

<b>AD HOC 133 COMMITTEE SERVICES</b>
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<b>SOURCE :</b> Commission
<b>FOR :</b> Discussion
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### **GATS 2000**

#### **Request from the EC and its Member States (hereinafter the EC)**

**to**

#### **Colombia**

#### **General remarks**

This Request covers horizontal commitments, MFN exemptions and the following service sectors:

- Professional services
- Business services (other than professional services)
- Postal and courier services
- Telecommunications services
- Construction and related engineering services
- Distribution services
- Environmental services
- Financial services (banking, insurance, securities, other)
- Tourism and travel related services
- News agency services
- Transport (air, maritime, land, other) services
- Energy services

The EC proposes that Colombia's current GATS commitments are revised in accordance with this Request. The EC is both seeking improved commitments and clarification of existing commitments as set out in this Request. The EC is

furthermore looking for a reduction in scheduled limitations whether these are horizontal or sector specific in nature.

The EC further requests that commitments are entered in accordance with the scheduling guidelines adopted by the Council of Trade in Services on 23 March 2001 (S/L/92). In particular, for each commitment or limitation entered the EC requests:

- that the sector and sub-sector are clearly identified in accordance with the classification list in Document MTN.GNS/W/120 or other internationally recognised classification (e.g. Financial Services Annex) and corresponding CPC number. If this is not possible, the schedule should contain a sufficiently detailed definition to avoid any ambiguity as to the scope of the commitment.
- that any remaining limitation on market access (hereafter “MA”) or on national treatment (hereafter “NT”) are clearly described and only be inscribed in the market access or national treatment columns if the measure is of a nature foreseen by Articles XVI-XVII GATS.

The EC remains available to provide any clarification and answer any question on this Request. Questions can be addressed to the European Commission via the EC contact point, via the Delegation of the European Commission in Geneva, or at the following EC officials in Directorate-General Trade, Unit D2 (Trade in services, including e-commerce) :

Country Desk Officer:	<b>Carlos Gimeno Verdejo</b> Tel : 32-2-2958759 e-mail : <a href="mailto:carlos.gimeno-verdejo@cec.eu.int">carlos.gimeno-verdejo@cec.eu.int</a>
General issues:	<b>Joao Aguiar Machado</b> , Head of Unit Tel : 32-2 299 6310 e-mail : <a href="mailto:joao-luis.aguiar-machado@cec.eu.int">joao-luis.aguiar-machado@cec.eu.int</a> <b>Anders C. Jessen</b> , Deputy Head of Unit Tel: 32-2 299 2457 e-mail: <a href="mailto:anders.jessen@cec.eu.int">anders.jessen@cec.eu.int</a>

*Note : The EC reserves the right to revise and/or supplement this Request. For each service sector, W120 classification has been followed unless expressly indicated and CPCs refer to the Provisional CPC classification. The precise scope for each sector is without prejudice to the EC's final positions on classification issues and to the EC's classification of their existing commitments.*

## HORIZONTAL COMMITMENTS

### EC Request to Colombia

#### Mode 3

- Foreign investment excluded for activities relating to national defence and the processing and disposal of toxic, hazardous or radioactive waste not produced in Colombia. **EC Request:** Precise the scope and move this restriction from the horizontal commitments to the relevant sectors
- Tax on remittance of profits. **EC Request:** Remove. If it is considered to be covered under Article XIV GATS, this entry does not need to appear in the schedule
- Acquisition and transfer of unappropriated land along the Colombian coastlines and in the border regions with neighbouring countries restricted to Colombians by birth. **EC Request:** Precise the territorial limits of this restriction
- Acquisition of real property by foreigners governed by special provisions in the islands of the San Andrés and Providencia Archipelago. **EC Request:** Precise the scope of the special provisions

#### Mode 4

##### **Definitions :**

- Clarify definitions of « managers », « legal representatives » and « technical specialists ».

##### **Quantitative Restriction :**

- 90% of « ordinary » workforce, and 80% of « skilled employees » must be Colombian. **EC request :** Eliminate.

##### **Professional services :**

- These service sectors are excluded from the scope of Colombia's horizontal commitments on mode 4. **EC request :** Clarify the reason for, and practical effect of this exclusion.

