APPENDIX 2 TO ANNEX VII

SWITZERLAND – SCHEDULE OF SPECIFIC COMMITMENTS

| Modes of supply: (1) C | ross-border supply (2) Consumption abroad | (3) Commercial presence (4) Presence | of natural persons | | |
|---|---|---|-------------------------------|--|--|
| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments | | |
| The level of commitments in a particular services sector shall not supersede the level of commitments undertaken with respect to any other services sector to which such service is an input for the particular service or to which it is otherwise related. CPC numbers indicated in parenthesis are references to the UN Provisional Central Product Classification (Statistical Papers, Series M, n° 77, Provisional Central Product Classification, Department of International Economics and Social Affairs, Statistical Office of the United Nations, New York, 1991). Unless otherwise provided for, requirements of residency, domicile, commercial presence, etc. in a commitment relate to the territory of Switzerland. Attachments I, II and III to this schedule form an integral part thereof. | | | | | |
| PART I. HORIZONTAL CO | OMMITMENTS | | | | |
| This Part sets out those commitmes specific services sectors are listed | nents that apply to trade in services in all scheduled served in Part II. | ices sectors unless otherwise specified. Those commitm | nents that apply to trade in | | |
| ALL SECTORS INCLUDED IN THIS | 1) None | None except unbound for subsidies, tax incentives and tax credits | | | |
| SCHEDULE | 2) None | None except unbound for subsidies, tax incentives and tax credits | | | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------|-------------------------------------|---|-------------------------------|
| | 3) None | 3) None except for the following: I. Composition of governing boards for a "joint-stock company" (société anonyme/ Aktiengesellschaft) or a "stock company with unlimited partners" (société en commandite par actions/ Kommanditaktiengesellschaft): the majority of the board of directors must be domiciled in Switzerland. However, this domicile requirement may be set below this limit; for a "limited liability company" (société à responsabilité limitée/ Gesellschaft mit beschränkter Haftung): at least one manager must be domiciled in Switzerland; for a "co-operative society" (société coopérative/ Genossenschaft): the majority of the administrators must be domiciled in Switzerland. II. Shareholders' circles "Joint-stock companies" are not prohibited to foresee in their articles of incorporation that the company may reject persons as acquirers of registered shares, as far and as long as their recognition by the company might prevent the company from providing proof of the composition of the shareholders' circle required by federal law. III. Branching For a branch a representative (natural person) who is duly authorised by the company to fully represent it must be domiciled in Switzerland. | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------|-------------------------------------|---|-------------------------------|
| | | IV. Commercial presence without juridical personality The establishment of a commercial presence by natural persons or in the form of an enterprise without juridical personality according to Swiss law (i.e. in a form other than "joint-stock company", "limited liability company" or "co-operative society") is subject to the requirement of a permanent residency permit of the associate(s) by cantonal law. V. Eligibility for subsidies Eligibility for subsidies, tax incentives and tax credits may be limited to persons established in a particular geographical subdivision of Switzerland. | |
| | | VI. Acquisition of real estate The acquisition of real estate by foreigners who are not permanently established in Switzerland and by enterprises with headquarters abroad or under foreign control is subject to authorisation. However, no authorisation is required for: | |
| | | (a) the acquisition of premises for professional use and business activities;(b) the acquisition of main residences for the purpose of personal housing needs by foreigners who are domiciled in Switzerland. | |
| | | For the acquisition of holiday residences and secondary residences for the purpose of personal housing needs, authorisation is granted upon verification of the purpose. | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------|------------------------------|---|-------------------------------|
| | | Prohibited are purely financial investments and trade in apartments, with the following exceptions: | |
| | | (a) foreigners can invest without authorisation in financial participations (<i>i.e.</i> shares) in juridical persons that own and trade housing properties, provided such participations are quoted in a stock exchange in Switzerland; (b) foreign and foreign-controlled banks and insurance companies are granted authorisation to acquire property that serves as a security for mortgage loans in case of bankruptcy or liquidation; (c) foreign and foreign-controlled insurance companies are granted authorisation to invest in real estate, provided the total value of the buyer's property does not exceed the technical reserves required for the company's activities in Switzerland. | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------|--|---|-------------------------------|
| | 4) Unbound except for measures concerning the entry and temporary stay of natural persons of China (hereafter "persons") falling within the categories defined in paragraphs A, B, C and D below, and subject to the limitations and conditions set out under the national treatment column and to the condition that entry and stay of service suppliers of China in Switzerland are subject to authorisation (requirement of residency permit and work permit). Any limitations scheduled in Part II shall apply. For essential personnel as defined in paragraph A below, the period of stay is limited to a period of three years, which may be extended to a maximum of five years. For other essential personnel as defined in paragraphs B, C and D below, the period of stay is limited to 90 days within one year; if an authorisation for such a period of stay is renewed the following year, the applicant must stay abroad at least two months between the two consecutive periods of stay in Switzerland. | 4) Unbound except for measures concerning the categories of natural persons referred to in the market access column, subject to the following limitations and conditions: (a) working conditions prevailing in the branch and the place of activity provided by law and/or collective agreement (with respect to remuneration, working hours, etc.); (b) measures limiting professional and geographical mobility within Switzerland; (c) regulations related to statutory systems of social security and public retirement plans (with respect to qualifying period, residency requirement, etc.); and (d) all other provisions of the legislation relating to immigration, entry, stay and work. The enterprise employing such persons shall cooperate, upon request, with the authorities in charge of the enforcement of these measures. Eligibility for subsidies, tax incentives and tax credits may be limited to persons domiciled in a particular geographical subdivision of Switzerland. | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------|---|-----------------------------------|-------------------------------|
| | Persons staying in or entering Switzerland with an open-ended or extendable residence permit based on an employment contract not limited in time for Switzerland are not considered as persons residing in or entering Switzerland for the purpose of temporary stay or temporary employment in Switzerland A. INTRA-CORPORATE TRANSFEREES | | |
| | Essential persons transferred to Switzerland within a specific business or company of China and defined under (a) and (b) below who are employees of that business or company (hereafter "enterprise") supplying services in Switzerland through a branch, subsidiary or affiliate established in Switzerland and who have been beforehand employees of their enterprise located in China for a period of not less than one year immediately preceding their application for admission. | | |
| | (a) Executives and senior managers: Persons who primarily direct the enterprise or one of its departments and who receive only general supervision or direction from highlevel executives, the board of directors or the stockholders of the enterprise. Executives and senior managers would not directly perform tasks related to the actual supply of services of the enterprise. | | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------|---|-----------------------------------|-------------------------------|
