010.

SK: Act 442/2004 on Private Veterinary Doctors, Article 2.

- (c) Retail sales of pharmaceuticals, medical and orthopaedic goods and other services provided by pharmacists (CPC 63211)

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors:

In AT: Nationality of a Member State of the EEA or the Swiss Confederation is required in order to operate a pharmacy. Nationality of a Member State of the EEA or the Swiss Confederation is required for leaseholders and persons in charge of managing a pharmacy.

With respect to Investment Liberalisation – National Treatment:

In CY: Nationality condition applies for the provision of retail sales of pharmaceuticals, medical and orthopaedic goods and other services provided by pharmacists (CPC 63211).

In 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.

In FR: EEA or Swiss Confederation nationality is required in order to operate a pharmacy. Foreign pharmacists may be permitted to establish within annually established quotas.

In EL: EU nationality is required to operate a pharmacy.

In HU: EEA nationality is required to operate a pharmacy.

In LV: In order to commence independent practice in a pharmacy, a foreign pharmacist or pharmacist's assistant, educated in a state which is not a Member State of the EU or a Member State of the EEA, shall work for at least one year in a pharmacy under the supervision of a pharmacist.

With respect to Cross-Border Trade in Services – Local Presence:

In BG: A permanent residence permit is required for foreign nationals (physical presence is required).

In DE: Residency is required to obtain a licence as a pharmacist or to open a pharmacy for the retail of pharmaceuticals and certain medical goods to the public.

Measures:

AT: Apothekengesetz (Pharmacy Law), RGBL. No. 5/1907 as amended, §§ 3, 4, 12;

Arzneimittelgesetz (Medication Act), BGBl. Nr. 185/1983 as amended, §§ 57, 59, 59a;

Medizinproduktegesetz (Medical Products Law), BGBl. Nr. 657/1996 as amended, § 99.

BG: Law on Medicinal Products in Human Medicine, Articles 146, 161, 195, 222 and 228.

CY: Pharmaceutical and Poisons Law (Chapter 254).

DE: § 2 paragraph 2, § 11a Apothekengesetz (German Pharmacy Act);

§§ 43 paragraph 1, 73 paragraph 1 No. 1a, Arzneimittelgesetz (German Drugs Act); and

§ 11 Abs. 2 and 3 Medizinproduktegesetz, Verordnung zur Regelung der Abgabe von Medizinprodukten.

EE: Ravimiseadus (Medicinal Products Act), RT I 2005, 2, 4; § 29 (2); and

Tervishoiuteenuse korraldamise seadus (Health Services Organisation Act, RT I 2001, 50, 284).



EL: Law 5607/1932 as amended by Laws 1963/1991 and 3918/2011.

ES: 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), Articles 2, 3.1; and Real Decreto Legislativo 1/2015, de 24 de julio por el que se aprueba el Texto refundido de la Ley de garantías y uso racional de los medicamentos y productos sanitarios (Ley 29/2006).

FR: Code de la santé publique, Articles L4221-1, L4221-13, 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 of liberal professions in the form of a company), lois 2011-331 du 28 mars 2011 et 2015-990 du 6 août 2015.

HR: Health Care Act (OG 150/08, 71/10, 139/10, 22/11, 84/11, 12/12, 70/12, 144/12).

HU: 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.

IT: Law 362/1991, Articles 1, 4, 7 and 9;

Legislative Decree CPS 233/1946, Articles 7 to 9; and

Decree of the President of the Republic (D.P.R. 221/1950, paragraphs 3 and 7).

LU: 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); and

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).

LV: Pharmaceutical Law, s. 38.

MT: Pharmacy Licence Regulations (LN279/07) issued under the Medicines Act (Cap. 458).

PT: Decree-Law 307/2007, articles 9, 14 and 15; and

Ordinance 1430/2007.

SI: Pharmacy Services Act (Official Gazette of the RS No. 85/2016); and

Medicinal Products Act (Official Gazette of the RS, No. 17/2014).

SK: Act 362/2011 on pharmaceuticals and medical devices, article 6; and

Act 578/2004 on healthcare providers, healthcare professionals, professional organisations in healthcare.

## I-EU-4 – Research and Development Services

Sector – Subsector: Research and development services

Industry Classification: CPC 851, 853

Obligations Concerned: National Treatment

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Level of government: EU / Member State (unless otherwise specified)

#### Description:

The EU: For publicly funded research and development (hereinafter referred to as "R&D") services benefitting from funding provided by the EU at the EU level, exclusive rights or authorisations may only be granted to nationals of the Member States and to enterprises of the EU having their registered office, central administration or principal place of business in the EU (CPC 851, 853).

For publicly funded R&D services benefitting from funding provided by a Member State exclusive rights or authorisations may only be granted to nationals of the Member State concerned and to enterprises of the Member State concerned having their headquarters in that Member State (CPC 851, 853).

This reservation is without prejudice to the exclusion of procurement by a Party or subsidies for trade in services in paragraph 2 of Article 11.2 (Scope), and paragraph 2 of Article 10.5 (Scope).

#### Measures:

EU: All currently existing and all future EU research or innovation framework programmes, including the Horizon 2020 Rules for Participation and regulations pertaining to Joint Technology Initiatives (JTIs), Article 185 Decisions, and the European Institute for Innovation and Technology (EIT), as well as existing and future national, regional or local research programmes.

## I-EU-5 – Real Estate Services

Sector – Subsector: Real estate services

Industry Classification: CPC 821, 822

Obligations Concerned: National Treatment

Local Presence

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Level of government: EU / Member State (unless otherwise specified)

Description:

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Local Presence:

In CY: For the provision of real estate services, a nationality and residency condition applies.

With respect to Cross-Border Trade in Services – Local presence:

In CZ: Residency for natural persons and establishment for legal persons in the Czech Republic are required to obtain the licence necessary for the provision of real estate services.

In DK: For the provision of real estate services by a natural person present in the territory of DK, only authorised real estate agents who are natural persons that have been admitted to the Danish Business Authority's real estate agent register may use the title of "real estate agent". The act requires that the applicant be a Danish resident or a resident of the EU, EEA or Switzerland.

The Act on sale of real estate is only applicable when providing real estate services to consumers. Furthermore, the Act on sale of real estate does not apply on leasing of real estate (CPC 822).

In HR: Commercial presence in EEA is required to provide real estate services

In PT: EEA residency is required for natural persons. EEA incorporation is required for legal persons.

With respect to Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment:

In SI: In so far as Mexico allows Slovenian nationals and enterprises to supply real estate agent services, SI shall allow nationals and enterprises of Mexico 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.

Measures:

CY: The Real Estate Agents Law 71(1)/2010.

CZ: Trade Licensing Act.

DK: Lov om formidling af fast ejendom m.v. lov. nr. 526 af 28.05.2014.

HR: Real Estate Brokerage Act (OG 107/07 and 144/12), Article 2.

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

SI: Real Estate Agencies Act.

## I-EU-6 – Business Services

|                          |  |
|--------------------------|--|
| Sector – Subsector:      | Business services – rental or leasing services without operators; services related to management consulting; technical testing and analyses; related scientific and technical consulting services; services incidental to agriculture; security services; placement services; translation and interpretation services; other business services |
| Industry Classification: | ISIC rev. 37, part of CPC 612, part of 621, part of 625, 831, part of 85990, 86602, 8675, 8676, 87201, 87202, 87203, 87204, 87205, 87206, 87209, 87901, 87902, 87909, 88, part of 893  |
| Obligations Concerned:   | National Treatment<br><br>Most-Favoured-Nation Treatment<br><br>Senior Management and Board of Directors<br><br>Local Presence   |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services   |
| Level of government:     | EU / Member State (unless otherwise specified)   |



Description:

- (a) Rental or leasing services without operators (CPC 83103, CPC 831)

With respect to Investment Liberalisation – National Treatment:

In SE: To fly the Swedish flag, proof of dominating Swedish operating influence shall be shown in case of foreign ownership interests in ships. Dominating Swedish influence means that the operation of the ship is located in SE. Foreign ships may be granted an exemption from this rule if they are rented or leased by Swedish legal persons through bareboat charter contracts. To be granted an exemption, the bareboat charter contract shall be provided to the Swedish Maritime Administration and demonstrate that the charterer takes full responsibility for operation and crew of the leased or rented ship. The duration of the contract must be at least one to two years (CPC 83103).

Measures:

SE: Sjölagen (Maritime Law) (1994:1009), Chapter 1, § 1.

With respect to Cross-Border Trade in Services – Local Presence:

In SE: 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, among other things, 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 SE (CPC 831).

Measures:

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

- (b) Rental or leasing services and other business services related to aviation

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment, and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment:

The EU: For rental or leasing of aircraft without crew (dry lease), aircrafts used by an air carrier of the EU are subject to applicable aircraft registration requirements. A dry lease agreement to which a EU carrier is a party shall be subject to requirements in EU or national law on aviation safety, such as prior approval and other conditions applicable to the use of third countries' registered aircraft. 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 (CPC 83104).

With respect to computer reservation system (hereinafter referred to as "CRS") services, where EU air carriers are not accorded, by CRS services suppliers operating outside the EU, equivalent (non-discriminatory) treatment to that provided in the EU, or where EU CRS services suppliers are not accorded, by non- EU air carriers, equivalent treatment to that provided in the EU, measures may be taken to accord equivalent treatment, respectively, to the non-EU air carriers by the CRS services suppliers operating in the EU, or to the non-EU CRS services suppliers by EU air carriers.

Measures:

The EU: Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast); Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89.

(c) Technical testing and analysis services (CPC 8676)

With respect to Investment Liberalisation – Market Access, National Treatment; and Cross-Border Trade in Services – Market Access, National Treatment:

In FR: EEA nationality required for biologists.

In CY: The provision of services by chemists and biologists requires nationality of a Member State.

With respect to Investment Liberalisation – Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment, Local Presence:

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

With respect to Cross-Border Trade in Services – Local Presence:

In BG: Establishment in BG according to the Bulgarian Commercial Act and registration in the Commercial register is required for cross-border provision of technical testing and analysis services.

For the periodical inspection for proof of technical condition of road transport vehicles, the person must be registered in accordance with the Bulgarian Commercial Act or the Non-Profit Legal Persons Act, or else be registered in another Member State of the EU or country from the EEA.

Measures:

BG: Technical Requirements towards Products Act;

Measurement Act;

National Accreditation of Compliance Conformity Authorities Act;

Clean Ambient Air Act; and

Water Act, Ordinance N-32 for the periodical inspection for proof of technical condition of road transport vehicles.

CY: Registration of Chemists Law of 1988 (Law 157/1988), as amended by laws number 24(I) of 1992 and 20(I) of 2004, Law 157/1988.

FR: Articles L 6213-1 to 6213-6 du Code de la Santé Publique.

IT: Biologists, chemical analysts: Law 396/1967 on the profession of biologists;

Royal Decree 842/1928 on the profession of chemical analysts.

- (c) Services related to management consulting – arbitration and conciliation services (CPC 86602)

With respect to Cross-Border Trade in Services – Local Presence:

In HU: An authorisation, by means of admission into the register, by the minister in charge of the judicial system is required for the pursuit of mediation (such as arbitration and conciliation) activities which may only be granted to juridical or natural persons that are established in or resident in HU.

Measures:

HU: Act LV of 2002 on Mediation.

(d) Related scientific and technical consulting services (CPC 8675)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment, Local Presence:

In IT: Residency or professional domicile in IT is required for enrolment in the geologists' register, which is necessary for the practice of the professions of surveyor or geologist in order to provide services relating to exploration and the operation of mines, etc. There is a requirement for nationality of a Member State, however, foreigners may enrol under condition of reciprocity.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment, Local Presence:

In BG: Establishment is required, as well as EEA or Swiss nationality for the natural person carrying out activities for geodesy, cadastral surveying and in cartography when studying movements of the earth crust.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In CY: Nationality condition applies for the provision of relevant services.

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

With respect to Cross-Border Trade in Services – Local Presence:

In HR: Services of basic geological, geodetic and mining consulting as well as related environmental protection consulting services in the territory of HR can be carried out only jointly with or through domestic legal persons.

Measures:

BG: Cadastre and Property Register Act, Geodesy and Cartography Act.

CY: Law 224/1990.

FR: 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.

HR: Ordinance on requirements for issuing approvals to legal persons for performing professional environmental protection activities (OG No.57/10), Articles 32 to 35.

IT: Geologists: Law 112/1963, Articles 2 and 5; D.P.R. 1403/1965, Article 1.

(e) Technical testing and analysis services (CPC 8676)

With respect to Cross-Border Trade in Services – Local Presence:

In IT: For biologists and chemical analysts residency and enrolment in the professional register is required.

In BG: Establishment in BG according to the Bulgarian Commercial Act and registration in the Commercial register are required for the cross-border provision of technical testing and analysis services. For the periodical inspection for proof of technical condition of road transport vehicles, the person must be registered in accordance with the Bulgarian Commercial Act or the Non-profit Legal Persons Act, or else be registered in another Member State of the EU or country from the EEA.

In PT: The profession of chemical analyst is reserved for natural persons.



Measures:

BG: Technical Requirements towards Products Act; Measurement Act;

National Accreditation of Compliance Conformity Authorities Act;

Clean Ambient Air Act; and

Water Act, Ordinance N-32 for the periodical inspection for proof of technical condition of road transport vehicles.

IT: Law 3/1976 on the profession of agronomists ("Periti agrari"); Law 434/1968 as amended by Law 54/1991.

PT: Decree Law 119/92;

Law 47/2011; and

Decree Law 183/98.

(f) Placement Services (CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In BE (applies also to the regional level of government): Flemish Region, Walloon Region, German-Speaking Community: a company having its head office outside the EEA has to prove that it supplies placement services in its country of origin (CPC 87202).

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In DE: Nationality of a Member State or a commercial presence in the EU is required in order to obtain a licence to operate as a temporary employment agency (pursuant to s. 3 paragraphs 3 to 5 of the relevant Act (Arbeitnehmerüberlassungsgesetz) on temporary agency work. The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-EU and non-EEA personnel for specified professions such as health and care related professions (CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209).

## Measures:

BE: 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.

German-speaking Community: Dekret über die Zulassung der Leiharbeitsvermittler und die Überwachung der privaten Arbeitsvermittler / Décret du 11 mai 2009 relatif à l'agrément des agences de travail intérimaire et à la surveillance des agences de placement privées, art. 6.

DE: § 1 and 3 Abs 5 Arbeitnehmerüberlassungsgesetz –AÜG § 292 SGB III§ Article 38 Beschäftigungsverordnung.

(g) Security Services (CPC 87302, 87303, 87304, 87305, 87309)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In PT: A nationality requirement exists for specialised personnel.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In IT: Nationality of a Member State and residency is required in order to obtain the necessary authorisation to supply security guard services and the transport of valuables.

With respect to Cross-Border Trade in Services – Local Presence and Most-Favoured-Nation:

In DK: Residence requirement for individuals applying for an authorisation to conduct security services, as well as for managers and the majority of members of the board of a legal entity applying for an authorisation to conduct security services. However, residence is not required to the extent it follows from international agreements or orders issued by the Minister for Justice.

With respect to Cross-Border Trade in Services – Local Presence:

In EE: Residency is required for providing security services and for security guards.

Measures:

DK: Lovbekendtgørelse 2016-01-11 No. 112 om vagtvirksomhed.

EE: Turvaseadus (Security Act) § 21, § 43.

IT: Law on public security (TULPS) 773/1931, Articles. 133-141; and

Royal Decree 635/1940, Article 257.

PT: Law 34/2013; and

Ordinance 273/2013.

- (h) Collection agency services, Credit reporting services (CPC 87901, 87902)

With respect to Investment Liberalisation – National Treatment:

In PT: Nationality of a Member State is required for the provision of collection agency services and credit reporting services (CPC 87901, 87902).

Measures:

PT: Law 49/2004.

(i) Translation and interpretation Services (CPC 87905)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In CY: Nationality requirement applies.

In EE: A sworn translator must be a national of a Member State.

In HR: EEA nationality is required for certified translators.

With respect to Cross-Border Trade in Services – Local Presence:

In BG: Permanent residency is required for the provision of official translation and interpretation services.

In FI: Residency in EEA is required for certified translators.

Measures:

BG: Regulation for the legalisation, certification and translation of documents, Article 18.

CY: The Establishment, Registration and Regulation of the Certified Translator Services in the Republic of Cyprus Law.

EE: Vandetõlgi seadus § 2 (3), § 16, (Sworn Translators Act).

FI: Laki auktorisoiduista kääntäjistä (Act on Authorised Translators) (1231/2007), s. 2(1)).

HR: Ordinance on permanent court interpreters (OG 88/2008), Article 2.

- (j) Other Business Services (part of CPC 612, part of 621, part of 625, part of 893, part of 85990)

With respect to Investment Liberalisation – National Treatment:

In CY: Nationality condition for the provision of hairdressing, cosmetic treatment, manicuring and pedicuring services, and other beauty services.

Measures:

CY: Law 28(i)/2003;

Law 40(i)/1993;

Law 40(i)/1993; and

Law 182(i) 2013.

With respect to Cross-Border Trade in Services – Local Presence:

In CZ: To obtain a licence for the supply of voluntary public auctions, a company must be incorporated in CZ and a natural person is required to obtain a residency permit (part of CPC 612, part of 621, part of 625, part of 85990).

In NL: To provide hallmarking services, commercial presence in NL is required (part of CPC 893).

Measures:

CZ: Act No. 455/1991 Coll.;

Trade Licence Act; and

Act No. 26/2000 Coll., on public auctions.

NL: Waarborgwet 1986.



## I-EU-7 – Construction Services

Sector – Subsector: Construction services – construction and related engineering services

Industry Classification: CPC 51

Obligations Concerned: National Treatment

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Level of government: EU / Member State (unless otherwise specified)

Description:

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In CY: Nationality requirement.

Measure:

The Registration and Control of Contractors of Building and Technical Works Law of 2001 (29 (I) / 2001), Articles 15 and 52.

## I-EU-8 – Distribution Services

Sector – Subsector: Distribution services – general, of tobacco and of alcoholic beverages

Industry Classification: CPC 3546, part of 621, 6222, 631, part of 632

Obligations Concerned: National Treatment

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Level of government: EU/ Member State (unless otherwise specified)

Description:

(a) Distribution of Pharmaceuticals (CPC 62117, 62251, 8929)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In CY: Nationality requirement exists for distribution services on pharmaceutical representatives (CPC 62117).

Measures:

CY: Law 74(i) 202.

- (b) Distribution of tobacco (part of CPC 6222, 62228, part of 6310, 63108)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In AT: Priority is given to nationals of a Member State of the EEA (CPC 63108).

In FR: Nationality requirement for tobacconists (buraliste) (part of CPC 6222, part of 6310).

With respect to Investment Liberalisation –National Treatment:

In ES: Establishment is subject to a Member State nationality requirement (CPC 63108).

Measures:

AT: Tobacco Monopoly Act 1996, § 5 and § 27.

ES: Law 14/2013 of 27 September 2014.

FR: Code général des impôts, Article 568 and Articles 276 to 279 of Annex 2.

(c) Other distribution services (CPC 3546)

With respect to Cross-Border Trade in Services – National Treatment, Local Presence:

In LT: The distribution of pyrotechnics is subject to licensing. Only the juridical persons established in the EU may obtain a licence (CPC 3546).

Measures:

LT: Law on Supervision of Civil Pyrotechnics Circulation (23 March 2004. No. IX-2074).

## I-EU-9 – Education Services

Sector – Subsector: Education services (privately funded)

Industry Classification: CPC 921, 922, 923, 924

Obligations Concerned: National Treatment

Most-Favoured-Nation Treatment

Senior Management and Board of Directors

Local Presence

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Level of government: EU / Member State (unless otherwise specified)

Description:

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In FR: Nationality of a Member State is required in order to teach in a privately funded educational institution (CPC 921, CPC 922, CPC 923). However, nationals of Mexico may obtain an authorisation from the relevant competent authorities in order to teach in primary, secondary and higher level educational institutions. Nationals of Mexico may also obtain an authorisation from the relevant competent authorities in order to establish and operate or manage primary, secondary or higher level educational institutions. That authorisation is granted on a discretionary basis.

In MT: Service suppliers seeking to provide privately funded higher or adult education services shall obtain a licence from the Ministry of Education and Employment. The decision on whether to issue a licence may be discretionary (CPC 923, CPC 924).

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment:

In BG: Bulgarian kindergartens and schools having foreign participation may be established on the grounds of international agreements to which BG is a party. Foreign higher schools cannot establish subsidiaries in the territory of BG. Foreign higher schools may open faculties, departments, institutes and colleges in BG only within the structure of Bulgarian high schools and in cooperation with them (CPC 921, CPC 922).

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors:

In EL: Nationality of a Member State is required for owners and a majority of the members of the board of directors in privately funded primary and secondary schools, and for teachers in privately funded primary and secondary education (CPC 921, CPC 922). Education at university level shall be provided exclusively by institutions which are fully self-governed public law legal persons. However, Law 3696/2008 permits the establishment by EU residents (natural or legal persons) of private tertiary education institutions granting certificates which are not recognised as being equivalent to university degrees (CPC 923).

With respect to Cross-Border Trade in Services – Local Presence:

In CZ and SK: Establishment in a Member State is required to apply for state approval to operate as a privately funded higher education institution. This reservation does not apply to post-secondary technical and vocational education services (CPC 92310).

Measures:

BG: Pre-school and School Education Act (Additional Provisions, paragraph 4); and

Higher Education Act (Additional Provisions, paragraph 4).

CZ: Act No. 111/1998, Coll. (Higher Education Act), § 39; and

Act No. 561/2004 Coll. on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act).

EL: Laws 682/1977, 284/1968, 2545/1940 and Presidential Degree 211/1994 as amended by Presidential Degree 394/1997, Constitution of Hellas, Article 16, paragraph 5 and Law 3549/2007.

FR: Code de l'éducation, Articles L 444-5, L 914-4, L 441-8, L 731-8, L 731-1 to 8.

MT: Legal Notice 296 of 2012.

SK: Law No. 131 of 21 February 2002 on Universities.



## I-EU-10 – Environmental Services

Sector – Subsector: Environmental services

Industry Classification: CPC 940

Obligations Concerned: Local Presence

Chapter: CBTS

Level of government: EU / Member State (unless otherwise specified)

Description:

With respect to Cross-Border Trade in Services – Local Presence:

In SE: Only entities established in SE or having their principal seat in SE are eligible for accreditation to perform control services of exhaust gas (CPC 9404).

In SK: For processing and recycling of used batteries and accumulators, waste oils, old cars and waste from electrical and electronic equipment, incorporation in a Member State of the European Union or a Member State of the European Economic Area (EEA) is required (residency requirement) (part of CPC 9402).

Measures:

SE: The Vehicles Act (2002:574).

SK: Act 79/2015 on Waste.

## I-EU-11 – Health Services and Social Services

Sector – Subsector: Health and social services

Industry Classification: CPC 931, 933

Obligations Concerned: National Treatment

Chapter: Investment Liberalisation

Level of government: EU / Member State (unless otherwise specified)

## Description:

### With respect to Investment Liberalisation – National Treatment:

In FR: While other types of legal form are available for EU investors, foreign investors only have access to the legal forms of SEL (*société d'exercice libéral*) and SCP (*société civile professionnelle*). For medical, dental and midwives services, French 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 SARL (*anonyme, à responsabilité limitée*) or SCP (*en commandite par actions*) 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.

## Measures:

FR: 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, Articles L6122-1 and L6122-2 (Ordonnance 2010-177 du 23 février 2010).

## I-EU-12 – Tourism and Travel related Services

|                          |  |
|--------------------------|--|
| Sector – Subsector:      | Tourism and travel related services – hotels, restaurants and catering;<br>travel agencies and tour operators services (including tour managers);<br>tourist guides services |
| Industry Classification: | CPC 641, 642, 643, 7471, 7472  |
| Obligations Concerned:   | National Treatment<br><br>Senior Management and Board of Directors<br><br>Local Presence   |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services   |
| Level of government:     | EU / Member State (unless otherwise specified)   |

Description:

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In BG: The number of foreign managers may not exceed the number of managers who are Bulgarian nationals, in cases where the public (state or municipal) share in the equity capital of a Bulgarian company exceeds 50 %. EEA nationality requirement for tourist guides (CPC 641, 642, 643, 7471, 7472).

In CY: The provision of tourist guide services and travel agencies and tour operators services requires nationality of a Member State (CPC 7471, 7472).

In EL: Citizens of third countries have to obtain a diploma from the Tourist Guide Schools of the Greek Ministry of Tourism, in order to be entitled to the right of practicing the profession. By exception, the right to practice the profession can be temporally accorded to third countries citizens, by way of derogation from the above-mentioned provisions, in the event of the confirmed absence of a tourist guide for a specific language.

In ES (applies also to the regional level of government): Nationality of a Member State is required for the provision of tourist guide services (CPC 7472).

In HR: EEA nationality is required for hospitality and catering services in households and rural homesteads (CPC 641, 642, 643, 7471, 7472).

In HU: The supply of travel agent and tour operator services, and tourist guide services on a cross-border basis is subject to a licence. Licences are reserved to EEA nationals and juridical persons having their seats in the EEA Member States (CPC 7471, 7472).

In IT (applies also to the regional level of government): Tourist guides from non-EU countries need to obtain a specific licence from the Region in order to act as professional tourist guides. Tourist guides from Member States can work freely without the requirement for that a licence. The licence is granted to tourist guides demonstrating adequate competence and knowledge (CPC 7472).

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – Local Presence:

In BG: Tour operation or travel agency services may be provided by a person established in a Member State of the EU or a Member State of the EEA. Nationality and residency of the EEA or the Swiss Confederation is required to supply tour guide services, including activities such as mountain guides or ski instructors (CPC 7471, 7472).