##### **Intra-corporate transferees :**

- The EC requests that a commitment be made to allow as intra-corporate transferees without requiring an economic needs test « persons with a university degree or equivalent technical qualification who are transferring for career development purposes or to obtain training in business techniques or methods ». The maximum prior employment requirement should be one year.

##### **Contractual Service Suppliers :**

- A contractual service supplier is a juridical person with no commercial presence in Colombia, who has obtained a service contract in Colombia which requires the presence of its employees in Colombia in order to fulfil that contract. The EC considers that Colombia's existing commitments

cover contractual service suppliers who are “managers”, “legal representatives” and “technical specialists”. **EC request :** Extend scope of coverage to include those employed in the professional services sub-sectors.

**Additional commitments.**

- Difficulties are experienced as a result of the length of time taken to process work and residence permits as well as the notarisation of documents. The EC wishes to discuss the possibility of taking additional commitments to address these issues.

*Note : Mode 4 is covered horizontally in this part for all service sectors. The sectoral requests in the following pages only refer to mode 4 when specifically related to one particular service sector.*

## **PROFESSIONAL SERVICES**

### **EC Request to Colombia**

Colombia has committed this sector only partially. The EC requests that it be committed as follows:

#### **a. Legal Services (CPC 861)**

- Mode 3: MA and NT – This mode remains unbound for legal advisory services in foreign and international legislation not relating to mining. **EC Request:** Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: MA and NT – This mode remains unbound for legal advisory services in foreign and international legislation not relating to mining. **EC Request:** Commit as referred to in the section “Horizontal commitments”

#### **b. Accounting, auditing and bookkeeping services (CPC 862)**

- This sub-sector is not committed for auditing services (CPC 86211 and 86212 other than accounting services). **EC Request:** Extend sectoral coverage of commitments to these CPCs
- Mode 1: MA and NT – This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none”, under MA and NT for accounting and bookkeeping services
- Mode 3: NT – Prior domicile requirement. **EC Request:** Remove
- Mode 4: MA and NT – This mode remains unbound. **EC Request:** Commit as referred to in the section “Horizontal commitments” for the entire CPC 862

#### **c. Taxation Services (CPC 863)**

- Mode 1: MA and NT – This mode remains unbound. **EC Request:** Take full commitments, i.e. schedule “none”, under MA and NT

#### **d. Architectural services (CPC 8671)**

#### **e. Engineering services (CPC 8672)**

#### **f. Integrated engineering services (CPC 8673)**

These three sub-sectors are not committed. **EC Request** for each of these sub-sectors:

- Modes 1, 2, 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

## **BUSINESS SERVICES (OTHER THAN PROFESSIONAL)**

### **EC Request to Colombia**

#### **B. Computer and Related Services**

Colombia has committed this sector only partially. **EC Request:** Extend coverage to include CPCs 845 and 849 and schedule commitments at the two-digit level as follows:

##### **Computer and Related Services (CPC 84)**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

In view of the rapid technological advances which have taken, and continue to take place, in this sub-sector, the EC proposes to seek clarification at a multilateral level as to what services are considered to be covered under CPC Prov 84.

#### **C. Research and Development Services :**

Colombia has not committed this Sector. The EC requests that it be committed as follows :

##### **a. R&D Services on natural sciences (CPC 851)**

##### **c. Interdisciplinary R&D services. (CPC 853)**

For each of the above sub-sectors :

- Modes 1 and 3 : Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

#### **F. Other Business Services :**

*Note: Requests on j) – services incidental to energy distribution are covered in the section “Energy Services” of this Request.*

Colombia has committed this sector only partially. The EC requests that it be committed as follows:

a) Advertising (CPC 871)

b) Market research and Public Opinion Polling (CPC 864)

d) Services related to management consulting (CPC 866)

e) Technical testing and analysis services (CPC 8676)

k) Placement and supply services of personnel (CPC 872)

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

Sub-sectors a), b), d), e), k) and m) are not committed. **EC Request** for each of these sub-sectors:

- Modes 1, 2, 3 : Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

**l) Security Services (CPC 87302 – 87309)**

Sub-sector l) is not committed. **EC Request** for this sub-sector:

- Mode 3 : MA - Commit with no form of establishment or equity limitation. Full NT commitment - i.e. schedule “none”
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

**c) Management consulting services (CPC 865)**

- Mode 1: MA and NT – This mode remains unbound. **EC Request** : Take full commitments, i.e. schedule “none” under MA and NT

## **POSTAL AND COURIER SERVICES**

### **EC Request to Colombia**

This Request includes sub-sectors that are listed under the negotiating proposal of the EC (S/CSS/W/61). The work on the revision of classification of this sector is still underway. For this reason, the sub-sectors lack reference to CPC.

