

Annex I – Ausnahmen für bestehende Maßnahmen

EU

- 1) Health, Social and Education Services: National Treatment / Market Access
Investment: “Any EU Member State, when selling or disposing of its equity interests in, or the assets of, an existing state enterprise or an existing governmental entity providing health, social or education services, may prohibit or impose limitations on the ownership of such interests or assets, and on the ability of owners of such interests and assets to control any resulting enterprise (...)”
- 2) Rail Transport / Market Access: The provision of rail transport services requires a licence, which can only be granted to railway undertakings established in a Member State.

Germany

- 1) Medical and Dental Services, Midwives services, Services provided by nurses / National Treatment / Market Access [detaillierte Auflistung von Bundes- und Landesgesetzen]
- 2) Human health and Social Care services, hospitals, ambulance services, rescue services / National Treatment / Market Access [detaillierte Auflistung von Bundes- und Landesgesetzen]
- 3) Water Transport, Supporting Services for Water Transport, Rental of ships, leasing services of ships without operators / National Treatment / Market Access / Most-Favoured-Nation Treatment: A vessel that does not belong to a German or EU national may be used in the German federal waterways only after specific authorization (...)

Annex II – Ausnahmen für bestehende und zukünftige Maßnahmen

EU

- 1) Public utilities / Market Access:
In all EU Member States, services considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators. Public utilities exist in sectors such as related scientific and technical consulting services, R&D services on social sciences and humanities, technical testing and analysis services, environmental services, health services, transport services and services auxiliary to all modes of transport. Exclusive rights on such services are often granted to private operators, for instance operators with concessions from public authorities, subject to specific service obligations. Given that public utilities often also exist at the sub-central level, detailed and exhaustive sector-specific scheduling is not practical.
This reservation does not apply to telecommunications and to computer and related services.
- 2) Collection, purification and distribution of water / Market Access / National Treatment:
The EU reserves the right to adopt or maintain any measure with respect to the provision of services relating to the collection, purification and distribution of water to household, industrial, commercial or other users, including the provision of drinking water, and water management.
- 3) Recreational, cultural and sporting services (bestimmte Klassifikationen) / Market Access / National Treatment / Most-Favoured-Nation Treatment / Performance Requirements /

- Senior Management and Boards of Directors: The EU reserves the right to adopt or maintain any measure (...)
- 4) Education Services (bestimmte Klassifikationen) / Market Access / National Treatment / Performance Requirements / Senior Management and Boards of Directors: The EU reserves the right to adopt or maintain any measure (...)
 - 5) Health and social services (bestimmte Klassifikationen) / Market Access / National Treatment: The EU reserves the right to adopt or maintain any measure (...)
 - 6) Water Transportation: Verschiedene Ausnahmen, z.B. in Bezug auf die Nationalität der Mannschaft oder nationale Kabotage.
 - 7) Energy / Electricity and gas transmission systems, oil and gas pipeline transport / National Treatment / Market Access / Performance requirements / Senior Management and Boards of Directors: Where an EU Member State permits foreign ownership of a gas or electricity transmission system, or an oil and gas pipeline transport system, the EU reserves the right to adopt or maintain any measure with respect to Canadian enterprises controlled by natural persons or enterprises of a third country which accounts for more than 5% of the EU's oil or natural gas or electricity imports, in order to guarantee the security of energy supply of the EU as a whole, or of an individual EU Member State.
 - 8) Hinweis: Finnland hat eine Ausnahme mit Bezug auf VO 1370/2007 gelistet.

Germany

- 1) Environmental Services / Waste management: Sewage, refuse disposal, and sanitation services / Market Access
 German reserves the right to maintain or adopt or maintain [sic!] any measure prohibiting the cross-border provision of services and requiring establishment with respect to the supply of waste management services, other than advisory services.
 Germany reserves the right to adopt or maintain any measure relating to the designation, establishment, expansion, or operation of monopolies or exclusive services suppliers providing waste management services.
- 2) Health and Social Services / Market Access / National Treatment / Most-Favoured Nation Treatment / Performance Requirements / Senior Management and Boards of Directors: Germany reserves the right to adopt or maintain any measure with regard to the provision of the Social Security System of Germany, where services may be provided by different companies or entities involving competitive elements which are thus not "Services carried out exclusively in the exercise of governmental authority". Germany reserves the right to accord better treatment in the context of bilateral trade agreement with regard to the provision of health and social services.
- 3) Social Services / Market Access / National Treatment / Most-Favoured Nation Treatment / Performance Requirements / Senior Management and Boards of Directors: Germany reserves the right to adopt and maintain any measure with respect to the provision of privately funded social services other than services relating to Convalescent and Rest Houses and Old People's Homes.
 Germany reserves the right to adopt or maintain any measure regarding the Social Security System of Germany, where services are provided by different companies or entities involving competitive elements and might therefore not fall under the definition of the "Services carried out exclusively in the exercise of governmental authority".

- 4) Hospital Services / Market Access / National Treatment: Germany reserves the right to maintain national ownership of privately funded hospitals run by the German Forces. Germany reserves the right to nationalize other key privately funded hospitals.
- 5) Recreational, cultural and sporting services / Market Access / National Treatment / Most-Favoured Nation Treatment / Performance Requirements / Senior Management and Boards of Directors: Germany reserves the right to adopt and maintain any measure prohibiting the cross-border provision of services irrespective of their mode of production, distribution, or transmission and requiring establishment with respect to entertainment services (CPC 961), with the exception of audiovisual services which are not subject to liberalization under this agreement.
Germany reserves the right to adopt and maintain any measure with respect to the provision of libraries, archives, museums and other cultural services (CPC 963).
- 6) Energy / Nuclear-based electricity generation / Processing of nuclear material and fuel / Transportation or handling of nuclear material / Market Access / National Treatment / Senior Management and Boards of Directors: Germany reserves the right to adopt or maintain any measure with respect to the processing or transportation of nuclear material and generation of nuclear-based energy.
- 7) Funeral, cremation and undertaking services / Market Access / National Treatment / Senior Management and Boards of Directors: Germany reserves the right to adopt or maintain any measure (...)