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GATS 2000

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

to

Mexico

General remarks

This request covers horizontal commitments and the following service sectors:

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

The EC proposes that Mexico'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) :

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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 Mexico

General

- Mode 3: Foreign investment in activities reserved for Mexican nationals must be through neutral shares, whose purchase must be quoted on the Mexican Stock Exchange. **EC request** : remove such restriction.
- Mode 3: Foreigners may not acquire direct ownership of land and water in a 50 km. strip on the coastline and 100 km. strip along the frontiers. **EC request** : remove such restriction or apply on a national treatment basis.
- Mode 3 – NT : National treatment is unbound for research and development subsidies. **EC Request**: Clarify the applicability and scope of the regime.
- Mode 3 - NT : National treatment is unbound for incentives to small service enterprises owned by Mexican nationals. **EC Request**: commit national treatment for foreign owned small service enterprises

Mode 4

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.

Business Visitors :

- No specific commitment has been made for Business Visitors who are not entering to themselves supply a service, but rather to establish a commercial presence. **EC request** : Make a specific commitment to this effect. Economic needs tests should not be applied. The maximum length of stay should be at least 90 days in any 12 month period.

National Treatment :

- List of activities which are reserved for Mexican nationals. **EC request** : Eliminate.

Contractual Service Suppliers :

- A contractual service supplier is a juridical person with no commercial presence in Mexico, who has obtained a service contract in Mexico which requires the presence of its employees in Mexico in order to fulfil that contract. **EC request** : Take commitments for natural persons employed in the service sectors listed below and seeking temporary entry as contractual service suppliers. Such natural persons can be required to have a university degree or equivalent technical qualification – plus the appropriate professional qualifications where this is required by domestic law. The length of stay may be limited to the length of the contract.

List of sectors :

1. Business Services

Legal Services

Accounting and bookkeeping services

Taxation services

Architectural services

Engineering Services

Integrated engineering services

Urban planning and landscape architectural services

Computer and Related Services

Research and Development Services

Advertising

Management consulting services

Services related to management consulting

Technical testing and analysis services

Related scientific and technical consulting services

Maintenance and repair of equipment

Photographic services

Convention services

Translation services

3. Construction and related engineering services

Site investigation work (CPC 5111)

4. Distribution Services

Wholesale trade services (CPC 622)

6. Environmental Services

Water for human use & wastewater management

Solid/hazardous waste management

7. Financial Services

Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services

Advisory, intermediation and other auxiliary financial services on all the activities listed in the subparagraphs (v) to (xv) of the classification of the Annex on Financial Services, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy

9. Tourism and Travel Related Services

Tourist Guide Services (CPC 7472)

Additional commitments.

- Difficulties are experienced as a result of the length of time taken to process work permits, as well as the apostillation of documents. The EC wishes to discuss the possibility of taking additional commitments to address this issue.

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 Mexico

Mexico has committed this sector only partially. The EC requests that this sector is committed as follows:

a. Legal Services (CPC 861)

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

- Commit covering at least consultancy on public international law and on law of jurisdiction where the service supplier or its personnel are qualified lawyers
- Modes 1, 2, 3: Take full commitments, i.e. schedule “none”, under MA and NT
- Mode 4: Commit as referred in the section “Horizontal commitments”

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

- Mode 3: MA – Conditions on foreign investment. **EC Request:** Remove
- Mode 3: NT – Obligation to use name of Mexican partners. **EC Request:** Remove

c. Taxation Services (CPC 863)

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

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

d. Architectural services (CPC 8671)

- Mode 3: MA – Conditions on foreign investment. **EC Request:** Remove

e. Engineering services (CPC 8672)

- Mode 3: MA – Conditions on foreign investment. **EC Request:** Remove

f. Integrated engineering services (CPC 8673)

g. Urban planning and landscape architectural services (CPC 8674)

Sub-sectors f) and g) are not committed. **EC Request** for each of these two sub-sectors:

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

BUSINESS SERVICES (other than Professional Services)

EC request to Mexico

B. Computer and Related Services

General

- This sub-sector has only been partially committed. **EC request:** Extend coverage 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 horizontal section.
- 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

a) R&D Services on natural sciences (CPC 851) and

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

Mode 3: MA – FDI limited up to 49% of registered capital. **EC request:** Eliminate.

