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Council for Trade in Services

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NOTIFICATION OF TURKEY'S PREFERENTIAL TREATMENT TO SERVICES AND SERVICES SUPPLIERS OF LEAST DEVELOPED COUNTRIES

Revision

The following notification from the delegation of Turkey, dated 14 June 2016, is being circulated to the Members of the Council for Trade in Services. This document replaces Turkey's initial notification (S/C/N/824, of 3 September 2015).

The Permanent Mission of Turkey to the World Trade Organization in Geneva has the honour to notify to the World Trade Organization Council for Trade in Services the preferential treatment which Turkey is making available to services and services suppliers of least-developed countries in accordance with the decision by Ministers at the WTO's Eighth Ministerial Conference on *Preferential Treatment to Services and Service Suppliers of Least-Developed Countries* (WT/L/847), and the decision by Ministers at the WTO's Ninth Ministerial Conference on *Operationalization of the Waiver Concerning Preferential Treatment to Services and Services Suppliers of Least-Developed Countries* (WT/L/918).

The preferential treatment is made in sectors and modes of supply that are of particular export interest to least-developed countries, as set out in *The Collective Request Pursuant to the Bali Decision on the Operationalization of the LDC Services Waiver Concerning Preferential Treatment to Services and Service Suppliers of Least Developed Countries* (S/C/W/356).

The preferential treatment took effect on 25 August 2015, and is intended to be maintained for the period of the Waiver, as set out in document WT/L/847.

1 HORIZONTAL (TEMPORARY MOVEMENT OF NATURAL PERSONS)

1.1. Turkey provides **Electronic Visa (e-Visa)** facilitation for tourism and business purposes to almost all WTO Member LDCs (31 out of 34). In line with its immigration policy, Turkey reserves the right to add or remove countries from the list of those countries whose nationals can apply for e-visa¹.

1.2. Nationals of LDCs in the following categories are exempted from applying for and holding a Working Permit during their working period:

- i. those who will come to Turkey temporarily for less than one month for the purpose of scientific, cultural and artistic activities, or for less than four months for the purpose of sporting activities and whose permanent residence is abroad,

¹ An e-Visa is an official document permitting entry into and travel within Turkey. e-Visa is valid for touristic and trade purposes only. The e-Visa is an alternative to visas issued at Turkish missions and at the ports of entry. Applicants obtain their visas electronically after entering required information and making payments by a credit or debit card.

As in the case of other types of visas, respective Turkish officials at the ports of entry reserve the right to deny entry into Turkey to a holder of an e-Visa without any explanation.

More information is available at <https://www.evisa.gov.tr/en/tour/>.

- ii. those who will come to Turkey to provide training regarding the assembly, usage, maintenance and repair of machines and equipment imported to Turkey, or to receive the equipment, or to repair the vehicles which have malfunctioned in Turkey, provided that their stay will not exceed a total of three months in one year starting from the date of entry into Turkey and provided that they submit the relevant documents proving this condition,
- iii. those who will come to Turkey for providing training regarding the usage of goods and services exported from Turkey and imported to Turkey provided that their stay will not exceed a total of three months in one year starting from the date of entry into Turkey and provided that they submit the relevant documents proving this condition,
- iv. those who will work at the circus or at expositions, which are operating outside the scope of licensed tourism enterprises, provided that their stay will not exceed six months starting from the date of entry into Turkey and provided that they submit the relevant documents proving this condition
- v. those who will come to Turkey to improve their skills and increase their experience at universities and public institutions, provided that term of their stay shall be limited to the term of the training and their stay will not exceed two years, and provided they will submit the relevant documents proving this condition,
- vi. those who are declared by the relevant authorities that they will provide significant service and contribution to Turkey for a period of time not exceeding six months in the field of socio-cultural, technological areas and education,
- vii. those who will undergo training within the scope of international student trainee programs provided that the Ministry of Labor and Social Security, Ministry of Internal Affairs, Ministry of Foreign Affairs and Higher Education Council have agreed on term and scope of this program,
- viii. those who are representatives of tour operators that come to Turkey, provided that their term of duty shall not exceed eight months,
- ix. football players, other athletes and trainers whose applications are accepted by the Turkish Football Federation or General Directorate of Youth and Sports during the term of their agreement,
- x. seamen who work on ships that are sailing outside the cabotage line, registered to Turkish International Ship Registry and obtained "Certificate of Conformity" from the related authority, as required by the bilateral protocols with the countries in accordance to the regulation I/10 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers.