| | (b) Specialists: Highly qualified persons who, within an enterprise, are essential for the supply of a specific service by reason of their knowledge at an advanced level of expertise in the field of services, research equipment, techniques or management of the enterprise. | | |
| | B. BUSINESS VISITORS (BV) AND SERVICES SALESPERSONS (SS) | | |
| | (a) Business visitors responsible for establishing a commercial presence (BV): Persons who are employees of an enterprise not having commercial presence in Switzerland and who have been beforehand employees of that enterprise located in China for a period of not less than one year immediately preceding their application for admission, and who fulfil the conditions of paragraph A.(a) above, and who are entering Switzerland for the purpose of establishing a commercial presence of that enterprise in Switzerland. Persons responsible for establishing a commercial presence may not sell services directly to the general public or supply services themselves. | | |
| | (b) Services salespersons (SS): Persons employed or mandated by an enterprise and who stay temporarily in Switzerland in order to conclude the contract for the sale of a service on behalf of the enterprise which employs them or has mandated them. Services salespersons may not sell services directly to the general public or supply services themselves. | | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------|--|-----------------------------------|------------------------|
| | C. CONTRACTUAL SERVICE SUPPLIERS (CSS) Persons who are employees of an enterprise (juridical person) located in China not having commercial presence in Switzerland (and other than enterprises supplying services as defined by CPC 872), which has concluded a services contract with an enterprise engaged in substantive business in Switzerland, and who have been beforehand employees of the enterprise located in China for a time period of not less than one year immediately preceding their application for admission, who have three years of related experience, and who fulfil the conditions of paragraph A.(b) above and who supply a service in Switzerland as a professional in a service sector as set out below on behalf of the enterprise located in China. Per contract, temporary entry for a limited number of service suppliers will be granted for a single period of three months, the number of service suppliers depending on the size of the task to be performed under the contract. Individual service suppliers not employed by such enterprise located in China are considered as persons seeking access to the Swiss employment market. | | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------|--|-----------------------------------|------------------------|
| | Services sectors: - Architectural services (CPC 8671) - Engineering services (CPC 8672) - Integrated engineering services (CPC 8673) - Urban planning services (CPC 86741) - Consultancy services related to the installation of computer hardware (CPC 841) - Software implementation services (CPC 842) - Management consulting services (CPC 865) - Technical testing and analysis services (CPC 8676) - Translation and interpretation services from or into a national language of China (part of CPC 87905) D. OTHER | | |
| | Installers and maintainers (IM): Qualified specialists who are employees of an enterprise located in China not having commercial presence in Switzerland, supplying installation or maintenance services for machinery or industrial equipment. The supply of that service has to occur on a fee or contractual basis (installation/maintenance contract) between the builder of the machinery or equipment and the owner of that machinery or equipment, both of them being enterprises (excluding any supply of services in connection with enterprises mentioned by CPC 872). | | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments | | | | |
|--|--|--|------------------------|--|--|--|--|
| PART II. SECTOR-SPECIFI | PART II. SECTOR-SPECIFIC COMMITMENTS | | | | | | |
| 1. BUSINESS SERVICES | | | | | | | |
| A. <u>Professional Services</u> | | | | | | | |
| (a) Legal services | | | | | | | |
| International commercial arbitration services (part of CPC 861) Legal advisory services (part of CPC 861) | None None Unbound except as indicated in Part I None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I 2), 3) All cantons except Ticino: None; Ticino: None except that legal advisory services on Swiss fiscal law is restricted to "fiduciario commercialista" (commercial fiduciary) All cantons except Ticino: Unbound except as indicated in Part I; Ticino: Unbound except as indicated in Part I; legal advisory services on Swiss fiscal law is restricted to "fiduciario commercialista" | | | | | |
| - Mediation and extra- judicial conciliation services (part of CPC 861) | None None None Unbound except as indicated in Part I | (commercial fiduciary) 1) None 2) None 3) None 4) Unbound except as indicated in Part I | | | | | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | | Limitations on Market Access | | Limitations on National Treatment | Additional Commitments |
|-----|--|----------------------|---|----------------------|--|-------------------------------|
| - | Patent attorney services, including trademarks (part of CPC 861) | 1) 2) 3) | None None None Unbound except as indicated in Part I | 1), | 2), 3) None except that to act as a patent attorney ("conseil en brevets", "Patentanwalt", "consulente in brevetti") a permanent postal address in Switzerland is required, as well as one year of professional experience made in Switzerland under the supervision of a patent attorney admitted by the Swiss Federal Institute of Intellectual Property (IGE/IPI) Unbound except as indicated in Part I and with the limitations under 1), 2), 3) above | |
| (b) | Accounting, auditing and bookkeeping services | | | | | |
| - | Accounting and bookkeeping services (CPC 862 except 86211) | 1) 2) 3) 4) | None None None Unbound except as indicated in Part I | 1) 2) 3) 4) | None None None Unbound except as indicated in Part I | |
| - | Auditing services, excluding auditing of banks (part of CPC 86211) | 2) | None | 2) | None except that at least one auditor of a "joint-stock company" (société anonyme/ Aktiengesellschaft) or a "stock company with unlimited partners" (société en commandite par actions/ Kommanditaktiengesellschaft) must have his domicile, his principal office, or a registered branch in Switzerland None | |
| | | 3) 4) | None Unbound except as indicated in Part I | 3) 4) | None Unbound except as indicated in Part I; at least one auditor of a "joint-stock company" or a "stock company with unlimited partners" must have his domicile, his principal office, or a registered branch in Switzerland | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitmen |
|-----|---------------------------------|--|---|
| (c) | Taxation services | 1) None | 1) None |
| | (CPC 863) | 2) None | 2) None |
| | | 3) None | 3) None |
| | | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I |
| (d) | Architectural services | 1) None | 1) None |
| | (CPC 8671) | 2) None | 2) None |
| | | 3) None | 3) None |
| | | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I |
| (e) | Engineering services (CPC 8672) | 1) None | None except that for survey activities for official public purposes, a Swiss licence is necessary, which is delivered to qualified surveyors after passing an exam |
| | | 2) None | 2) None |
| | | 3) None | 3) None except that for survey activities for official public purposes, a Swiss licence is necessary, which is delivered to qualified surveyors after passing an exam |
| | | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I; for survey activities for official public purposes, a Swiss licence is necessary, which is delivered to qualified surveyors after passing an exam |
| (f) | Integrated engineering | 1) None | 1) None |
| (-) | services | 2) None | 2) None |
| | (CPC 8673) | 3) None | 3) None |
| | (61 6 6676) | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I |
| (g) | Urban planning and | 1) None | 1) None |
| | landscape architectural | 2) None | 2) None |
| | services | 3) None | 3) None |
| | (CPC 8674) | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I |