D. Real Estate Services

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

a) Involving own or leased property (CPC 821)

b) On a fee or contract basis (CPC 822)

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".

E. Rental and Leasing Services without Operators

a) Relating to ships (CPC 83103)

- Mode 1: MA and NT – This Mode remains unbound. **EC request:** Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 3: MA – FDI limited up to 49% of registered capital. **EC request:** Eliminate.

c) Relating to other transport equipment (CPC 83101 + 83102 + 83105)

This sub-sector has not been committed for CPCs 83102 or 83105. **EC request:** Extend sectoral coverage to these CPCs as follows:

- 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".

For CPC 83101

- Mode 1: MA and NT – This Mode remains unbound. **EC request:** Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 3: MA – FDI limited up to 49% of registered capital. **EC request** Eliminate.

d) Relating to other machinery (CPC 83106 – 83109)

For CPC 83106, 83108 and 83109: Mode 3: MA – FDI limited up to 49% of registered capital. **EC request:** Eliminate.

For CPC 83107: Mexico has not committed these sub-Sectors. The EC requests that they be committed as follows :

- 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".

F. Other Business Services

***NB:** Requests (if any) on (h) - services incidental to mining, and (j) - services incidental to energy distribution, are covered in those sections of the request dealing with Energy Services and Construction Services.*

a) Advertising (CPC 871)

Mode 3: MA – FDI limited up to 49% of registered capital. **EC request:** Eliminate.

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

- Mode 1: MA – unbound. **EC request:** Take full commitment scheduled as “none”.

d) Services related to management consulting (CPC 866)

- In contrast to W 120 Mexico assigns “Administrative formalities and collection services” to CPC 866. **EC request:** Clarification. The EC reserves the right to make a request in the this sub-sector following clarification from Mexico.

e) Technical testing and analysis services (CPC 8676)

Mexico has not committed this sub-Sector. The EC requests that it be committed as follows :

- 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".

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

- Mode 1: MA and NT – This Mode remains unbound. **EC request:** Take full commitments, i.e. schedule “none” under MA and NT.
- Mode 3: MA – FDI limited up to 49% of registered capital. **EC request:** Eliminate.

l) Security Services (CPC 87302 – 87309)

- Mode 3 : MA - FDI limited up to 49% of registered capital. **EC request:** Eliminate.

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

Mexico has not committed this sub-Sector. The EC requests that it be committed as follows :

- 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".

n) Maintenance and Repair of Equipment (not including transport equipment) (CPC 633 + 8861-8866)

Mexico has made no commitments for CPC 633, 8861, 8863-8865. **EC request:**

- 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".

For CPC 8862 and 8866:

- Mode 3: MA – FDI limited up to 49% of registered capital. **EC request:** Eliminate.

In contrast to W 120 Mexico assigns “Repair and maintenance of machinery and equipment for general use, not assignable to any specific activity” to CPC 886. **EC request:** Clarification. The EC reserves the right to make a request in the this sub-sector following clarification from Mexico.

p) Photographic Services (CPC 875)

Mexico has made no commitments for CPC 87501-87504 and 87507-87509: **EC request:**

- 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".

For CPC 87505 and 87506:

- Mode 3: MA – FDI limited up to 49% of registered capital. **EC request:** Eliminate.

q) Packaging Services (CPC 876)

Mexico has not committed this sub-Sector. The EC requests that it be committed as follows :

- 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".

r) Printing and Publishing Services (CPC 88442)

Mexico has not committed this sub-Sector. The EC requests that it be committed as follows :

- 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".

s) Convention Services (part of CPC 87909)

Mexico has not committed this sub-Sector. The EC requests that it be committed as follows :

- 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".

t) Other (CPC 8790)

Translation Services (CPC 87905)

Mexico has not committed this sub-Sector. The EC requests that it be committed as follows :

- 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".