Measures:

BG: Law for Tourism, Articles 61, 113 and 146.

CY: The Tourism and Travel Offices and Tourist Guides Law 1995 to 2004 (N.41(I)/1995-2004).

EL: Presidential Decree 38/2010, Ministerial Decision 165261/IA/2010 (Gov. Gazette 2157/B), Article 50 of the law 4403/2016.

ES: Andalucía: Decreto 8/2015, de 20 de enero, Regulador de guías de turismo de Andalucía;

Aragón: Decreto 21/2015, de 24 de febrero, Reglamento de Guías de turismo de Aragón;

Cantabria: Decreto 51/2001, de 24 de julio, Article 4, por el que se modifica el Decreto 32/1997, de 25 de abril, por el que se aprueba el reglamento para el ejercicio de actividades turístico-informativas privadas;

Castilla y León: Decreto 25/2000, de 10 de febrero, por el que se modifica el Decreto 101/1995, de 25 de mayo, por el que se regula la profesión de guía de turismo de la Comunidad Autónoma de Castilla y León;

Castilla la Mancha: Decreto 86/2006, de 17 de julio, de Ordenación de las Profesiones Turísticas;

Cataluña: Decreto Legislativo 3/2010, de 5 de octubre, para la adecuación de normas con rango de ley a la Directiva 2006/123/CE, del Parlamento y del Consejo, de 12 de diciembre de 2006, relativa a los servicios en el mercado interior, Article 88;



Comunidad de Madrid: Decreto 84/2006, de 26 de octubre del Consejo de Gobierno, por el que se modifica el Decreto 47/1996, de 28 de marzo;

Comunidad Valenciana: Decreto 90/2010, de 21 de mayo, del Consell, por el que se modifica el reglamento regulador de la profesión de guía de turismo en el ámbito territorial de la Comunitat Valenciana, aprobado por el Decreto 62/1996, de 25 de marzo, del Consell;

Extremadura: Decreto 37/2015, de 17 de marzo;

Galicia: Decreto 42/2001, de 1 de febrero, de Refundición en materia de agencias de viajes, guías de turismo y turismo activo;

Islas Baleares: Decreto 136/2000, de 22 de septiembre, por el cual se modifica el Decreto 112/1996, de 21 de junio, por el que se regula la habilitación de guía turístico en las Islas Baleares;

Islas Canarias: Decreto 13/2010, de 11 de febrero, por el que se regula el acceso y ejercicio de la profesión de guía de turismo en la Comunidad Autónoma de Canarias, Article 5;

La Rioja: Decreto 14/2001, de 4 de marzo, Reglamento de desarrollo de la Ley de Turismo de La Rioja; Navarra: Decreto Foral 288/2004, de 23 de agosto, Reglamento para actividad de empresas de turismo activo y cultural de Navarra;

Principado de Asturias: Decreto 59/2007, de 24 de mayo, por el que se aprueba el Reglamento regulador de la profesión de Guía de Turismo en el Principado de Asturias; and

Región de Murcia: Decreto No. 37/2011, de 8 de abril, por el que se modifican diversos decretos en materia de turismo para su adaptación a la ley 11/1997, de 12 de diciembre, de turismo de la Región de Murcia tras su modificación por la ley 12/2009, de 11 de diciembre, por la que se modifican diversas leyes para su adaptación a la directiva 2006/123/CE, del Parlamento Europeo y del Consejo de 12 de diciembre de 2006, relativa a los servicios en el mercado interior (los guías podrían ser extranjeros si tienen homologación de las titulaciones requeridas).

HR: Hospitality and Catering Industry Act (OG 138/06, 152/08, 43/09, 88/10 i 50/12); and

Act on Provision of Tourism Services (OG No. 68/07 and 88/10).

HU: Act CLXIV of 2005 on Trade; and

Government Decree No. 213/1996 (XII.23.) on Travel Organisation and Agency Activities.

IT: Law 135/2001 Articles 6 and 7.5, Law 40/2007 (DL 7/2007).

## I-EU-13 – Recreational, Cultural and Sporting Services

Sector – Subsector: Recreational services – other sporting services

Industry Classification: Part of CPC 96419

Obligations Concerned: National Treatment

Senior Management and Board of Directors

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Level of government: EU / Member State (unless otherwise specified)

Description:

Other sporting services (CPC 96419)

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment:

In AT (applies to the regional level of government): The operation of ski schools and mountain guide services is governed by the laws of the Bundesländer. The provision of these services may require nationality of a Member State of the EEA. Enterprises may be required to appoint a managing director who is a national of a Member State of the EEA.

In CY: Nationality requirement for the establishment of a dance school and nationality requirement for physical instructors.

Measures:

AT: Kärntner Schischulgesetz, LGBL. No. 53/97;

Kärntner Berg- und Schiführergesetz, LGBL. No. 25/98;

NÖ- Sportgesetz, LGBL. No. 5710; OÖ- Sportgesetz, LGBL. No. 93/1997;

Salzburger Schischul- und Snowboardschulgesetz, LGBL. No. 83/89;

Salzburger Bergführergesetz, LGBL. No. 76/81;

Steiermärkisches Schischulgesetz, LGBL. No. 58/97;

Steiermärkisches Berg- und Schiführergesetz, LGBL. No. 53/76;

Tiroler Schischulgesetz. LGBL. No. 15/95;

Tiroler Bergsportführergesetz, LGBL. No. 7/98;

Vorarlberger Schischulgesetz, LGBL. No. 55/02 §4 (2)a;

Vorarlberger Bergführergesetz, LGBL. No. 54/02; and

Wien: Gesetz über die Unterweisung in Wintersportarten, LGBL. No. 37/02.

CY: Law 65(i)/1997; Law 17(i) /1995.

## I-EU-14 – Transport Services and Services Auxiliary to Transport Services

|                          |   |
|--------------------------|---|
| Sector – Subsector:      | Transport services – fishing and water transportation – any other commercial activity undertaken from a ship; water transportation and auxiliary services for water transport; rail transport and auxiliary services to rail transport; road transport and services auxiliary to road transport; services auxiliary to air transport services; provision of combined transport services |
| Industry Classification: | ISIC 0501, 0502; CPC 5122, 5133, 5223, 711, 712, 72, 741, 742, 743, 744, 745, 748, 749, 7461, 7469, 83103, 83104, 86751, 86754, 8730, 882   |
| Obligations Concerned:   | National Treatment<br><br>Most-Favoured-Nation Treatment<br><br>Senior Management and Board of Directors<br><br>Local Presence  |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services  |
| Level of government:     | EU / Member State (unless otherwise specified)  |

Description:

Maritime transport and auxiliary services for maritime transport. Any commercial activity undertaken from a ship (ISIC 0501, 0502; CPC 5133, 5223, 721, Part of 742, 745, 74540, 74520, 74590, 882)

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors; Cross-Border Trade in Services – National Treatment:

In BG: 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 activities; performed by vessels in the internal waters and the territorial sea of BG, may only be performed by vessels flying the Bulgarian flag or vessels flying the flag of another Member State.

Nationality requirement for supporting services. The master and the chief engineer of the vessel shall mandatorily be nationals of a Member State of the EU or the EEA or of the Swiss Confederation. No less than 25 % of the positions at management and operational level and no less than 25 % of the positions at order-taking level shall be occupied by nationals of BG. The right to perform supporting services for public transport carried out in Bulgarian ports and in ports having regional significance is granted by a contract with the owner of the port (ISIC 0501, 0502, CPC 5133, 5223, 721, 74520, 74540, 74590, 882).

Measures:

BG: Merchant Shipping Code;

Law For the Sea Water, Inland Waterways and 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; and Ordinance 3 for servicing of unmanned vessels.

With respect to Investment Liberalisation – National Treatment; Cross-Border Trade in Services – National Treatment:

In DK: Pilotage services providers may only conduct pilotage services in DK if they are domiciled in an EU or EEA country and registered and approved by the Danish Authorities in accordance with the Danish Pilotage Act (74520).

Measures:

DK: Danish Pilotage Act, §18.



With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment:

In DE (applies also to the regional level of government): A vessel that does not belong to a national of a Member State may be used for activities other than transport and auxiliary services in the German federal waterways only after specific authorisation. 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 Mexican flag may be granted on the basis of reciprocity (§ 2 paragraph 3 Verordnung über die Küstenschifffahrt). All activities falling within the scope of the pilot law are regulated and accreditation is restricted to nationals of the EEA or the Swiss Confederation.

For rental or leasing of seagoing vessels with or without operators, and for rental or leasing without operator of non-seagoing vessels, the conclusion of contracts for freight transport by ships flying a foreign flag or the chartering of such vessels may be restricted, depending on the availability of ships flying under the German flag or the flag of another Member State.

Transactions between residents and non-residents within the economic area may be restricted (Water transport, Supporting services for water transport, Rental of ships, Leasing services of ships without operators (CPC 721, 745, 83103, 86751, 86754, 8730)) if they concern:

- (i) rental of internal waterways vessels, which are not registered in the economic area;

(ii) transport of freight with such internal waterways vessels; or

(iii) towing services by such internal waterways vessels.

Measures:

DE: §§ 1, 2 Flaggenrechtsgesetz (Flag Protection Act);

§ 2 Verordnung über die Küstenschifffahrt vom 05.07. 2002;

§§ 1, 2 Binnenschifffahrtsaufgabengesetz (BinSchAufgG);

Verordnung über Befähigungszeugnisse in der Binnenschifffahrt (Binnenschifferpatentverordnung - BinSchPatentV);

§ 9 Abs.2 No. 1 Seelotsgesetz from 08.12. 2010 (BGBl. I S. 1864);

§ 1 No. 9, 10, 11 and 13 Seeaufgabengesetz (SeeAufgG); and

See-Eigensicherungsverordnung from 19.09.2005 (BGBl. I S. 2787), geändert durch Artikel 516 Verordnung vom 31.10.2006 (BGBl. I S. 2407).

In FI: Supporting services for maritime transport when provided in Finnish maritime waters are reserved to fleets operating under the national, EU or Norwegian flag (CPC 745).

Measures:

FI: Merilaki (Maritime Act) (674/1994); and

Laki elinkeinon harjoittamisen oikeudesta (Act on the Right to Carry on a Trade) (122/1919), s. 4.

Rail transport and auxiliary services to rail transport (CPC 711, 743)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In BG: Only nationals of a Member State may provide rail transport or supporting services for rail transport in BG. A licence to carry out passenger or freight transportation by rail is issued by the Minister of Transport to railway operators registered as traders (CPC 711, 743)

Measures:

BG: Law for Railway Transport, Articles 37 and 48.

Road transport and services auxiliary to road transport (CPC 712, 7121, 7122, 71222, 7123)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In AT: For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of the Member States and to juridical persons of the EU having their headquarters in the EU (CPC 712).

Measures:

AT: Güterbeförderungsgesetz (Goods Transportation Act), BGBl. Nr. 593/1995; § 5;

Gelegenheitsverkehrsgesetz (Occasional Traffic Act), BGBl. Nr. 112/1996; § 6; and

Kraftfahrliniengesetz (Law on Scheduled Transport), BGBl. I Nr. 203/1999 as amended, §§ 7 and 8.

In CZ: Incorporation in CZ is required (no branches) for the provision of road transport services.

Measures:

CZ: Act No. 111/1994 Coll., on Road Transport.

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment:

In EL: For operators of road freight transport services, in order to engage in the occupation of road freight transport operator a Hellenic licence is needed. Licences are granted on non-discriminatory terms, under condition of reciprocity.

Measures:

EL: Licensing of road freight transport operators: Greek law 3887/2010  
(Government Gazette A' 174), as amended by Article 5 of law 4038/2012  
(Government Gazette A' 14)-EC Regulations 1071/09 and 1072/09.

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment;  
and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment, Local  
Presence:

In SE: 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 be  
established in the EU, have an establishment situated in SE and have appointed a natural person to  
act as the transport manager, who must be a resident in the EU.

Operators of cross-border road haulage and road passenger transport services abroad need to be  
licensed for those operations by the competent authority in the country where they are established.  
Additional requirements for cross-border trade may be regulated in bilateral road transport  
agreements. For vehicles in which no bilateral agreement is applicable, a licence is also needed  
from the Swedish Transport Agency (CPC 712).

Measures:

SE: Yrkestrafiklag (2012:210) (Act on professional traffic);

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

Yrkestrafikförordning (2012:237) (Government regulation on professional traffic);

Taxitrafiklag (2012:211) (Act on Taxis); and

Taxitrafikförordning (2012:238) (Government regulation on taxis).

Services auxiliary to air transport services (CPC 7461, 7469, 83104)

With respect to Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment, Local Presence:

In the EU: For groundhandling services, establishment within the EU territory may be required. The level of openness of groundhandling services depends on the size of airport. The number of suppliers in each airport may be limited. For big airports, this limit may not be less than two suppliers.

Measures:

The EU: Regulation 2008/1008/EC of 24 September 2008 on common rules for the operation of air services in the Community; Regulation 2009/80/EC of 14 January 2009 on a Code of Conduct for computerised reservation systems; Directive 1996/67/EC of 15 October 1996 on access to the groundhandling market at Community airports.

In BE (applies also to the regional level of government): For groundhandling services, reciprocity is required.

Measures:

BE: Arrêté Royal du 6 novembre 2010 réglementant l'accès au marché de l'assistance en escale à l'aéroport de Bruxelles-National (Article 18);

Besluit van de Vlaamse Regering betreffende de toegang tot de grondafhandelingsmarkt op de Vlaamse regionale luchthavens (Article 14);

Arrêté du Gouvernement wallon réglementant l'accès au marché de l'assistance en escale aux aéroports relevant de la Région wallonne (Article 14)

With respect to Investment Liberalisation – National Treatment.

In BE: Private (civil) 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 BE without interruption for at least one year. Private (civil) 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 BE without interruption for at least one year (rental of aircraft CPC 83104).

Measures:

BE: Arrêté Royal du 15 mars 1954 réglementant la navigation aérienne.

In PL: For airport operation services, foreign participation is limited to 49 per cent (part of CPC 742).

Measures:

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

Supporting services for all modes of transport (part of CPC 748)



With respect to Cross-Border Trade in Services – Local Presence:

The EU (applies also to the regional level of government): Customs clearance services may only be provided by EU residents.

Measures:

The EU: Regulation (EU) No 952/2013 of 9 October 2013 of the European Parliament and of the Council establishing the Union Customs Code.

Provision of Combined Transport Services (CPC 711, 712, 7212, 7222, 741, 742, 743, 744, 745, 748, 749)

With respect to Cross-Border Trade in Services – Local Presence:

The EU: With the exception of FI: 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 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 mode 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.

Measures:

The EU: Directive 1992/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States.

## I-EU-15 – Agriculture, fishing and manufacturing

|                          |  |
|--------------------------|--|
| Sector – Subsector:      | Agriculture, hunting, forestry; animal and reindeer husbandry, fishing and aquaculture; publishing, printing and reproduction of recorded media                |
| Industry Classification: | ISIC 011, 012, 013, 014, 015, 1531, 050, 0501, 0502, 221, 222, 323, 324, CPC 882, 88442  |
| Obligations Concerned:   | National Treatment<br><br>Most-Favoured-Nation Treatment<br><br>Performance Requirements<br><br>Senior Management and Board of Directors<br><br>Local Presence |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services   |
| Level of government:     | EU / Member State (unless otherwise specified)   |

Description:

- (a) Agriculture, hunting and forestry (ISIC 011, 012, 013, 014, 015, 1531, CPC 881)

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment; Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment, Local Presence:

In IT: For agronomists and periti agrari, residency and enrolment in the professional register is required. Third country nationals can enrol under condition of reciprocity.

Measures:

IT: Law 3/1976 on the profession of agronomists "Periti agrari"; Law 434/1968 as amended by Law 54/1991.

With respect to Investment Liberalisation – Performance Requirements:

The EU: The intervention agencies designated by 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 any third country. Only EU rice producers may claim compensatory payments.

With respect to Investment Liberalisation –National Treatment:

In FI: Only nationals of a Member State of the EEA resident in the reindeer herding area may own reindeer and practice reindeer husbandry. Exclusive rights may be granted.

In FR: Prior authorisation is required in order to become a member or act as a director of an agricultural co-operative (ISIC 11, 12, 13, 14, 15).

In SE: Only Sami people may own and practice reindeer husbandry.

Measures:

The EU: Regulation 2007/1234/EC of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation).

FI: Poronhoitolaki (Reindeer Husbandry Act) (848/1990), Chapter 1, s. 4, Protocol 3 to the Accession Treaty of Finland.

FR: Code rural et de la pêche maritime: Article R331-1 on installation and Article L. 529-2 on agricultural co-operatives.

SE: Reindeer Husbandry Act (1971:437), paragraph 1.

- (b) Manufacturing – Publishing, printing and reproduction of recorded media (ISIC 221, 222, 323, 324, CPC 88442)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – Local Presence:

In DE (applies also to the regional level of government): Each publicly distributed or printed newspaper, journal or periodical must clearly indicate a "responsible editor" (the full name and address of a natural person). The responsible editor may be required to be a permanent resident of DE, the EU or an EEA country. Exceptions may be allowed by the Federal Minister of the Interior (ISIC 223, 224).

In SE: Natural persons who are owners of periodicals that are printed and published in SE shall reside in SE or be nationals of a Member State of the EEA. Owners of those periodicals who are juridical persons must be established in the EEA. Periodicals that are printed and published in SE and technical recordings shall have a responsible editor who must be domiciled in SE.

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment:

In IT: In so far as Mexico allows Italian nationals and enterprises to conduct these activities, IT shall allow nationals and enterprises of Mexico to conduct these activities under the same conditions. In so far as Mexico allows Italian investors to own more than 49 % of the capital and voting rights in a publishing company of Mexico, IT shall allow investors of Mexico to own more than 49 % of the capital and voting rights in an Italian publishing company under the same conditions (ISIC 221, 222, CPC 88442).

With respect to Investment Liberalisation – Senior Management and Board of Directors:

In PL: Nationality is required for the editor-in-chief of newspapers and journals (ISIC 221, 222).

With respect to Cross-Border Trade in Services – Local Presence:

In LV: Only legal persons incorporated in LV and natural persons of LV have the right to found and publish mass media. Branches are not allowed.

Measures:

DE: § 10 Abs. 1 Nr. 4 Landesmediengesetz (LMG) Rheinland-Pfalz v. 4. Februar 2005, GVBl. S. 23;

§ 9 Abs. 1 Nr. 1 Gesetz über die Presse Baden-Württemberg (LPG BW) v. 14 Jan. 1964, GBl. S.11;

§ 9 Abs. 1 Nr. 1 Pressegesetz für das Land Nordrhein-Westfalen (Landespressegesetz NRW) v. 24. Mai 1966 (GV. NRW. S. 340);

§ 8 Abs. 1 Gesetz über die Presse Schleswig-Holstein (PressG SH) vom 25.1.2012, GVOBL. SH S. 266;

§ 7 Abs. 2 Landespressegesetz für das Land Mecklenburg-Vorpommern (LPrG M-V) v. 6 Juni 1993, GVOBl. M-V 1993, S. 541;

§ 8 Abs. 1 Nr. 1 Pressegesetz für das Land Sachsen-Anhalt in der Neufassung vom 2.5.2013 (GVBl. LSA S. 198);

§ 7 Abs. 2 Berliner Pressegesetz (BlnPrG) v. 15 Juni 1965, GVBl. S. 744;



§ 10 Abs. 1 Nr. 1 Brandenburgisches Landspressegesetz (BbgPG) v. 13. Mai 1993, GVBl. I/93, S. 162;

§ 9 Abs. 1 Nr.1 Gesetz über die Presse Bremen (BrPrG), Brem. GBl. 1965, S. 63;

§ 7 Abs. 3 Nr. 1 Hessisches Pressegesetz (HPresseG) v. 12. Dezember 2004, GVBl. 2004 I S. 2;

§ 7 Abs. 2 i.V.m § 9 Abs.1 Ziffer 1 Thüringer Pressegesetz (TPG) v. 31. Juli 1991, GVBl. 1991 S. 271;

§ 9 Abs. 1 Nr. 1 Hamburgisches Pressegesetz v. 29. Januar 1965, HmbGVBl., S. 15;

§ 6 Abs. 2 Sächsisches Gesetz über die Presse (SächsPresseG) v. 3. April 1992, SächsGVBl. S. 125;

§ 8 Abs. 2 Niedersächsisches Pressegesetz v. 22. März 1965, GVbl. S.9;

§ 9 Abs. 1 Nr. 1 Saarländisches Mediengesetz (SMG) vom 27. Februar 2002 (Amtsbl. S. 498); and

Art. 5 Abs. 2 Bayerisches Pressegesetz in der Fassung der Bekanntmachung v. 19. April 2000 (GVBl, S. 340).

IT: Law 416/1981, Article 1 (and subsequent amendments).

LV: Law on the Press and Other Mass Media, s. 8.

PL: Act of 26 January 1984 on Press law, Journal of Laws, No. 5, item 24, with subsequent amendments.

SE: Freedom of the press act (1949:105);

Fundamental law on Freedom of Expression (1991:1469); and

Act on ordinances for the Freedom of the Press Act and the Fundamental law on Freedom of Expression (1991:1559).

## I-EU-16 – Energy related activities

|                          |   |
|--------------------------|---|
| Sector – Subsector:      | Energy related activities – mining and quarrying; production, transmission and distribution on own account of electricity, gas, steam and hot water; pipeline transportation of fuels; storage and warehouse of fuels transported through pipelines; services incidental to energy distribution |
| Industry Classification: | ISIC 10, 11, 12, 13, 14, 40, CPC 5115, 63297, 713, part of 742, 8675, 883, 887  |
| Obligations Concerned:   | National Treatment<br><br>Senior Management and Board of Directors<br><br>Local Presence  |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services  |
| Level of government:     | EU / Member State (unless otherwise specified)  |

Description:

- (a) Mining and quarrying (ISIC 10, 11, 12, 13, 14, CPC 5115, 7131, 8675, 883)

With respect to Investment Liberalisation –National Treatment, Most-Favoured-Nation Treatment:

In CY: The Council of Ministers may refuse to allow access to and exercise of the activities of prospecting, exploration and exploitation of hydrocarbons to any entity which is effectively controlled by Mexico or by nationals of Mexico or third country nationals. No entity may, after the granting of an authorisation for the prospecting, exploration and production of hydrocarbons, come under the direct or indirect control of Mexico or a national of Mexico without the prior approval of the Council of Ministers. The Council of Ministers may refuse to grant an authorisation for the prospecting, exploration and production of hydrocarbons to an entity which is effectively controlled by Mexico or a third country or by a national of Mexico or a third country, if Mexico or the third country does not grant entities of CY or entities of Member States, in relation to the access to and exercise of the activities of prospecting, exploring for and exploiting hydrocarbons, treatment comparable to that which CY or the Member State grants entities of Mexico or that third country (ISIC 1110).

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – Local Presence:

In SI: The exploration for and exploitation of mineral resources, including regulated mining services, are subject to establishment in or citizenship of the EEA, the Swiss Confederation or an Organisation for Economic Co-operation and Development (OECD) member, or of a third country on condition of reciprocity. Compliance with the condition of reciprocity is verified by the Ministry responsible for mining (ISIC 10, 11, 12, 13, 14, CPC 883, 8675).

With respect to Investment Liberalisation – National Treatment:

In NL: The exploration for and exploitation of hydrocarbons in NL is always performed jointly by a private company and the public (limited) company designated by the Minister of Economic Affairs. Articles 81 and 82 of the Mining Act stipulate that all shares in this designated company must be directly or indirectly held by the Dutch State (ISIC rev 3.1 10, 3.1 11, 3.1 12, 3.1 13, 3.1 14).

With respect to Cross-Border Trade in Services – Local presence:

In FI: The exploration for and exploitation of mineral resources may be granted to a natural person resident in the EEA or a juridical person established in the EEA. (ISIC Rev. 3.1 120, CPC 5115, 883, 8675).

In SK: For mining, activities related to mining and geological activity, incorporation in a Member State of the EU or of the EEA is required (no branching). Mining and prospecting activities covered by Act of the Slovak Republic 44/1988 on protection and exploitation of natural resources are regulated on a non-discriminatory basis, including through public policy measures seeking to ensure the conservation and protection of natural resources and the environment such as the authorisation or prohibition of certain mining technologies. For greater certainty, those measures include the prohibition of the use of cyanide leaching in the treatment or refining of minerals, the requirement of a specific authorisation in the case of fracking for activities of prospecting, exploration or extraction of oil and gas, as well as prior approval by local referendum in the case of nuclear or radioactive mineral resources. This does not increase the non-conforming aspects of the existing measure for which the reservation is taken (ISIC 10, 11, 12, 13, 14, CPC 5115, 7131, 883 and 8675).

Measures:

CY: The Hydrocarbons (Prospecting, Exploration and Exploitation Law) of 2007, (Law 4(I)/2007) as amended by laws number 126(I) of 2013 and 29(I) of 2014.

FI: Kaivoslaki (Mining Act) (621/2011); and

Ydinenergi laki (Nuclear Energy Act) (990/1987).

NL: Mijnbouwwet (Mining Act).

SI: Mining Act 2014.

SK: Act 51/1988 on Mining, Explosives and State Mining Administration;

Act of the Slovak Republic 44/1988 on protection and exploitation of natural resources; and

Act 569/2007 on Geological Works.

Electricity (ISIC 40, 4010; CPC 62271, 887 (other than advisory and consulting services))

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors; and Cross-Border Trade in Services –National Treatment, Local Presence:

In AT (applies only to the regional level of government): With regard to transmission and distribution of electricity, authorisation is only granted to nationals of a Member State of the EEA domiciled in the EEA. If the operator appoints a managing director or a leaseholder, the domicile requirement is waived. Juridical persons (enterprises) and partnerships shall have their seat in the EEA. They shall appoint a managing director or a leaseholder, both of whom must be nationals of a Member State of the EEA domiciled in the EEA. The competent authority may waive the domicile and nationality requirements if the operation of the network is considered to be in the public interest (ISIC 40, CPC 887).