Colombia has not committed this sector. The EC requests that it be committed as follows, based on the EC proposal for the revised classification of postal and courier services:

#### **Services relating to the handling<sup>1</sup> of postal items<sup>2</sup>, whether for domestic or foreign destinations**

##### **A. Handling of addressed written communications on any kind of physical medium<sup>3</sup>, including:**

**- Hybrid mail services**

**- Direct mail**

##### **B. Handling of addressed parcels and packages<sup>4</sup>**

##### **C. Handling of addressed press products<sup>5</sup>**

##### **D. Handling of items referred to in A. to C. above as registered or insured mail**

##### **E. Express delivery services<sup>6</sup> for items referred to in A. to C. above**

##### **F. Handling of non-addressed items**

##### **G. Document exchange**

##### **H. Other services not elsewhere specified**

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<sup>1</sup> The term “handling” should be taken to include clearance, sorting, transport and delivery.

<sup>2</sup> “Postal item” refers to items handled by any type of commercial operator, whether public or private.

<sup>3</sup> E.g. letter, postcards.

<sup>4</sup> Books, catalogues are included hereunder.

<sup>5</sup> Journals, newspapers, periodicals.

<sup>6</sup> Express delivery services may include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and addressee in transit, confirmation of receipt.

**EC Request** for sub-sectors B., C., E., F. and G. :

- Modes 1, 2 and 3 : Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

**EC Request** for sub-sectors A. and D. :

- Modes 1, 2 and 3: Take MA and NT commitments
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

## TELECOMMUNICATIONS SERVICES

### EC Request to Colombia

Colombia has only partially committed this Sector. The EC requests that this Sector is committed as follows :

#### All Modes

- There are no commitments for facsimile services. **EC request:** Make full commitments for facsimile services, i.e. schedule “none”.
- Authorizations to provide satellite capacity do not involve a concession to supply other telecommunications services in Colombia or in connections with foreign countries. **EC request:** Remove this restriction.
- There is an obligation to own facilities. **EC request:** Remove this obligation.

#### Mode 3 – Commercial presence

- Foreign investment is now limited to 70% in all services except when they are for non-public use. **EC request:** Remove this restriction.
- The number of operators is now limited for long distance, mobile, PCS, paging, and trunking services. The EC requests that these restrictions be lifted:
  - National and international long-distance services are provided by the National Telecommunications Enterprise. Any additional number of operators is determined by an economic needs test. **EC request:** Remove this restriction on the number of operators.
  - For the cellular mobile telephone service the country was divided into three regions; in each one the service is supplied by two competing operators, on an exclusive basis until 1 September 1999. The Schedule states that “Thereafter, the additional number of operators shall be subject to technological possibility”. **EC request:** Remove this restriction.
  - The Schedule states that “The Personal Communications service will be supplied as from 31 December 1999 by a number of operators determined by an economic needs test.” **EC request:** Remove this restriction.
  - The Schedule states that The number of operators to supply two-way paging services will be determined not later than 30 June 1997. **EC request:** Remove this restriction on the number of operators.
  - The Schedule states that “The national trunking service will be supplied by four operators selected by competitive bidding, not later than 30 June 1997.” **EC request:** Remove this restriction.
- For mobile services, , no natural or legal person may, alone or through another person, hold more than 30% of the company share capital and the shares must be listed in a stock exchange in Colombia. **EC request:** Remove these restrictions.

### **Additional commitments**

There are limitations on subsidisation and the points for interconnection in the reference paper of the Basic Telecommunications negotiations. **EC request:** Remove these limitations.

### **MFN exemption.**

Colombia has registered an MFN exemption which restricts national treatment in Value-Added Telecommunications Services for the purposes of commercial presence in favour of suppliers from the Andean Pact. **EC request:** Remove this MFN exemption.