POSTAL AND COURIER SERVICES

EC request to Mexico

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.

Mexico has only partially committed this sector (commitments in courier services). The EC requests Mexico to commit this sector as follows, based on the EC proposal for the revised classification of postal and courier services:

Services relating to the handling¹ of postal items², whether for domestic or foreign destinations:

A. Handling of addressed written communications on any kind of physical medium³, including:

- Hybrid mail services

- Direct mail

B. Handling of addressed parcels and packages⁴

C. Handling of addressed press products⁵

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

E. Express delivery services⁶ for items referred to in A. to C. above

F. Handling of non-addressed items

G. Document exchange

H. Other services not elsewhere specified

For sub-sectors B., C., E., F. and G. :

- Modes 1, 2 and 3 : Undertake full commitments for market access and national treatment.
- Mode 4 : Commit as referred to in the section « Horizontal commitments ».
- For sub-sectors A. and D. :
- Modes 1, 2 and 3: Undertake commitments for market access and national treatment.
- Mode 4 : Commit as referred to in the section « Horizontal commitments ».
-

Mexico's current commitments :

Market access :

1 The term "handling" should be taken to include clearance, sorting, transport and delivery.

2 "Postal item" refers to items handled by any type of commercial operator, whether public or private.

3 E.g. letter, postcards.

4 Books, catalogues are included hereunder.

5 Journals, newspapers, periodicals.

6 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.

- Mode 1 : « Unbound». **EC request** : Schedule « None ».
- Mode 3 : « Foreign investment up to 49 % of the registered capital of enterprises. Requirements laid down for each specific means of transport must be fulfilled ». **EC request** : Delete the restriction, schedule « None ».

National treatment :

- Mode 1 : « Unbound ». **EC request** : Schedule « None ».

TELECOMMUNICATION SERVICES

EC request to Mexico

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

All Modes

Mexico defines “value added services” as: telecommunication services which utilize computerized processing systems that: a) affect the format, content, protocol or similar aspects of the information transmitted to the user; b) give the client additional, different or restructured information; or c) involve interaction between the user and the information stored. **EC request:** explain if this covers Electronic mail, Voice mail, On-line information and data base retrieval, electronic data interchange (EDI), enhanced/value-added facsimile services, incl. store and forward, store and retrieve, code and protocol conversion? Also explain if it covers other services?

There are no commitments on telex and telegraph services. **EC request:** Make full commitments in these sub-sectors, i.e. schedule “None”.

Commitments on basic telecommunications are valid only for facilities-based services. **EC Request:** remove this restriction.

Telecomunicaciones de Mexico has exclusive rights to links with Intelsat and Inmarsat. **EC Request:** remove this restriction.

Mode 1 - Cross-border supply

For value-added services, the schedule states that “A permit is required in order to provide services using radio-electric space” and “A permit from the Ministry of Communications and Transport (SCT) is required in order to establish private networks and supply value-added services”. **EC Request:** remove these provisions.

For value-added services, the central equipment and systems for providing special telecommunication services must be located in Mexican territory. **EC Request:** remove this provision.

For other telecommunications services, International traffic must be routed through the facilities of an enterprise that has a concession granted by the Ministry of Communications and Transport (SCT). **EC Request:** remove this provision.

Mode 3 - Establishment

There is a 49% equity cap on foreign investment. **EC Request:** remove this ceiling.

For value-added services, there is a provision that Thirty per cent of excess capacity of private circuits may be rented or sold. **EC Request:** remove this restriction.

For value-added services, long-distance services for third users are prohibited. **EC Request:** remove this prohibition.

For value-added services, the schedule states that “A permit is required in order to provide services using radio-electric space”. **EC Request:** remove this provision as it should not affect market access or national treatment.