Measures:

AT: Burgenländisches Elektrizitätswesengesetz 2006, LGBI. No. 59/2006 as amended;

Niederösterreichisches Elektrizitätswesengesetz, LGBI. Nr. 7800/2005 as amended;

Landesgesetz, mit dem das Oberösterreichische Elektrizitätswirtschafts- und -  
organisationsgesetz 2006 erlassen wird (Oö. ElWOG 2006), LGBI. Nr. 1/2006 as amended;

Salzburger Landeselektrizitätsgesetz 1999 (LEG), LGBI. Nr. 75/1999 as amended;

Gesetz vom 16. November 2011 über die Regelung des Elektrizitätswesens in Tirol (Tiroler  
Elektrizitätsgesetz 2012 – TEG 2012), LGBI. Nr. 134/2011;

Gesetz über die Erzeugung, Übertragung und Verteilung von elektrischer Energie  
(Vorarlberger Elektrizitätswirtschaftsgesetz), LGBI. Nr. 59/2003 as amended;

Gesetz über die Neuregelung der Elektrizitätswirtschaft (Wiener Elektrizitätswirtschaftsgesetz  
2005 – WEIWG 2005), LGBI. Nr. 46/2005;

Steiermärkisches Elektrizitätswirtschafts- und Organisationsgesetz (ELWOG), LGBI.  
Nr. 70/2005;



Kärntner Elektrizitätswirtschafts-und Organisationsgesetz(ELWOG), LGBl. Nr. 24/2006;

Rohrleitungsgesetz (Law on Pipeline Transport), BGBl. Nr. 411/1975, § 5(1) and (2), §§ 5 (1) and (3), 15, 16; and

Gaswirtschaftsgesetz (Gas Act), BGBl. I No. 121/2000, amended in 2011 Article 43 and 44, Articles 90 and 93.

With respect to Cross-Border Trade in Services – Local Presence:

In BE: Establishment within the EU is required (ISIC 4010, CPC 887).

In CZ: For electricity generation, transmission, distribution, trading and other electricity market operator activities, as well as heat generation and distribution, authorisation is required. That authorisation may only be granted to a natural person with a residence permit or a juridical person established in the EU. Exclusive rights exist with regard to electricity and gas transmission and market operator licences (ISIC 40, CPC 7131, 62279, 742, 887).

In LT: The licences for transmission, distribution, public supply and organising of trade of electricity may only be issued to legal persons of LT or branches of foreign legal persons or other organisations established in LT (ISIC 4010, CPC 62279, 887).

This reservation does not apply to advisory or consultancy services related to the transmission and distribution on a fee or contract basis of electricity.

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

- i) the generation of electricity, except for generation of electricity using electricity sources of the total capacity of not more than 50 MW other than renewable energy sources; cogeneration of electricity using sources of the total capacity of not more than 5 MW other than renewable energy sources;
- ii) the transmission or distribution of electricity; and
- iii) the trade in electricity, except for the trade in electricity using installations of voltage lower than 1 kV owned by the customer; and the trade in 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.

A licence may only be granted by the Competent Authority to an applicant that has registered their principal place of business or residence in the territory of a Member State of the EU, Member State of the EEA or the Swiss Confederation (ISIC 4010, CPC 62279, 63297, CPC 887).

In PT: The activities of electricity transmission and distribution are carried out through exclusive concessions of public service. Concessions for the electricity sectors are assigned only to limited companies with their headquarters and effective management in PT (ISIC 4010, CPC 887).

In SI: The production, trading, supply to final customers, transmission and distribution of electricity and natural gas is subject to establishment in the EU (ISIC 4010, 4020, CPC 7131, 887).

In SK: An authorisation is required for the production, transmission and distribution of electricity, wholesale and retail of electricity, and related services incidental to energy distribution. For all these activities, an authorisation may only be granted to a natural person with permanent residency in a Member State of the EU or the EEA or a juridical person established in the EU or the EEA (ISIC 4010, CPC 62279, 887).

In SI: The production, trading, supply to final customers, transmission and distribution of electricity and natural gas is subject to establishment in the EU (ISIC 4020, CPC 7131, 887).

Fuels, gas, crude oil or petroleum products (ISIC 232, 4020; CPC 62271, 63297, 7131, 742, 887 (other than advisory and consulting services))

With respect to Investment Liberalisation – National Treatment and Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment and Local Presence:

In AT: With regard to the transportation of gas, authorisation is only granted to nationals of a Member State of the EEA 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 shall be nationals of a Member State of the EEA. 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; and

Enterprises and partnerships shall have their seat in AT. An economic needs test or interest test is applied. Cross border pipelines must not jeopardise AT's security interests and its status as a neutral country. Enterprises and partnerships shall appoint a managing director who shall be a national of a Member State of the EEA. 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 (CPC 713).

With respect to Cross-Border Trade in Services – Local Presence:

In BE: For bulk storage services of gas, requirements exist regarding the types of legal entities and the treatment of public or private operators to which BE has conferred exclusive rights. Establishment within the EU is required for bulk storage services of gas (part of CPC 742).

In general the supply of natural gas to customers (customers being both distribution companies and consumers whose overall combined consumption of gas arising from all points of supply attains a minimum level of one million cubic metres per year) established in BE is subject to an individual authorisation provided by the minister, except where the supplier is a distribution company using its own distribution network. That authorisation may only be granted to a natural or juridical person established in a Member State (ISIC 4020, CPC 7131).

The pipeline transport of natural gas and other fuels is subject to an authorisation requirement. An authorisation may only be granted to a natural or juridical person established in a Member State (in accordance with Article 3 of the AR of 14 May 2002). Foreign enterprises controlled by natural persons or enterprises of a third country which accounts for more than 5 % of the EU's oil or natural gas or electricity imports may be prohibited from obtaining control of the activity.

If the authorisation is requested by an enterprise other than a branch or a representative office, that enterprise shall:

- i) be established in accordance with Belgian law, the law of another Member State, or the law of a third country which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas; and
- ii) hold its administrative seat, its principal establishment or its head office within a Member State or a third country which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas, provided that the activity of this establishment or head office represents an effective and continuous link with the economy of the country concerned (ISIC 4020, CPC 7131).

In CZ: For gas generation, transmission, distribution, storage and trading, authorisation is required. That authorisation may only be granted to a natural person with a residence permit or a juridical person established in the EU. Exclusive rights exist with regard to gas transmission and market operator licences (ISIC 2320, 4020, CPC 7131, 63297, 742, 887).

Steam and Hot Water Supply (ISIC 4030, CPC, 887).

With respect to Cross-Border Trade in Services – Local Presence:

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

- i) the generation of steam and hot water energy, except for: cogeneration of 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 no more than 5 MW;
- ii) the transmission or distribution of heat, except where the total capacity ordered by customers does not exceed 5 MW; and
- iii) trade in heat if the capacity ordered by the customers does not exceed 5 MW.

A licence may only be granted by the Competent Authority to an applicant that has registered its principal place of business or residence in the territory of a Member State of the EU, a Member State of the EEA or the Swiss Confederation (ISIC 4030, CPC 887).

In SK: An authorisation is required for production and distribution of steam and hot water, wholesale and retail of steam and hot water, and related services incidental to energy distribution. For all these activities, an authorisation may only be granted to a natural person with permanent residency in a Member State of the EU or the EEA or a juridical person established in the EU or the EEA (ISIC 4030, CPC 887).

Measures:

AT: Burgenländisches Elektrizitätswesengesetz 2006, LGBI. Nr. 59/2006 as amended;

Niederösterreichisches Elektrizitätswesengesetz, LGBI. Nr. 7800/2005 as amended;

Landesgesetz, mit dem das Oberösterreichische Elektrizitätswirtschafts- und -  
organisationsgesetz 2006 erlassen wird (Oö. ElWOG 2006), LGBI. Nr. 1/2006 as amended;

Salzburger Landeselektrizitätsgesetz 1999 (LEG), LGBI. Nr. 75/1999 as amended;

Gesetz vom 16. November 2011 über die Regelung des Elektrizitätswesens in Tirol (Tiroler  
Elektrizitätsgesetz 2012 – TEG 2012), LGBI. Nr. 134/2011;

Gesetz über die Erzeugung, Übertragung und Verteilung von elektrischer Energie  
(Vorarlberger Elektrizitätswirtschaftsgesetz), LGBI. Nr. 59/2003 as amended;

Gesetz über die Neuregelung der Elektrizitätswirtschaft (Wiener Elektrizitätswirtschaftsgesetz  
2005 – WEIWG 2005), LGBI. Nr. 46/2005;

Steiermärkisches Elektrizitätswirtschafts- und Organisationsgesetz (ELWOG), LGBI.  
Nr. 70/2005;



Kärntner Elektrizitätswirtschafts-und Organisationsgesetz(ELWOG), LGBl. Nr. 24/2006;

Rohrleitungsgesetz (Law on Pipeline Transport), BGBl. Nr. 411/1975, § 5(1) and (2), §§ 5 (1) and (3), 15, 16; and

Gaswirtschaftsgesetz 2011(Gas Act), BGBl. I Nr. 107/2011, articles 43 and 44, Articles 90 and 93.

BE: Arrêté royal du 2 avril 2003 relatif aux autorisations de fourniture d'électricité par des intermédiaires et aux règles de conduite applicables à ceux-ci; and

Arrêté royal du 12 juin 2001 relatif aux conditions générales de fourniture de gaz naturel et aux conditions d'octroi des autorisations de fourniture de gaz naturel.

CZ: Act No. 458/2000 Coll on Business conditions and public administration in the energy sectors (The Energy Act).

DK: Bekendtgørelse nr. 724 af 1. juli 2008 om indretning, etablering og drift af olietanke, rørsystemer og pipelines (Order on the arrangement, establishment and operation of oil tanks, piping systems and pipelines), no. 724 of 1 July 2008.

LT: Law on Natural Gas of the Republic of Lithuania of 10 October 2000 No VIII-1973; and

Law on electricity of the Republic of Lithuania of 20 July 2000 No VIII-1881.

MT: EneMalta Act Cap. 272 and EneMalta (Transfer of Assets, Rights, Liabilities & Obligations) Act Cap. 536.

NL: Elektriciteitswet 1998; Gaswet.

PL: Energy Law Act of 10 April 1997, articles 32 and 33.

SI: Energetski zakon (Energy Act) 2014), Official Gazette RS, nr. 17/2014; Mining Act (2014).

RESERVATIONS FOR EXISTING MEASURES

LIST OF MEXICO

Reservations Applicable at Central Level

I-MX-1

Sector: All

Subsector:

Industry Classification:

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

|              |  |
|--------------|--|
| Measures:    | <p>Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 27.</p> <p>Foreign Investment Law (Ley de Inversión Extranjera), Title II, Chapters I and II.</p> <p>Regulations to the Foreign Investment Law and the National Registry of Foreign Investments (Reglamento de la Ley de Inversión Extranjera y del Registro Nacional de Inversiones Extranjeras), Title II, Chapters I and II.</p>  |
| Description: | <p>Investment Liberalisation</p> <p>Foreign nationals or foreign enterprises may not acquire property rights (<i>dominio directo</i>) over land and water in a 100-kilometre strip along the country's borders or in a 50-kilometre strip inland from its coasts (Restricted Zone).</p> <p>Mexican enterprises without a foreigners exclusion clause may acquire property rights (<i>dominio directo</i>) over real estate located in the Restricted Zone, used for non-residential purposes. Notice of the acquisition shall be given to the Ministry of Foreign Affairs (Secretaría de Relaciones Exteriores), (hereinafter referred to as "SRE") within 60 business days following the date of acquisition.</p> |

Mexican enterprises without a foreigners exclusion clause may not acquire property rights (*dominio directo*) over real estate located in the Restricted Zone, used for residential purposes.

Pursuant to the procedure described below, Mexican enterprises without a foreigners exclusion clause may acquire rights for the use and enjoyment over real estate in the Restricted Zone, used for residential purposes. That procedure shall also apply when foreign nationals or foreign enterprises seek to acquire rights for the use and enjoyment over real estate in the Restricted Zone regardless of the purpose for which the real estate is used.

A permit from the SRE is required for credit institutions to acquire, as trustees, rights to real estate located in the Restricted Zone, when the purpose of the trust is to allow the use and enjoyment of that real estate, without granting real property rights thereof, and the trust beneficiaries are the Mexican enterprises without a foreigners exclusion clause, or the foreign nationals or foreign enterprises referred to above.

The terms "use" and "enjoyment" of the real estate located in the Restricted Zone mean the rights to use and enjoy that real estate, including, as applicable, obtaining benefits, products and, in general, any yield resulting from lucrative operation and exploitation through third parties or through the credit institutions acting as trustees.

The duration of the trust referred to in this entry shall be for a maximum period of 50 years, which may be renewed on request by the interested party.

The SRE may verify at any time the compliance with the conditions under which the permits referred to in this entry are granted, as well as the submission and veracity of the notices mentioned above.

The SRE shall decide on the permits, considering the economic and social benefits that these operations could have on the Nation.

Foreign nationals or foreign enterprises seeking to acquire real estate outside the Restricted Zone shall previously submit to the SRE a statement agreeing to consider themselves Mexican nationals for the above mentioned purposes, and waiving the right to invoke the protection of their governments with respect to that real estate.

I-MX-2

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Foreign Investment Law (Ley de Inversión Extranjera), Title VI, Chapter III.

Description: Investment Liberalisation

The CNIE shall take into account the following criteria when evaluating the applications<sup>1</sup> submitted for its consideration:

- (a) effects on employment and training of workers;
- (b) technological contribution;
- (c) compliance with the environmental provisions set out in the environmental legislation; and
- (d) in general, contribution to increase the competitiveness of the Mexican productive system.

When deciding on an application, the CNIE may only impose requirements that do not distort international trade and that are not prohibited by Article 10.9 (Performance Requirements).

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<sup>1</sup> Applications for acquisitions or establishment of investments in restricted activities as set out in this List.



I-MX-3

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.

As qualified by the Description element

Description:

Investment Liberalisation

A favourable resolution from the CNIE is required for investors of the European Union or their enterprises to participate, directly or indirectly, in more than 49 % of the ownership interest of a Mexican enterprise, only when the total value of the assets of the Mexican enterprise exceeds the applicable threshold at the time the application for acquisition is submitted.

The applicable threshold for the review of an acquisition of a Mexican enterprise shall be the amount determined by the CNIE. The threshold at the date of entry into force of this Agreement for Mexico shall be the equivalent in Mexican pesos to one billion US dollars, using the official exchange rate on 5 October 2015.

Each year, the threshold shall be adjusted in accordance with the nominal growth rate of the Mexican gross domestic product, as published by the National Institute for Statistics and Geography (Instituto Nacional de Estadística y Geografía).

I-MX-4

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 10.7)

Senior Management and Board of Directors (Article 10.10)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 25.

General Law of Cooperative Companies (Ley General de Sociedades Cooperativas), Title I and Title II, Chapter II.

Federal Labour Law (Ley Federal del Trabajo), Title I.

Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.

Description:

Investment Liberalisation

No more than 10 % of the natural persons participating in a Mexican cooperative production enterprise may be foreign nationals.

Investors of the European Union or their enterprises may only own up to 10 % of the ownership interest in a Mexican cooperative production enterprise.

No foreign nationals may engage in general administrative functions or perform managerial activities in that enterprise.

A cooperative production enterprise is an enterprise whose members join their personal work, whether physical or intellectual, with the purpose of producing goods or services.

I-MX-5

Sector: All

Sub-Sector:

Industry Classification:

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Federal Law to Foster the Microindustry and Handicraft Activity (Ley Federal para el Fomento de la Microindustria y la Actividad Artesanal), Chapters I to IV.

Description:

Investment Liberalisation

Only Mexican nationals may apply for a licence (*cédula*) to qualify as a microindustry enterprise.

Mexican microindustry enterprises may not have foreign persons as partners.

The Federal Law to Foster the Microindustry and Handicraft Activity defines a "microindustry enterprise" as the enterprise integrated by up to 15 workers, that is engaged in the transformation of goods, and whose annual sales do not exceed the amount determined periodically by the SE.

I-MX-6

Sector: Agriculture, Livestock, Forestry and Lumber Activities

Sub-Sector: Agriculture, Livestock or Forestry

Industry Classification: CMAP 1111 Agriculture

CMAP 1112 Livestock and Hunting (limited to livestock)

CMAP 1200 Forestry and Logging

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 27.

Agrarian Law (Ley Agraria), Title VI.

Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.

Description:

## Investment Liberalisation

Only Mexican nationals or Mexican enterprises may own land for agriculture, livestock or forestry purposes. Those enterprises shall issue a special type of share ("T" share) representing the value of that land at the time of its acquisition.

Investors of the European Union or their enterprises may only own up to 49 % of "T" shares.



I-MX-7

Sector: Retail Trade

Sub-Sector: Sale of Non-Food Products in Specialised Establishments

Industry Classification: CMAP 623087 Retail Trade of Firearms, Cartridges and Munitions

CMAP 612024 Wholesale Trade Not Elsewhere Classified (limited to firearms, cartridges and munitions)

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.

Description:

Investment Liberalisation

Investors of the European Union or their enterprises may only own up to 49 % of the ownership interest in an enterprise established or to be established in the territory of Mexico that is engaged in the sale of explosives, firearms, cartridges, ammunition and fireworks, excluding the acquisition and use of explosives for industrial and extractive activities, and the preparation of explosive mixtures for those activities.

I-MX-8

Sector: Communications

Sub-Sector: Broadcasting (radio and free to air television)<sup>2</sup>

Industry Classification: CMAP 720006 Other Telecommunications Services (limited to satellite communications)

CMAP 720006 Other Telecommunications Services (Not including Enhanced or Value Added Services)

CMAP 502003 Telecommunications Installations

CMAP 720006 Other Telecommunications Services (limited to resellers)

CMAP 941104 Private Production and Transmission of Radio Programs (limited to production and transmission of sound broadcasting (radio) programs)

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<sup>2</sup> For greater certainty, subparagraph 2(c) of Article 10.5 (Scope) and subparagraph 2(a) of Article 11.2 (Scope) exclude audio-visual services from the scope of Chapters 10 (Investment Liberalisation) and 11 (Cross-Border Trade in Services). Mexico includes a number of measures regarding this activity solely for transparency purposes.

CMAF 941105 Private Services of Production, Transmission and Retransmission of Television Programming (limited to transmission and retransmission of free-to-air television programming)

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Most-Favoured-Nation Treatment (Article 10.8)

Local Presence (Article 11.5)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Articles 28 and 32, and Fifth Transitory Provision.

Federal Telecommunications and Broadcasting Law (Ley en Materia de Telecomunicaciones y Radiodifusión), Title III, Chapters I, III and VII; and Title X, Chapter II.

General Means of Communication Law (Ley de Vías Generales de Comunicación), Book I, Chapter III.

Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapters II and III.

Regulations to the Foreign Investment Law and the National Registry for Foreign Investments (Reglamento de la Ley de Inversión Extranjera y del Registro Nacional de Inversiones Extranjeras), Title VI.

General Guidelines for the Granting of the Concessions Referred to in Title Four of the Federal Telecommunications and Broadcasting Law (Lineamientos Generales para el otorgamiento de las concesiones a que se refiere el Título Cuarto de la Ley en Materia de Telecomunicaciones y Radiodifusión).

Description:

Investment Liberalisation and Cross-Border Trade in Services

In accordance with their purposes, sole concessions and frequency band concessions shall be granted only to Mexican nationals or Mexican enterprises constituted under Mexican law.

Investors of the European Union or their enterprises may participate up to 49 % in concessionaire enterprises providing broadcasting services. That maximum foreign participation threshold shall be applied in accordance with the reciprocity existent with the country in which the investor or trader who ultimately controls it is constituted.

For the purposes of the paragraph above, a favourable opinion of the CNIE is required before granting the sole concession for providing broadcasting services in which foreign investment participate.

No concession, the rights conferred therein, facilities, auxiliary services, offices or accessories and properties affected thereto, may be assigned, encumbered, pledged or given in trust, mortgaged, or transferred totally or partially to any foreign government or state, under any circumstances.

Concessions for indigenous social use shall be granted to indigenous people and indigenous communities of Mexico, with the objective to promote, develop and preserve languages, culture, knowledge, traditions, identity and their internal rules that, in accordance with the principle of gender equality, enable the integration of indigenous women in the accomplishment of the purposes for which the concession is granted.

Mexico shall guarantee that broadcasting promotes the values of national identity. The broadcasting concessionaires shall use and stimulate local and national artistic values and expressions of Mexican culture, in accordance with the characteristics of its programming. Daily programming with personal performances shall include more time covered by Mexican nationals.

I-MX-9

Sector: Communications

Sub-Sector: Telecommunications (including resellers and restricted television and audio service)

Industry Classification: CMAP 720006 Other Telecommunication Services

CMAP 720006 Other Telecommunications Services (not including enhanced or value added services)

CMAP 502003 Telecommunications Installation

CMAP 720006 Other Telecommunications Services (limited to resellers)

CMAP 502004 Other Special Installations

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Local Presence (Article 11.5)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Articles 28 and 32.

Federal Telecommunications and Broadcasting Law (Ley en Materia de Telecomunicaciones y Radiodifusión), Title III, Chapters I, III and VII; Title IV, Chapter X; and Title V, Chapter I.

General Means of Communication Law (Ley de Vías Generales de Comunicación).

Foreign Investment Law (Ley de Inversión Extranjera) Title I, Chapter II.

Regulations to the Foreign Investment Law and the National Registry for Foreign Investments (Reglamento de la Ley de Inversión Extranjera y del Registro Nacional de Inversiones Extranjeras), Title VI.



General Guidelines for the Granting of the Concessions Referred to in Title Four of the Federal Telecommunications and Broadcasting Law (Lineamientos Generales para el otorgamiento de las concesiones a que se refiere el Título Cuarto de la Ley en Materia de Telecomunicaciones y Radiodifusión).

Rules of general character that establish the terms and requirements for the granting of telecommunication authorisations established in the Federal Telecommunications and Broadcasting Law (Reglas de carácter general que establecen los plazos y requisitos para el otorgamiento de autorizaciones en materia de telecomunicaciones establecidas en la Ley en Materia de Telecomunicaciones y Radiodifusión).

General Guidelines on the Authorisation to Lease Radio Spectrum (Lineamientos Generales sobre la Autorización de Arrendamiento del Espectro Radioeléctrico).

Guidelines for the granting of the Authorisation Registration, for the use and development of radio spectrum frequency bands for secondary use (Lineamientos para el otorgamiento de la Constancia de Autorización, para el uso y aprovechamiento de bandas de frecuencias del espectro radioeléctrico para uso secundario).

Description:

Investment Liberalisation and Cross-Border Trade in Services

In accordance with their purposes, sole concessions and frequency band concessions shall be granted only to Mexican nationals or Mexican enterprises constituted under Mexican law.

Concessions for indigenous social use shall be granted to indigenous people and indigenous communities of Mexico, with the objective to promote, develop and preserve languages, culture, knowledge, traditions, identity and their internal rules that, in accordance with the principle of gender equality, enable the integration of indigenous women in the accomplishment of the purposes for which the concession is granted.

Concessions for indigenous social use shall only be granted to indigenous people and indigenous communities in Mexico without any kind of foreign investment.

No concession, the rights conferred therein, facilities, auxiliary services, offices or accessories and properties affected thereto, may be assigned encumbered, pledged or given in trust, mortgaged, or transferred totally or partially to any foreign government or state, under any circumstances.

Only Mexican nationals and Mexican enterprises established under Mexican law may obtain authorisation to provide telecommunication services as a reseller without being a concessionaire.

Under the General Guidelines on the Authorisation to Lease Radio Spectrum, any company interested in becoming a lessee of frequency bands shall obtain a sole concession for commercial use or a sole concession for private use.

Applicants for an authorisation for secondary use of radio spectrum frequency bands shall appoint a legal address in Mexico City.

I-MX-10

Sector: Communications

Sub-Sector: Transportation

Industry Classification: CMAP 7100 Transport

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Ports Law (Ley de Puertos), Chapter IV.

Regulatory Law of the Railway Service (Ley Reglamentaria del Servicio Ferroviario), Chapter II, Section III.

Civil Aviation Law (Ley de Aviación Civil), Chapter III, Section III.

Airports Law (Ley de Aeropuertos), Chapter IV.

Roads, Bridges and Federal Road Transport Law (Ley de Caminos, Puentes y Autotransporte Federal), Title I, Chapter III.

General Means of Communication Law (Ley de Vías Generales de Comunicación), Book I, Chapters III and V.

Description:

Investment Liberalisation

No foreign governments or foreign states may invest, directly or indirectly, in Mexican enterprises engaged in transportation and other general means of communications.

I-MX-11

Sector: Transportation

Sub-Sector: Land Transportation and Water Transportation

Industry Classification: CMAP 501421 Construction of Maritime and River Works

CMAP 501422 Construction of Roadworks and Works for Land Transport

Obligations Concerned: Local Presence (Article 11.5)

National Treatment (Article 11.6)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 32.

Roads, Bridges and Federal Road Transport Law (Ley de Caminos, Puentes y Autotransporte Federal), Title I, Chapter III.

Ports Law (Ley de Puertos), Chapter IV.

Navigation and Maritime Commerce Law (Ley de Navegación y Comercio Marítimos), Title I, Chapter II.

Description:

Cross-Border Trade in Services

A concession granted by the SCT is required to build and operate, or only operate, marine or river works.

A concession granted by the SCT is also required to build, operate, exploit, conserve or maintain federal roads and bridges.