## **CONSTRUCTION AND RELATED ENGINEERING SERVICES**

### **EC Request to Colombia**

Colombia has committed this Sector only partially. The EC requests that it be committed as follows:

#### **B. General construction work for civil engineering (CPC 513)**

- This sub-sector is committed only for dams and golf courses. **EC Request:** Extend sectoral coverage of present commitments to the whole sub-sector CPC 513

#### **C. Installation and assembly work (CPC 514+516)**

- This sub-sector is committed only for derrick operations. **EC Request:** Extend sectoral coverage of present commitments to the whole sub-sector CPC 514+516

#### **D. Building completion and finishing work (CPC 517)**

This sub-sector is not committed. **EC Request:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

#### **E. Other (CPC 511+515+518)**

This sub-sector is not committed for special trade construction work (CPC 515) and renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator (CPC 518). **EC**

**Request** for these CPCs:

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

## **DISTRIBUTION SERVICES**

### **EC Request to Colombia**

Colombia has not committed this sector. The EC requests that it be committed as follows :

**A. Commission agents' services (CPC 621, 6111+6113+6121)**

**B. Wholesale trade services (CPC 622, 6111+6113+6121)**

**C. Retailing services (CPC 631+632, 6111+6113+6121+613)**

**D. Franchising (CPC 8929)**

**EC Request** for each of the above sub-sectors :

- Modes 1, 2, 3 : Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

*Note : The EC is prepared to discuss exceptions for a very limited number of extremely sensitive goods, such as arms, ammunitions and explosives.*

## **ENVIRONMENTAL SERVICES**

### **EC Request to Colombia**

Colombia has not committed this sector. The EC requests that it be committed as follows, based on the EC proposal for the classification of environmental services:

#### **A. Water for human use & wastewater management**

Water collection, purification and distribution services through mains, except steam and hot water

Waste water services (CPC 9401)

#### **B. Solid/hazardous waste management**

Refuse disposal services (CPC 94020)

Sanitation and similar services (CPC 94030)

#### **C. Protection of ambient air and climate**

Services to reduce exhaust gases and other emissions and improve air quality (CPC 94040)

#### **D. Remediation and cleanup of soil & water**

Treatment, remediation of contaminated/polluted soil and water (part of CPC 94060)

#### **E. Noise & vibration abatement**

Noise abatement services (CPC 94050)

#### **F. Protection of biodiversity and landscape**

Nature and landscape protection services (part of CPC 94060)

#### **G. Other environmental & ancillary services**

Other environmental protection services not classified elsewhere (CPC 94090)

**EC Request** for each of the above sub-sectors :

- Modes 1 (where technically feasible), 2 and 3 : Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

## FINANCIAL SERVICES

### EC Request to Colombia

Colombia has committed this sector only partially. The EC requests that it be committed as follows:

#### General

- **EC Request:** Undertake commitments in accordance with the Understanding on Commitments in Financial Services
- Mode 3: MA – Government may make an authorisation for domestic and foreign financial companies subject to an economic needs test. **EC Request:** Remove economic needs test
- Mode 3: MA – No access for branches. **EC Request:** Remove this limitation
- Mode 3: MA – Supply of financial services in Colombia requires prior Government authorisation. Such authorisation is granted in accordance with the relevant requirements in Colombian legislation. **EC Request:** Remove authorisation requirement from schedule, especially since conditions and criteria are unspecified. If authorisation is granted on prudential grounds, it does not need to be scheduled
- Mode 3: NT – Special conditions are offered exclusively to Colombian companies or nationals in the disposal of State holding companies. **EC Request:** Remove this discrimination

#### Insurance

- Modes 1 and 2: MA and NT – No cross-border commitments on MAT and on insurance of risks relating to goods in international transit except insurance for external journeys beginning or ending in a Colombian port. **EC Request:** Take full commitments on cross-border supply of Marine, Aviation and Transport insurance
- Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services, are not covered. **EC Request:** Take full commitments in modes 1, 2 and 3, and commit as referred to in the section “Horizontal commitments” in mode 4
- No commitments on life insurance, although in practice restrictions apply only to policies issued in foreign currency. **EC Request:** Take full commitments in mode 3, and commit as referred to in the section “Horizontal commitments” in mode 4
- Mode 3: MA and NT – Since 1996, 7% income tax rate charged on benefits received by non-residents and non-domiciled foreign companies. **EC Request:** Abolish discriminatory tax treatment on remittances and profits