¹ "Survey activities for official public purposes" means cadastral activities and related activities.

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access Limi | tations on National Treatment Additional Commitments |
|-----|---|--|--|
| (h) | Medical and dental services (CPC 9312) | to practi 4) Unbound 4) Unboun | cept that Swiss nationality is necessary se independently d except as indicated in Part I; Swiss ity necessary to practise independently |
| (i) | Veterinary services (CPC 932) | to practi 4) Unbound 4) Unboun | cept that Swiss nationality is necessary se independently d except as indicated in Part I; Swiss ity necessary to practise independently |
| В. | Computer and Related Services | | |
| (a) | Consultancy services related to the installation of computer hardware (CPC 841) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I 1) None 2) None 3) None 4) Unbound except as indicated in Part I | d except as indicated in Part I |
| (b) | Software implementation services (CPC 842) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I 1) None 2) None 3) None 4) Unbound except as indicated in Part I | d except as indicated in Part I |
| (c) | Data processing services (CPC 843) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I 1) None 2) None 3) None 4) Unbound except as indicated in Part I | d except as indicated in Part I |
| (d) | Data base services (CPC 844) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I 1) None 2) None 3) None 4) Unbound except as indicated in Part I | d except as indicated in Part I |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or | Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|-----------------------------------|------------------------------|---|-------------------------------|
| (e) Other | | | | |
| services of | and equipment 3 |) None | None None None Unbound except as indicated in Part I | |
| - Data prepar (CPC 8491) | ration services 1) 2) 3) 4) |) None | None None None Unbound except as indicated in Part I | |
| of clients; V services; Co operation so cyber-prote | ction systems national defense |) None | None None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|---|---|-------------------------------|
| C. | Research and Development Services Excluding projects financed in whole or in part by public funds | | | |
| (a) | R&D services on natural sciences (part of CPC 851) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (b) | R&D services on social sciences (part of CPC 852) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (c) | Interdisciplinary R&D services (part of CPC 853) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| D. | Real Estate Services | | | |
| (a) | Involving own or leased property | | | |
| - | Involving own or leased property located on the territory of China (part of CPC 821) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (b) | On a fee or contract basis (CPC 822) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitments |
|-----|--|--|---|
| E. | Rental/Leasing Services without Operators | | |
| (a) | Relating to ships | | |
| - | For maritime transport (part of CPC 83103) | Unbound None None except that in order to sail under Swiss flag, vessels must be 100 per cent owned and controlled by Swiss nationals, 3/4 of which having residency in Switzerland Unbound except as indicated in Part I | Unbound None None except that board of directors and management of companies owning ships sailing under Swiss flag must be composed of Swiss nationals, the majority of which having residency in Switzerland Unbound except as indicated in Part I |
| - | For internal waterway transport on the Rhine (part of CPC 83103) | Unbound None None except that in order to sail under Swiss flag, vessels must be owned by a company which is substantially influenced (at least 66 per cent of capital and vote) by persons domiciled in Switzerland or in a country according to the Mannheim Convention and the protocols related to it Unbound except as indicated in Part I | Unbound None None except that traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it; owner of vessels must have an appropriate managing agency in Switzerland Unbound except as indicated in Part I; traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|---|---|-------------------------------|
| (b) | Relating to aircraft | | | |
| - | Relating to aircraft, excluding rental/leasing to companies flying on regular schedule or on charter (part of CPC 83104) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (c) | Relating to other transport equipment (CPC 83101 + 83102 + 83105) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (d) | Relating to other machinery and equipment (CPC 83106-83109) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (e) | Other | | | |
| - | Leasing or rental services concerning personal and household goods, excluding goods embodying any type of sexual or violent content (part of CPC 832) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--------|--|---|---|-------------------------------|
| F. (a) | Other Business Services Advertising services | | | |
| - | Advertising services, excluding advertising for goods subject to import authorisation and excluding pharmaceutical products, alcoholic beverages, tobacco products, toxics, explosives, weapons and ammunition (part of CPC 8711 + part of 8712) | None None Unbound except as indicated in Part I | None None Unbound except as indicated in Part I | |
| - | Outdoor advertising services, excluding advertising for goods subject to import authorisation and excluding pharmaceutical products, alcoholic beverages, tobacco products, toxics, explosives, weapons and ammunition (part of CPC 8719) | Unbound due to lack of technical feasibility None None except that outdoor advertising services on the public ground are permitted only when contracted out by cantons and municipalities through long term exclusive supplier's contracts Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None 4) Unbound except as indicated in Part I | |
| (b) | Market research and public opinion polling services (CPC 864) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (c) | Management consulting services (CPC 865) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|---|---|---|------------------------|
| (d) | Services related to management consulting (CPC 866) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (e) | Technical testing and analysis services (CPC 8676) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (f) | Services incidental to agriculture, hunting and forestry | | | |
| - | Consulting services on agriculture, hunting and forestry (part of CPC 881) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (g) | Services incidental to fishing (CPC 882) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | | Limitations on Market Access | | Limitations on National Treatment | Additional Commitments |
|-----|--|-------------------------|---|----------------------|--|-------------------------------|
| (h) | Services incidental to mining | | | | | |
| - | Services incidental to mining, excluding prospection, surveying, exploration and exploitation (part of CPC 883 + part of 5115) | 2) No 3) No | one one one nbound except as indicated in Part I | 1) 2) 3) 4) | None None None Unbound except as indicated in Part I | |
| (i) | Services incidental to manufacturing (CPC 884 + 885 except 88442) | 2) No 3) No | one one one nbound except as indicated in Part I | 1) 2) 3) 4) | None None None Unbound except as indicated in Part I | |
| (m) | Related scientific and technical consulting services (CPC 8675) | 2) No 3) No | one one one nbound except as indicated in Part I | 1) 2) 3) 4) | None None None Unbound except as indicated in Part I | |
| (n) | Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 + 8861-8866) | 2) No 3) No 4) Un | one one one nbound except as indicated in Part I; ommercial presence in Switzerland required or group CPC 633 | 1) 2) 3) 4) | None None Unbound except as indicated in Part I; commercial presence in Switzerland required for group CPC 633 | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitments |
|-----|---|--|--|
| (o) | Building cleaning services | | |
| - | Building cleaning services (CPC 874 except 87409) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I; commercial presence in Switzerland required | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I; commercial presence in Switzerland required |
| (p) | Photographic services (CPC 875) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I |
| (q) | Packaging services (CPC 876) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I; commercial presence in Switzerland required | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I; commercial presence in Switzerland required |
| (r) | Printing, publishing (CPC 88442) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I |
| (s) | Convention services (part of CPC 87909) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|---|---|--|-------------------------------|
| (t) | Other | | | |
| - | Telephone answering services (CPC 87903) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| - | Duplication services (CPC 87904) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| - | Translation and interpretation services (CPC 87905) | 1) None 2) None 3) None | 1), 2), 3) All cantons except Zürich and Genève: None; Zürich: None except requirement of residency in the canton for translation for official purposes; Genève: None except unbound for translation for official purposes. | |
| | | 4) Unbound except as indicated in Part I | 4) All cantons except Zürich and Genève: Unbound except as indicated in Part I; Zürich: Unbound except as indicated in Part I and requirement of residency in the canton for translation for official purposes; Genève: Unbound except as indicated in Part I and unbound for translation for official purposes. | |
| - | Mailing list compilation and mailing services (CPC 87906) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| - Specialty design services | 1) None | 1) None | |
| (CPC 87907) | 2) None | 2) None | |
| | 3) None | 3) None | |
| | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |
| - Other business services | | | |
| n.e.c.: | | | |
| Agency services on | 1) None | 1) None | |
| behalf of individual | 2) None | 2) None | |
| performers ² | 3) None | 3) None | |
| (part of CPC 87909) | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |
| - Design services for | 1) None | 1) None | |
| ergonomy of working | 2) None | 2) None | |
| place | 3) None | 3) None | |
| (part of CPC 87909) | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |
| - Other business | 1) None | 1) None | |
| consulting services | 2) None | 2) None | |
| n.e.c. | 3) None | 3) None | |
| (part of CPC 87909) | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |
| | · | - | |