For value-added services, the schedule states that “A permit from the Ministry of Communications and Transport (SCT) is required in order to establish private networks and supply value-added services”. **EC Request:** remove this provision as it should not affect market access or national treatment.

For value-added services, the schedule states that “A permit from the SCT is required for cross-border connections”. **EC Request:** remove this provision as it should not affect market access or national treatment.

For value-added services, there is a provision in the schedule about an exclusive provider of computerized airline reservation services. **EC Request:** remove this provision.

For telecommunications services, the schedule states that “A concession (i.e. the granting of title to install, operate or use a facilities-based public telecommunications network.) from the SCT is required” and that “Only enterprises established in conformity with Mexican law may obtain such a concession”. **EC Request:** remove these provisions as they should not affect market access or national treatment.

CONSTRUCTION AND RELATED ENGINEERING SERVICES

EC request to Mexico

General

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

All sub-sectors (CPC 511 to CPC 518)

Mode 3: MA – Restriction on foreign investment of 49% of the registered capital of enterprises. **EC Request:** Remove this restriction.

A. General construction work for buildings (CPC 512)

This sub-sector is not committed for CPC 5123 (construction work for warehouses and industrial buildings), for CPC 5125 (construction work for public entertainment buildings) and for CPC 5126 (construction work for hotel, restaurant and similar buildings).

EC Request for these CPCs:

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

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

This sub-sector is only partly committed. **EC Request**

Extend commitments coverage to the whole sub-sector CPC 513 and schedule:

- Mode 3: “none” under MA and NT.
- Mode 4: Commit as referred in the section “Horizontal commitments”.

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

This sub-sector is not committed for CPC 514 (assembly and erection of prefabricated constructions) and is committed only for parts of CPC 516 (installation work). **EC Request:** commit the entirety of CPC 514 and 516 as follows:

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

D. Building completion and finishing work (CPC 517)

This sub-sector is defined as “Building completion and finishing work”. **EC Request:** Refer explicitly to “CPC 517”

E. Other (CPC 511+515+518)

This sub-sector is not committed for CPC 518 (renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator): and is committed only for parts of CPC 511 (pre-erection work at construction sites) and CPC 515 (special trade construction work). **EC Request:** commit the entirety of CPC 511, 515 and 518 as follows:

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

DISTRIBUTION SERVICES

EC Request to Mexico

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

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

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

- Modes 1, 2, 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

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

The distribution of agricultural raw materials and live animals (CPC 6221) is not committed (except for animal seed). **EC Request:**

- Modes 1, 2, 3 : Take full commitments for the distribution of raw materials, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

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

- 1st indent (Food products) : It is not clear whether the distribution of beverages and tobacco by supermarkets, self-service stores and shops is committed. It is also not clear whether "department stores" are included under "supermarkets". **EC Request:** Merge the first two indents and leave the sector definition as follows : "Retail sales of food, beverages and tobacco (CPC 6310)".
- 2nd indent (Food products) : Trade-union and cooperative stores do not allow foreign investment. **EC Request:** Clarify the scope of such restriction.
- 3rd indent (Non-food products under CPC 632) : It is not clear whether "department stores and shops" includes all "non-specialized establishments". It is not clear whether "specialized establishments" can distribute non-food products. **EC Request:** Remove "in department stores and shops".
- 3rd indent (Non-food products under CPC 632) : Trade-union and cooperative stores do not allow foreign investment. **EC Request:** Clarify the scope of such restriction.
- 4th indent (Motor vehicles) : CPCs 6113, 6121 and 613 are missing to match the description of the sub-sector. **EC Request:** include such CPCs codes.
- 5th indent (Non-food products under CPC 6329) : The distribution of various types of combustible (liquid gas, coal, gasoline ...) is not committed when distributed by "specialized establishments". **EC Request :** Remove such restriction.
- 5th indent (Non-food products under CPC 6329) : Trade-union and cooperative stores do not allow foreign investment. **EC Request:** Clarify the scope of such restriction.