### **Banking and other financial services**

- The following sub-sectors are not committed: Payments and money transmission services, including credit, charge and debit cards; Trading for own account or for account of customers of money market instruments, foreign exchange, and exchange rate and interest rate instruments; Asset management; and settlement and clearing services for financial assets. **EC Request** for these sub-sectors: Take full commitments in mode 3, and commit as referred to in the section “Horizontal commitments” in mode 4

### **MFN exemptions**

- Insurance and insurance-related services (all countries/indefinite): Access to Colombian market through commercial presence on reciprocity basis. **EC Request:** Remove
- Banking and other financial services (all countries/indefinite): Access to Colombian market through commercial presence on reciprocity basis. **EC Request:** Remove

## **TOURISM AND TRAVEL RELATED SERVICES**

### **EC Request to Colombia**

Colombia has committed this sector only partially. The EC requests that it be committed as follows:

#### **A. Hotels and restaurants (incl. catering) (CPC 641-643)**

- This sub-sector is not committed for food serving services (CPC 642) and for beverage serving services (CPC 643). **EC Request:** Extend sectoral coverage of commitments to these CPCs

#### **C. Tourist guides services (CPC 7472 )**

Sub-sector C is not committed. **EC Request** for this sub-sector:

- Modes 1, 2, 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred to in the section “Horizontal commitments”

## **NEWS AGENCY SERVICES**

### **EC request to Colombia**

Colombia has not committed this sector (CPC 962). The EC requests that this Sector be committed as follows:

**EC Request (CPC 962):**

- Modes 1-3: Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 4: Commit as referred to in the section “Horizontal commitments”.

## TRANSPORT SERVICES

### EC Request to Colombia

Colombia has not committed this sector and land transport is subject to a MFN exemption. The EC requests that it be committed as follows:

#### MFN exemptions

- The MFN exemption provides for preferential treatment to countries of the Andean Road Freight System. **EC Request:** Precise the scope in the light of GATS Article V and clarify under which circumstances these benefits would also apply to an European company authorised and established in Colombia (see Request in the sub-sector of road transport)

#### A. Maritime transport

**EC Request:** Take commitments in accordance with the attached model schedule (Annex 1). In particular for the following areas:

- 1) International transport (freight and passengers) CPC 7211 and 7212
- 2) Additional commitments for access to and use of ports facilities
- 3) Maritime auxiliary services (maritime cargo handling, storage and warehouse services, customs clearance services, container station and depot services, maritime agency services)
- 4) Multimodal activities: for inland forwarding of cargoes - commit the ability to rent or lease - or to have access to and use of multimodal facilities (as specified in the note to the schedule).
- 5) Definitions – commit definitions as specified in the model schedule.

The EC also requests the following additional maritime commitments from Colombia:

- 6) Equipment. To facilitate planning of their businesses operators should be allowed to reposition their own equipment, such as empty containers, between ports of Colombia, when it is not carried against payment. This is requested to be committed in a new footnote:  
*“9. Movement of own equipment. International maritime transport suppliers can move/reposition their own equipment (i.e. empty containers, flatbeds etc.) on their own vessels between ports of Colombia.”*

- 7) International cargo. Notwithstanding the general exclusion of “cabotage” in the definitions of the model schedule (see Annex 1) an international maritime transport supplier should be allowed to operate feeder services for its own international cargo between ports of Colombia. This is requested to be committed in a new footnote:
- “Notwithstanding the exclusion of “cabotage” in definition 1 above international maritime transport suppliers can operate vessels for the purposes of pre- and onward carriage of the international cargo between ports of Colombia.”*

In this context Colombia may wish to take the one or more of the following principles into concern:

- Size of the port. Only valid for international cargo relayed between national ports handling more than [25.000 TEU] on an annual basis.
- Binding existing ad hoc practices. To the extent exceptions are already granted for use of foreign flagged vessels such practices could be bound to explicitly cover pre- and onward carriage of international cargo.
- Geographical limitations: Transport of international cargo between ports within the same department [or other relevant regional entity] remains excluded