Only Mexican nationals and Mexican enterprises may obtain these concessions.

I-MX-12

Sector: Energy

Sub-Sector: Oil and Other Hydrocarbons Exploration and Production.

Transportation, treatment, refining, processing, storage, distribution, compression, liquefaction, decompression, regasification, sale to the public and commercialisation of hydrocarbons, petroleum products and petrochemicals, as well as the users of those products and services.

Exportation and importation of hydrocarbons and petroleum products.

Industry Classification:

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Performance Requirements (Article 10.9)

Local Presence (Article 11.5)

Level of Government: Central



Measures:

Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Articles 25, 27 and 28.

Decree amending and supplementing various provisions of the Political Constitution of the United Mexican States on Energy (Decreto por el que se reforman y adicionan diversas disposiciones de la Constitución Política de los Estados Unidos Mexicanos, en materia de energía), published in the Official Journal on 31 October 2024.

Hydrocarbons Sector Law (Ley del Sector de Hidrocarburos), Articles 1, 4, 6, 10 to 14, 17, 22, 24, 25, 26, 27, 31, 37 to 44, 54, 55, 56, 58, 65, 69, 74, 76, 82, 95, 96, 110, 118, 151, 153, 158, 162 and 163..

Foreign Trade Law (Ley de Comercio Exterior).

State Public Enterprise, Petróleos Mexicanos Law (Ley de la Empresa Pública del Estado, Petróleos Mexicanos), Articles 2, 8, 10, 11, 62, 65 and 79.

Hydrocarbons Law Regulations (Reglamento de la Ley de Hidrocarburos), Articles 8, 9, 14, 16, 36, 37, 61, 92, 95, 96.

Regulation of the activities referred to in Title Three of the Hydrocarbons Law (Reglamento de las actividades a que se refiere el Título Tercero de la Ley de Hidrocarburos), Article 51.

Methodology for the Measurement of the National Content in the Entitlements and Exploration and Production Contracts of Hydrocarbons, and the permits in the Hydrocarbons Industry, issued by the Ministry of Economy (Metodología para la Medición del Contenido Nacional en Asignaciones y Contratos para la Exploración y Extracción de Hidrocarburos, así como para los permisos en la Industria de Hidrocarburos, emitida por la Secretaría de Economía).

Agreement establishing the values for 2015 and 2025 of national content in the activities of Exploration and Extraction of Hydrocarbons in deep and ultra-deep waters, issued by the Ministry of Economy, published in the Official Gazette on 29 March 2016 (Acuerdo por el que se establecen los valores para 2015 y 2025 de contenido nacional en las actividades de Exploración y Extracción de Hidrocarburos en aguas profundas y ultra profundas, emitidos por la Secretaría de Economía).

Description:

## Investment Liberalisation and Cross-Border Trade in Services

The Nation has the direct, inalienable and imprescriptible ownership of all hydrocarbons in the subsoil of its territory, including the continental shelf and the exclusive economic zone located outside the territorial sea and adjacent thereto, in strata or deposits, regardless of their physical conditions. Only the Nation shall conduct the exploration and production of hydrocarbons, through entitlements or contracts. The exploration and production contracts shall invariably stipulate that the hydrocarbons in the subsoil are property of the Nation.

The SENER may award entitlements to PEMEX for the exploration and production of hydrocarbons.

In order to perform the activities related to the entitlements for self-development, PEMEX shall only execute service contracts with private parties. For the activities related to the entitlements for mixed development, PEMEX shall execute mixed contracts with private parties, with a percentage of participation interest of PEMEX of no less than forty percent.

The SENER shall establish the appropriate contract model for each contractual area that undergoes a bidding process and is awarded in accordance with the law; for which it may choose among other contracting models such as services, profit-sharing, production-sharing or licenses. For contracts of exploration and production, PEMEX may enter into alliances or associations to participate in bidding processes, but it may not enter into public-private partnership contracts with private parties.

The SENER may establish a direct participation for PEMEX in the contracts for exploration and production of hydrocarbons. The SENER shall establish a mandatory participation of PEMEX in the contracts for exploration and production of hydrocarbons when there is a possibility to find a transboundary reservoir.

No bidding process shall be conducted in contracts for exploration and production for Natural Gas for self-consumption contained in coal seams and produced by it, which can be awarded directly to the mining concession holders.

The exploration and production activities of hydrocarbons conducted in the national territory through entitlements and exploration and production contracts must comply with a minimum national content percentage goal on average. This national content average goal will not take into account exploration and production of hydrocarbons in deep-water and ultra-deep water projects, which have different national content requirements established by the SE with the opinion of the SENER considering the characteristics of those activities.

The above mentioned mandate must comply with the methodology established by the Ministry of Economy, and must consider that it does not affect the competitive position of the PEMEX or any other state productive enterprises and other economic agents developing

exploration and production of hydrocarbons.

The Federal Executive shall establish safeguard zones in the areas in which the State decides to prohibit exploration and production activities, different from protected natural areas in which entitlements and contracts cannot be awarded.

The Mexican Government shall include within the conditions for the entitlements and exploration and production contracts, as well as in the permits, that under the same circumstances of prices, quality and timely delivery, preference should be given to the purchase of domestic goods and the contracting of domestic services, including the training and hiring, at a technical and management level, of Mexican nationals.

The activities of superficial exploration and recognition require an authorisation issued by the SENER, which does not grant rights for the exploration and production of hydrocarbons. The persons that have obtained an entitlement or an exploration and production contract do not require an authorisation for superficial exploration and recognition in the areas covered by the entitlement or exploration and production contract.

The SENER or the CNE shall establish the permit models for the transportation, treatment, refining, processing, storage, distribution, compression, liquefaction, decompression, regasification, sale to the public, commercialisation, formulation and dispatch for self-consumption of hydrocarbons (including natural gas), petroleum or natural gas products (including gasoline and diesel), and petrochemicals, as appropriate, as well as the management of Integrated Systems, taking into account that permit-holders shall have an enterprise incorporated under Mexican law and be domiciled in Mexico. The permits for the exporting and importing of hydrocarbons and petroleum or natural gas products shall be issued in accordance with the Foreign Trade Law (Ley de Comercio Exterior), which requires permit-holders to have an enterprise incorporated under Mexican law and be domiciled in Mexico.



I-MX-13

Sector: Energy

Sub-Sector:

Industry Classification: CMAP 623090 Retail Trade of other Articles and Goods Not Elsewhere Classified (biofuel)

Obligations Concerned: Performance Requirements (Article 10.9)

Level of Government: Central

Measures: Biofuels Law (Ley de Biocombustibles), Article 19.

Description: Investment

The SE shall establish the methodology to measure the degree of national content in biomass, either for direct use as biofuels or for the production of biofuels, as well as its verification.

I-MX-14

Sector: Energy

Sub-Sector: Electricity

Industry Classification:

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Performance Requirements (Article 10.9)

Local Presence (Article 11.5)

Level of Government: Central

Measures: United Mexican States Political Constitution (Constitución Política de los Estados Unidos Mexicanos), Articles 25, 27 and 28

Decree amending and supplementing various provisions of the Political Constitution of the United Mexican States on Energy (Decreto por el que se reforman y adicionan diversas disposiciones de la Constitución Política de los Estados Unidos Mexicanos, en materia de energía), published in the Official Journal on 31 October 2024.

Electric Sector Law (Ley del Sector Eléctrico), Articles 1, 2, 4, 10, 12, 13, 39, 40, 44, 61, 108, 109, 132, and 151..

State Public Enterprise, Federal Electricity Commission Law (Ley de la Empresa Pública del Estado, Comisión Federal de Electricidad), Articles 8, 65 and 81.

Description:

Investment Liberalisation and Cross-Border Trade in Services

The planning and control of the national electrical system in accordance with Article 25, 27 and 28 of the Constitution, as well as the Public Service of transmission and distribution of electricity, correspond exclusively to the Nation; concessions will not be granted in these activities.

The State public enterprise may, contract with privates, among other activities, the installation, maintenance, and expansion of the infrastructure needed to provide the public service of transmission and distribution of electricity.

The SE must establish the methodology to measure the degree of national content in the electricity sector.

The SENER, with the opinion of the SE, may establish that, under the same circumstances, including price equality, quality and timely delivery, the contracts of the State public enterprise related to the development of infrastructure projects, mixed investment and those resulting from the mechanisms for the allocation of energy and associated products entered into by the participants of the electricity sector, shall give preference to the acquisition of national goods, and the contracting of services of national origin, including the training and hiring, at technical and management level, of persons of Mexican nationality.

Where the private sector is allowed to participate in the other activities of the electrical industry, under no circumstances will it be permitted to take precedence over the State's public enterprise, whose essence is to fulfil its social responsibility and guarantee the continuity and accessibility of the public electricity service.

The State public enterprise must maintain at least fifty-four percent of the average energy injected into the grid in a calendar year.

The private sector may participate in the electric power generation process through mixed investment schemes, for which the State public enterprise must have a direct or indirect participation in the project of at least fifty-four percent.

The basic supply of electricity can only be provided by the State public enterprise, at the lowest possible price.

Regarding all other corporate activities of the CFE and its subsidiary enterprises, in accordance with the law of CFE, the Board of Directors shall issue regulations for the acquisition, leasing, contracting of services and execution of works. Among others, the Board may require minimum national content percentages in accordance with the nature of the contracting, the tariff regulation and the international treaties to which Mexico is a signatory.

All permits granted under the Electric Sector Law shall be granted by the CNE. Permit-holders shall be natural persons or enterprises incorporated under Mexican law.



I-MX-15

|                          |   |
|--------------------------|---|
| Sector:                  | Energy  |
| Sub-Sector:              | Hydrocarbons and Petroleum Products (supply of fuel and lubricants for aircraft, ships and railway equipment)   |
| Industry Classification: |   |
| Obligations Concerned:   | National Treatment (Article 10.7)   |
| Level of Government:     | Central   |
| Measures:                | Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.   |
| Description:             | <p>Investment Liberalisation</p> <p>Investors of the European Union or their enterprises may own up to 49 % of the ownership interest of a Mexican enterprise which supplies fuel and lubricants for vessels, railway equipment and aviation fuels into plane supply.</p> |





I-MX-16

Sector: Printing, Editing and Associated Industries

Sub-Sector: Newspaper publishing

Industry Classification: CMAP 342001 Publishing of Newspapers, Magazines and Periodicals  
(limited to newspapers)

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Foreign Investment Law (Ley de Inversión Extranjera), Title I,  
Chapter III.

As qualified by the Description element.

Description:

Investment Liberalisation

Investors of the European Union or their enterprises may only own up to 49 % of the ownership interest in an enterprise established or to be established in the territory of Mexico engaged in the printing or publication of daily newspapers written primarily for a Mexican audience and distributed in the territory of Mexico.

For the purposes of this entry, daily newspapers are those whose distribution is not free and are published seven days a week.

I-MX-17

Sector: Manufacture of Goods

Sub-Sector: Explosives, fireworks, firearms and cartridges

Industry Classification: CMAP 352236 Manufacture of Explosives and Fireworks

CMAP 382208 Manufacture of Firearms and Cartridges

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.

Description:

## Investment Liberalisation

Investors of the European Union or their enterprises may only own up to 49 % of the ownership interest in an enterprise established or to be established in the territory of Mexico that manufactures explosives, fireworks, firearms, cartridges and ammunition, excluding the preparation of explosive mixtures for industrial and extractive activities.

I-MX-18

Sector: Fishing

Sub-Sector: Fishing-related services

Industry Classification: CMAP 1300 Fishing

Obligations Concerned: National Treatment (Article 11.6)

Most-Favoured-Nation Treatment (Article 11.7)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 32.

General Law on Sustainable Fishing and Aquaculture (Ley General de Pesca y Acuacultura Sustentables), Title Six, Chapter IV; and Title Seven, Chapter II.

Navigation and Maritime Commerce Law (Ley de Navegación y Comercio Marítimos), Title I, Chapter I; Title II, Chapter IV; and Title Three, Chapter II.

Ports Law (Ley de Puertos), Chapters I, IV and VI.

Regulation to the Fishing Law (Reglamento de la Ley de Pesca), Title Two, Chapter I; and Chapter II, Sixth Section.

Description:

Cross-Border Trade in Services

A permit issued by the SAGARPA through the National Commission of Aquaculture and Fishing (Comisión Nacional de Acuacultura y Pesca); or by the SCT, within the scope of their competence, is required to engage in fishing activities.

A permit issued by the SAGARPA is required to carry out certain activities, such as fishing jobs needed to justify applications for a concession, and the installation of fixed fishing gear in federal waters. That permit shall be given preferentially to residents of local communities. In equal circumstances, applications of indigenous communities shall be preferred.

An authorisation issued by the SCT is required for foreign-flagged vessels to provide dredging services.

A permit issued by the SCT is required to provide port services related to fishing such as loading operations and supply to vessels, maintenance of communication equipment, electricity works, garbage or waste collection and sewage disposal. Only Mexican nationals and Mexican enterprises may obtain that permit.

I-MX-19

Sector: Fishing

Sub-Sector: Fishing

Industry Classification: CMAP 130011 Fishing on the High Seas

CMAP 130012 Coastal Fishing

CMAP 130013 Fresh Water Fishing

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: General Law on Sustainable Fishing and Aquaculture (Ley General de Pesca y Acuicultura Sustentables), Title VI, Chapter IV; Title VII, Chapter I; Title XIII, Unique Chapter; and Title XIV, Chapters I, II and III.

Navigation and Maritime Commerce Law (Ley de Navegación y Comercio Marítimos), Title II, Chapter I.

Federal Law of the Sea (Ley Federal del Mar), Title I, Chapters I and III.



National Waters Law (Ley de Aguas Nacionales), Title I and Title IV, Chapter I.

Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.

Regulation to the Fishing Law (Reglamento de la Ley de Pesca), Title I, Chapter I; Title II, Chapters I, III to VI; and Title III, Chapters III and IV.

Description:

Investment Liberalisation

Investors of the European Union or their enterprises may only own up to 49 % of the ownership interest in an enterprise established or to be established in the territory of Mexico performing coastal fishing, fresh water fishing and fishing in the exclusive economic zone, excluding aquaculture.

A favourable resolution from the CNIE is required for investors of the European Union or their enterprises to own more than 49 % of the ownership interest in an enterprise established or to be established in the territory of Mexico performing fishing on the high seas.

I-MX-20

Sector: Educational Services

Sub-Sector: Private schools

Industry Classification: CMAP 921101 Private Pre-school Educational Services

CMAP 921102 Private Primary Educational Services

CMAP 921103 Private Secondary Educational Services

CMAP 921104 Private High School Educational Services

CMAP 921105 Private Higher Education Services

CMAP 921106 Private Education Services that Combine Pre- school,  
Primary, Secondary, High School and Higher Education Levels

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.

Law for the Coordination of Higher Education (Ley para la Coordinación de la Educación Superior), Chapter II.

General Law of Education (Ley General de Educación), Chapter III.

Description: Investment Liberalisation

A favourable resolution from the CNIE is required for investors of the European Union or their enterprises to own more than 49 % of the ownership interest in an enterprise established or to be established in the territory of Mexico that provides pre-school, primary, secondary, high school, higher or combined private educational services.

I-MX-21

Sector: Professional, Technical and Specialised Services

Sub-Sector: Medical services

Industry Classification: CMAP 9231 Medical, Dental and Veterinary Services provided by the Private Sector (limited to medical services)

Obligations Concerned: National Treatment (Article 11.6)

Level of Government: Central

Measures: Federal Labour Law (Ley Federal del Trabajo), Chapter I.

Description: Cross-Border Trade in Services

Only Mexican nationals licensed as doctors in the territory of Mexico may supply in-house medical services in Mexican enterprises.

I-MX-22

|                          |   |
|--------------------------|---|
| Sector:                  | Professional, Technical and Specialised Services  |
| Sub-Sector:              | Specialised personnel   |
| Industry Classification: | CMAP 951012 Services of Customs and Representative Agencies   |
| Obligations Concerned:   | National Treatment (Articles 10.7 and 11.6)   |
| Level of Government:     | Central   |
| Measures:                | Customs Law (Ley Aduanera), Title II, Chapters I and III, and Title VII, Chapter I.<br><br>Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter II. |
| Description:             | Investment Liberalisation and Cross-Border Trade in Services<br><br>Only a Mexican national by birth may be a customs broker.   |

Only customs brokers acting as consignees or legal representatives (mandatarios) of an importer or exporter, as well as customs brokers' assignees, may carry out the formalities related to the customs clearance of the goods of that importer or exporter.

Investors of the European Union or their enterprises may not participate, directly or indirectly, in a customs broker's agency.

I-MX-23

Sector: Professional, Technical and Specialised Services

Sub-Sector: Specialised services (Commercial Notary Public)

Industry Classification:

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Local Presence (Article 11.5)

Level of Government: Central

Measures: Commercial Notary Public Federal Law (Ley Federal de Correduría Pública), Articles 7, 8, 12 and 15.

Regulation to the Commercial Notary Public Federal Law  
(Reglamento de la Ley Federal de Correduría Pública), Chapter I and  
Chapter II, Sections I and II.

Foreign Investment Law (Ley de Inversión Extranjera), Title I,  
Chapter II.

Description:

Investment Liberalisation and Cross-Border Trade in Services

Only a Mexican national by birth may be licensed to be a commercial notary public (corredor público).

A commercial notary public may not have a business affiliation with any person for the supply of commercial notary public services.

Commercial notaries public shall establish an office in the place where they have been authorised to practise.

Only Mexican nationals and Mexican enterprises with foreigners exclusion clause may obtain that licence.



I-MX-24

Sector: Professional, Technical and Specialised Services

Sub-Sector: Professional services

Industry Classification: CMAP 951002 Legal Services (including foreign legal consultancy)

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Most-Favoured Nation Treatment (Articles 10.8 and 11.7)

Level of Government: Central

Measures: Regulatory Law of the Constitutional Article 5th relating to the Practice of Professions in the Federal District (Ley Reglamentaria del Artículo 5° Constitucional, relativo al Ejercicio de las Profesiones en el Distrito Federal), Chapter III, Section III; and Chapter V.

Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.

Description:

Investment Liberalisation and Cross-Border Trade in Services

A favourable resolution from the CNIE is required for investors of the European Union or their enterprises to own more than 49 % of the ownership interest in an enterprise established or to be established in the territory of Mexico that provides legal services.

In the absence of an international treaty on the matter, the professional practice by foreign nationals shall be subject to reciprocity in the place of residence of the applicant and to compliance with the rest of the requirements established in Mexican law.

Except as provided for in this entry, only lawyers licensed in Mexico may have an ownership interest in a law firm established in the territory of Mexico.

Lawyers licensed to practise in the European Union shall be permitted to form a partnership with lawyers licensed in Mexico.

The number of lawyers licensed to practise in the European Union serving as partners in a law firm in Mexico may not exceed the number of lawyers licensed in Mexico serving as partners of that law firm. Lawyers licensed to practise in the European Union may practise and provide legal consultations on Mexican law, whenever they comply with the requirements to practise as a lawyer in Mexico.

A law firm established by a partnership of lawyers licensed to practise in the European Union and lawyers licensed to practise in Mexico may hire lawyers licensed in Mexico as employees.

For greater certainty, this entry does not apply to the supply, on a temporary fly-in or fly-out basis, or through the use of online-based or telecommunications technology, of legal advisory services in foreign law and international law and, in relation to foreign and international law only, legal arbitration and conciliation or mediation services by foreign lawyers.

I-MX-25

|                          |   |
|--------------------------|---|
| Sector:                  | Professional, Technical and Specialised Services  |
| Sub-Sector:              | Professional services   |
| Industry Classification: | CMAP 9510 Provision of Professional, Technical and Specialised Services (limited to professional services)  |
| Obligations Concerned:   | National Treatment (Article 11.6)<br><br>Most-Favoured-Nation Treatment (Article 11.7)  |
| Level of Government:     | Central   |
| Measures:                | Regulatory Law of the Constitutional Article 5th relating to the Practice of Professions in Mexico City (Ley reglamentaria del Artículo 5º Constitucional, relativo al Ejercicio de las Profesiones en la Ciudad de México), Chapter III, Section III, and Chapter V. |

Regulations to the Regulatory Law of the Constitutional Article 5th relating to the Practice of Professions in the Federal District (Reglamento de la Ley Reglamentaria del Artículo 5º Constitucional, relativo al Ejercicio de las Profesiones en el Distrito Federal), Chapter III.

Population General Law (Ley General de Población), Chapter III.

Description:

Cross-Border Trade in Services

Pursuant to the relevant international treaties of which Mexico is a party; foreign nationals may practice in Mexico City the professions set forth in the Regulatory Law of the Constitutional Article 5th relating to the Practice of Professions in Mexico City.

In the absence of an international treaty on the matter, the professional practice by foreign nationals shall be subject to reciprocity in the place of residence of the applicant and to compliance with the rest of the requirements established in Mexican law.

I-MX-26

Sector: Religious Services

Sub-Sector:

Industry Classification: CMAP 929001 Services of Religious Organisations

Obligations Concerned: Senior Management and Board of Directors (Article 10.10)

Local Presence (Article 11.5)

Level of Government: Central

Measures: Religious Associations and Public Worship Law (Ley de Asociaciones Religiosas y Culto Público), Title II, Chapters I and II.

Description: Investment Liberalisation and Cross-Border Trade in Services

Representatives of religious associations in Mexico shall be Mexican nationals.

Religious associations shall be associations constituted in accordance with the Religious Associations and Public Worship Law.

Religious associations shall register before the Ministry of Internal Affairs (Secretaría de Gobernación, SEGOB). To be registered, the religious associations shall be established in Mexico.

I-MX-27

Sector: Agriculture Services

Sub-Sector:

Industry Classification: CMAP 971010 Provision of Agricultural Services

Obligations Concerned: Local Presence (Article 11.5)

National Treatment (Article 11.6)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 32.

Plant Health Federal Law (Ley Federal de Sanidad Vegetal), Title II, Chapter IV.

Regulation to the Phytosanitary Law of the United Mexican States (Reglamento de la Ley de Sanidad Fitopecuaria de los Estados Unidos Mexicanos), Chapter VII.



Description: Cross-Border Trade in Services

A concession granted by the SAGARPA is required to spray pesticides.

Only Mexican nationals and Mexican enterprises may obtain that concession.

I-MX-28

Sector: Transportation

Sub-Sector: Air Transportation

Industry Classification: CMAP 384205 Manufacture, Assembly and Repair of Aircraft  
(limited to repair of aircrafts)

Obligations Concerned: Local Presence (Article 11.5)

Level of Government: Central

Measures: Civil Aviation Law (Ley de Aviación Civil), Chapter III, Section II.

Civil Aviation Regulation (Reglamento de la Ley de Aviación Civil),  
Chapter VII.

Description:

## Cross-Border Trade in Services

A permit issued by the SCT is required to establish and operate, or operate and exploit, an aircraft repair facility and centres for teaching and training of personnel.

To obtain that permission the interested party shall prove that the aircraft repair facilities and centres for teaching and training of personnel have their domicile in Mexico.

I-MX-29

|                          |  |
|--------------------------|--|
| Sector:                  | Transportation   |
| Sub-Sector:              | Air transportation <sup>3</sup>  |
| Industry Classification: | CMAP 973302 Airport and Heliport Management Services   |
| Obligations Concerned:   | National Treatment (Article 10.7)<br><br>Local Presence (Article 11.5)   |
| Level of Government:     | Central  |
| Measures:                | Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 32.<br><br>General Means of Communication Law (Ley de Vías Generales de Comunicación), Book I, Chapters I, II and III.<br><br>Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III. |

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<sup>3</sup> For greater certainty, subparagraph 2(e) of Article 10.5 (Scope) and subparagraph 2(g) of Article 11.2 (Scope) exclude air services, or related services in support of air services from the scope of Chapters 10 (Investment Liberalisation) and 11 (Cross-Border Trade in Services). Mexico includes a number of measures regarding this activity solely for transparency purposes.

Civil Aviation Law (Ley de Aviación Civil), Chapters I and IV.

Airports Law (Ley de Aeropuertos), Chapter III.

Regulations to the Airports Law (Reglamento de la Ley de Aeropuertos), Title II, Chapters I, II and III.

Description:

Investment Liberalisation and Cross-Border Trade in Services

A concession granted by the SCT is required to construct and operate, or operate, airports and heliports. Only Mexican enterprises may obtain that concession.

A favourable resolution from the CNIE is required for investors of the European Union or their enterprises to own more than 49 % of the ownership interest in an enterprise established or to be established in the territory of Mexico that is a concessionaire or permissionaire of airfields for public service.

When deciding, the CNIE shall favour the national and technological development and protect the sovereign integrity of the Nation.

I-MX-30

|                          |   |
|--------------------------|---|
| Sector:                  | Transportation  |
| Sub-Sector:              | Air transportation <sup>4</sup>   |
| Industry Classification: | CMAP 713001 Scheduled Air Transport Services on Domestically Registered Aircraft<br><br>CMAP 713002 Non-Scheduled Air Transport (Air Taxis)<br><br>Specialty Air Services |
| Obligations Concerned:   | National Treatment (Article 10.7)<br><br>Senior Management and Board of Directors (Article 10.10)   |
| Level of Government:     | Central   |
| Measures:                | Civil Aviation Law (Ley de Aviación Civil), Chapters IX and X.<br><br>Regulation to the Civil Aviation Law (Reglamento de la Ley de Aviación Civil), Title II, Chapter I. |

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<sup>4</sup> For greater certainty, subparagraph 2(e) of Article 10.5 (Scope) and subparagraph 2(g) of Article 11.2 (Scope) exclude air services, or related services in support of air services from the scope of Chapters 10 (Investment Liberalisation) and 11 (Cross-Border Trade in Services). Mexico includes a number of measures regarding this activity solely for transparency purposes.