These are services of the type mentioned under "Exclusions" under CPC 96114 and relate to agents for individual performers as well as sportsmen, but they shall not cover any activities of the types described under group CPC 872.

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|------|--|---|---|---|
| 2. | COMMUNICATION SERVICES | | | |
| A./I | B. <u>Postal/Courier Services</u> | | | |
| - | Express delivery services ³ (part of CPC 7511 + part of 7512) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| C. | Telecommunications Services | | | |
| | For the purposes of the commexcluding broadcasting. ⁴ | nitments below, telecommunications services are the tr | ransport of electro-magnetic signals – sound, data, imag | e and combinations thereof – |
| | Services | | | |
| (a) | Voice telephone services (CPC 7521) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | Switzerland undertakes additional commitments on basic telecommunications services as contained in Attachment I of this |
| (b) | Packet-switched data transmission (part of CPC 7523) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | Schedule. |

Express delivery services are taken as "letter deliveries" which are delivered at five times the price applied by Swiss Post (La Poste Suisse/ Die Schweizerische Post) to the delivery of a priority letter of first level of weight and format and as "parcel deliveries" which are delivered at double the basic tariff applied by Swiss Post to the delivery of a parcel of first level of weight.

Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|---------------------------|--|--|-------------------------------|
| (c) | Circuit-switched data | 1) None | 1) None | |
| | transmission | 2) None | 2) None | |
| | (part of CPC 7523) | 3) None | 3) None | |
| | | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |
| (d) | Telex services | 1) None | 1) None | |
| | (part of CPC 7523) | 2) None | 2) None | |
| | | 3) None | 3) None | |
| | | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |
| (e) | Telegraph services | 1) None | 1) None | |
| | (CPC 7522) | 2) None | 2) None | |
| | | 3) None | 3) None | |
| | | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |
| (f) | Facsimile services | 1) None | 1) None | |
| | (part of CPC 7521 + 7529) | 2) None | 2) None | |
| | | 3) None | 3) None | |
| | | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |
| (g) | Private leased circuit | 1) None | 1) None | |
| , | services | 2) None | 2) None | |
| | (part of CPC 7522 + 7523) | 3) None | 3) None | |
| | | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|---|------------------------|
| Enhanced/Value-added Telecommunications Services | | | |
| (h) Electronic mail (part of CPC 7523) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (i) Voice mail (part of CPC 7523) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (j) On-line information and data base retrieval (part of CPC 7523) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (k) Electronic data interchange (EDI) (part of CPC 7523) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (1) Enhanced/value-added facsimile service, incl. store and forward, store and retrieve (part of CPC 7523) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (m) Code and protocol conversion | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | | Limitations on Market Access | | Limitations on National Treatment | Additional Commitments |
|-----|-----------------------------|----|---------------------------------------|----|---------------------------------------|------------------------|
| (n) | On-line information and/or | 1) | None | 1) | None | |
| | data processing (incl. | 2) | None | 2) | None | |
| | transaction processing) | 3) | None | 3) | None | |
| | (part of CPC 843) | 4) | Unbound except as indicated in Part I | 4) | Unbound except as indicated in Part I | |
| (o) | Other | | | | | |
| - | Videotext | 1) | None | 1) | None | |
| | | 2) | None | 2) | None | |
| | | 3) | None | 3) | None | |
| | | 4) | Unbound except as indicated in Part I | 4) | Unbound except as indicated in Part I | |
| _ | Enhanced/value added | 1) | None | 1) | None | |
| | services, based on licensed | 2) | None | 2) | None | |
| | wireless networks including | 3) | None | 3) | None | |
| | enhanced/value added | 4) | Unbound except as indicated in Part I | 4) | Unbound except as indicated in Part I | |
| | paging services | | | | | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitments |
|----|---|--|---|
| 3. | CONSTRUCTION AND RELATED ENGINEERING SERVICES | | |
| A. | General Construction Work for Buildings (CPC 512) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I |
| В. | General Construction Work for Civil Engineering | | |
| - | Construction work for civil engineering (CPC 5131-5137) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I |
| C. | Installation and Assembly Work (CPC 514 + 516) | Unbound due to lack of technical feasibility None None 4) Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None except unbound for gas, water and electricity meters, gas pipelines, electricity and main water lines, which are reserved exclusively to cantons or municipalities or to specific operators Unbound except as indicated in Part I |
| D. | Building Completion and Finishing Work (CPC 517) | Unbound due to lack of technical feasibility None Vnone Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitments |
|----|--|---|---|
| E. | <u>Other</u> | | |
| - | Pre-erection work at construction sites (CPC 511) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I |
| - | Special trade construction work (CPC 515) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I |
| - | Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator (CPC 518) | Unbound None None Unbound except as indicated in Part I | 1) Unbound 2) None 3) None 4) Unbound except as indicated in Part I |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----|---|--|---|------------------------|
| 4. | DISTRIBUTION SERVICES | | | |
| A. | Commission Agents' Services | | | |
| В. | Commission agents' Services, excluding services related to goods subject to import authorisation, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals (part of CPC 621) Wholesale Trade Services | None None Unbound except as indicated in Part I | None None Unbound except as indicated in Part I | |
| - | Wholesale trade services, excluding services related to goods subject to import authorisation, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals (part of CPC 622) | None None None except for large-scale distribution facilities, which are subject to authorisation procedures at cantonal and/or municipal level that may lead to the rejection of the authorisation; no economic needs tests or other market access restrictions applicable Unbound except as indicated in Part I | None None None 4) Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitments |
|----|---|---|--|
| C. | Retailing Services | | |
| - | Retailing services, excluding services related to goods subject to import authorisation, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals; and excluding retailing through mobile sales unit (part of CPC 631 + part of 632 + CPC 6111 + 6113 + 6121) ⁵ | None None except for large-scale distribution facilities, which are subject to authorisation procedures at cantonal and/or municipal level that may lead to the rejection of the authorisation; no economic needs tests or other market access restrictions applicable Unbound except as indicated in Part I; commercial presence in Switzerland required | None None None Unbound except as indicated in Part I; commercial presence in Switzerland required |
| D. | Franchising (CPC 8929) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I |

This subsector includes wholesale distribution services related to motor vehicles and parts thereof contained in CPC 6111 + 6113 + 6121.