D. Franchising services (CPC 8929)

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

- Modes 1, 2, 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

ENVIRONMENTAL SERVICES

EC request to Mexico

Mexico has not undertaken commitments in environmental services. The EC requests Mexico to commit the following subsectors, 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)

For each of the above sub-sectors :

- Modes 1 (where technically feasible), 2 and 3 : Undertake full commitments for market access and national treatment.

Mode 4 : Refer to horizontal commitments.

FINANCIAL SERVICES

EC request to Mexico

General

- **EC Request:** Undertake commitments in accordance with the Understanding on Commitments in Financial Services.
- Mode 4: MA and NT – Generally unbound. **EC Request:** Schedule “Unbound except as indicated under horizontal commitments” instead.

Insurance

- Modes 1 and 2: MA and NT - MAT and insurance of risks relating to goods in international transit not committed. **EC Request:** Take full commitments.
- Modes 1 and 2: MA and NT – Reinsurance and retrocession services, and services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services not committed. For risks located in Mexico, obligation to be an established registered reinsurer. Discriminatory 2% tax on premiums paid to non-admitted reinsurers, and 3.5% fee imposed on reinsurance premiums paid to non-residents. **EC Request:** Take full MA and NT commitments.
- Mode 3: MA – Discriminatory FDI limitations (effective control by Mexican shareholders required; FDI limited to 40% of paid-up capital and 30% of non-voting paid-up capital; individual holdings limited to 10% or 20% subject to authorisation from Ministry of Finance). **EC Request:** Take full commitments.
- Modes 1, 2 and 3: MA and NT – Insurance intermediation, such as brokerage and agency; no commitment in modes 1, 2 and 4. MA commitments on mode 3 subject to discriminatory FDI limitations (effective control by Mexican shareholders required; FDI limited to 40% of paid-up capital and 30% of non-voting paid-up capital; individual holdings limited to 10% or 20% subject to authorisation from Ministry of Finance). **EC Request:** Take full commitments.
- Modes 1, 2 and 3: MA and NT – Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services, are not covered. **EC Request:** Take full commitments.
- Mode 3: MA and NT – Branches not allowed. **EC Request:** Take binding commitment on establishment of branches.
- Mode 3: MA – In life and non-life, restrictions on foreign shareholdings in Mexican firms and ban on wholly-owned subsidiaries (effective control by Mexican shareholders required; aggregate FDI limited to 40% of paid-up capital and 30% of non-voting paid-up capital; individual holdings limited to 10% or 20% subject to authorisation from Ministry of Finance).
- **EC Request:** Allow up to 100% FDI.

Banking and other financial services

- Modes 1, 2 and 3: MA and NT - Provision and transfer of financial information, and data processing relating to banking, and other financial services are not committed. **EC Request:** Take full commitments.
- Modes 1, 2 and 3: MA and NT – Cross-border supply of advisory, intermediation and other auxiliary financial services to banking and other financial services is not committed. MA commitments on mode 3 subject to discriminatory FDI limitations

(effective control by Mexican shareholders required; 49% of paid-up capital stock; individual holdings limited to 30%). **EC Request** Take full commitments.

- Mode 3: MA – Most banking and other financial services, including asset and pension fund management, subject to discriminatory FDI limitations (effective control by Mexican shareholders required). **EC Request** Remove FDI limitations and take full commitments.
- Mode 3: MA and NT – 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 derivative products, exchange rate and interest rate instruments; Settlement and clearing services for financial assets, including securities, etc. **EC Request** Take full commitments.

TOURISM AND TRAVEL RELATED SERVICES

EC request to Mexico

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

Extend coverage of commitments to include all of CPC 641, and undertake full commitments.

Mode 3:

Market access: Remove entry regarding the need to hold a licence for hotel and restaurant services. If there are restrictions on the number of licences given, schedule accordingly.