Foreign Investment Law (Ley de Inversión Extranjera), Title I,  
Chapter III.

As qualified by the Description element.

Description: Investment Liberalisation and Cross-Border Trade in Services

Investors of the European Union or their enterprises may only own up to 49 % of the voting interests in an enterprise established or to be established in the territory of Mexico that supplies a scheduled and non-scheduled domestic air transport service, a non-scheduled international air transport service in the modality of air taxi, or a specialty air service. The chairman and at least two thirds of the board of directors and two thirds of the managing officers of that enterprise shall be Mexican nationals.

Only Mexican nationals and Mexican enterprises in which 51 % of the voting interest is owned or controlled by Mexican nationals and of which the chairman and at least two thirds of the managing officers are Mexican nationals, may register an aircraft in Mexico.

I-MX-31

Sector: Transportation

Sub-Sector: Specialty Air Services<sup>5</sup>

Industry Classification:

Obligations Concerned: Local Presence (Article 11.5)

Level of Government: Central

Measures: General Means of Communications Law (Ley de Vías Generales de Comunicación), Book I, Chapter III.

Civil Aviation Law (Ley de Aviación Civil), Chapters I, II, IV and IX.

As qualified by the Description element.

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<sup>5</sup> For greater certainty, subparagraph 2(e) of Article 10.5 (Scope) and subparagraph 2(g) of Article 11.2 (Scope) exclude air services, or related services in support of air services from the scope of Chapters 10 (Investment Liberalisation) and 11 (Cross-Border Trade in Services). Mexico includes a number of measures regarding this activity solely for transparency purposes.



Description:

## Cross-Border Trade in Services

A permit issued by the SCT is required to provide all specialty air services in the territory of Mexico. That permit may only be granted when the person interested in the supply of these services has a domicile in the territory of Mexico.

I-MX-32

Sector: Transportation

Sub-Sector: Water Transportation

Industry Classification: CMAP 973203 Maritime Port Administration, Lake and Rivers

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Ports Law (Ley de Puertos), Chapters IV and V.

Regulation to the Ports Law (Reglamento de la Ley de Puertos)  
Title I, Chapters I and VI.

Foreign Investment Law (Ley de Inversión Extranjera), Title I,  
Chapter III.

Description: Investment Liberalisation

Investors of the European Union or their enterprises may only own up to 49 % of the ownership interest of a Mexican enterprise authorised to act as an integral port administrator.

I-MX-33

Sector: Transportation

Sub-Sector: Water transportation

Industry Classification: CMAP 384201 Manufacture and Repair of Vessels

Obligations Concerned: Local Presence (Article 11.5)

National Treatment (Article 11.6)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 32.

General Means of Communication Law (Ley de Vías Generales de Comunicación), Book I, Chapters I, II and III.

Navigation and Maritime Commerce Law (Ley de Navegación y Comercio Marítimos), Title I, Chapter II.

Ports Law (Ley de Puertos), Chapter IV.

Description: Cross-Border Trade in Services

A concession granted by the SCT is required to establish and operate, or operate, a shipyard. Only Mexican nationals and Mexican enterprises may obtain that concession.

I-MX-34

Sector: Transportation

Sub-Sector: Water transportation

Industry Classification: CMAP 973201 Water Transport Loading and Unloading Services (includes operation and maintenance of docks; loading and unloading of vessels at shore-side; marine cargo handling; operation and maintenance of piers; ship and boat cleaning; stevedoring; transfer of cargo between ships and trucks, trains, pipelines and wharves; and waterfront terminal operations)

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Local Presence (Article 11.5)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 32.

Navigation and Maritime Commerce Law (Ley de Navegación y Comercio Marítimos), Title I, Chapter II; and Title II, Chapters IV and V.

Ports Law (Ley de Puertos), Chapters II, IV and VI.

General Means of Communication Law (Ley de Vías Generales de Comunicación), Book I, Chapters I, II and III.

Regulation to the Use and Enjoyment of the Territorial Sea, Water Ways, Beaches, Relevant Federal Coastal Zone and Lands Gained to the Sea (Reglamento para el Uso y Aprovechamiento del Mar Territorial, Vías Navegables, Playas, Zona Federal Marítimo Terrestre y Terrenos Ganados al Mar), Chapter II, Section II.

As qualified by the Description element.

Description:

Investment Liberalisation and Cross-Border Trade in Services

A favourable resolution from the CNIE is required for investors of the European Union or their enterprises to own more than 49 % of the ownership interest in an enterprise, established or to be established in the territory of Mexico providing port services to vessels for inland navigation such as towing, mooring and tendering.

A concession granted by the SCT is required to construct and operate, or operate, maritime and inland port terminals, including docks, cranes and related facilities. Only Mexican nationals and Mexican enterprises may obtain that concession.

A permit issued by the SCT is required to provide stevedoring and warehousing services. Only Mexican nationals and Mexican enterprises may obtain that permit.

I-MX-35

Sector: Transportation

Sub-Sector: Water Transportation

Industry Classification: CMAP 973203 Maritime and Inland (Lake and Rivers Ports Administration)

Obligations Concerned: National Treatment (Article 10.7)

Level of Government: Central

Measures: Navigation and Maritime Commerce Law (Ley de Navegación y Comercio Marítimos), Title III, Chapter III.

Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.

Ports Law (Ley de Puertos), Chapters IV and VI.



Description:

## Investment Liberalisation

Investors of the European Union or their enterprises may only participate up to 49 % in Mexican enterprises engaged in the supply of piloting port services to vessels operating in inland navigation.

I-MX-36

Sector: Transportation

Sub-Sector: Water transportation<sup>6</sup>

Industry Classification: CMAP 712011 International Maritime Transportation Services

CMAP 712012 Cabotage Maritime Services

CMAP 712013 International and Cabotage Towing Services

CMAP 712021 River and Lake Transportation Services

CMAP 712022 Internal Port Water Transportation Services

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Most-Favoured Nation Treatment (Articles 10.8 and 11.7)

Level of Government: Central

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<sup>6</sup> For greater certainty, subparagraph 2(d) of Article 10.5 (Scope) and subparagraph 2(b) of Article 11.2 (Scope) exclude national maritime cabotage from the scope of Chapters 10 (Investment Liberalisation) and 11 (Cross-Border Trade in Services). Mexico includes a number of measures regarding this activity solely for transparency purposes.

|              |   |
|--------------|---|
| Measures:    | <p>Navigation and Maritime Commerce Law (Ley de Navegación y Comercio Marítimos), Title III, Chapter I.</p> <p>Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.</p> <p>Federal Law on Economic Competition (Ley Federal de Competencia Económica), Chapter IV.</p>                               |
| Description: | <p>Investment Liberalisation and Cross-Border Trade in Services</p> <p>The operation or exploitation of high-seas navigation vessels, including transport and international towing services is open to ship owners and vessels of all countries, on the basis of reciprocity in accordance with international treaties.</p> |

The operation and exploitation of cabotage and inland navigation is reserved for Mexican ship owners with Mexican vessels. If Mexican vessels are not appropriate and available with the same technical conditions, or if it is required in the public interest, the SCT may provide temporary navigation permits to operate and exploit to Mexican ship-owners with a foreign vessel in accordance with the following priorities:

- (a) Mexican ship-owner with a foreign vessel under a bareboat charter party; and
- (b) Mexican ship-owner with a foreign vessel under any type of charter party.

The operation and exploitation in inland navigation and cabotage of tourist cruises as well as dredges and maritime devices for the construction, preservation and operation of ports may be carried out by Mexican or foreign shipping enterprises using Mexican or foreign vessels or maritime devices, on the basis of reciprocity with the European Union or its Member States, endeavouring to give priority to Mexican enterprises and complying with applicable law.

With the prior opinion of the National Antitrust Commission (Comisión Nacional Antimonopolio), the SCT may resolve that, certain cabotage navigation may only be totally or partially carried by Mexican shipping enterprises with Mexican vessels, or vessels reputed to be Mexican, in the absence of conditions of effective competition on the relevant market as per the terms of the Federal Law on Economic Competition (Ley Federal de Competencia Económica).

Investors of the European Union or their enterprises may only own up to 49 % of the ownership interest in a Mexican shipping enterprise or Mexican vessels, established or to be established in the territory of Mexico, which is engaged in the commercial exploitation of vessels for inland and cabotage navigation, excluding tourism cruises and exploitation of dredges and maritime devices for the construction, preservation and operation of ports.

A favourable resolution from the CNIE is required for investors of the European Union or their enterprises to own more than 49 % of the ownership interest in an enterprise established or to be established in the territory of Mexico engaged in high-seas navigation services and port towing services.

I-MX-37

Sector: Transportation

Sub-Sector: Non-energy pipelines

Industry Classification:

Obligations Concerned: Local Presence (Article 11.5)

National Treatment (Article 11.6)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 32.

General Means of Communication Law (Ley de Vías Generales de Comunicación), Book I, Chapters I, II and III.

National Waters Law (Ley de Aguas Nacionales), Title I, Chapter II, and Title IV, Chapter II.

Description: Cross-Border Trade in Services

A concession granted by the SCT is required to construct and operate, or operate, pipelines carrying goods other than energy or basic petrochemicals.

Only Mexican nationals and Mexican enterprises may obtain that concession.

I-MX-38

Sector: Transportation

Sub-Sector: Railway Transportation Services

Industry Classification: CMAP 711101 Railway Transport Services

Obligations Concerned: National Treatment (Article 10.7 and Article 11.6)

Local Presence (Article 11.5)

Level of Government: Central

Measures: Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter III.

Regulatory Law of the Railway Service (Ley Reglamentaria del Servicio Ferroviario) Chapters I and II, Section III.

Regulation to the Railway Service (Reglamento del Servicio Ferroviario), Title I, Chapters I, II and III; Title II, Chapters I and IV; and Title III, Chapter I, Sections I and II.



Description:

Investment Liberalisation and Cross-Border Trade in Services

A favourable resolution from the CNIE is required for investors of the European Union or their enterprises to participate in more than 49 % of the ownership interest of an enterprise established or to be established in the territory of Mexico engaged in the construction, operation and exploitation of railroads deemed general means of communication, or in the supply of railway transportation public service.

When deciding, the CNIE shall consider that the national and technological development be favoured, and that the sovereign integrity of the Nation be protected.

A concession granted by the SCT is required to construct, operate and exploit railway transportation services and to provide railway transportation public service. Only Mexican enterprises may obtain that concession.

A permit issued by SCT is required to provide auxiliary services; the construction of entry and exit facilities, crossings and marginal facilities in the right of way; the installation of advertisements and publicity signs in the right of way; and the construction and operation of bridges over railway lines. Only Mexican nationals and Mexican enterprises may obtain that permit.

I-MX-39

Sector: Transportation

Sub-Sector: Land transportation

Industry Classification: CMAP 973101 Management Services of Passenger Bus Terminals and Auxiliary Services (limited to main bus and truck terminals and bus and truck stations)

Obligations Concerned: Local Presence (Article 11.5)

National Treatment (Article 11.6)

Most-Favoured Nation Treatment (Article 11.7)

Level of Government: Central

Measures: Roads, Bridges and Federal Road Transport Law (Ley de Caminos, Puentes y Autotransporte Federal), Title I, Chapter III.

Regulations to the Enjoyment of the Right of Way of the Federal Roads and Surrounding Zones (Reglamento para el Aprovechamiento del Derecho de Vía de las Carreteras Federales y Zonas Aledañas), Chapters II and IV.

Regulations to the Federal Road Transport and Auxiliary Services (Reglamento de Autotransporte Federal y Servicios Auxiliares), Chapter I.

Description:

Cross-Border Trade in Services

A permit issued by the SCT is required to establish, or operate, a bus or truck station or terminal. Only Mexican nationals and Mexican enterprises may obtain that permit.

To obtain that permit the interested party shall prove that they have their domicile in Mexico.

I-MX-40

Sector: Transportation

Sub-Sector: Land transportation

Industry Classification: CMAP 973102 Management Services of Roads, Bridges and Auxiliary Services

Obligations Concerned: Local Presence (Article 11.5)

National Treatment (Article 11.6)

Level of Government: Central

Measures: Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 32.

Roads, Bridges and Federal Road Transport Law (Ley de Caminos, Puentes y Autotransporte Federal), Title I, Chapter III.

Regulations to the Federal Road Transport and Auxiliary Services  
(Reglamento de Autotransporte Federal y Servicios Auxiliares),  
Chapters I and V.

Description:

Cross-Border Trade in Services

A permit granted by the SCT is required to provide auxiliary services to federal road transportation. Only Mexican nationals and Mexican enterprises may obtain that permit.

For greater certainty, auxiliary services are not part of federal road transportation of passengers, tourism or cargo, but they complement their operation and exploitation.

I-MX-41

Sector: Transportation

Sub-Sector: Land transportation

Industry Classification: CMAP 711201 Construction Materials Transport Services

CMAP 711202 Moving Services

CMAP 711203 Other Specialised Freight Transport Services

CMAP 711204 General Freight Transport Services

CMAP 711311 Long-Distance Passenger Bus and Coach Transport Services

CMAP 711318 School and Tourist Transport Services (limited to tourist transport services)

CMAP 720002 Courier services

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Local Presence (Article 11.5)

Level of Government: Central

Measures: Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter II.

Roads, Bridges and Federal Road Transport Law (Ley de Caminos, Puentes y Autotransporte Federal), Title I, Chapters I and III.

Regulation to the Federal Road Transport and Auxiliary Services (Reglamento de Autotransporte Federal y Servicios Auxiliares), Chapter I.

As qualified by the Description element.

Description:

Investment Liberalisation and Cross-Border Trade in Services

Investors of the European Union or their enterprises may not acquire an ownership interest in an enterprise with a foreigner exclusion clause established or to be established in the territory of Mexico, engaged in road transportation services of domestic cargo between points in the territory of Mexico, except for parcel and courier services.

A permit issued by the SCT is required to supply road transportation services of cargo, passengers or tourism.

An investor of the European Union or its enterprise may own up to 100 % of the ownership interest in an enterprise established or to be established in the territory of Mexico to supply an inter-city bus service, a tourist transportation service or a road transportation service of international cargo between points in the territory of Mexico.



Only Mexican nationals and Mexican enterprises with a foreigners exclusion clause, using Mexican registered equipment that is Mexican-built or legally imported into Mexico, and drivers who are Mexican nationals, may supply road transportation services of domestic cargo between points in the territory of Mexico.

A permit issued by the SCT is required to supply parcel and courier services. Only Mexican nationals and Mexican enterprises may provide those services.

I-MX-42

Sector: Transportation

Sub-Sector: Railway transportation services

Industry Classification: CMAP 711101 Transport Services Via Railway (limited to railway crew)

Obligations Concerned: National Treatment (Article 11.6)

Level of Government: Central

Measures: Federal Labour Law (Ley Federal del Trabajo), Title VI, Chapter V

Description: Cross-Border Trade in Services

Railway crew members must be Mexican nationals.

I-MX-43

Sector: Transportation

Sub-Sector: Land transportation

Industry Classification: CMAP 711312 Urban and Suburban Passenger Bus and Coach  
Transport Services

CMAP 711315 Motor Vehicle Taxi Transport Services

CMAP 711316 Motor Vehicle Fixed Route Transport Services

CMAP 711317 Transport Services in Motor Vehicles from Taxi-  
Ranks

CMAP 711318 School and Tourist Transport Services (limited to  
school transport services)

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Level of Government: Central

|              |   |
|--------------|---|
| Measures:    | <p>Foreign Investment Law (Ley de Inversión Extranjera), Title I, Chapter II.</p> <p>General Means of Communication Law (Ley de Vías Generales de Comunicación), Book I, Chapters I and II.</p> <p>Roads, Bridges and Federal Road Transport Law (Ley de Caminos, Puentes y Autotransporte Federal), Title I, Chapter III.</p> <p>Regulation to the Federal Road Transport and Auxiliary Services (Reglamento de Autotransporte Federal y Servicios Auxiliares), Chapter I.</p> |
| Description: | <p>Investment Liberalisation and Cross-Border Trade in Services</p> <p>Only Mexican nationals and Mexican enterprises with a foreigners exclusion clause may supply local urban and suburban passenger bus services, school bus services, and taxi and other collective transportation services.</p>  |

I-MX-44

Sector: Communications

Sub-Sector: Entertainment services (Cinema)<sup>7</sup>

Industry Classification: CMAP 941103 Private Exhibition of Films

Obligations Concerned: Most-Favoured Nation Treatment (Articles 10.8 and 11.7)

National Treatment (Article 11.6)

Level of Government: Central

Measures: Federal Cinematography Law (Ley Federal de Cinematografía), Chapter III.

Regulation to the Federal Cinematography Law (Reglamento de la Ley Federal de Cinematografía), Chapter V.

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<sup>7</sup> For greater certainty, subparagraphs 2(c) of Article 10.5 (Scope) and subparagraph 2(a) of Article 11.2 (Scope) exclude audio-visual services from the scope of Chapters 10 (Investment Liberalisation) and 11 (Cross-Border Trade in Services). Mexico includes a number of measures regarding this activity solely for transparency purposes.

Description: Investment Liberalisation and Cross-Border Trade in Services

Exhibitors shall reserve 10 % of the total screen time to the projection of national films.

RESERVATIONS FOR EXISTING MEASURES

LIST OF MEXICO

Reservations Applicable at Sub-central Level

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**FUTURE MEASURES**

**EXPLANATORY NOTES**

1. The List of a Party to this Annex sets out, pursuant to Articles 10.12 (Non-Conforming Measures and Exceptions) and 11.8 (Non-Conforming Measures and Exceptions), the specific sectors, subsectors or activities for which that Party may maintain existing, or adopt new or more restrictive, measures that do not conform to the obligations set out in the following provisions:

- (a) 10.7 (National Treatment), 11.6 (National Treatment);
- (b) 10.8 (Most-Favoured-Nation Treatment), 11.7 (Most-Favoured-Nation Treatment);
- (c) 10.9 (Performance Requirements);
- (d) 10.10 (Senior Management and Board of Directors); or
- (e) 11.5 (Local Presence).



2. For the purposes of this Annex:
  - (a) "CMAP" means Mexican Classification of Activities and Products (Clasificación Mexicana de Actividades y Productos) numbers as set out in the National Institute for Statistics and Geography (Instituto Nacional de Estadística y Geografía) in the Mexican Classification of Activities and Products (Clasificación Mexicana de Actividades y Productos), 1994;
  - (b) "CPC" means Central Product Classification numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 77, Provisional Central Product Classification, 1991; and
  - (c) "ISIC " means the International Standard Industrial Classification of all Economic Activities numbers as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No. 4, ISIC REV 3.1, 2002.
3. The List of a Party is without prejudice to the rights and obligations of the Parties under GATS.
4. Each entry in the List sets out the following elements:
  - (a) "sector" refers to the general sector in which the entry is made;

- (b) "subsector" refers to the specific sector in which the entry is made;
  - (c) "industry classification" refers to, if applicable, the activity covered by the non-conforming measure according to CMAP, CPC or ISIC;
  - (d) "obligations concerned" specifies the obligations referred to in paragraph 1 that, pursuant to Articles 10.12 (Non-Conforming Measures and Exceptions) and 11.8 (Non-Conforming Measures and Exceptions), do not apply to the sectors, subsectors or activities listed in the entry;
  - (e) "description" sets out the scope of the sector, subsector or activities covered by the reservation; and
  - (f) "existing measures", if specified, identifies, for transparency purposes, a non-exhaustive list of existing measures that apply to the sector, subsector or activities covered by the reservation.
5. "Level of Government" in the List of Mexico indicates the level of government maintaining the specified measures.
6. In the interpretation of an entry, all elements of that entry shall be considered. The "description" element shall prevail over all other elements.

7. A reservation maintained at the level of the European Union applies to a measure of the European Union and of a Member State at the national level as well as to a measure of a government within a Member State, unless the reservation excludes a Member State.
8. A reservation maintained at the national level of Mexico or of a Member State applies to a measure of a government at the central, regional or local level within that country.
9. If a Party maintains a measure that requires a service supplier to be a natural person, citizen, permanent resident, or resident of its territory or to be domiciled in it as a condition to the provision of a service in its territory, a reservation for that measure taken with respect to an obligation referred to in paragraph 1 in relation to Chapter 11 (Cross-Border Trade in Services) shall operate as a reservation with respect to an obligation referred to in paragraph 1 in relation to Chapter 10 (Investment Liberalisation), to the extent of that measure.
10. The List of a Party does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures that do not constitute a national treatment limitation within the meaning of Articles 10.7 (National Treatment) or 11.6 (National Treatment), or a market access limitation within the meaning of Articles 10.6 (Market Access) or 11.4 (Market Access). Those measures, such as the requirement to obtain a licence, universal service obligations, the requirement to have recognised qualifications in regulated sectors, the requirement to pass specific examinations which may include language examinations, and any non-discriminatory requirements that certain activities shall not be carried out in protected zones or areas, even if not listed, apply in any case.

11. The following abbreviations are used in the List of the European Union:

AT Austria

BE Belgium<sup>1</sup>

BG Bulgaria

CY Cyprus

CZ Czechia

DE Germany

DK Denmark

EE Estonia

EEA European Economic Area

EL Greece

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<sup>1</sup> For the purposes of the reservations in Belgium, the central level of government covers the federal government and the governments of the regions and the communities as each of them holds equipollent legislative powers.

ES Spain

EU European Union, including all its Member States

FI Finland<sup>2</sup>

FR France

HR Croatia

HU Hungary

IE Ireland

IT Italy

LT Lithuania

LU Luxembourg

LV Latvia

MT Malta

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<sup>2</sup> For the purposes of the reservations in Finland, a regional level of government means the Åland Islands.

NL Netherlands

OECD Organisation for Economic Cooperation and Development

PL Poland

PT Portugal

RO Romania

SE Sweden

SI Slovenia

SK Slovakia

12. For greater certainty, for the European Union, the obligation to grant national treatment does not entail the requirement to extend to natural persons or enterprises of Mexico the treatment granted in a Member State to natural persons or enterprises of another Member State pursuant to the Treaty on the Functioning of the European Union (hereinafter referred to as "TFEU"), or to any measure adopted pursuant to the TFEU, including their implementation in the Member States. Pursuant to the TFEU, that treatment is granted only to enterprises constituted or organised in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the European Union, including those enterprises established within the European Union which are owned or controlled by natural persons or enterprises of Mexico.

13. For greater certainty, for the purposes of the List of Mexico, the terms "Nation" and "State" mean Mexico.

**RESERVATIONS FOR FUTURE MEASURES**

**LIST OF THE EU**

List of reservations:

II-EU-1 – All sectors

II-EU-2 – Professional Services (all professions except health-related)

II-EU-3 – Professional Services – Health-related and Retail of Pharmaceuticals

II-EU-4 – Business Services – Research and Development Services

II-EU-5 – Business Services – Real Estate Services

II-EU-6 – Business Services – Rental or Leasing Services

II-EU-7 – Business Services – Collection Agency Services, Credit Reporting Services



- II-EU-8 – Business Services – Placement services
- II-EU-9 – Business Services – Security and Investigation Services
- II-EU-10 – Business Services – Other Business Services
- II-EU-11 – Telecommunication Services
- II-EU-12 – Construction
- II-EU-13 – Distribution Services
- II-EU-14 – Education Services
- II-EU-15 – Health and Social Services
- II-EU-16 – Tourism and Travel Related Services
- II-EU-17 – Recreational, Cultural and Sporting Services
- II-EU-18 – Transport Services and Auxiliary Transport Services
- II-EU-19 – Agriculture, Fishing and Water
- II-EU-20 – Energy Related Activities
- II-EU-21 – Other Services Not Included Elsewhere

II-EU-1 – All sectors

Sector – Sub-sector: All sectors

Obligations Concerned: National Treatment

Most-Favoured-Nation Treatment

Performance Requirements

Senior Management and Board of Directors

Local Presence

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Commercial presence

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In FI: Restrictions on the right for natural persons who do not enjoy regional citizenship in Åland, and for legal persons, to acquire and hold real property on the Åland Islands without obtaining permission from the competent authorities of the Åland Islands. Restrictions on the right of establishment and right to carry out economic activities by natural persons, who do not enjoy regional citizenship in Åland, or by any enterprise, without obtaining permission from the competent authorities of the Åland Islands.

Existing measures:

FI: Ahvenanmaan maanhankintalaki (Act on land acquisition in Åland) (3/1975), s. 2; and Ahvenanmaan itsehallintolaki (Act on the Autonomy of Åland) (1144/1991), s. 11.

With respect to Investment Liberalisation – National Treatment, Performance Requirements, Senior Management and Board of Directors:

In FR: Types of establishment – pursuant to Articles L151-1 and R153-1 of the financial and monetary code, foreign investments in FR in sectors listed in Article R153-2 of the financial and monetary code are subject to prior approval from the Minister for the Economy.

Existing measures:

FR: Financial and monetary code, Articles L151-1, R153-1.

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors:

In FR: Types of establishment - limiting foreign participation in newly privatised companies to a variable amount, determined by the government of FR on a case by case basis, of the equity offered to the public. For establishing in certain commercial, industrial or artisanal activities, a specific authorisation is needed if the managing director is not a holder of a permanent residence permit.

With respect only to Investment Liberalisation – National Treatment:

In BG: Certain economic activities related to the exploitation or use of State or public property are subject to concessions granted under the provisions of the Concessions Act.

In commercial corporations in which the State or a municipality holds a share in the capital exceeding 50 %, any transactions for disposition of fixed assets of the corporation, to conclude any contracts for acquisition of participating interest, lease, joint activity, credit, securing of receivables, as well as incurring any obligations arising under bills of exchange, are subject to authorisation or permission by the Privatisation Agency or other state or regional bodies, whichever is the competent authority. This reservation does not apply to mining and quarrying, which are subject to Reservation I-A-16 (Energy-Related Activities) in Appendix I-A.