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|----|---|---|---|-------------------------------|
| 5. | EDUCATIONAL SERVICES | | | |
| | Private education services | | | |
| A. | Compulsory Education Services (primary & secondary I) (part of CPC 921 + part of 922) | 1) Unbound 2) Unbound 3) None 4) Unbound | Unbound Unbound None Unbound | |
| В. | Non-Compulsory Secondary Education Services (secondary II) (part of CPC 922) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| C. | <u>Higher Education Services</u> (part of CPC 923) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| D. | Adult Education Services (part of CPC 924) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| E. | Other Education Services | | | |
| - | in the fields of: National languages of China Cooking (part of CPC 929) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitments |
|----|--|--|---|
| 6. | ENVIRONMENTAL SERVICES | | |
| | Excluding public utilities whether owned and operated by municipalities, cantons or federal government or contracted out by them | | |
| A. | Sewage Services (part of CPC 9401) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I |
| В. | Refuse Disposal Services (part of CPC 9402) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I; commercial presence in Switzerland required | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I; commercial presence in Switzerland required |
| C. | Sanitation and Similar Services (part of CPC 9403) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| D. Other - Cleaning services of exhaust gases (part of CPC 9404) 3) None 2) None 3) None 3) None 4) Unbound except as indicated in Part I 4) Unbound except as indicated in Part I 5) Unbound except as indicated in Part I 5) Unbound except as indicated in Part I 6) Unbound except as indicated in Part I 6) Unbound except as indicated in Part I 7) Unbound except as | Sector or Subsector | or Subsector Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|---|--|-----------------------------------|------------------------|
| ancillary services, excluding mandatory environmental impact assessment and services associated with toxins or radioactivity | D. Other Cleaning services of exhaust gases (part of CPC 9404) Noise abatement services (part of CPC 9405) Nature and landscape protection services (part of CPC 9406) Other environmental and ancillary services, excluding mandatory environmental impact assessment and services associated with toxins or | services of ases PC 9404) tement services PC 9405) d landscape a services PC 9406) irronmental and services, mandatory ental impact at and services d with toxins or | 1) None 2) None 3) None | Additional Commitments |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|---|-------------------------------|
| 7. FINANCIAL SERVICES | | | |
| prepared under the GATS (hereaf | | e in accordance with the "Understanding on Commitmen inditions as contained in Part I (horizontal commitments) ial service suppliers to solicit business. | |
| Insurance and Insurance-related Services | Monopoly rights as indicated in paragraph B.1 of the "Understanding": a public monopoly on fire and natural damage insurance on buildings exists in the following cantons: Zürich, Bern, Luzern, Nidwalden, Glarus, Zug, Fribourg, Solothurn, Basel-Stadt, Basel-Landschaft, Schaffhausen, Aargau, St. Gallen, Graubünden, Appenzell Ausserrhoden, Thurgau, Vaud, Neuchâtel, Jura. In the cantons of Nidwalden and Vaud, the public monopoly on fire and natural damage insurance covers also movable property located in the buildings. | | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---------------------|---|---|-------------------------------|
| | 3) Representative offices cannot conduct business or act as an agent; for insurance companies incorporated in Switzerland, the legal form of a "joint-stock company" (société anonyme/ Aktiengesellschaft) or a "co-operative society" (société cooperative/ Genossenschaft) is required; for branches of foreign insurance companies, the legal form of the insurance company in the head office country must be comparable to a Swiss "joint-stock company" or to a Swiss "co-operative society"; participation in the basic health insurance scheme requires health insurance suppliers to be organised in one of the following forms of legal entities: "association" (association/ Verein), "co-operative society", "foundation" (fondation/ Stiftung) or "joint-stock company"; participation in the statutory pension funds scheme (prévoyance professionnelle/ Berufsvorsorge) requires pension funds to be organised in the form of a "co-operative society" or a "foundation" 4) Unbound except as indicated in Part I | None A minimum of three years of experience in the direct insurance business in the head office country is required Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|------------------------|
| Banking and Other Financial Services (excluding insurance) | Monopoly rights as indicated in paragraph B.1 of the "Understanding": two mortgage bonds issuance institutes have been granted an exclusive right for the issuance of specific mortgage bonds (lettre de gage/ Pfandbrief); with regard to the first institute only Swiss cantonal banks are accepted as members; in the case of the second institute banks with head office in Switzerland whose national mortgage loan business amounts to at least 60 per cent of the balance sheet can be members; the issue of other mortgage-backed bonds is not affected by this regulation. 1) ⁶ Foreign investment funds can only be marketed or distributed through a licensed representative agent resident in Switzerland 3) Commercial presence may be denied to financial service suppliers whose ultimate shareholders and/or beneficial owners are persons of a non party; representative offices can neither conclude or deal business nor act as an agent 4) Unbound except as indicated in Part I | The issue of foreign collective investment funds is subject to stamp duty None Commercial presence of foreign financial service suppliers is subject to specific requirements relating to the name of the firm and the regulations on financial institutions in the country of origin Unbound except as indicated in Part I | |

Not only transactions indicated in paragraph B.3 of the "Understanding" but the whole range of banking and other financial services transactions are covered (excluding insurance).