1.3. For further clarity, foreigners, within the scope of paragraphs i, iv, vi and viii, can benefit from the exemptions only once within a calendar year. In order to benefit from this exemption, at least three months must pass after the expiration date of any residence permit which was granted for the same purpose previously.

1.4. A confirmation certificate for the working permission exemption is given to foreigners who are exempted from working permission.

2 SECTOR-SPECIFIC

2.1. The following preferential treatment is made available with respect to the application of measures described in Article XVI of the General Agreement on Trade in Services, subject to limitations set out in the Horizontal Commitments section of Turkey's Schedule of Specific Commitments (GATS/SC/88).

2.2. Unless otherwise stated, all CPC references correspond to the 1991 provisional Central Product Classification (CPC) of the United Nations Statistical Office. The appearance of ** against individual CPC listings indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance. The entry "Unbound*" means unbound due to lack of technical feasibility.

Business Services

| Sector or subsector | Limitations on market access |
|---|--|
| A. <u>Professional Services</u> (f). Integrated Engineering (CPC 8673) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. |
| E. <u>Rental/Leasing Services without Operators</u> (c). Relating to other transport equipment (CPC 83101+83105) (d). Relating to other machinery and equipment (CPC 83106-83109) | 1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section. |
| F. <u>Other Business Services</u> (o). Building-cleaning services (CPC 874) (s). Convention services (CPC 87909**) | 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. 1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section. |
| (t). Other Translation and interpretation services (CPC 87905) | 1) Unbound 2) None 3) None except for translation and interpretation services supplied by sworn/certified interpreters in relation with notary services. - Sworn/certified translation services: unbound 4) Unbound except as indicated in the horizontal section. |

Construction and Related Engineering Services

| Sector or subsector | Limitations on market access |
|--|--|
| Construction Work (CPC 51) | |
| Construction work for buildings, Construction work for civil engineering, Assembly and erection of prefabricated constructions, Installation works, Building completion and finishing work (CPC 512, 513, 514, 516, 517) | 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. |
| Pre-erection work at construction sites, Special trade construction work, Renting services related to equipment for construction or demolition of buildings or civil engineering works, with operator (CPC 511, 515, 518) | 1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section. |

Travel, Tourism, Hospitality and Conference Services

| Sector or subsector | Limitations on market access |
|---|---|
| 9. TOURISM AND TRAVEL RELATED SERVICES A. <u>Hotels and restaurants</u> (CPC 641-643) | 1) Unbound* 2) None 3) None 4) After receiving the permission of the Ministry of Interior based on the affirmative opinion of the Ministry of Tourism, the hotels and restaurants may employ foreign personnel up to 20% of the total personnel. |

3 TECHNICAL ASSISTANCE AND CAPACITY BUILDING

3.1. Regarding paragraph 3.2 of the LDC collective request, Turkey aims at accelerating implementation of comprehensive initiatives for the benefit of LDCs in the coming years. Turkey's scholarship programs such as Africa initiative, Harran and Bosphorus, aim to provide more and better opportunities to all students from LDCs². For the period of 2014-2015, new admission of students³ from LDCs amounted to 5.81% (1,292 out of 22,222) of overall students. The total number of students from LDCs was 3,801, approximately 5.26% of overall beneficiaries (72,178 foreign students). The percentage of LDC students receiving higher education services in Turkey is increasing. All scholarship programs are administered by the Presidency for Turks Abroad and Related Communities.

² The details of those programs are published under the following link:

<http://www.turkiyeburslari.gov.tr/index.php/tr/turkiye-burslari/burs-programlari>

³ These statistics can be reached via this link: <http://www.osym.gov.tr/belge/1-6304/arastirma-yayin-ve-istatistikler.html>

3.2. Regarding items 28 and 29 of the LDC request on "Education and Training-Related Services", Turkey would like to clarify that there is no specific restriction for LDCs. For the item 31, training from LDCs is facilitated through "Mevlana"⁴, an exchange program, for both students and instructors, and all WTO member LDCs are covered by this program.

⁴ Separate decisions have been taken for both students and instructors on 25 February 2015. Detailed information can be found via this link: <http://www.yok.gov.tr/web/mevlana/anasayfa>