

Appendix 2
Lists of Reservations of Switzerland

It is confirmed that the List of Reservations of Switzerland with respect to Chapter 6 set out in Appendix 2 to Annex III shall apply to investments in services under Chapter 9.

Section 1
List of Reservations for Measures Referred to
in Subparagraph 1 (a) of Article 90

Sector:	All Sectors
Sub-sector:	-
Type of Reservation:	National Treatment (Article 87)
Legal source or authority of the measure:	Federal Act of 30 March 1911 (Code of Obligations) supplementing the Swiss Civil Code (Systematic Collection of Federal Laws and Regulations [RS], No. 220)
Succinct description of the measure:	<p>For a "corporation" (<i>société anonyme/Aktiengesellschaft</i>), a "corporation with unlimited partners" (<i>société en commandite par actions/Kommanditaktiengesellschaft</i>), a "limited partnership" (<i>société à responsabilité limitée/Gesellschaft mit beschränkter Haftung</i>) and a "cooperative" (<i>société cooperative/ Genossenschaft</i>), at least one member of the governing body of the legal person or another person with the right to represent the legal person must be domiciled in Switzerland.</p> <p>A foreign legal person may also establish one or several branch offices in Switzerland. At least one person of the branch office with the right to represent the branch office must be domiciled in Switzerland.</p>
Purpose or motivation of the measure:	To facilitate judicial proceedings

Sector:	All Sectors
Sub-sector:	-
Type of Reservation:	National Treatment (Article 87)
Legal source or authority of the measure:	Federal Act of 16 December 1983 on the Acquisition of Real Estate by Persons Abroad (RS 211.412.41)
Succinct description of the measure:	Acquisition of real estate is subject to authorisation by the relevant cantonal authority when the acquirer does not use the property to operate a permanent establishment.
Purpose or motivation of the measure:	Scarcity of available land

Sector:	Energy
Sub-sector:	Oil prospection and exploitation
List of Reservations:	National Treatment (Article 87)
Legal source or authority of the measure:	Concordat of 24 September 1955 on Oil Prospecting and Exploitation
Succinct description of the measure:	The Concordat, which is an inter-cantonal agreement among ten cantons, stipulates that oil concessions may be granted only to companies that are at least 75 per cent Swiss-owned. Other cantons apply similar restrictions.
Purpose or motivation of the measure:	Energy policy considerations and national security

Sector:	Energy
Sub-sector:	Nuclear energy
Type of Reservation:	National Treatment (Article 87) Most-Favoured-Nation Treatment (Article 88)
Legal source or authority of the measure:	Federal Act of 21 March 2003 on Atomic Energy (RS 732.1)
Succinct description of the measure:	A concession to construct and operate nuclear facilities is granted only to a corporation, a cooperative or a legal person of public law. A foreign company must have a registered subsidiary in Switzerland. Without prejudice to international obligations, the Federal Council may refuse the concession to a foreign company if its home State does not grant reciprocity.
Purpose or motivation of the measure:	Energy policy considerations and national security

Sector:	Energy
Sub-sector:	Hydroelectric power
Type of Reservation:	National Treatment (Article 87)
Legal source or authority of the measure:	Federal Act of 22 December 1916 on the Uses of Hydroelectric Power (RS 721.80)
Succinct description of the measure:	When granting concessions, cantons take public interest considerations into account (they may in particular require the concession-holder to have its registered office in the relevant canton).
Purpose or motivation of the measure:	Energy policy considerations and national security

Sector:	Energy
Sub-sector:	Pipelines
Type of Reservation:	National Treatment (Article 87)
Legal source or authority of the measure:	Federal Act of 4 October 1963 on Pipelines for Liquid or Gaseous Fuels (RS 746.1)
Succinct description of the measure:	For foreign-owned or controlled companies, a registered office and management presence in Switzerland are required.
Purpose or motivation of the measure:	Energy policy considerations and national security

Sector:	All Sectors
Sub-sector:	-
Type of Reservation:	National Treatment (Article 87) Most-Favoured-Nation Treatment (Article 88)
Legal source or authority of the measure:	
Succinct description of the measure:	Any existing non-conforming measure that is maintained, continued, or renewed at any time at the municipal level. Switzerland shall take any reasonable measures as may be available to it to increase the conformity with the relevant provisions of Chapter 9 of such existing non-conforming measures.
Purpose or motivation of the measure:	

Section 2
List of Reservations for Measures Referred to
in Subparagraph 1(c) of Article 90

Sector:	All Sectors
Sub-sector:	-
Type of Reservation:	National Treatment (Article 87) Most-Favoured-Nation Treatment (Article 88)
Legal source or authority of the measure:	
Succinct description of the measure:	Switzerland reserves the right to adopt any new non-conforming measure which does not affect the overall level of commitments under this Agreement.
Purpose or motivation of the measure:	

Sector:	All Sectors
Sub-sector:	-
Type of Reservation:	National Treatment (Article 87)
Legal source or authority of the measure:	
Succinct description of the measure:	When transferring or disposing of its equity interests in, or the assets of, a state-controlled enterprise or a governmental entity, Switzerland reserves the right to prohibit or impose limitations on the ownership of such interests or assets by foreign investors or their investments, and impose limitations to their ability to control such enterprise.
Purpose or motivation of the measure:	