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitments |
|----|--|---|---|
| 9. | TOURISM AND TRAVEL RELATED SERVICES | | |
| A. | Hotels and Restaurants (including catering) (CPC 641-643) | Unbound due to lack of technical feasibility, except none for catering (CPC 6423) None None Unbound except as indicated in Part I; commercial presence in Switzerland required | Unbound due to lack of technical feasibility, except none for catering (CPC 6423) None None Unbound except as indicated in Part I; commercial presence in Switzerland required |
| В. | <u>Travel Agencies and Tour</u> <u>Operators Services</u> (CPC 7471) | None None None Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I |
| C. | Tourist Guides Services (CPC 7472) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitments |
|-----|--|---|---|
| 10. | RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual) | | |
| В. | News Agency Services (CPC 962) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I |
| D. | Sporting and Other Recreational Services | | |
| - | Sporting services (CPC 9641) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|--|--|---|
| A. Maritime Transport Services (a/b) Passenger and freight transportation (CPC 7211 + 7212) | Unbound due to lack of technical feasibility None None except that the financing of a vessel under Swiss flag by foreign funds shall in no way endanger the influence of Swiss interests on the shipping company and on the operation of the vessel. | 1) Unbound due to lack of technical feasibility 2) None 3) None except that - the following forms of legal entities as listed hereafter can own/or operate a vessel under Swiss flag under the following conditions (vessel owner and/or shipping company): (a) the head office and real centre of activities must be located in Switzerland; (b) at least two thirds of the shares' voting power representing at least the majority of the share-capital of a "joint-stock company" (société anonyme/ Aktiengesellschaft) or a "stock company with unlimited partners" (société en commandite par actions/ Kommanditaktiengesellschaft) must be owned by Swiss nationals domiciled in Switzerland and/or by substantially Swiss-owned and effectively Swiss-controlled enterprises with registered office in Switzerland; (c) the whole share-capital of the "joint-stock company" or of the "stock company with unlimited partners" must be issued in the form of registered shares; | Services at sea ports: unbound due to lack of technical feasibility |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector Limitations on Market Acce | | Limitations on National Treatment | Additional Commitments |
|--|--|---|------------------------|
| | | (d) at least three quarters of the associates or other partners who account for at least three quarters of the capital of a "general partnership" (société en nom collectif/Kollektivgesellschaft), a "limited partnership" (société en commandite/Kommanditgesellschaft) or a "limited liability company" (société à responsabilité limitée/Gesellschaft mit beschränkter Haftung) must be Swiss nationals domiciled in Switzerland and/or substantially Swiss-owned and effectively Swiss-controlled enterprises with registered office in Switzerland; (e) at least two thirds of the members who account for at least two thirds of the capital of a "co-operative society" (société coopérative/Genossenschaft) must be Swiss nationals domiciled in Switzerland and/or substantially Swiss-owned and effectively Swiss-controlled enterprises with registered office in Switzerland; - to own and/or operate a vessel under Swiss flag: (a) for all forms of legal entities mentioned above: (i) the majority of the members of the board of directors and of the management must be domiciled in Switzerland; (ii) if the board of directors or the management is constituted by one single person, this person must be a Swiss national domiciled in Switzerland; | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|--|---|--|-------------------------------|
| | | (iii) the Swiss Maritime Navigation Office may require other executives and/or senior managers of the enterprise to be Swiss nationals domiciled in Switzerland if necessary to ensure the substantially Swiss-owned and effectively Swiss-controlled character of the enterprise; (b) for sole proprietorship (Entreprise individuelle/ Einzelfirma) the proprietor must be a Swiss national domiciled in Switzerland; (c) at least two thirds of the members of the board of directors and of the management of a "joint-stock company", of a "stock company with unlimited partners", of a "limited liability company" or of a "co-operative society" must be Swiss nationals; (d) statutory auditing reports must be drawn up by auditing companies with registered office in Switzerland or having a branch which is registered in the commercial register in Switzerland. - eligibility for public guarantee of loans for the financing of seagoing vessels reserved to vessels sailing under Swiss flag. | |
| | 4) Unbound except as indicated in Part I; unbound for vessels' crews | Unbound except as indicated in Part I; unbound for vessels' crews; unbound for eligibility for subsidies | |
| (d) Maintenance and repair services of seagoing vessels (part of CPC 8868) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|-------------------------------|
| MARITIME AUXILIARY SERVICES | | | |
| - Maritime cargo-handli services (as defined in Attachment II - definit n° 1) (part of CPC 741) | 2) None | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | |
| - Storage and warehouse services (part of CPC 742) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | |
| - Customs clearance ser (as defined in Attachm II - definition n° 2) (part of CPC 748) | , | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | |
| - Container station and c services (as defined in Attachment II - definit n° 3) (part of CPC 742) | 2) None | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | |
| - Maritime agency service (as defined in Attachm II - definition n° 4) (part of CPC 748 + 749) | ent 2) None 3) None | None None None Unbound except as indicated in Part I | |
| - Maritime freight forwarding services (as defined in Attachment definition n° 5) (part of CPC 748 + 749) | II - 3) None4) Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitments |
|-----|---|--|---|
| В. | Internal Waterways Transports Internal waterway transport on the Rhine | | |
| (a) | Passenger transportation (part of CPC 7221) | Unbound None None except that in order to sail under Swiss flag, vessels must be owned by a company which is substantially influenced (at least 66 per cent of capital and vote) by persons domiciled in Switzerland or in a country according to the Mannheim Convention and the protocols related to it Unbound except as indicated in Part I | 1) Unbound 2) None 3) None except that traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it; owner of vessels must have an appropriate managing agency in Switzerland 4) Unbound except as indicated in Part I; traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it |
| (b) | Freight transportation (part of CPC 7222) | Unbound None None except that in order to sail under Swiss flag, vessels must be owned by a company which is substantially influenced (at least 66 per cent of capital and vote) by persons domiciled in Switzerland or in a country according to the Mannheim Convention and the protocols related to it Unbound except as indicated in Part I | Unbound None None except that traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it; owner of vessels must have an appropriate managing agency in Switzerland Unbound except as indicated in Part I; traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|---|--|---|------------------------|
| (c) Rental of vessels with cre (part of CPC 7223) | 1) Unbound 2) None 3) None except that in order to sail under Swiss flag, vessels must be owned by a company which is substantially influenced (at least 66 per cent of capital and vote) by persons domiciled in Switzerland or in a country according to the Mannheim Convention and the protocols related to it | Unbound None None except that traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it; owner of vessels must have an appropriate managing agency in Switzerland | |
| | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I; traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it | |
| (d) Maintenance and repair of vessels (part of CPC 8868) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | |
| (e) Pushing and towing services (part of CPC 7224) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | |
| (f) Supporting services for internal waterway transpo (part of CPC 745) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment Additional Commitments |
|----|---|---|---|
| C. | Air Transport Services | | |
| - | Aircraft maintenance and repair services (part of CPC 8868) | None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I |
| - | Selling and marketing of air transport services | 1) None | None except unbound for distribution through CRS of air transport services provided by CRS parent carrier |
| | | 2) None 3) None | None None except unbound for distribution through CRS of air transport services provided by CRS |
| | | 4) Unbound except as indicated in Part I | parent carrier 4) Unbound except as indicated in Part I |
| - | Computer reservation system (CRS) services | 1) None | None except unbound for distribution through CRS of air transport services provided by CRS parent carrier |
| | | 2) None | 2) None |
| | | 3) None | 3) None except unbound for distribution through CRS of air transport services provided by CRS parent carrier |
| | | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I |
| - | Ground-handling services ⁷ (part of CPC 7461) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I |

This subsector includes ground administration, passenger handling, ramp handling, aircraft services, fuel and oil handling, flight operations and crew administration, surface transport.

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

(4) Presence of natural persons

| Sector or S | ubsector | Limitations on Market Access | | Limitations on National Treatment | Additional Commitments |
|---|----------------------|--|----------------------|--|-------------------------------|
| - Airport mana services ⁸ (part of CPC | 2) | None | 1) 2) 3) 4) | None None None Unbound except as indicated in Part I | |
| D. Space Transp (CPC 733) | 1) 2) 3) 4) | None Unbound | 1) 2) 3) 4) | Unbound due to lack of technical feasibility None Unbound Unbound | |
| E. Rail Transpo | rt Services | | | | |
| (a) Passenger tra (CPC 7111) | 1) 2) 3) 4) | None None except that concession is required, for granting of concession there has to be a need for such a railways undertaking and there is no other means of transport which could handle that service in an ecologically and economically more reasonable way | 1) 2) 3) | Unbound None None Unbound except as indicated in Part I | |
| (b) Freight transpose (CPC 7112) | oortation 1) 2) 3) | None None except that concession is required, for granting of concession there has to be a need for such a railways undertaking and there is no other means of transport which could handle that service in an ecologically and economically more reasonable way | 1) 2) 3) | Unbound None None Unbound except as indicated in Part I | |

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⁸ This subsector includes airport infrastructure and operation services.

