

WORLD TRADE  
ORGANIZATION

RESTRICTED

**GATS/SC/31/Suppl.2**

28 July 1995

(95-2216)

---

**Trade in Services**

**EUROPEAN COMMUNITY AND ITS MEMBER STATES**

**Schedule of Specific Commitments**

**Supplement 2**

(This is authentic in English only)

---

This text supplements the entries relating to the Movement of Natural Persons section contained on pages 7 to 11 document GATS/SC/31.



**EUROPEAN COMMUNITY AND ITS MEMBER STATES - SCHEDULE OF SPECIFIC COMMITMENTS**

Modes of supply:      1) Cross-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
<p><b>I. HORIZONTAL COMMITMENTS</b></p>	<p>(4) (iii) Unbound except for measures concerning the entry into and temporary stay within a Member State of the following category of natural persons without requiring compliance with an economic needs test except where indicated for a specific subsector.</p> <p>Access is subject to the following conditions<sup>1</sup>:</p> <ul style="list-style-type: none"> <li>- The natural persons are engaged in the supply of a service on a temporary basis as employees of a juridical person, who has no commercial presence in any Member State of the European Community.</li> </ul>	<p>(4) Unbound except for measures concerning the categories of natural persons referred to in the Market Access column.</p>	

1 All other requirement of European Community and Member States' laws, regulations and requirements regarding entry, stay and work shall continue to apply. The service contract shall comply with the laws, regulations and requirements of the European Community and the Member State where the service contract is executed.

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply: 1) Cross-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
	<p>- The juridical person has obtained a service contract, for a period not exceeding 3 months from a final consumer in the Member State concerned, through an open tendering procedure or any other procedure which guarantees the bona fide character of the contract (e.g. advertisement of the availability of the contract) where this requirement exists or is introduced in the Member State pursuant to the laws, regulations and requirements of the European Community or its Member States.</p> <p>- The natural person seeking access should be offering such services as an employee of the juridical person supplying the service for at least the year (two years in the case of GR) immediately preceding such movement.</p>		

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply: 1) Cross-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
	<ul style="list-style-type: none"> <li>- The temporary entry and stay within the Member State concerned shall be for a period of not more than three months in any 12 months period (24 months in the case of NL) or for the duration of the contract, whatever is less.</li> <li>- The natural person must possess the necessary academic qualifications and professional experience as specified for the sector or activity concerned in the Member State where the service is supplied.</li> <li>- The commitment relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional title of the Member State concerned.</li> </ul>		

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply: 1) Cross-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
	<ul style="list-style-type: none"> <li>- The number of the persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be decided by the laws, regulations and requirements of the European Community and the Member State where the service is supplied.</li> <li>- The service contract has to be obtained in one of the activities mentioned below and subject to the additional conditions mentioned in the subsector by the Member State concerned:               <ul style="list-style-type: none"> <li>- Legal services</li> <li>- Accounting services</li> <li>- Taxation advisory services</li> <li>- Architectural services, urban planning and landscape architectural services</li> <li>- Engineering services, integrated engineering services</li> <li>- Computer and related services</li> <li>- Research and development services</li> </ul> </li> </ul>		

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply:		1) Cross-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		
<p>Legal advice on home country law and public international law (page 12 in the Schedule dated April 1994):</p>	<ul style="list-style-type: none"> <li>- Advertising</li> <li>- Management consulting services</li> <li>- Services related to management consulting</li> <li>- Technical testing and analysis services</li> <li>- Translation services</li> <li>- Construction services, site investigation work</li> <li>- Higher education services</li> <li>- Travel agencies and tour operator services</li> <li>- Entertainment services</li> <li>- Services related to the sale of equipment or to the assignment of a patent.</li> </ul> <p>(4) Unbound except for D and UK where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: D and UK: University degree and professional qualifications and three years' professional experience in the sector.</p>	<p>(4) Unbound except as indicated in the horizontal section.</p>			

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply:		1) Cross-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		
Accounting services (page 14 in the Schedule dated April 1994) (CPC 86212 other than "auditing services"); Bookkeeping services for A only (page 17 in the Schedule dated April 1994) (CPC 86220):	<p>D: Unbound for activities reserved to "Rechtsanwalt".</p> <p>(4) Unbound except for A, D, L, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: A, D, NL, UK, S: University degree and professional qualifications and three years' experience in the sector.</p> <p>A: examination before the Austrian professional body. The employer must be member of the relevant professional body in the home country where such body exists.</p> <p>D: Unbound for activities reserved by law in the "Wirtschaftsprüfer".</p> <p>(4) Unbound except for A, B, D, L, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: A, B, NL, UK, S: University degree and professional qualifications and three years' experience in the sector.</p>	<p>(4) Unbound except as indicated in the horizontal section.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>			
Taxation advisory services (page 18 in the Schedule dated April 1994) (CPC 86301):	<p>D: Unbound for activities reserved by law in the "Wirtschaftsprüfer".</p> <p>(4) Unbound except for A, B, D, L, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: A, B, NL, UK, S: University degree and professional qualifications and three years' experience in the sector.</p>	<p>(4) Unbound except as indicated in the horizontal section.</p>			