A final Request related to maritime transport is:

- 8) Rental and leasing of vessels with crew (CPC 7213, 7223).  
**EC Request:**
- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
  - Mode 4: Commit as in horizontal commitments

### **C. Air transport**

#### **1) Maintenance and repair of aircraft and parts thereof.**

##### **EC Request:**

- Modes 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

#### **2) Selling and marketing.**

##### **EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

### **3) Computer Reservation Systems.**

#### **EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

### **4) Groundhandling services, as specified in the attached definitions (Annex 2).**

#### **EC Request:**

- Modes 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

### **5) Airport management services, as specified in the attached definitions (Annex 2).**

#### **EC Request:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

## **F. Road transport**

### **b) Freight Transportation (CPC 7123).**

#### **EC Request:**

- Mode 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

### **d) Maintenance and Repair of Road Transport Equipment (CPC 6112)**

#### **EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

## **H. Services Auxiliary to All Modes of Transport**

### **b) Storage and Warehouse Services (CPC 742)**

#### **EC Request:**

- Modes 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

### **c) Freight Transport Agency/Freight Forwarding Services (CPC 748) and Pre-Shipment Inspection (part of CPC 749)**

#### **EC Request:**

- Modes 1, 2 and 3: Take full commitments, i.e. schedule “none” under MA and NT

- Mode 4: Commit as referred in the section “Horizontal commitments”

## Annex 1: SCHEDULE ON MARITIME TRANSPORT SERVICES

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>TRANSPORT SERVICES</p> <p>MARITIME TRANSPORT SERVICES</p> <p>International Transport (freight and passengers) CPC 7211 and 7212 <u>less</u> cabotage transport</p>	<p>1) (a) Liner Shipping: none</p> <p>(b) Bulk, tramp, and other international shipping, including passenger transportation; none</p>	<p>1) (a) None</p> <p>(b) None</p>	<p>The following services at the port are made available to international maritime transport suppliers on reasonable and no discriminatory terms and conditions</p> <ol style="list-style-type: none"> <li>1. Pilotage</li> <li>2. Towing and tug assistance</li> <li>3. Provisioning, fuelling and watering</li> <li>4. Garbage collecting and ballast waste disposal</li> <li>5. Port Captain's services</li> <li>6. Navigation aids</li> <li>7. Shore-based operational services essential to ship operations, including communications, water and electrical supplies</li> <li>8. Emergency repair facilities</li> <li>9. Anchorage, berth and berthing services</li> </ol> <p>1) See note</p>

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
TRANSPORT SERVICES MARITIME TRANSPORT SERVICES  International Transport (freight and passengers) CPC 7211 and 7212 <u>less</u> cabotage transport (cont.)	2) None  3) (a) Establishment of registered company for the purpose of operating a fleet under the national flag of the State of establishment: unbound  (b) Other forms of commercial presence for the supply of international maritime transport services (as defined below – 2): none  4) (a) Ships' crews: unbound  (b) Key personnel employed in relation to a commercial presence as defined under mode 3b) above: Unbound except as in horizontal section	2) None  3) (a) Unbound  (b) None  4) (a) Unbound  (b) Unbound except as in horizontal section	3) (b) See Notes 2, 3,

<b>Sector or Sub-Sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<b>MARITIME AUXILIARY SERVICES</b>			
Maritime Cargo Handling Services (as defined below – 4)	1) Unbound* except for – no limitation on transshipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* except for no limitation on transshipment (board to board or via the quay) and/or on the use of on-board cargo handling equipment 2) None 3) None 4) Unbound except as in horizontal section	
Storage and warehousing Services CPC 742	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in horizontal section	
Customs Clearance Services (as defined below – 5)	1) Unbound* 2) None 3) None** 4) Unbound except as in horizontal section	1) Unbound* 2) None 3) None 4) Unbound except as in horizontal section	