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on Nati | onal Treatment | Additional Commitments |
|-----|---|---|---|-----------------|------------------------|
| (c) | Pushing and towing services (CPC 7113) | Unbound None None except that concession is required, for granting of concession there has to be a need for such a railways undertaking and there is no other means of transport which could handle that service in an ecologically and economically more reasonable way Unbound except as indicated in Part I | Unbound None None Unbound except as indicated | cated in Part I | |
| (d) | Maintenance and repair of rail transport equipment (part of CPC 8868) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of None None Unbound except as indi- | • | |
| F. | Road Transport Services | | | | |
| (a) | Passenger transportation | | | | |
| - | regular, "closed-door" tours only (part of CPC 7121) | None None None Unbound except as indicated in Part I | None None None Unbound except as indi | cated in Part I | |
| - | occasional, excluding cabotage and taxi services (part of CPC 7122) | None None None Unbound except as indicated in Part I | None None None Unbound except as indi- | cated in Part I | |
| (b) | Freight transportation, excluding cabotage (part of CPC 7123) | Unbound None None Unbound except as indicated in Part I | Unbound None None Unbound except as indi- | cated in Part I | |

(1) Cross-border supply

(2) Consumption abroad

(3) Commercial presence

| | Sector or Subsector | Limitations on Market Access | Limitations on National Treatment | Additional Commitments |
|-----|--|---|---|------------------------|
| (c) | Rental of commercial vehicles with operator (CPC 7124) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (d) | Maintenance and repair of road transport equipment (CPC 6112 + 8867) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | |
| (e) | Other supporting services for road transport (CPC 7449) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| H. | Services Auxiliary to All Modes of Transport | | | |
| (a) | Cargo-handling services (CPC 741) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | |
| (b) | Storage and warehouse services (CPC 742) | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | Unbound due to lack of technical feasibility None None Unbound except as indicated in Part I | |
| (c) | Freight transport agency services (CPC 748) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |
| (d) | Other auxiliary transport services (part of CPC 749) | None None None Unbound except as indicated in Part I | None None None Unbound except as indicated in Part I | |

ATTACHMENT I

ADDITIONAL COMMITMENTS ON BASIC TELECOMMUNICATIONS SERVICES

Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

Definitions

<u>Users</u> mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- (a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- (b) cannot feasibly be economically or technically substituted in order to provide a service.

<u>A major supplier</u> is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- (a) control over essential facilities; or
- (b) use of its position in the market.

1. Competitive safeguards

1.1 <u>Prevention of anti-competitive practices in telecommunications</u>

Appropriate measures shall be maintained for the purpose of preventing suppliers who, alone or together, are a major supplier from engaging in or continuing anti-competitive practices.

1.2. Safeguards

The anti-competitive practices referred to above shall include in particular:

- (a) engaging in anti-competitive cross-subsidisation;
- (b) using information obtained from competitors with anti-competitive results; and
- (c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

2. Interconnection

2.1. This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2. Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided

- (a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- (b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- (c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3. Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4. <u>Transparency of interconnection arrangements</u>

It is ensured that any supplier with a dominant position will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5. <u>Interconnection: dispute settlement</u>

A service supplier requesting interconnection with a major supplier will have recourse, either:

- (a) at any time or
- (b) after a reasonable period of time which has been made publicly known

to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Switzerland has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by Switzerland.

4. Public availability of licensing criteria

Where a licence is required, the following will be made publicly available:

- (a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a licence and
- (b) the terms and conditions of individual licences.

The reasons for the denial of a licence will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, numbers and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

ATTACHMENT II

DEFINITIONS TO THIS SCHEDULE (MARITIME AUXILIARY SERVICES)

- 1. "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 vessel, the lashing/unlashing of cargo, the reception/delivery and safekeeping of cargoes before shipment or after discharge.
- 2. "Customs clearance services" means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through-transport of cargoes, whether such services are the main activity of the service supplier or a usual complement of its main activity.
- 3. "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.
- 4. "Maritime agency services" means activities consisting in representing as an agent, within a given geographic area, the business interests of one or more shipping lines or shipping companies for the following purposes:
 - (a) 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;
 - (b) acting on behalf of the companies organising the call of the vessel or taking over cargoes when required.
- 5. "Maritime freight forwarding services" means activities consisting in 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.

ATTACHMENT III

ENGLISH AND CHINESE TRANSLATIONS OF FORMS OF LEGAL ENTITIES IN SWITZERLAND

The list below compiles the translations into English and Chinese of forms of legal entities as, and to the extent that, they are used in this schedule: 9

"Association" / 《协会》: association, Verein, associazione

"Co-operative society" / 《合作社》: société coopérative, Genossenschaft, società cooperativa

"General partnership" / 《合伙企业》: société en nom collectif, Kollektivgesellschaft, società in nome collettivo

"Foundation" / 《基金会》: fondation, Stiftung, fondazione

"Joint-stock company" / 《股份有限公司》: société anonyme (SA), Aktiengesellschaft (AG), società anonima (SA)

"Limited liability company" / 《有限责任公司》: société à responsabilité limitée (sàrl), Gesellschaft mit beschränkter Haftung (GmbH),

società a garanzia limitata (Sagl)

"Limited partnership" / 《有限合伙企业》: société en commandite, Kommanditgesellschaft, società in accomandita

"Sole proprietorship" / 《个体工商户》: enterprise individuelle, Einzelunternehmen, ditta individuale

"Stock company with unlimited partners" / 《有限合伙股份企业》: société en commandite par actions, Kommanditaktiengesellschaft, società in

accomandita per azioni

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⁹ These translations are unofficial.