**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply:		1) Cross-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		
<p>Architectural services (page 20 in the Schedule dated April 1994): (CPC 8671)</p> <p>and urban planning and landscape architectural services (page 22 in the Schedule dated April 1994): (CPC 8674)</p>	<p>A: Examination before the Austrian professional body. The employer must be member of the relevant professional body in the home country where such body exists.</p> <p>D: Unbound except for consulting services related to foreign tax law, where: university degree and professional, qualifications and three years' professional experience in the sector.</p> <p>(4) Unbound except for DK, E, L, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p>DK, NL, UK, S: University degree and professional qualifications and three years' professional experience in the sector.</p> <p>E: Academic and professional qualifications recognized by the national authorities and licence delivered by the Professional Association. Unbound for CPC 86713, 86714, 86719.</p> <p>(4) Unbound except for B, DK, E, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p>	<p>(4) Unbound except as indicated in the horizontal section.</p>			
<p>Engineering services (page 21 in the Schedule dated April 1994): (CPC 8672)</p>		<p>(4) Unbound except as indicated in the horizontal section.</p>			

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply:	1) Cross-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	
<p>Integrated engineering services (page 22 in the Schedule dated April 1994): (CPC 8673)</p>	<p>B, DK, NL, UK, S: University degree and professional qualifications and three years' professional experience in the sector.</p> <p>UK: Compliance with an economic needs test is required.</p> <p>E: Academic and professional qualifications recognized by the national authorities and licence delivered by the Professional Association.</p> <p>(4) Unbound except for B, DK, E, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: B, DK, NL, UK, S: University degree and professional qualifications and three years' professional experience in the sector.</p> <p>UK: Compliance with an economic needs test is required.</p> <p>E: Academic and professional qualifications recognized by the national authorities and licence delivered by the Professional Association.</p>	<p>(4) Unbound except as indicated in the horizontal section.</p>		

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
<b>Sector or subsector</b>	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>		
Computer and related services (pages 31 to 33 in the Schedule dated April 1994): (CPC 841, 842, 843, 844)	<p>(4) Unbound except for B, DK, GR, I L, NL, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p>B, DK, I, NL, S: Unbound, except for computer scientists, systems analysts, programmers, software document analysts and field engineers where: university degree and three years' professional experience in the sector.</p> <p>I: Compliance with an economic needs test is required.</p> <p>GR: Unbound, except for computer scientists, systems analysts, programmers, software document analysts where: university degree and five years' professional experience in the sector.</p>	(4) Unbound except as indicated in the horizontal section.			
Research services (CPC 852) (page 33 of the Schedule dated April 1994): (to be added under CPC 851 and 853 for F only)	<p>(4) Unbound except for F and L where concerning the temporary entry of researchers: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p>	(4) Unbound except as indicated in the horizontal section.			

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply: 1) Cross-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
<p>Advertising (page 38 in the Schedule dated April 1994): (CPC 871)</p> <p>Management consulting services (page 39 in the Schedule dated April 1994): (CPC 865)</p>	<p>F:</p> <ul style="list-style-type: none"> <li>- The researchers are in possession of an employment contract from a research body.</li> <li>- The work permit is delivered for a period not exceeding nine months renewable for the duration of the contract.</li> <li>- Compliance with an economic needs test is required.</li> <li>- The research body must pay a tax to the International Migration Office.</li> </ul> <p>(4) Unbound except for B, D, GR, I, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: B, D, I, UK, S: Relevant qualifications and three years' professional experience. I, UK: Compliance with an economic needs test is required. GR: Relevant qualifications and five years' professional experience.</p> <p>(4) Unbound except for B, D, DK, I, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p>	<p>(4) Unbound except as indicated in the horizontal section.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply: 1) Cross-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
<p>Services related to management consulting (page 39 in the Schedule dated April 1994): (CPC 866)</p> <p>Technical testing and analysis services (page 40 in the Schedule dated April 1994): (CPC 8676)</p>	<p>B, D, DK, I, UK, S: Unbound except for managers and senior consultants where: university degree and three years' professional experience.</p> <p>I, UK: Compliance with an economic needs test is required.</p> <p>(4) Unbound except for B, D, DK, I, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p>B, D, DK, I, UK, S: Unbound except for managers and senior consultants where: university degree and three years' professional experience.</p> <p>I, UK: Compliance with an economic needs test is required.</p> <p>(4) Unbound except for D, DK, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p>D, DK, UK, S: University degree or technical qualifications demonstrating knowledge and three years' professional experience.</p> <p>UK: Compliance with an economic needs test is required.</p>	<p>(4) Unbound except as indicated in the horizontal section.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply: 1) Cross-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
<p>Translation services (page 48 in the schedule dated April 1994): (CPC 87905)</p> <p>Construction services (page 51 in the Schedule dated April 1994): (CPC 511, 512, 513, 514, 515, 516, 517, 518)</p>	<p>(4) Unbound except for GR, I, IRL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: GR: Relevant qualifications an five years' professional experience. I, IRL, UK, S: Relevant qualifications and three years' professional experience. I, UK: Compliance with an economic needs test is required.</p> <p>(4) Unbound except for NL and F where: as indicated in the horizontal section under (iii) and subject to the following specific limitations: NI: University degree and professional qualifications and three years' professional experience in the sector. F: Unbound except for measures concerning the temporary entry of technicians under the following conditions:</p>	<p>(4) Unbound except as indicated in the horizontal section.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply: 1) Cross-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
<p>Site investigation work: (CPC 5111)</p>	<p>(4)</p> <ul style="list-style-type: none"> <li>- The technician is an employee of a juridical person within the territory of another Member and is transferred to a commercial presence in F which has a contract with that juridical person.</li> <li>- The work permit is delivered for a period not exceeding six months.</li> <li>- The technician presents a work certificate from the commercial presence in F and a letter from the juridical person within the territory of another Member demonstrating its agreement to the transfer.</li> <li>- Compliance with an economic needs test is required.</li> <li>- The commercial presence body must pay a tax to the International Migration Office.</li> </ul> <p>(4) Unbound except for B, D, DK, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p>	<p>(4) Unbound except as indicated in the horizontal section.</p>	