<b>Sector or Sub-Sector</b>	<b>Limitations on Market Access</b>		<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
MARITIME AUXILIARY SERVICES (cont.)				
Container Station and Depot Services (as defined below – 6)	1)	Unbound*	1)	Unbound*
	2)	None	2)	None
	3)	None**	3)	None
	4)	Unbound except as in horizontal section	4)	Unbound except as in horizontal section
Maritime Agency Services (as defined below – 7)	1)	None	1)	None
	2)	None	2)	None
	3)	None	3)	None
	4)	Unbound except as in horizontal section	4)	Unbound except as in horizontal section
(Maritime) Freight Forwarding Services (as defined below - 8)	1)	None	1)	None
	2)	None	2)	None
	3)	None	3)	None
	4)	Unbound except as in horizontal section	4)	Unbound except as in horizontal section

\* A commitment on this mode of delivery is not feasible.

\*\* Public utility concession or licensing procedures may apply in case of occupation of the public domain.

## NOTE TO THE SCHEDULE

Where road, rail, inland waterways (and) (related) (auxiliary) services are not otherwise fully covered in (this) (a Member's) schedule, a multimodal transport operator shall have the ability to rent or lease trucks, railway carriages or barges, and related equipment, for the purpose of inland forwarding of cargoes, or have access to, and use of, these forms of multimodal activities on reasonable and non-discriminatory terms and conditions for the purpose of carrying out multimodal transport operations. (« Reasonable and non-discriminatory terms and conditions » means, for the purpose of (multimodal transport operations), (this additional commitment), the ability of the multimodal transport operator to arrange for the conveyance of its merchandise on a timely basis, including priority over other merchandise which has entered the port at a later date).

## DEFINITIONS

1. Without prejudice to the scope of activities which may be considered as « cabotage » under the relevant national legislation, this schedule does not include « maritime cabotage services », which are assumed to cover transportation of passengers or goods between a port located in ... (name of country or, for EEC, « a Member State ») and another port located in ... (name of the country or, for EEC, « the same Member State ») and traffic originating and terminating in ... the same port located in (name of country, or for the EEC, « a Member State ») provided that this traffic remains within ... (name of country or « this Member State »)'s territorial waters.
2. « Other forms of commercial presence for the supply of international maritime transport services » means the ability for international maritime transport service suppliers of other Members to undertake locally all activities which are necessary for the supply to their customers of a partially or fully integrated transport service, within which the maritime transport constitutes a substantial element. (This commitment shall however not be construed as limiting in any manner the commitments undertaken under the cross-border mode of delivery).

These activities include, but are not limited to:

- (a) marketing and sales of maritime transport and related services through direct contact with customers, from quotation to invoicing, these services being those operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;
- (b) the acquisition, on their own account or on behalf of their customers (and the resale to their customers) of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of the integrated services;
- (c) the preparation of documentation concerning transport documents, customs documents, or other documents related to the origin and character of the goods transported;
- (d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to the provisions of the annex on telecommunications);
- (e) the setting up of any business arrangements (including participation in the stock of a company) and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the horizontal commitment on movement of personnel) with any locally established shipping agency;

(f) acting on behalf of the companies, organising the call of the ship or taking over cargoes when required.

3. « Multimodal transport operators » means the person on whose behalf the bill of lading /multimodal transport document, or any other document evidencing a contract of multimodal carriage of goods, is issued and who is responsible for the carriage of goods pursuant to the contract of carriage.

4. « Maritime cargo handling services » means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers, when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of:

- the loading/discharging of cargo to/from a ship;
- the lashing/unlashing of cargo;
- the reception/delivery and safekeeping of cargoes before shipment or after discharge.

5. « Customs clearance services » (alternatively « customs house brokers' services ») means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.

6. « Container station and depot services » means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.

7. « Maritime agency services » means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:

- marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information;
- acting on behalf of the companies organising the call of the ship or taking over cargoes when required.

8. « Freight forwarding services » means (the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information).

## **Annex 2 Facilitating air transport services**

### **Ground-handling Services**

Efficient ground-handling is essential to the proper functioning of air transport and competition between operators in this area ensures that proper use is made of air transport infrastructure. It helps reduce the operating costs of airlines and improves the quality of service for airport users.