In IT: The Government may exercise certain special powers in enterprises operating in the areas of defence and national security, and in certain activities of strategic importance in the areas of energy, transport and communications. This relates to all juridical persons carrying out activities considered of strategic importance in the areas of defence and national security, not only to privatised companies.

If there is a threat of serious injury to the essential interests of defence and national security, the Government has the following special powers:

- (a) to impose specific conditions in the purchase of shares;
- (b) to veto the adoption of resolutions relating to special operations such as transfers, mergers, splitting up and changes of activity; or
- (c) to reject the acquisition of shares, where the buyer seeks to hold a level of participation in the capital that is likely to prejudice the interests of defence and national security.

Any resolution, act or transaction (such as transfers, mergers, splitting up, change of activity or termination) relating to strategic assets in the areas of energy, transport and communications shall be notified by the concerned company to the Prime Minister's office. In particular, acquisitions by any natural or juridical person outside the EU that give this person control over the company shall be notified.

The Prime Minister may exercise the following special powers:

- (a) to veto any resolution, act and transaction that constitutes an exceptional threat of serious injury to the public interest in the security and operation of networks and supplies;

- (b) to impose specific conditions in order to guarantee the public interest; or
- (c) to reject an acquisition in exceptional cases of risk to the essential interests of the State.

The criteria on which to evaluate the real or exceptional threat and conditions and procedures for the exercise of the special powers are laid down in the law.

Existing measures:

IT: Law 56/2012 on special powers in companies operating in the field of defence and national security, energy, transport and communications; Decree of the Prime Minister DPCM 253 of 30.11.2012 defining the activities of strategic importance in the field of defence and national security.

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment, Performance Requirements, Senior Management and Board of Directors:

In LT: Enterprises of strategic importance to national security with respect to ownership (proportion of capital which may be held by private national or foreign persons conforming to national security interests, with respect to investment into enterprise, sectors and facilities of strategic importance to national security, and procedure and criteria for determination of conformity of potential national investors and potential enterprise participants etc.).

Existing measures:

LT: Law on Enterprises and Facilities of Strategic Importance for National Security and Other Enterprises of Importance to Ensuring National Security of the Republic of Lithuania of 10 October 2002 No. IX-1132 (As last amended on 12 of January 2018 by Law No XIII-992).

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors:

In SE: Discriminatory requirements for founders, senior management and boards of directors when new forms of legal association are incorporated into Swedish law.

(b) Acquisition of real estate

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors:

In HU: The acquisition of state-owned properties.

With respect to Investment Liberalisation –National Treatment:

In HU: The acquisition of arable land by foreign legal persons and non-resident natural persons, including with regard to the authorisation process for the acquisition of arable land.



Existing measures:

HU: Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter II (Paragraph 6-36) and Chapter IV (Paragraph 38-59));

Act CCXII of 2013 on the transitional measures and certain provisions related to Act CXXII of 2013 on the circulation of agricultural and forestry land (Chapter IV (Paragraph 8-20)).

In LV: The acquisition of rural land by nationals of Mexico or of a third country, including with regard to the authorisation process for the acquisition of rural land.

Existing measures:

LV: Law on land privatisation in rural areas, ss. 28, 29, 30.

In SK: Foreign companies or natural persons shall not acquire agricultural and forest land outside the border of the built-up area of a municipality and some other land, such as natural resources, lakes, rivers and public roads.

Existing measures:

SK: Act No. 44/1988 on protection and exploitation of natural resources;

Act No. 229/1991 on regulation of the ownership of land and other agricultural property;

Act No. 460/1992 Constitution of the Slovak Republic;

Act No. 180/1995 on some measures for land ownership arrangements;

Act No. 202/1995 on Foreign Exchange;

Act No. 503/2003 on restitution of ownership to land;

Act No. 326/2005 on Forests; and

Act No. 140/2014 on the acquisition of ownership of agricultural land.

With respect to Investment Liberalisation – National Treatment:

In BG: Foreign natural and foreign juridical persons (including through a branch) shall not acquire ownership of land in BG. Juridical persons of BG with foreign participation shall not acquire ownership of agricultural land. Foreign juridical persons and foreign citizens with permanent residence abroad can acquire ownership of buildings and limited property rights (right to use, right to build, right to raise a superstructure and servitudes) of real estate. Foreign citizens with permanent residence abroad, foreign juridical persons and companies in which foreign participation ensures a majority in adopting decisions or blocks the adoption of decisions, can acquire real estate property rights in specific geographic regions designated by the Council of Ministers subject to permission.

Existing measures:

BG: Constitution of the Republic of Bulgaria, Article 22;

Law on Ownership and Use of Agricultural Land, Article 3; and

Law on Forests, Article 10.

In EE: Natural or legal persons from outside the European Economic Area (hereinafter referred to as "EEA") or the OECD may acquire immovable property which contains agricultural or forest land only with the authorisation of the county governor and from 1 January 2018 with the authorisation of the municipal council, and they shall be able to prove in a way prescribed by law that the immovable property to be acquired will, according to its intended purpose, be used efficiently, sustainably and purposefully.

Existing measures:

EE: Kinnisasja omandamise kitsendamise seadus (Restrictions on Acquisition of Immovables Act) Chapter 2 and 3.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In LT: Any measure which is consistent with the commitments taken by the EU and which are applicable in LT through the General Agreement on Trade in Services (GATS) with respect to land acquisition. The land plot acquisition procedure, terms and conditions, as well as restrictions shall be established by the Constitutional Law, the Law on Land and the Law on the Acquisition of Agricultural Land. However, local governments (municipalities) and other national entities of Members of the OECD and North Atlantic Treaty Organization (NATO) conducting economic activities in LT, which are specified by the constitutional law in compliance with the criteria of EU and other integration which LT has embarked on, are permitted to acquire into their ownership non-agricultural land plots required for the construction and operation of buildings and facilities necessary for their direct activities.

Existing measures:

LT: Constitution of the Republic of Lithuania;

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;

Law on land, of 27 January 2004, No. IX-1983; and

Law on acquisition of agricultural land of 24 April 2014, No. XII-854.

(c) Recognition

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In the EU: The EU directives on mutual recognition of diplomas and other professional qualification only apply to citizens of the EU. The right to practise a regulated professional service in one Member State does not grant the right to practise in another Member State.

(d) Most-Favoured-Nation Treatment

With respect to Investment Liberalisation – Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – Most-Favoured-Nation Treatment:

In the EU: According differential treatment pursuant to any international investment treaties or other trade agreement in force or signed prior to the date of entry into force of this Agreement.

In the EU: According differential treatment to a country pursuant to any existing or future bilateral or multilateral agreement which:

- a) creates an internal market in services and investment;

- b) grants the right of establishment; or
- c) requires the approximation of legislation in one or more economic sectors.

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

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

The approximation of legislation means:

- (a) the alignment of the legislation of one or more of the parties to the regional economic integration agreement with the legislation of the other party or parties to that agreement;  
or
- (b) the incorporation of common legislation into the law of the parties to the regional economic integration agreement.

That approximation of legislation shall take place, and shall be deemed to have taken place, only at the time that it has been enacted in the law of the party or parties to the regional economic integration agreement.

Existing measures:

The EU: European Economic Area (EEA) Agreement;

Stabilisation Agreements;

EU-Swiss Confederation bilateral agreements; and

Deep and Comprehensive Free Trade Agreements.

In the EU: According differential treatment relating to the right of establishment to nationals or enterprises through existing or future bilateral agreements between the following Member States: BE, DE, DK, EL, ES, FR, IE, IT, LU, NL and PT, and any of the following countries or principalities: Andorra, Monaco, San Marino and the Vatican City State.

In DK, FI and SE: Measures taken by DK, FI and aimed at promoting Nordic cooperation, such as:

- (a) financial support to research and development (R&D) projects (the Nordic Industrial Fund);

- (b) funding of feasibility studies for international projects (the Nordic Fund for Project Exports); and
- (c) financial assistance to companies<sup>3</sup> utilising environmental technology (the Nordic Environment Finance Corporation).

This reservation is without prejudice to the exclusion of procurement by a Party or subsidies in paragraph 2 of Article 11.2 (Scope) and paragraph 2 of Article 10.5 (Scope), respectively.

In PL: Preferential conditions for establishment or the cross-border supply of services, which may include the elimination or amendment of certain restrictions embodied in the list of reservations applicable in PL, may be extended through commerce and navigation treaties.

In PT: Waiving nationality requirements for the exercise of certain activities and professions by natural persons supplying services for countries in which Portuguese is the official language (Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique and São Tomé and Príncipe).

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<sup>3</sup> Applies to East European companies which are cooperating with one or more Nordic companies.



(e) Arms, munitions and war material

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment, Performance Requirements, Senior Management and Board of Directors, and Cross-Border Trade in Services –National Treatment, Most-Favoured-Nation Treatment, Local Presence:

In the EU: Production or distribution of, or trade in, arms, munitions and war material. War material is limited to any product which is solely intended and made for military use in connection with the conduct of war or defence activities.

## II-EU-2 – Professional Services (all professions except health-related)

|                          |   |
|--------------------------|---|
| Sector – Sub-sector:     | Professional services – legal services: services of notaries and by bailiffs, accounting and bookkeeping services; auditing services, taxation advisory services, architecture and urban planning services, engineering services, and integrated engineering services |
| Industry Classification: | Part of CPC 861, part of CPC 87902, 862, 863, 8671, 8672, 8673, 8674, part of CPC 879   |
| Obligations Concerned:   | National Treatment<br><br>Senior Management and Board of Directors  |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services  |

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Legal services

The EU, with the exception of SE, reserves the right to adopt or maintain any measure with respect to the supply of legal advisory and legal authorisation, documentation, and certification services supplied by legal professionals entrusted with public functions, such as notaries, "huissiers de justice" or other "officiers publics et ministériels", and with respect to services supplied by bailiffs who are appointed by an official act of government (part of CPC 861, part of 87902).

With respect to Investment Liberalisation – Most-favoured-Nation Treatment; and Cross-Border Trade in Services – Most-Favoured-Nation Treatment:

In BG: Full national treatment on the establishment and operation of companies, as well as on the supply of services, may be extended only to companies established in, and citizens of, the countries with whom preferential arrangements have been or will be concluded ( part of CPC 861).

In LT: Attorneys from foreign countries can participate as advocates in court only in accordance with bilateral agreements (part of CPC 861).

- (b) Auditing services (CPC 86211, 86212 other than accounting and bookkeeping services)

With respect to Cross-Border Trade in Services – National Treatment:

In BG: An independent financial audit shall be implemented by registered auditors who are members of the Institute of the Certified Public Accountants. Subject to reciprocity, the Institute of the Certified Public Accountants shall register an audit entity of Mexico or of a third country upon the latter furnishing proof that:

- (a) three-fourths of the members of the management bodies and the registered auditors carrying out audit on behalf of the entity meet requirements equivalent to those for Bulgarian auditors and have passed successfully the examinations for it;
- (b) the audit entity carries out independent financial audit in accordance with the requirements for independence and objectivity; and
- (c) the audit entity publishes on its website an annual transparency report or performs other equivalent requirements for disclosure in case it audits public-interest entities.

Existing Measures:

BG: Independent Financial Audit Act.

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors:

In CZ: Only an enterprise in which at least 60 % of capital interests or voting rights are reserved to nationals of CZ or of the Member States may be authorised to carry out audits in CZ.

Existing Measures:

CZ: Law of 14 April 2009 No. 93/2009 Coll., on Auditors.

- (c) Architecture and urban planning services (CPC 8674)

With respect to Cross-Border Trade in Services – National Treatment:

In HR: The cross-border supply of urban planning.

## II-EU-3 – Professional Services – Health-related and Retail of Pharmaceuticals

|                          |  |
|--------------------------|--|
| Sector – Sub-sector:     | Professional services – health related professional services and retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists |
| Industry Classification: | CPC 63211, 85201, 9312, 9319, 93121  |
| Obligations Concerned:   | National Treatment<br><br>Performance Requirements<br><br>Senior Management and Board of Directors<br><br>Local Presence   |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services   |

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Medical and dental services; services provided by midwives, nurses, physiotherapists, psychologists and paramedical personnel (CPC 63211, 85201, 9312, 9319, 932)

In FI: The supply of all health-related professional services, whether publicly or privately funded, including medical and dental services, services supplied by midwives, physiotherapists and paramedical personnel, and services supplied by psychologists, excluding services supplied by nurses (CPC 9312, 93191).

In BG: The supply of all health-related professional services, including medical and dental services, services supplied by nurses, midwives, physiotherapists and paramedical personnel, and services supplied by psychologists (CPC 9312, part of 9319).

Existing Measures:

FI: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990).

BG: Law for Medical Establishment, Professional Organisation of Medical Nurses, Midwives and Associated Medical Specialists Guild Act.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In CZ and MT: The supply of all health-related professional services, including the services supplied by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics, psychologists, as well as other related services (CPC 9312, part of 9319).

Existing Measures:

CZ: Act No. 296/2008 Coll., on Safeguarding the Quality and Safety of Human Tissues and Cells Intended for Use in Man;

Act No. 378/2007 Coll., on Pharmaceuticals and on Amendments to Some Related Acts;

Act. 123/2000 Coll., on Medical Devices; and

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



With respect to Cross-Border Trade in Services – National Treatment:

The EU, with the exception of NL and SE: The supply of all health-related professional services, including the services supplied by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics and psychologists, requires residency. These services may only be supplied by natural persons physically present in the territory of the EU (CPC 9312, part of 93191).

In BE: The cross-border supply of medical, dental and midwives services and services supplied by nurses, physiotherapists, psychologists and paramedical personnel.

(b) Veterinary Services (CPC 932)

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In BG: A veterinary medical establishment may be established by a natural or a legal person. The practice of veterinary medicine is subject to a condition of nationality of a Member State of the EU or the European Economic Area (hereinafter referred to as "EEA"), otherwise a permanent residence permit is required for foreign nationals (physical presence is required).

With respect to Cross-Border Trade in Services – National Treatment:

In BE and LV: Cross-border supply of veterinary services.

- (c) Retail sales of pharmaceutical, medical and orthopaedic goods, other services provided by pharmacists (CPC 63211)

With respect to Investment Liberalisation – National Treatment, Performance Requirements, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment:

In FI: Retail sales of pharmaceutical products and of medical and orthopaedic goods.

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment:

In SE: Retail sales of pharmaceutical goods and the supply of pharmaceutical goods to the general public.

With respect to Cross-Border Trade in Services – Local Presence:

The EU, with the exception of BE, BG, EE, ES, IE and LT: Mail order is only possible from Member States of the EEA, 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 BE: Mail order is only authorised for pharmacies open to the public, thus establishment in BE is required for the retail of pharmaceuticals and specific goods to the general public.

In BG and EE: The mail order of pharmaceuticals is prohibited.

In IE, LT and ES: The mail order of pharmaceuticals requiring a prescription is prohibited.

Existing measures:

AT: Arzneimittelgesetz (Medication Act), BGBl. No. 185/1983 as amended, §§ 57, 59, 59a; and

Medizinproduktegesetz (Medical Products Law), BGBl. No. 657/1996 as amended, § 99.

BE: Arrêté royal du 21 janvier 2009 portant instructions pour les pharmaciens; and

Arrêté royal du 10 novembre 1967 relatif à l'exercice des professions des soins de santé.

FI: Lääkelaki (Medicine Act) (395/1987).

SE: Law on trade with pharmaceuticals (2009:336);

Regulation on trade with pharmaceuticals (2009:659); and

Other regulations adopted by the Swedish Medical Products Agency (the details can be found at LVFS 2009:9).

## II-EU-4 – Business Services – Research and Development Services

Sector – Sub-sector: Business services – research and development services

Industry Classification: CPC 851, 852, 853

Obligations Concerned: National Treatment

Chapter: Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In RO: Cross-border supply of research and development services.

Existing Measures:

RO: Governmental Ordinance No. 6 / 2011;

Order of Minister of Education and Research No. 3548 / 2006; and

Governmental Decision No. 134 / 2011.

## II-EU-5 – Business Services – Real Estate Services

Sector – Sub-sector: Business services – real estate services

Industry Classification: CPC 821, 822

Obligations Concerned: National Treatment

Chapter: Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In CZ and HU: Cross-border supply of real estate services.

## II-EU-6 – Business Services – Rental or Leasing Services

Sector – Sub-sector: Business services – rental or leasing services without operators

Industry Classification: CPC 832

Obligations Concerned: National Treatment

Chapter: Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In BE and FR: Cross-border supply of leasing or rental services without operator concerning personal and household goods.

## II-EU-7 – Business Services – Collection Agency Services, Credit Reporting Services

Sector – Sub-sector: Business services – collection agency services, credit reporting services

Industry Classification: CPC 87901, 87902

Obligations Concerned: National Treatment

Chapter: Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

The EU, with the exception of ES, LV and SE: Supply of collection agency services and credit reporting services.

## II-EU-8 – Business Services – Placement services

Sector – Sub-sector: Business services – placement Services

Industry Classification: CPC 87201, 87202, 87203, 87204, 87205, 87206, 87209

Obligations Concerned: National Treatment

Senior Management and Board of Directors

Local Presence

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With the exception of HU and SE: The supply of placement services of domestic help personnel, other commercial or industrial workers, nursing and other personnel (CPC 87204, 87205, 87206, 87209).



With the exception of BE, HU and SE: To require establishment and to prohibit the cross-border supply of placement services of office support personnel and other workers.

In AT, BG, CY, CZ, EE, FI, MT, PL, PT, RO, SK and SI: The establishment of placement services of office support personnel and other workers. In LV and LT: The supply of placement services of office support personnel. In DE and IT: To restrict the number of suppliers of placement services. In FR: These services can be subject to a state monopoly. In DE: The Federal Ministry of Labour and Social Affairs may issue a regulation concerning the placement and recruitment of non-European Union and non-EEA personnel for specified professions (CPC 87202).

In AT, BG, CY, CZ, DE, EE, FI, LT, LV, MT, PL, PT, RO, SI and SK: The supply of supply services of office support personnel. In FR, IE, IT and NL: To require establishment and to prohibit the cross-border supply of supply services of office personnel.

In IT: To restrict the number of suppliers of supply services of office personnel. (87203)

In BG, CY, CZ, DE, EE, FI, MT, LV, LT, PL, PT, RO, SK, SI: The supply of executive search services.

In IE: To require establishment and to prohibit the cross-border supply of the supply of executive search services (87201).

Existing measures:

AT: §§97 and 135 of the Austrian Trade Act (Gewerbeordnung);

Federal Law Gazette Nr. 194/1994 as amended;

Temporary Employment Act (Arbeitskräfteüberlassungsgesetz/AÜG); and

Federal Law Gazette Nr. 196/1988 as amended.

BG: Law for Promotion of the Employability, Articles 26, 27, 27a and 28.

CY: Private Employment Agency Law 150(I)/2013 issued on the 6/12/2013; and

Private Employment Agency Law No. 126(I)/2012.

CZ: Act on Employment (435/2004).

DE: Sec. 38, Employment Regulation (Beschäftigungsverordnung); and

Sec. 292 Social Code No. III Employment Promotion (Drittes Buch Sozialgesetzbuch, SGB III).

DK: §§ 8a – 8f in law decree No. 73 of 17th of January 2014 and specified in decree No. 228 of 7th of March 2013 (employment of seafarers); and

Employment Permits Act 2006. S1(2) and (3).

EL: Law 4052/2012 (Official Government Gazette 41 A) as amended to some of its provision by the law No. 4093/2012 (Official Government Gazette 222 A).

FI: Laki julkisesta työvoima- ja yrityspalvelusta (Act on Public Employment and Enterprise Service) (916/2012).

HR: Act on Employment Mediation and Unemployment Rights (OG 80/08, 121/10, 118/12 and 153/13);

Ordinance on performance of activities related to employment (OG 8/14);

Labour Act (OG 93/14) Articles 44 to 47; and

Aliens Act (OG 130/11 and 74/12) for employment of aliens in Croatia.

IE: Employment Permits Act 2006. S1(2) and (3).

IT: Legislative Decree 276/2003 Articles 4 and 5.

LT: Lithuanian Labour Code, and

Law of the Republic of Lithuania on Temporal Employment Agencies of 19 of May 2011  
No. XI-1379, Last amendment 11 of April 2013 No XII-230.

LU: Loi du 18 janvier 2012 portant création de l'Agence pour le développement de l'emploi) (Law  
of 18 January 2012 concerning the creation of an agency for employment development – ADEM).

MT: Employment and Training Services Act, (Cap 343) (Art. 23 to 25), Employment Agencies  
Regulations (S.L. 343.24).

PL: Article 18 of the Act of 20 April 2004 on the promotion of employment and labour market  
institutions (Dz. U. of 2015, Item. 149, as amended).

PT: Decree-Law No. 260/2009 of 25 September, as amended by Law No. 5/2014 of 12 February  
(access and provision of services by placement agencies).

RO: Law No. 156/2000 on the protection of Romanian citizens working abroad, republished;

Government Decision No. 384/2001 for approving the methodological norms for applying the Law  
No. 156/2000, with subsequent amendments;

Ordinance of the Government No. 277/2002, as modified by Government Ordinance No. 790/2004 and Government Ordinance No. 1122/2010;

Law No. 53/2003 – Labour Code, republished, with subsequent amendments and supplement; and

Government Decision No. 1256/2011 on the operating conditions and authorisation procedure for temporary work agency.

SI: Labour market regulation act (Official Gazette of RS, No. 80/2010, 21/2013, 63/2013, 55/2017),  
Employment;

Self-employment and Work of Aliens Act – ZZSDT (Official Gazette of RS, No. 47/2015),  
ZZSDT-UPB2 (Official Gazette of RS, No. 1 /2018).

SK: Act No. 5/2004 on Employment Services and to Act No. 455/1991 on Trade Licensing.

## II-EU-9 – Business Services – Security and Investigation Services

Sector – Sub-sector: Business services – security and investigation services

Industry Classification: CPC 87301, 87302, 87303, 87304, 87305, 87309

Obligations Concerned: National Treatment

Performance Requirements

Senior Management and Board of Directors

Local Presence

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Security services (CPC 87302, 87303, 87304, 87305, 87309)

With respect to Investment Liberalisation – National Treatment, Performance Requirements, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment:

In BG, CY, CZ, EE, LT, LV, MT, PL, RO, SI and SK: The supply of security services.

In DK, HR and HU: The supply of the following subsectors: guard services (87305) in HR and HU, security consultation services (87302) in HR, airport guard services (part of 87305) in DK and armoured car services (87304) in HU.

In BE, ES, FI, FR and PT: The supply of security services by a foreign service supplier on a cross-border basis is not allowed. Nationality requirements exist for specialised personnel in PT, for private security personnel in ES, and for managing directors and directors in FR.

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment, Local Presence:

In FI: Licences to supply security services may be granted only to natural persons resident in the European Economic Area (hereinafter referred to as "EEA") or juridical persons established in the EEA.

In BE: EU nationality is required for boards of directors of companies supplying guard and security services (87305) as well as consultancy and training relating to security services (87302).

In BE: The senior management of companies supplying guard and security consultancy services and all agents are required to be resident nationals of a Member State.

Existing measures:

BE: Loi réglementant la sécurité privée et particulière, 2 Octobre 2017.

BG: Private Security Business Act.

CZ: Trade Licensing Act.

DK: Regulation on aviation security.

FI: Laki yksityisistä turvallisuuspalveluista 282/2002 (Private Security Services Act).



LT: Law on security of Persons and Assets 8 July 2004 No. IX-2327 (to be amended).

LV: Security Guard Activities Law (Sections 6, 7, 14).

PL: Act of 22 August 1997 on the protection of persons and property (Journal of Laws of 2016, item 1432 as amended).

PT: Law 34/2013 and Ordinance 273/2013.

SI: Zakon o zasebnem varovanju (Law on private security).

(b) Investigation services (CPC 87301)

The EU, with the exception of AT and SE: The supply of investigation services.

## II-EU-10 – Business Services – Other Business Services

|                          |  |
|--------------------------|--|
| Sector – Sub-sector:     | Business services – other business services (translation and interpretation services, duplicating services, services incidental to energy distribution and services incidental to manufacturing) |
| Industry Classification: | CPC 87905, 87904, 884, 887   |
| Obligations Concerned:   | National Treatment<br><br>Senior Management and Board of Directors<br><br>Most-Favoured-Nation Treatment   |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services   |

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Translation and interpretation services (CPC 87905)

With respect only to Cross-Border Trade in Services – National Treatment:

In HR: Cross-border supply of translation and interpretation of official documents.

- (b) Services incidental to energy distribution and services incidental to manufacturing (Part of CPC 884, 887 other than advisory and consulting services)

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment:

In HU: Services incidental to energy distribution and to the cross-border supply of services incidental to manufacturing, with the exception of advisory and consulting services relating to these sectors.

- (c) Maintenance and repair of vessels, rail transport equipment and aircraft and parts thereof (part of CPC 86764, CPC 86769, 8868)

With respect to Cross-Border Trade in Services – National Treatment:

In the EU, with the exception of DE, EE and HU: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of rail transport equipment from outside its territory.

In the EU, with the exception of CZ, EE, HU, LU and SK: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of internal waterways transport vessels from outside its territory.

In the EU, with the exception of EE, HU and LV: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of maritime vessels from outside its territory.

In the EU, with the exception of AT, EE, HU, LV and PL: To require establishment or physical presence in its territory and prohibiting the cross-border supply of maintenance and repair services of aircraft and parts thereof from outside its territory (Part of CPC 86764, CPC 86769, CPC 8868).

In the EU: Only recognised organisations authorised in the EU may carry out statutory surveys and certification of ships on behalf of Member States. Establishment may be required.

Existing measures:

The EU: Regulation (EC) No 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations.