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply: 1) Cross-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
<p>Higher education services (page 57 of the schedule dated April 1994): (CPC 923)</p>	<p>B, DK, UK, S: University degree and professional qualifications and three years' professional experience in the sector.</p> <p>UK: Compliance with an economic needs test is required.</p> <p>D: Unbound except for limited range of services of site investigation work where: university degree and professional qualifications and three years' professional experience in the sector.</p> <p>(4) Unbound except for F and L concerning the temporary entry of professors where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p>F: - The professors have obtained an employment contract from a university or other higher education institution. - The work permit is delivered for a period not exceeding nine months renewable for the duration of the contract.</p>	<p>(4) Unbound except as indicated in the horizontal section.</p>	



**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply: 1) Cross-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
<p>Travel agencies and tour operators services (page 82 in the Schedule dated April 1994): (CPC 7471)</p>	<p>(4)</p> <ul style="list-style-type: none"> <li>- Compliance with an economic needs test is required unless those professors are designated directly by the Minister in charge of higher education.</li> <li>- The recruiting institution must pay a tax to the International Migration Office.</li> </ul> <p>Unbound except for A, B, D, DK, I, FIN, IRL, S where: as indicated in the horizontal section under (iii), and subject to the following specific limitations: A, B, D, DK, FIN, I, IRL, S: Unbound except for tour managers (persons whose function is to accompany a tour group of a minimum of 10 persons, without acting as guides in specific locations) where for A, B, D, DK, I, IRL, S: professional certificate and three years' professional experience. I: Compliance with an economic needs test is required</p>	<p>(4) Unbound except as indicated in the horizontal section.</p>	

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
<b>Sector or subsector</b>	<b>Limitations on market access</b>	<b>Limitations on national treatment</b>	<b>Additional commitments</b>		
<p>Entertainment services (including theatre, live bands and circus services (page 84 in the Schedule dated April 1994): (CPC 9619)</p>	<p>(4) Unbound except for A and F concerning the temporary entry of artist where: as indicated under the horizontal section under (iii) and subject to the following specific limitations:</p> <p>A: access is limited to persons whose main professional activity is in the field of fine arts, deriving the major part of their income from that activity. such persons shall not exercise any other commercial activity in Austria.</p> <p>F: - The artists have obtained an employment contract from an authorized entertainment enterprise. - The work permit is delivered for a period not exceeding nine months renewable for a duration of three months. - Compliance with an economic needs test is required. - The entertainment enterprise must pay a tax to the International Migration Office.</p>	<p>(4) Unbound except as indicated in the horizontal section.</p>			

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply:		1) Cross-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		
Services related to the sale of equipment or to the assignment of a patent:	<p>(4) Unbound except for F concerning the temporary entry of technicians where: as indicated under the horizontal section under (iii) and subject to the following specific limitations:</p> <ul style="list-style-type: none"> <li>- The technician is an employee of a juridical person within the territory of another Member, and</li> <li>- that juridical person manufactures equipment and has sold that equipment to a commercial presence in France, or</li> <li>- that juridical person has assigned a patent to a commercial presence in France.</li> <li>- the technician is in charge of supervising the construction of the equipment, or of ensuring the preparation for the exploitation of the patent.</li> <li>- the work permit is delivered for a period not exceeding six months.</li> </ul>	<p>(4) Unbound except as indicated in the horizontal section.</p>			

**EUROPEAN COMMUNITY AND ITS MEMBER STATES (continued)**

Modes of supply: 1) Cross-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
	<ul style="list-style-type: none"> <li>- the technician presents a work certificate from the commercial presence in France and a letter from the juridical person within the territory of another Member demonstrating its agreement to the transfer.</li> <li>- the commercial presence in France must pay a tax to the International Migration Office.</li> </ul>		