For specialised groundhandling suppliers the following activities are requested:

- Ground Administration – supervision and administration at the airport (CPC 7461);
- Passenger Handling – assisting arriving, departing and transfer passengers (CPC 7461);
- Baggage Handling – handling baggage in the sorting area (CPC 7461);
- Freight and Mail Handling – physical handling of freight and mail, dealing with security and customs procedures (CPC 74110 (container handling services) and 74190 (other cargo handling services);
- Ramp Handling – marshalling and moving the aircraft, loading and unloading of aircraft, transport of passengers, freight, supplies (CPC 7469).
- Aircraft Services – cleaning the aircraft, heating and cooling, removal of snow and ice (CPC 7469);
- Fuel and Oil Handling – organisation and provision of fuel and oil;
- Aircraft Maintenance – covered specifically by the Annex as above;
- Flight Operations and Crew Administration – preparation of the flight, inflight and post-flight assistance, crew administration;
- Surface Transport – organisation and execution of transport within airport – except to and from aircraft;
- Catering Services – administration, storage, preparation and delivery of bar and food supplies (CPC 6423). [Catering is listed for only for information purposes as this activity is requested from Colombia as part of tourism services]

### **Airport management services**

Airport management services constitute the core activities of airport services providers and cover: Airport operation services (excl. cargo handling), including passenger air terminal services and ground services on air fields, including runway operating services, on a fee or contract CPC 74610. Activities are also related to “other management consulting services” (CPC 86509) and activities separately specified under “other management services not elsewhere classified”(CPC 86609). A commitment will allow services suppliers to take an equity stake in - and engage in the overall operation and management of - airports when these are open for investments from private operators. Thereby it will bind existing common practices in the sector.

## **ENERGY SERVICES**

### **EC Request to Colombia**

This Request includes services that are listed under the negotiating proposal of the EC (S/CSS/W/60) . The work on the classification of these services is still underway. For this reason, some activities therefore lack reference to CPC.

The EC requests that this area is committed as follows :

### **B. Services related to the construction of energy facilities**

#### **B.1 Construction of energy facilities**

**CPC 513: Construction work for civil engineering**

**CPC 51340: For long distance pipelines, communication and power lines (cables)**

**CPC 51360: For constructions for mining and manufacturing**

This sub-sector is not totally committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule “none” under MA and NT, for the entire sub-sector
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

#### **B.2 Installation and assembly work**

**CPC 516: Installation and assembly work**

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments for, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

### **C. Services related to networks**

#### **C.1 Operation of transportation/transmission and distribution facilities**

**CPC 887: Services incidental to energy distribution**

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take commitments for operation of networks not part of the integrated system
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

**CPC 71310: Transportation of petroleum and natural gas**

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take commitments for operation of networks not part of the integrated system
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

**D. Storage services****CPC 74220: Bulk storage services of liquids or gases**

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

**E. Services for the supply of energy****E.1 Wholesale of energy products****CPC 62271: Wholesale trade services of solid, liquid and gaseous fuels and related products**

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments for solid and liquid fuels and related products
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

**Wholesale trade services of electricity**

**EC Request:**

- Mode 3 : Take commitments
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

**E.2 Retail sale of energy products****CPC 63297: Retail sale of fuel oil, bottled gas, coal and wood**

This sub-sector is not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

**E.3 Trading of energy products**

**EC Request:**

- Modes 1, 2, 3 : Take full commitments for non-network energy products and commitments for network-energy products
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

#### **E.4 Brokering of energy products**

##### **EC Request:**

- Modes 1, 2, 3 : Take full commitments for non-network energy products and commitments for network-energy products
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

#### **G. Services related to decommissioning**

##### **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule “none” under MA and NT
- Mode 4 : Commit as referred to in the section “Horizontal commitments”

## **MFN EXEMPTIONS**

### **EC Request to Colombia**

- MFN exemption in the sector of telecommunications services. **EC Request:** Refer to the Request in the sector of “Telecommunications services” in this respect
- MFN exemption in the sector of insurance and insurance-related services. **EC Request:** Refer to the Request in the sector of “Financial services” in this respect
- MFN exemption in the sector of banking and other financial services. **EC Request:** Refer to the Request in the sector of “Financial services” in this respect
- MFN exemption in the area of land transport. **EC Request:** Refer to the Request in the sector of “Transport services” in this respect