(d) Other business services related to aviation

With respect to Investment Liberalisation Liberalisation – Most-Favoured-Nation Treatment; and Cross-border Trade in Services – Most-Favoured-Nation Treatment:

The EU: According differential treatment to a third country pursuant to existing or future bilateral agreements relating to the following services:

- (i) the selling and marketing of air transport services;
- (ii) computer reservation system (CRS) services;
- (iii) maintenance and repair of aircrafts and parts; or
- (iv) rental or leasing of aircraft without crew.

## II-EU-11 – Telecommunication Services

Sector – Sub-sector: Telecommunication services – satellite broadcast transmission services

Industry Classification:

Obligations Concerned: National Treatment

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In BE: Satellite broadcast transmission services.

## II-EU-12 – Construction

Sector – Sub-sector: Construction – construction services

Industry Classification: CPC 51

Obligations Concerned: National Treatment

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

In LT: The right to prepare design documentation for construction works of exceptional significance is only given to a design enterprise registered in LT, or to a foreign design enterprise which has been approved by an institution authorised by the Government of LT for those activities. The right to perform technical activities in the main areas of construction may be granted to a non-Lithuanian person who has been approved by an institution authorised by the Government of LT.

## II-EU-13 – Distribution Services

Sector – Sub-sector: Distribution services

Industry Classification: CPC 62117, 62251, 8929, part of 62112, 62226, 63107

Obligations Concerned: National Treatment

Performance Requirements

Senior Management and Board of Directors

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Distribution of pharmaceuticals

In BG: Cross-border wholesale distribution of pharmaceuticals (CPC 62251).

In FI: Distribution of pharmaceutical products (CPC 62117, 62251).



Existing measures:

BG: Law on Medicinal Products in Human Medicine.

FI: Lääkelaki (Medicine Act) (395/1987).

(b) Distribution of alcoholic beverages

In FI: Distribution of alcoholic beverages (part of CPC 62112, 62226, 63107, 8929).

Existing measures:

FI: Alkoholilaki (Alcohol Act) (1102/2017).

(c) Other distribution (Part of CPC 621, CPC 62228, 62251, 62271, part of CPC 62272, 62276, 63108, part of CPC 6329)

With respect only to Cross-Border Trade in Services –National Treatment:

In BG: Wholesale distribution of chemical products, precious metals and stones, medical substances and products and objects for medical use, tobacco and tobacco products, and alcoholic beverages.

Bulgaria reserves the right to adopt or maintain any measure with respect to the services supplied by commodity brokers.

Existing measures:

BG: Law on Medicinal Products in Human Medicine;

Law of Veterinary Activity;

Law for Prohibition of Chemical Weapons and for Control over Toxic Chemical Substances and Their Precursors;

Law for Tobacco and Tobacco Products; and

Law on excise duties and tax warehouses and Law on wine and spirits.

## II-EU-14 – Education Services

Sector – Sub-sector: Education services

Industry Classification: CPC 92

Obligations Concerned: National Treatment

Performance Requirements

Senior Management and Board of Directors

Local Presence

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

The EU: All educational services which receive public funding or State support in any form, and are therefore not considered to be privately funded. Where the supply of privately funded education services by a foreign service supplier is permitted, participation of private service suppliers in the education system may be subject to concession allocated on a non-discriminatory basis.

The EU, with the exception of CZ, NL, SE and SK: The supply of privately funded other education services, which means other than those classified as being primary, secondary, higher or adult education services (CPC 929).

In SE: Educational service suppliers that are approved by public authorities to provide education. This reservation applies to privately funded educational service suppliers with some form of State support, such as educational service suppliers recognised by the State, educational service suppliers under State supervision or education which entitles to study support (CPC 92).

In CY, FI, MT and RO: The supply of privately funded primary, secondary and adult education services (CPC 921, 922, 924).

In AT, BG, CY, FI, MT and RO: The supply of privately funded higher education services (CPC 923).

In SK: European Economic Union ("EEA") residency is required for suppliers of all privately funded education services other than post-secondary technical and vocational education services. An economic needs test may apply and the number of schools being established may be limited by local authorities (CPC 921, 922, 923 other than 92310, 924).

In CZ and SK: The majority of the members of the board of directors of an establishment supplying privately funded education services shall be nationals of that country (CPC 921, 922, 923 for SK other than 92310, 924). In SI: Privately funded elementary schools may be founded by Slovenian natural or legal persons only. The service supplier shall establish a registered office or a branch. The majority of the members of the board of directors of an establishment supplying privately funded secondary or higher education services must be Slovenian nationals (CPC 922, 923).

In BG, IT and SI: To restrict the cross-border supply of privately funded primary education services (CPC 921). In BG and IT: To restrict the cross-border supply of privately funded secondary education services (CPC 922). In AT: To restrict the cross-border supply of privately funded adult education services by means of radio or television broadcasting (CPC 924).

Existing measures:

BG: Higher Education Act (Additional Provisions, para 4) and Vocational Education and Training Act (Art. 22).

FI: Perusopetuslaki (Basic Education Act) (628/1998);

Lukiolaki (General Upper Secondary Schools Act) (629/1998);

Laki ammatillisesta koulutuksesta (Vocational Training and Education Act) (630/1998);

Laki ammatillisesta aikuiskoulutuksesta (Vocational Adult Education Act) (631/1998); and

Ammattikorkeakoululaki (Polytechnics Act) (351/2003), Yliopistolaki (Universities Act) (558/2009).

IT: 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); and Decree of the President of the Republic (DPR) 25/1998.

SK: Act 245/2008 on education;

Act 131/2002 on Universities; and

Act 596/2003 on State Administration in Education and School Self-Administration.

## II-EU-15 – Health and Social Services

Sector – Sub-sector: Health and social services

Industry Classification: CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193, 93199

Obligations Concerned: National Treatment

Most-Favoured-Nation Treatment

Performance Requirements

Senior Management and Board of Directors

Local Presence

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Health services (CPC 93, 931, other than 9312, part of 93191, 9311, 93192, 93193, 93199)

With respect to Investment Liberalisation - National Treatment, Performance Requirements, Senior Management and Board of Directors:

The EU: The supply of all health services which receive public funding or State support in any form, and are therefore not considered to be privately funded.

The EU: All privately funded health services, other than privately funded hospital, ambulance and residential health facilities services other than hospital services. The participation of private service suppliers in the privately funded health network may be subject to concession on a non-discriminatory basis. 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.

This reservation does not relate to the supply of all health-related professional services, including the services supplied by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics and psychologists, which are covered by other reservations (CPC 931, other than 9312, part of 93191).



In AT, PL and SI: The supply of privately funded ambulance services (CPC 93192).

In BG, CY, CZ, FI, MT and SK: The supply of privately-funded hospital, ambulance and residential health services other than hospital services (CPC 9311, 93192, 93193).

In BE: The supply of privately funded ambulance and residential health facilities services other than hospital services (CPC 93192, 93193).

In FI: Supply of other human health services (CPC 93199).

Existing Measures:

CZ: Act No. 372/2011 Sb. on Health Care Services and Conditions of Their Provision.

FI: Laki yksityisestä terveydenhuollosta (Act on Private Health Care) (152/1990).

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment, Performance Requirements, Senior Management and Board of Directors:

In DE: The supply of the Social Security System of DE, if services may be supplied by different companies or entities involving competitive elements which are thus not "Services carried out exclusively in the exercise of governmental authority". To accord better treatment in the context of a bilateral trade agreement with regard to the supply of health and social services (CPC 93).

With respect to Investment Liberalisation – National Treatment,

FR: The supply of privately funded laboratory analysis and testing services.

With respect to Investment Liberalisation –National Treatment:

In DE: The ownership of privately funded hospitals run by the German Forces. To nationalise other key privately funded hospitals (CPC 93110).

With respect to Cross-Border Trade in Services – National Treatment:

In FR: The supply of privately funded laboratory analysis and testing services (Part of CPC 9311).

Existing Measures:

FR: Articles L 6213-1 to 6213-6 of the Code de la Santé Publique.

(b) Health and social services, including pension insurance

With respect to Cross-Border Trade in Services – National Treatment:

The EU, with the exception of HU: Requiring establishment or physical presence in its territory of suppliers and restricting the cross-border supply of health services from outside their territory, the cross-border supply of social services from outside their territory, as well as activities or services forming part of a public retirement plan or statutory system of social security. This reservation does not relate to the supply of all health-related professional services, including the services supplied by professionals such as medical doctors, dentists, midwives, nurses, physiotherapists, paramedics and psychologists, which are covered by other reservations (CPC 931 other than 9312, part of 93191).

In HU: The cross-border supply from outside its territory of all hospital, ambulance, and residential health services other than hospital services, which receive public funding (CPC 9311, 93192, 93193).

(c) Social services, including pension insurance

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors, Performance Requirements:

The EU: The supply of all social services which receive public funding or State support in any form, and are therefore not considered to be privately funded, and activities or services forming part of a public retirement plan or statutory system of social security. The participation of private operators in the privately funded social network may be subject to concession on a non-discriminatory basis. 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.

In CZ, FI, HU, MT, PL, RO, SK and SI: The supply of privately funded social services.

In BE, CY, DE, DK, EL, ES, FR, IE, IT and PT: The supply of privately funded social services other than services relating to convalescent and rest houses and old people's homes.

In DE: The Social Security system of DE, where services are supplied by different companies or entities involving competitive elements and might therefore not fall under the definition of the "services carried out exclusively in the exercise of governmental authority".

Existing Measures:

FI: Laki yksityisistä sosiaalipalveluista (Private Social Services Act) (922/2011).

IE: Health Act 2004 (S. 39) and Health Act 1970 (as amended –S.61A).

IT: Law 833/1978 Institution of the public health system;

Legislative Decree 502/1992 Organisation and discipline of the health field; and

Law 328/2000 Reform of social services.

## II-EU-16 – Tourism and Travel Related Services

Sector – Sub-sector: Tourist guides services

Industry Classification: CPC 7472

Obligations Concerned: National Treatment

Most-Favoured-Nation Treatment

Chapter: Investment Liberalisation and Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In FR: To require nationality of a Member State for the supply of tourist guide services in its territory.

With respect to Investment Liberalisation – Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – Most-Favoured-Nation Treatment:

In LT: In so far as Mexico allows nationals of LT to supply tourist guide services, LT shall allow nationals of Mexico to supply tourist guide services under the same conditions.

## II-EU-17 – Recreational, Cultural and Sporting Services

Sector – Sub-sector: Recreational, cultural and sporting services

Industry Classification: CPC 962, 963, 9619, 964

Obligations Concerned: National Treatment

Performance Requirements

Senior Management and Board of Directors

Local Presence

Chapter: Investment Liberalisation and Cross-Border Trade in Services



Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

(a) Libraries, archive, museums and other cultural services (CPC 963)

The EU, with the exception of AT and for investment liberalisation in LT: The supply of library, archive, museum and other cultural services. In AT and LT: A licence or concession may be required for establishment.

(b) Entertainment services, theatre, live bands and circus services (CPC 9619, 964 other than 96492)

The EU, with the exception of AT and SE: The cross-border supply of entertainment services, including theatre, live bands, circus and discotheque services. In CY, CZ, FI, MT, PL, RO, SI and SK: With respect to the supply of entertainment services, including theatre, live bands, circus and discotheque services. In BG: The supply of the following entertainment services: circus, amusement park and similar attraction services, ballroom, discotheque and dance instructor services, and other entertainment services. In EE: The supply of other entertainment services except for cinema theatre services. In LT and LV: The supply of all entertainment services other than cinema theatre operation services.

In CY, CZ, LV, PL, RO and SK: The cross-border supply of sporting and other recreational services.

(c) News agency services (CPC 962)

With respect to Investment Liberalisation – National Treatment:

In FR: Foreign participation in existing companies issuing publications in the French language may not exceed 20 % of the capital or of voting rights in the company. The establishment of press agencies of Mexico is subject to conditions set out in domestic regulation. Establishment of press agencies by foreign investors is subject to reciprocity.

Measures:

FR: Loi no. 86-897 du 1 août 1986 portant réforme du régime juridique de la presse

(d) Gambling and betting services (CPC 96492)

The EU, with the exception of MT: The supply of gambling services, which involve wagering a stake with pecuniary value in games of chance, including in particular lotteries, scratch cards, gambling services offered in casinos, gambling arcades or licensed premises, betting services, bingo services and gambling services operated by and for the benefit of charities or non-profit-making organisations.

This reservation does not apply to games of skill, gambling machines that do not give prizes or that give prizes only in the form of free games, and promotional games, whose exclusive purpose is to encourage the sale of goods or services.

## II-EU-18 – Transport Services and Auxiliary Transport Services

Sector – Sub-sector: Transport services

Obligations Concerned: National Treatment

Most-Favoured-Nation Treatment

Performance Requirements

Senior Management and Board of Directors

Local Presence

Chapter: Investment Liberalisation, Cross-Border Trade in Services

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Maritime transport – Any other commercial activity undertaken from a ship

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors, Performance Requirements; and Cross-Border Trade in Services – National Treatment:

The EU: The nationality of the crew on a vessel.

With respect only to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment, Senior Management and Board of Directors:

The EU, except LV and MT: For the purposes of registering a vessel and operating a fleet under the national flag of the State of establishment (all commercial marine activity undertaken from a seagoing ship, including fishing, aquaculture, and services incidental to fishing; international passenger and freight transportation (CPC 721); inland waterways passenger and freight transportation (CPC 7221 and 7222); services auxiliary to maritime transport).

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment:

The EU: For feeder services, and for repositioning owned or leased containers on a non-revenue basis by EU shipping enterprises, for the part of these services which does not fall under the exclusion of national maritime cabotage.

In SK: Foreign investors shall have their principal office in SK in order to apply for a licence enabling them to supply a service (CPC 722).

(b) Auxiliary services to maritime transport

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment:

The EU: The supply of pilotage and berthing services. For greater certainty, regardless of the criteria which may apply to the registration of ships in a Member State, the EU reserves the right to require that only ships registered on the national registers of Member States may supply pilotage and berthing services (CPC 7214, 7224).

The EU, with the exception of LT and LV: Only vessels flying the flag of a Member State may supply pushing and towing services (CPC 7452).

In LT: Only juridical persons of LT or juridical persons of a Member State with branches in LT that have a certificate issued by the Lithuanian Maritime Safety Administration may supply pilotage and berthing, pushing and towing services (CPC 7452).

With respect to Cross-Border Trade in Services – Local Presence:

In LT: Only juridical persons of LT or juridical persons of a Member State with branches in LT that have a certificate issued by the Lithuanian Maritime Safety Administration may supply pilotage and berthing, pushing and towing services (CPC 7214).

(c) Inland waterways transport and auxiliary services to inland waterways transport

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment, Senior Management and Board of Directors, Performance Requirements; and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment:

The EU: Inland waterways passenger and freight transportation (CPC 722), and services auxiliary to inland waterways transportation.

For greater certainty this reservation also covers the supply of cabotage transport on inland waterways (CPC 722).

(d) Rail transport and auxiliary services to rail transport

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services –National Treatment:

In the EU: Railway passenger and freight transportation (CPC 711).

In LT: Maintenance and repair services of rail transport equipment are subject to a state monopoly (CPC 86764, 86769, part of 8868).

In FI: Cross-border supply of rail transport. With regard to establishment of rail passenger transport services, currently, there are exclusive rights (granted to VR-Group Ltd that was 100 % owned by the State) until 2017 in Helsinki Metropolitan Area and elsewhere until 2019 in this field, which may be renewed (CPC 7111, 7112).

Existing Measures:

FI: Rautatielaki (Railway Act) (304/2011).

(e) Road transport (passenger transportation, freight transportation, international truck transport services) and services auxiliary to road transport.

With respect to Investment Liberalisation – National Treatment, Senior Management and Boards of Directors; and Cross-Border Trade in Services – National Treatment, Local Presence:

The EU:

- (i) To require establishment and to limit the cross-border supply of road transport services (CPC 712).
- (ii) To limit the supply of cabotage within a Member State by foreign investors established in another Member State (CPC 712).
- (iii) An economic needs test may apply to taxi services in the EU setting a limit on the number of service suppliers. Main criterion: local demand as provided in applicable laws (CPC 71221).

Existing Measures:

The EU: Regulation (EC) No. 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC;

Regulation (EC) No. 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market; and



Regulation (EC) No. 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No. 561/2006.

With respect to Investment Liberalisation – National Treatment:

In LV: For passenger and freight transportation services, an authorisation is required, which is not extended to foreign registered vehicles. Established entities are required to use nationally registered vehicles (CPC 712).

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services –National Treatment:

In BG: For passenger and freight transportation, exclusive rights or authorisations may only be granted to nationals of a Member State and to juridical persons of the EU having their headquarters in the EU. Incorporation is required. Condition of nationality of a Member State for natural persons (CPC 712).

In MT: For public bus service: The entire network is subject to a concession which includes a public service obligation agreement to cater for certain social sectors (such as students and the elderly) (CPC 712).

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services –National Treatment:

In FI: Authorisation is required to supply road transport services, which is not extended to foreign registered vehicles (CPC 712).

Existing Measures:

FI: Laki liikenteen palveluista (Act on Transport Services) 320/2017; and

Ajoneuvolaki (Vehicles Act) 1090/2002.

With respect to Investment Liberalisation – National Treatment:

In FR: Non-EU investors are not allowed to supply intercity bussing services (CPC 712).

(f) Space transport and rental of space craft

With respect to Investment Liberalisation – National Treatment, Performance Requirements, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment:

The EU: The transportation services via space and the rental of space craft (CPC 733, part of 734).

(g) Transport related MFN exemptions

With respect to Investment Liberalisation – Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – Most-Favoured-Nation Treatment:

Transport (cabotage) other than maritime transport

In FI: According differential treatment to a country pursuant to existing or future bilateral agreements exempting vessels registered under the foreign flag of a specified other country or foreign registered vehicles from the general prohibition from providing cabotage transport (including combined transport, road and rail) in FI on the basis of reciprocity (part of CPC 711, part of 712, part of 722).

Supporting services for water transport

In BG: In so far as Mexico allows service suppliers from BG to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods in containers, BG shall allow services suppliers from Mexico to supply cargo-handling services and storage and warehouse services in sea and river harbours, including services relating to containers and goods in containers under the same conditions (part of CPC 741, part of 742).

## Rental or leasing of vessels

In DE: Chartering-in of foreign ships by consumers resident in DE may be subject to a condition of reciprocity (CPC 7213, 7223, 83103).

## Road and rail transport

The EU: To accord differential treatment to a country pursuant to existing or future bilateral agreements relating to international road haulage (including combined transport – road or rail) and passenger transport, concluded between the EU or the Member States and a third country (CPC 7111, 7112, 7121, 7122, 7123). That treatment may:

- (a) reserve or limit the supply of the relevant transport services between the contracting Parties or across the territory of the contracting Parties to vehicles registered in each contracting Party<sup>4</sup>; or
- (b) provide for tax exemptions for those vehicles.

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<sup>4</sup> With regard to AT the part of the most-favoured-nation treatment exemption regarding traffic rights covers all countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be considered in future.

## Road transport

In BG: Measures taken under existing or future agreements which reserve or restrict the supply of these kinds of transportation services and specify the terms and conditions of this supply, including transit permits or preferential road taxes, in the territory of BG or across the borders of BG (CPC 7121, 7122, 7123).

In HR: Measures applied under existing or future agreements on international road transport and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of transport services into, in, across and out of HR to the parties concerned (CPC 7121, 7122, 7123).

In CZ: Measures that are taken under existing or future agreements which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of CZ to the contracting parties concerned (CPC 7121, 7122, 7123).

In LT: Measures that are taken under bilateral agreements and which set the provisions for transport services and specify operating conditions, including bilateral transit and other transport permits for transport services into, through and out of the territory of LT to the contracting parties concerned, and road taxes and levies (CPC 7121, 7122, 7123).

In SK: Measures that are taken under existing or future agreements, and which reserve or limit the supply of transport services and specify operating conditions, including transit permits or preferential road taxes of a transport services into, in, across and out of SK to the contracting parties concerned (CPC 7121, 7122, 7123).

In ES: Authorisation for the establishment of a commercial presence in ES may be refused to service suppliers whose country of origin does not accord effective market access to service suppliers of ES (CPC 7123).

Existing Measures:

ES: Ley 16/1987, de 30 de julio, de Ordenación de los Transportes Terrestres

Rail transport

In BG, CZ and SK: For existing or future agreements which regulate traffic rights and operating conditions, and the supply of transport services in the territory of BG, CZ and SK and between the countries concerned (CPC 7111, 7112).

Air transport – Services auxiliary to air transport

The EU: According differential treatment to a third country pursuant to existing or future bilateral agreements relating to ground-handling services.

## Road and rail transport

In EE: When according differential treatment to a country pursuant to existing or future bilateral agreements on international road transport (including combined transport-road or rail) reserving or limiting the supply of a transport services into, in, across and out of EE to the contracting Parties to vehicles registered in each contracting Party, and providing for tax exemption for those vehicles (part of CPC 711, part of 712, part of 721).

All passenger and freight transport services other than maritime and air transport

In PL: In so far as Mexico allows the supply of transport services into and across the territory of Mexico by passenger and freight transport suppliers of PL, PL shall allow the supply of transport services by passenger and freight transport suppliers of Mexico into and across the territory of PL under the same conditions.

## II-EU-19 – Agriculture, Fishing and Water

|                          |  |
|--------------------------|--|
| Sector – Sub-sector:     | Agriculture, hunting, forestry; fishing, aquaculture, services incidental to fishing; collection, purification and distribution of water |
| Industry Classification: | ISIC 011, 012, 013, 014, 015, CPC 8811, 8812, 8813 other than advisory and consultancy services; ISIC 0501, 0502, CPC 882                |
| Obligations Concerned:   | National Treatment<br><br>Most-Favoured-Nation Treatment<br><br>Performance Requirements<br><br>Senior Management and Board of Directors |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services   |



Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Agriculture, hunting, and forestry

With respect to Investment Liberalisation – National Treatment:

In HR: Agricultural and hunting activities. In HU: Agricultural activities (ISIC 011, 3.1 012, 3.1 013, 3.1 014, 3.1 015, CPC 8811, 8812, 8813 other than advisory and consultancy services).

Existing Measures:

HR: Law on Agricultural Land (Official Gazette no. 152/08, 25/09, 153/09, 21/10 39/11 and 63/11), Art. 2.

- (b) Fishing, aquaculture, services incidental to fishing (ISIC rev 3.1 0501, 0502, CPC 882)

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors, Performance Requirements, Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – National Treatment, Most-Favoured-Nation Treatment:

The EU: In particular within the framework of the Common Fisheries Policy and of fishing agreements with a third country, access to and use of the biological resources and fishing grounds situated in maritime waters coming under the sovereignty or within the jurisdiction of Member States, including:

- (a) regulating the landing of catches performed in the sub-quotas allocated to vessels of Mexico or of a third country in EU ports;
- (b) determining a minimum size for an enterprise in order to preserve both artisanal and coastal fishing vessels; or
- (c) according differential treatment to a Mexico or a third country pursuant to existing or future bilateral agreements relating to fisheries.

A commercial fishing licence granting the right to fish in the territorial waters of a Member State shall only be granted to vessels flying the flag of a Member State.

The nationality of the crew of a fishing vessel flying the flag of a Member State.

The establishment of marine or inland aquaculture facilities.

In FR: Nationals of non-EU countries cannot participate in French maritime State property for fish, shellfish or algae farming.

With respect to Investment Liberalisation – National Treatment, Most-Favoured-Nation Treatment; and Cross-Border Trade in Services – National Treatment:

In BG: The taking of marine and river-living resources, performed by vessels in the internal marine waters, and the territorial sea of BG, shall be performed by vessels flying the flag of BG. A foreign ship may not engage in commercial fishing in the exclusive economic zone save on the basis of an agreement between BG and the flag state. While passing through the exclusive economic zone, foreign fishing ships shall not maintain their fishing gear in operational mode.

(c) Collection, purification and distribution of water

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

The EU: For activities, including services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the supply of drinking water, and water management.

## II-EU-20 – Energy Related Activities

|                          |   |
|--------------------------|---|
| Sector – Sub-sector:     | Production of energy and related services   |
| Industry Classification: | ISIC 10, 1110, 12, 120, 1200, 13, 14, 232, 233, 2330, 40, 401, 4010, 402, 4020, part of 4030, CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88, 887. |
| Obligations Concerned:   | National Treatment<br><br>Performance Requirements<br><br>Senior Management and Board of Directors<br><br>Local Presence                                      |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services  |

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Energy services – general (ISIC 10, 1110, 13, 14, 232, 40, 401, 402, part of 403, 41; CPC 613, 62271, 63297, 7131, 742, 7422, 887 (other than advisory and consulting services))

With respect to Investment Liberalisation – National Treatment, Senior Management and Boards of Directors, Performance Requirements; and Cross-Border Trade in Services – National Treatment:

The EU: If a Member State permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, with respect to enterprises of Mexico controlled by natural persons or enterprises of a third country which accounts for more than 5 % of the EU's oil or natural gas or electricity imports, in order to guarantee the security of the energy supply of the EU as a whole, or of an individual Member State. This reservation does not apply to advisory and consultancy services supplied as services incidental to energy distribution.

This reservation does not apply to HR, HU and LT (for LT, only CPC 7131) with regard to the pipeline transport of fuels, nor to LV with regard to services incidental to energy distribution, nor to SI with regard to services incidental to the distribution of gas (ISIC 401, 402, CPC 7131, 887 other than advisory and consultancy services).