Remove restriction of 49% for foreign investment in enterprises providing restaurant services (CPC 642), and for cabarets and night clubs (CPC 6432)

B. Travel agencies and tour operators services (CPC 7471)

Mode 1

Market access and national treatment: Bind this mode, and undertake full commitments.

Mode 3

Market access: Remove entry regarding the need to hold a licence for travel agencies and tour operators.

C. Tourist guides services (CPC 7472)

Mode 3

Market access: Remove entry regarding the need to hold a licence for tourist guide services.

NEWS AGENCY SERVICES

EC request to Mexico

Mexico 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 Mexico

A. Maritime transport

Mexico has no commitments for 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 request the following additional maritime commitments from Mexico:

- 6) Equipment. To facilitate planning of their businesses operators should be allowed to reposition their own equipment, such as empty containers, between ports of Mexico, 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 Mexico.”
- 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 Mexico. This is requested to be committed in a new footnote:
“10. 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 Mexico.”

In this context Mexico 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 state [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.

B. Internal waterways:

Mexico has no commitments for this activity

c) **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 referred in the section “Horizontal commitments”

C. Air transport

1) Maintenance and repair of aircraft and parts thereof

Mexico has no commitments for this activity

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

Mexico has no commitments for this activity

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

Mexico has no commitments for this activity

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)

Mexico has commitments for parts of these activities, with a foreign ownership restriction (maximum of 49 %)

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)

Mexico has commitments for these activities, with a foreign ownership restriction (maximum of 30 %)

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”

E. Rail transport**d) Maintenance and Repair of Rail Transport Equipment (CPC 8868).****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”

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)

Mexico has commitments for parts of these activities, with a foreign ownership restriction (maximum of 49 %)

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

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,

Sector or Sub-Sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
MARITIME AUXILIARY SERVICES			
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	

Sector or Sub-Sector	Limitations on Market Access		Limitations on National Treatment		Additional Commitments
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 classified and committed by Mexico 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 Mexico

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 lacks reference to CPC.

The EC requests that this area is committed as follows :

A. Services related to exploration and production

CPC 883: Services incidental to mining

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

- Mode 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

CPC 8675: Related scientific and technical consulting services

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

- Mode 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

CPC 511: Construction and related engineering services

EC Request:

- Mode 3 : Eliminate exclusion of oil and gas services.
- Mode 3 : Remove restriction on foreign investment.

CPC 513: Construction and related engineering services

This sub-sector is only partly committed. **EC Request**

Extend commitments coverage to the whole sub-sector CPC 513 and schedule:

- Mode 3: "none" under MA and NT.
- Mode 4: Commit as referred in the section "Horizontal commitments".

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 51350: For local pipelines and cables; ancillary works

CPC 51360: For constructions for mining and manufacturing

These sub-sectors are not committed. **EC Request:**

- Mode 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".

B.2 Installation and assembly work

CPC 516: Installation and assembly work

This sub-sector is only partly committed. **EC Request:**

Extend commitments coverage to the whole sub-sector CPC 513 and schedule:

- Mode 3: “none” under MA and NT.
- Mode 4: Commit as referred 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:**

- Modes 3 : Take commitments for operation of networks not part of the integrated system.
- Mode 4 : Commit as referred in the section "Horizontal commitments".

CPC 71310: Transportation of petroleum and natural gas

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

- Modes 3 : Take commitments for operation of networks not part of the integrated system.
- Mode 4 : Commit as referred 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".
- Mode 4 : Commit as referred 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

EC Request:

- Mode 3 : Eliminate the exclusion of petroleum-based products.

Wholesale trade services of electricity

EC Request:

- Modes 3 : Take full commitments, i.e. schedule “none”.

- Mode 4 : Commit as referred 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. None.
- Mode 4 : Commit as referred in the section "Horizontal commitments".

E.3 Trading of energy products

EC Request:

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

E.4 Brokering of energy products

EC Request:

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

G. Services related to decommissioning

EC Request:

- Modes 3 : Take full commitments, i.e. schedule "none".
- Mode 4 : Commit as referred in the section "Horizontal commitments".