In CY: For the manufacture of refined petroleum products in so far as the investor is controlled by a natural or juridical person of a non-EU country which accounts for more than 5 % of the EU's oil or natural gas imports, as well as to the manufacture of gas, distribution of gaseous fuels through mains on own account, the production, transmission and distribution of electricity, the pipeline transportation of fuels, services incidental to electricity and natural gas distribution other than advisory and consulting services, wholesale services of electricity, retailing services of motor fuel, electricity and non-bottled gas. Nationality and residency conditions apply for electricity related services (ISIC rev 3.1 232, 4010, 4020, CPC 613, 62271, 63297, 7131, and 887 other than advisory and consulting services).

In FI: The transmission and distribution networks and systems of energy and of steam and hot water. The quantitative restrictions in the form of monopolies or exclusive rights for the importation of natural gas, and for the production and distribution of steam and hot water. Currently, natural monopolies and exclusive rights exist (ISIC 40, CPC 7131, 887 other than advisory and consultancy services).

In FR: The electricity and gas transmission systems and oil and gas pipeline transport (CPC 7131).

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment:

In BE: The energy distribution services and services incidental to energy distribution (CPC 887 other than consultancy services).

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In BE: For energy transmission services, the types of legal entities and the treatment of public or private operators to whom BE has conferred exclusive rights. Establishment is required within the EU (ISIC 4010, CPC 71310,).

In BG: Services incidental to energy distribution (part of CPC 88).

In PT: The production, transmission and distribution of electricity, the manufacturing of gas, the pipeline transportation of fuels, wholesale services of electricity, retailing services of electricity and non-bottled gas, and services incidental to electricity and natural gas distribution. Concessions for electricity and gas sectors are assigned only to limited companies with their headquarters and effective management in PT (ISIC 232, 4010, 4020, CPC 7131, 7422, 887 other than advisory and consulting services).

In SK: An authorisation is required for the production, transmission and distribution of electricity, manufacture of gas and distribution of gaseous fuels, production and distribution of steam and hot water, pipeline transportation of fuels, wholesale and retail of electricity, steam and hot water, and services incidental to energy distribution including services in the area of energy efficiency, energy savings and energy audit. An economic needs test is applied and the application may be denied only if the market is saturated. For all those activities, an authorisation may only be granted to a natural person with permanent residency in a Member State of the EU or the European Economic Area (hereinafter referred to as "EEA") or a juridical person established in the EU or the EEA.

With respect to Investment Liberalisation – National Treatment:

In BE: With the exception of the mining of metal ores and other mining and quarrying, foreign enterprises controlled by natural persons or enterprises of a third country which accounts for more than 5 % of the EU's oil or natural gas or electricity imports may be prohibited from obtaining control of the activity. Incorporation is required (no branching) (ISIC 10, 1110, 13, 14, 232, part of 4010, part of 4020, part of 4030).

Existing Measures:

The EU: Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC; and

Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC.

BG: Energy Act.

CY: The Regulating of the Electricity Market Laws of 2003;



The Regulation of the Electricity Market Laws of 2003 Law 122(I)/2003 as amended by Laws 239(I)/2004, 143(I)/2005, 173(I)/2006, 92(I)/2008, 211(I)/2012, 206(I)/2015 and 18(I)/2017;

The Regulating of the Gas Market Laws of 2004 to 2007;

The Petroleum (Pipelines) Law, Chapter 273 of the Constitution of the Republic of Cyprus;

The Petroleum Law L.64(I)/1975; and

The Petroleum and Fuel Specifications Laws of 2003 to 2009.

FI: Maakaasumarkkinalaki (Natural Gas Market Act) (508/2000);

Maakaasumarkkinalaki (Natural Gas Market Act) (587/2017); and

Sähkömarkkinalaki (Electricity Market Act) (386/1995).

FR: Energy Code (L111-5, L111-53,).

PT: Natural gas: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October;

Electricity: Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October –; and

Crude oil/Petroleum products: Decree-Law 31/2006, 15 February –.

SK: Act 51/1988 on Mining, Explosives and State Mining Administration;

Act 569/2007 on Geological Works;

Act 251/2012 on Energy; and

Act 657/2004 on Thermal Energy.

- (b) Electricity (ISIC rev.3.1 40, 401; CPC 62271, 887 (other than advisory and consulting services))

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors, Performance Requirements; and Cross-Border Trade in Services – National Treatment:

In FI: The importation of electricity. With respect to cross-border trade, the wholesale and retail of electricity. In FR: Only companies where 100 % of the capital is held by the French State, by another public sector organisation or by Electricité de France (EDF), may own and operate electricity transmission or distribution systems.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In BG: For the production of electricity and the production of heat.

In PT: The activities of electricity transmission and distribution are carried out through exclusive concessions of public service.

With respect to Investment Liberalisation – National Treatment:

In BE: An individual authorisation for the production of electricity of a capacity of 25 MW requires establishment in the EU, or in another State which has a similar regime to that enforced by Directive 96/92 EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity in place, and where the company has an effective and continuous link with the economy.

The offshore production of electricity within the offshore territory of BE is subject to concession and a joint venture obligation with a company from a Member State, or a foreign company from a country having a similar regime to that of Directive 2003/54/EC, particularly with regard to conditions relating to the authorisation and selection. Additionally, the company should have its central administration or its head office in a Member State or a country meeting the above criteria, where it has an effective and continuous link with the economy.

The construction of electrical power lines which link offshore production to the transmission network of Elia requires authorisation and the company must meet the previously specified conditions, except for the joint venture requirement.

With respect to Cross-Border Trade in Services – National Treatment:

In BE: An authorisation is necessary for the supply of electricity by an intermediary having customers established in BE who are connected to the national grid system or to a direct line whose nominal voltage is higher than 70,000 volts. That authorisation may only be granted to a natural or juridical person established in the EEA.

Existing Measures:

BE: Arrêté Royal du 11 octobre 2000 fixant les critères et la procédure d'octroi des autorisations individuelles préalables à la construction de lignes directes;

Arrêté Royal du 20 décembre 2000 relatif aux conditions et à la procédure d'octroi des concessions domaniales pour la construction et l'exploitation d'installations de production d'électricité à partir de l'eau, des courants ou des vents, dans les espaces marins sur lesquels la Belgique peut exercer sa juridiction conformément au droit international de la mer;

Arrêté Royal du 12 mars 2002 relatif aux modalités de pose de câbles d'énergie électrique qui pénètrent dans la mer territoriale ou dans le territoire national ou qui sont installés ou utilisés dans le cadre de l'exploration du plateau continental, de l'exploitation des ressources minérales et autres ressources non vivantes ou de l'exploitation d'îles artificielles, d'installations ou d'ouvrages relevant de la juridiction belge;

Arrêté royal du 2 avril 2003 relatif aux autorisations de fourniture d'électricité par des intermédiaires et aux règles de conduite applicables à ceux-ci; and

Arrêté royal du 12 juin 2001 relatif aux conditions générales de fourniture de gaz naturel et aux conditions d'octroi des autorisations de fourniture de gaz naturel.

FI: Maakaasumarkkinalaki (Natural Gas Market Act) (508/2000);

Maakaasumarkkinalaki (Natural Gas Market Act) (587/2017); and

Sähkömarkkinalaki (Electricity Market Act) 588/2013.

FR: Energy Code (L111-5, L111-53).

PT: Electricity: Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October.

- (c) Fuels, gas, crude oil or petroleum products (ISIC 232, 40, 402; CPC 613, 62271, 63297, 7131, 71310, 742, 7422, part of 88, 887 (other than advisory and consulting services))

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors, Performance Requirements; and Cross-Border Trade in Services – National Treatment:

In FI: To prevent control or ownership of a liquefied natural gas (hereinafter referred to as "LNG") terminal (including those parts of the LNG terminal used for storage or re-gasification of LNG) by foreign persons or enterprises for energy security reasons.

In FR: Only companies where 100 % of the capital is held by the French State, by another public sector organisation or by ENGIE, may own and operate gas transmission or distribution systems for reasons of national energy security.

With respect to Investment Liberalisation – National treatment; and Cross-Border Trade in Services – National Treatment:

In BE: For bulk storage services of gas, regarding the types of legal entities and the treatment of public or private operators to whom BE has conferred exclusive rights. Establishment is required within the EU for bulk storage services of gas (part of CPC 742).

In BG: For pipeline transportation, storage and warehousing of petroleum and natural gas, including transit transmission (CPC 71310, part of CPC 742).

In PT: For the cross-border supply of storage and warehousing services of fuels transported through pipelines (natural gas). Also, concessions relating to the transmission, distribution and underground storage of natural gas and the reception, storage and regasification terminal of LNG are awarded through contracts concession, following public calls for tenders (CPC 7131, CPC 7422).

With respect to Cross-Border Trade in Services – National Treatment:

In BE: The pipeline transport of natural gas and other fuels is subject to an authorisation requirement. An authorisation may only be granted to a natural or juridical person established in a Member State (in accordance with Art. 3 of the AR of 14 May 2002).

If the authorisation is requested by a company:

- (a) the company must be established in accordance with Belgian law, or the law of another Member State, or the law of a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas; and

- (b) the company must hold its administrative seat, its principal establishment or its head office within a Member State, or a third country, which has undertaken commitments to maintain a regulatory framework similar to the common requirements specified in Directive 98/30/EC of the European Parliament and the Council of 22 June 1998 concerning common rules for the internal market in natural gas, provided that the activity of this establishment or head office represents an effective and continuous link with the economy of the country concerned (CPC 7131).

In general the supply of natural gas to customers (customers being both distribution companies and consumers whose overall combined consumption of gas arising from all points of supply attains a minimum level of one million cubic metres per year) established in BE is subject to an individual authorisation provided by the minister, except where the supplier is a distribution company using its own distribution network. That authorisation may only be granted to a natural or juridical person established in a Member State.

In CY: For the cross-border supply of storage and warehousing services of fuels transported through pipelines, and the retail sales of fuel oil and bottled gas other than by mail order (CPC 613, CPC 62271, CPC 63297, CPC 7131, CPC 742).

Existing Measures:

BE: Arrêté Royal du 14 mai 2002 relatif à l'autorisation de transport de produits gazeux et autres par canalisations; and



Loi du 12 avril 1965 relative au transport de produits gazeux et autres par canalisations (article 8.2).

BG: Energy Act.

CY: The Regulation of the Electricity Market Law of 2003;

Law 122(I)/2003 as amended by Laws 239(I)/2004, 143(I)/2005, 173(I)/2006, 92(I)/2008, 211(I)/2012, 206(I)/2015 and 18(I)/2017;

The Regulating of the Gas Market Laws of 2004 to 2007;

The Petroleum (Pipelines) Law, Chapter 273 of the Constitution of the Republic of Cyprus;

The Petroleum Law L.64(I)/1975; and

The Petroleum and Fuel Specifications Laws of 2003 to 2009.

FI: Maakaasumarkkinalaki (Natural Gas Market Act) (508/2000); and

Maakaasumarkkinalaki (Natural Gas Market Act) (587/2017).

FR: Energy Code (L111-5, L111-53).

PT: Natural Gas: Decree-Law 230/2012 and Decree-Law 231/2012, 26 October;

Electricity: Decree-Law 215-A/2012, and Decree-Law 215-B/2012, 8 October; and

Crude oil/Petroleum products: Decree-Law 31/2006, 15 February.

- (d) Nuclear (ISIC rev 3.1 12, 3.1 23, 120, 1200, 233, 2330, 40, part of 4010, CPC 887))

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment:

In DE: For the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In AT and FI: For the production, processing, distribution or transportation of nuclear material and generation or distribution of nuclear-based energy.

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors, Performance Requirements:

In HU and SE: For the processing of nuclear fuel and nuclear-based electricity generation.

With respect to Investment Liberalisation – National Treatment; and Cross-Border Trade in Services – National Treatment:

In BE: For the production, processing or transportation of nuclear material and generation or distribution of nuclear-based energy.

With respect to Investment Liberalisation – National Treatment, Senior Management and Board of Directors:

In BG: For the processing of fissionable and fusionable materials or the materials from which they are derived, as well as to the trade therewith, to the maintenance and repair of equipment and systems in nuclear energy production facilities, to the transportation of such materials and the refuse and waste matter of their processing, to the use of ionising radiation, and on all other services relating to the use of nuclear energy for peaceful purposes (including among others engineering and consulting services and services relating to software).

With respect to Investment Liberalisation – National Treatment:

In FR: These activities must respect the obligations of the Euratom-Agreement.

## Existing Measures:

AT: Bundesverfassungsgesetz für ein atomfreies Österreich (Constitutional Act for a Nonnuclear Austria) BGBl. I Nr. 149/1999.

BG: Safe Use of Nuclear Energy Act.

FI: Ydinenergiaki (Nuclear Energy Act) (990/1987).

HU: Act CXVI of 1996 on Nuclear Energy; and

Government Decree Nr. 72/2000 on Nuclear Energy.

SE: The Swedish Environmental Code (1998:808); and

Law on Nuclear Technology Activities (1984:3).

## II-EU-21 – Other Services Not Included Elsewhere

|                          |  |
|--------------------------|--|
| Sector – Sub-sector:     | Other services not included elsewhere  |
| Industry Classification: | CPC 9703, part of CPC 612, part of CPC 621, part of CPC 625,<br>part of 85990  |
| Obligations Concerned:   | National Treatment<br><br>Most-Favoured-Nation Treatment<br><br>Performance Requirements<br><br>Senior Management and Board of Directors |
| Chapter:                 | Investment Liberalisation and Cross-Border Trade in Services   |

Description:

The EU reserves the right to adopt or maintain any measure with respect to the following:

- (a) Funeral, cremation services and undertaking services CPC 9703

With respect to Investment Liberalisation –National Treatment, Senior Management and Board of Directors; and Cross-Border Trade in Services – National Treatment:

In DE: Only juridical persons established under public law may operate a cemetery. The creation and operation of cemeteries and services related to funerals are carried out as governmental services.

In CY and SI: Funeral, cremation and undertaking services.

In SE: Church of Sweden or local authority monopoly on cremation and funeral services.

- (b) Other business related services

With respect to Cross-Border Trade in Services – National Treatment:

In LT: State enterprise "Infostruktura" has exclusive rights to supply the following services: data transmission through secure state data transmission networks, granting of internet addresses ending "gov.lt" and certification of electronic cash-registers.

### Existing Measures:

LT: Government Resolution of 28 May 2002 No. 756 on the approval of the standard procedure for setting prices and tariffs of goods and services of a monopolistic nature supplied by state owned enterprises and public institutions established by ministries, governmental institutions and county governors and assigned to them.

RESERVATIONS FOR FUTURE MEASURES

LIST OF MEXICO

Reservations Applicable at Central Level

II-MX-1

Sector: All

Subsector:

Industry Classification:

Obligations Concerned: National Treatment (Article 11.6)

Level of Government: Central

Description: Cross-Border Trade in Services

Mexico reserves the right to adopt or maintain any measure restricting the acquisition, sale or other disposition of bonds, treasury bills or any other kind of debt security issued by the central, regional or local governments.

Existing Measures:



II-MX-2

Sector: All

Subsector:

Industry Classification:

Obligations Concerned: Senior Management and Board of Directors (Article 10.10)

Level of Government: Central

Description: Investment Liberalisation

Mexico reserves the right to adopt or maintain any measure requiring that a majority of the board of directors, or any committee thereof, of an enterprise of the European Union that is a covered enterprise, be of a particular nationality, or resident in the territory of Mexico, provided that the requirement does not materially impair the ability of the investor to exercise control over its covered enterprise.

Existing Measures:

II-MX-3

Sector: Energy

Subsector: Oil and other hydrocarbons

Electricity

Industry Classification:

Obligations Concerned: National Treatment (Article 10.7 and 11.6)

Performance Requirements (Article 10.9)

Local Presence (Article 11.5)

Senior Management and Board of Directors (Article 10.10)

Level of Government: Central

Description: Investment Liberalisation and Cross-Border Trade in Services

Mexico reserves the right to adopt measures with respect to the activities referred to in the reservations I-MX-14 and I-MX-15 of the Appendix I-B-1, in implementation of the Decree enacting the State Public Enterprise, Federal Electricity Commission Law; State Public Enterprise, Petróleos Mexicanos Law; the Electricity Sector Law; the Law of the Hydrocarbons Sector; the Law of Energy Planning and Transition; the Law of Biofuels; the Law of Geothermal Energy and the Law of the National Energy Commission; amending several provisions of the Law of the Mexican Petroleum Fund for Stabilization and Development; and amending, adding and reforming several provisions of the Law of the Mexican Petroleum Fund for Stabilization and Development; the Geothermal Energy Law and the Law of the National Energy Commission; several provisions of the Law of the Mexican Petroleum Fund for Stabilization and Development are amended and several provisions of the Organic Law of the Federal Public Administration are amended, added and repealed, published in the Official Journal 18 March 2025. When adopted, such measures shall be deemed to be existing non-conforming measures listed in Annex I and subject to paragraphs 1 and 3 of Article 10.12 (Non-Conforming Measures and Exceptions). For greater certainty, the non-conforming aspects of any such implementing measure shall be limited to the extent permitted by such Decree as well as by any implementing measure adopted pursuant to this reservation.

Mexico allows private investment exclusively through contractual arrangements with respect to the exploration and production of oil and other hydrocarbons, and the public service of transmission and distribution of electricity.

If Mexican law is amended to allow private investment in a different modality from that set out in the second paragraph, or to allow the sale of assets or ownership interest in an enterprise engaged in the activities set out in the second paragraph, Mexico reserves the right to impose restrictions on that investment.

Any restrictions imposed in accordance with the third paragraph shall be deemed to be existing non-conforming measures listed in Annex I and subject to paragraphs 1 and 3 of Article 10.12 (Non-Conforming Measures and Exceptions).

For greater certainty, Mexico affirms the principle reflected in Articles 25, 27 and 28 of the Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos) that the exploration and production of oil and other hydrocarbons, the planning and control of the National Electric System and the public service of transmission and distribution of electricity are reserved to the State.

#### Existing Measures:

Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Articles 25, 27 and 28.

State Public Enterprise, Federal Electricity Commission Law (Ley de la Empresa Pública del Estado, Comisión Federal de Electricidad).

Foreign Investment Law (Ley de Inversión Extranjera).

Hydrocarbons Sector Law (Ley del Sector Hidrocarburos).

State Public Enterprise, Petroleos Mexicanos Law (Ley de la Empresa Pública del Estado, Petróleos Mexicanos).

Electric Sector Law (Ley del Sector Eléctrico).

Energy Planning and Transition Law (Ley de Planeación y Transición Energética).

II-MX-4

Sector: Entertainment Services

Subsector: Recreational and leisure services

Industry Classification: CMAP 949104 Other Private Recreational and Leisure Services  
(limited to gambling and betting services)

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Most-Favoured-Nation Treatment (Articles 10.8 and 11.7)

Senior Management and Board of Directors (Article 10.10)

Local Presence (Article 11.5)

Level of Government: Central

Description: Investment Liberalisation and Cross-Border Trade in Services

Mexico reserves the right to adopt or maintain any measure relating to investment liberalisation in, or the supply of, gambling and betting services.

Existing Measures:

II-MX-5

Sector: Minority Affairs

Subsector:

Industry Classification:

Obligations Concerned: Local Presence (Article 11.5)

National Treatment (Article 11.6)

Level of Government: Central

Description: Cross-Border Trade in Services

Mexico reserves the right to adopt or maintain any measure according rights or preferences to socially or economically disadvantaged groups.

Existing Measures:

Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 4.

II-MX-6

Sector: Social Services

Subsector:

Industry Classification:

Obligations Concerned: National Treatment (Articles 10.7 and 11.6)

Most-Favoured-Nation Treatment (Articles 10.8 and 11.7)

Performance Requirements (Article 10.9)

Senior Management and Board of Directors (Article 10.10)

Local Presence (Article 11.5)

Level of Government: Central

Description: Investment Liberalisation and Cross-Border Trade in Services

Mexico reserves the right to adopt or maintain any measure with respect to the supply of public law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health and child care.

Existing Measures:

Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Articles 4, 17, 18, 25, 26, 28 and 123.



II-MX-7

Sector: Transportation

Subsector: Specialised personnel

Industry Classification: CMAP 951023 Other Professional, Technical and Specialised Services (limited to ship captains, aircraft pilots, ship masters, ship machinists, ship mechanics, airport administrators (comandantes de aeródromos), harbour masters, harbour pilots, crew on Mexican flagged vessels or aircrafts)

Obligations Concerned: Local Presence (Article 11.5)

National Treatment (Article 11.6)

Most-Favoured-Nation Treatment (Article 11.7)

Level of Government: Central

Description: Cross-Border Trade in Services

Mexico reserves the right to adopt or maintain any measure with respect to specialised personnel.

Only Mexican nationals by birth may serve as:

captains, pilots, ship masters, machinists, mechanics and crew members manning vessels or aircraft under the Mexican flag; and

harbour pilots, harbour masters and airport administrators.

Existing Measures:

Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos), Article 32.

II-MX-8

Sector: All

Subsector: Telegraph, radiotelegraph and postal services

Issuance of bills (currency) and minting of coinage

Control, inspection and surveillance of maritime and inland ports

Control, inspection and surveillance of airports and heliports

Nuclear power, including the exploration, exploitation and profit of radioactive materials.

Industry Classification:

Obligations Concerned: National Treatment (Article 10.7)

Most-Favoured-Nation Treatment (Article 10.8)

Performance Requirements (Article 10.9)

Senior Management and Board of Directors (Article 10.10)

Level of Government: Central

Description: Investment Liberalisation

The activities set out in the list below are reserved to the State, and private equity investment is prohibited under Mexican law. If Mexico allows private investment to participate in those activities through service contracts, concessions, lending arrangements or any other type of contractual arrangement, that participation shall not be construed to affect the reservation of those activities.

If Mexican law is amended to allow private equity investment in an activity set out in the list below, Mexico may impose restrictions on foreign investment participation and those restrictions shall be deemed to be existing non-conforming measures listed in Annex I and subject to paragraphs 1 and 3 of Article 10.12 (Non-Conforming Measures and Exceptions). Mexico may also impose restrictions on foreign equity investment participation when selling an asset or ownership interest in an enterprise engaged in activities set out in the list below, and those restrictions shall be deemed to be existing non-conforming measures as set out in Annex I and shall be subject to paragraphs 1 and 3 of Article 10.12 (Non-Conforming Measures and Exceptions).

- (a) Telegraph, radiotelegraph and postal services;
- (b) Issuance of bills (currency) and minting of coinage;

- (c) Control, inspection and surveillance of maritime and inland ports;
- (d) Control, inspection and surveillance of airports and heliports; and
- (e) Nuclear power.<sup>5</sup>

Existing Measures:

Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos) Articles 25 and 28.

Law of the Bank of Mexico (Ley del Banco de México).

Law of the House of Currency of Mexico (Ley de la Casa de Moneda de México).

Monetary Law of the United Mexican States (Ley Monetaria de los Estados Unidos Mexicanos).

Navigation and Maritime Commerce Law (Ley de Navegación y Comercio Marítimos).

Ports Law (Ley de Puertos).

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<sup>5</sup> For the purposes of this entry, nuclear power includes the exploration, exploitation and profit of radioactive materials.

Airports Law (Ley de Aeropuertos).

Federal Telecommunication and Broadcasting Law (Ley en Materia de Telecomunicaciones y Radiodifusión).

Decree that establishes the decentralised agency of Navigation Services in the Mexican Airspace, (SENEAM, by its acronym in Spanish) (Decreto que crea el Organismo Desconcentrado de Servicios a la Navegación en el Espacio Aéreo Mexicano, SENEAM).

General Means of Communication Law (Ley de Vías Generales de Comunicación).

Mexican Postal Service Law (Ley del Servicio Postal Mexicano), Title I, Chapter III.

Foreign Investment Law (Ley de Inversión Extranjera).

II-MX-9

Sector: Mining

Subsector: Activities related to lithium

Industry Classification:

Obligations Concerned: National Treatment (Article 10.7)

Performance Requirements (Article 10.9)

Senior Management and Board of Directors (Article 10.10)

Level of Government: Central

Description: Investment Liberalisation

The activities related to lithium, including the exploration and exploitation of lithium, are reserved to the State, and private equity investment is prohibited under Mexican law. If Mexico allows private investment to participate in those activities through service contracts, concessions, lending arrangements or any other type of contractual arrangement, that participation shall not be construed to affect the reservation of those activities to the State.

If Mexican law is amended to allow private equity investment in an activity related to lithium, Mexico may impose restrictions on foreign investment participation and those restrictions shall be deemed to be existing non-conforming measures listed in Annex I and subject to paragraphs 1 and 3 of Article 10.12 (Non-Conforming Measures and Exceptions). Mexico may also impose restrictions on foreign equity investment participation when selling an asset or ownership interest in an enterprise engaged in activities related to lithium, and those restrictions shall be deemed to be existing non-conforming measures as set out in Annex I and shall be subject to paragraphs 1 and 3 of Article 10.12 (Non-Conforming Measures and Exceptions).

Existing Measures:

Political Constitution of the United Mexican States (Constitución Política de los Estados Unidos Mexicanos) Articles 27 and 28.

Mining Law (Ley de Minería).



II-MX-10

Sector: All

Subsector:

Industry Classification:

Obligations Concerned: Most-Favoured-Nation Treatment (Article 10.8)

Level of Government: Central

Description: Investment Liberalisation

Mexico reserves the right to adopt or maintain any measure granting different treatment to countries accorded under all bilateral or multilateral international agreements in force prior to the date of the entry into force of this Agreement. This reservation does not apply to those measures which grant different treatment in relation to:

- (a) the exploration, production and manufacture of energy goods, as well as the distribution and transmission of gas and electricity, and the marketing, including the wholesale or retail sale, of energy goods, and
- (b) activities related to lithium, including the exploration and exploitation of lithium.

Mexico reserves the right to adopt or maintain any measure granting different treatment to countries accorded under all international agreements in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
  - (b) fisheries; or
  - (c) maritime matters, including salvage.
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