

Annex III
Referred to in Chapter 6

Lists of Reservations

Appendices 1 and 2 to this Annex are Lists of Reservations of Japan and Switzerland, respectively, referred to in Article 57.

Appendix 1
Lists of Reservations of Japan

Section 1
Existing Measures

1. This list sets out, pursuant to Article 57, the reservations taken by Japan with respect to existing measures that do not conform with obligations imposed by:

- (a) Article 45
- (b) Article 46
- (c) Article 47

2. Each reservation in this list sets out the following elements:

- (a) "Sector" refers to the general sector in which the reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
- (c) "Industry Classification" refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
- (d) "Type of Reservation" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
- (e) "Level of Government" indicates the level of government maintaining the measure for which the reservation is taken;
- (f) "Measures" identifies the existing laws, regulations or other measures for which the reservation is taken. A measure cited in the "Measures" element:
 - (i) means the measure as amended, continued or renewed as of the date of entry into force of this Agreement; and
 - (ii) includes any subordinate measure adopted or maintained under the authority of and consistent with the measure; and

- (g) "Description" sets out, with regard to the obligations referred to in paragraph 1, the non-conforming aspects of the existing measures for which the reservation is taken.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. A reservation shall be interpreted in the light of the relevant provisions of Chapter 6 against which the reservation is taken, and the "Measures" element shall prevail over all other elements.

4. With respect to Financial Services:

- (a) For prudential reasons within the context of paragraph 1 of Article VI of Annex VI, Japan shall not be prevented from taking measures such as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with regulatory framework aimed at achieving such prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant laws of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws.
- (b) Services supplied in the Area of Switzerland to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (t)(ii) of Article 44.

5. With respect to air transport services, measures affecting traffic rights or measures affecting services directly related to the exercise of traffic rights are not listed in this list, as these are excluded from the scope of Chapter 6 pursuant to paragraph 2 of Article 43.

6. Laws and regulations with regard to spectrum availability affecting obligations under Article 46 are not included in this list, taking into account the Attachment 6 of Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001).

7. For the purposes of this Appendix, "JSIC" means Japan Standard Industrial Classification set out by the Statistics Bureau, Ministry of Internal Affairs and Communications, and revised on 6 November 2007.

1 Sector: Agriculture, Forestry and Fisheries, and Related Services (except fisheries within the territorial sea, internal waters, exclusive economic zone and continental shelf provided for in the reservation No.16 in Section 2)

Sub-Sector:

Industry

Classification: JSIC 01 Agriculture

JSIC 02 Forestry

JSIC 03 Fisheries, except aquaculture

JSIC 04 Aquaculture

JSIC 6324 Agricultural
cooperatives

JSIC 6325 Fishery and fishery
processing cooperatives

JSIC 871 Agriculture, forestry
and fisheries cooperative
associations, n.e.c.

Type of

Reservation: National Treatment (Article 47)

Level of

Government: Central Government

Measures:

Foreign Exchange and Foreign Trade
Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261 of
1980), Article 3

Description:

The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in agriculture, forestry and fisheries and related services (except fisheries within the territorial sea, internal waters, exclusive economic zone and continental shelf provided for in the reservation No.16 in Section

2) in the Area of Japan.

2 Sector: Automobile Maintenance Business

Sub-Sector: Motor Vehicle Disassembling Repair Business

Industry Classification: JSIC 89 Automobile maintenance services

Type of Reservation: Market Access (Article 46)

Level of Government: Central Government

Measures: Road Vehicle Law (Law No. 185 of 1951), Chapter 6

Description: A person who intends to conduct motor vehicle disassembling repair businesses is required to establish a workplace in Japan and to obtain an approval of the Director-General of the District Transport Bureau having jurisdiction over the district where the workplace is located.

3 Sector: Business Services

Sub-Sector:

Industry
Classification: JSIC 9111 Employment services
JSIC 9121 Worker dispatching services

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Employment Security Law (Law No. 141 of 1947), Chapters 3 and 3-3
Law Concerning Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Law No. 88 of 1985), Chapter 2
Port Labor Law (Law No. 40 of 1988), Chapter 4
Mariner's Employment Security Law (Law No. 130 of 1948), Chapter 3
Law Concerning the Improvement of Employment of Construction Workers (Law No. 33 of 1976), Chapters 5 and 6

Description: A person who intends to supply the following services for enterprises in Japan is required to have an establishment in Japan and to obtain permission from, or to submit notification to, the competent authority, as applicable:

- (a) private job placement services including fee-charging job placement services for construction workers; or
- (b) worker dispatching services including stevedore dispatching services, mariner dispatching services and work opportunities

securing services for
construction workers.

Labour supply services may be supplied
only by a labour union which has
obtained permission from the competent
authority pursuant to Employment
Security Law.

4 Sector: Collection Agency Services

Sub-Sector:

Industry
Classification: JSIC 6619 Miscellaneous financial auxiliaries

JSIC 7299 Professional services, n.e.c.

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Special Measures Law Concerning Credit Management and Collection Business (Law No. 126 of 1998), Articles 3 and 4

Lawyers Law (Law No. 205 of 1949), Articles 72 and 73

Description: A person who intends to supply collection agency services which constitute the practice of law in respect of legal cases is required to be qualified as an attorney at law under the laws and regulations of Japan ("Bengoshi"), a legal professional corporation under the laws and regulations of Japan ("Bengoshi-hojin") or an enterprise established under the Special Measures Law Concerning Credit Management and Collection Business, and to establish an office in Japan.
No person may take over and recover other person's credits as business except an enterprise established under the Special Measures Law Concerning Credit Management and Collection Business that handles credits pursuant to provisions of that Law.

5 Sector: Construction

Sub-Sector:

Industry Classification: JSIC 06 Construction work, general, including public and private construction work

JSIC 07 Construction work by specialist contractor, except equipment installation work

JSIC 08 Equipment installation work

Type of Reservation: Market Access (Article 46)

Level of Government: Central Government

Measures: Construction Business Law (Law No. 100 of 1949), Chapter 2

Law Concerning Recycling of Construction Materials (Law No. 104 of 2000), Chapter 5

Description: 1. A person who intends to conduct construction business is required to establish a place of business in Japan and to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism or from the prefectural governor having jurisdiction over the district where the place of business is located.

2. A person who intends to conduct demolition work business is required to establish a place of business in Japan and to be registered with the prefectural governor having jurisdiction over the district where the place of business is located.

6 Sector: Distribution Services

Sub-Sector: Wholesale Trade Services, Retailing Services, Commission Agents' Services, Related to Alcoholic Beverages

Industry Classification: JSIC 5222 Liquors
JSIC 5851 Liquor stores

Type of Reservation: Market Access (Article 46)

Level of Government: Central Government

Measures: Liquor Tax Law (Law No. 6 of 1953), Articles 9, 10 and 11

Description: The number of licences conferred to service suppliers in this sub-sector may be limited.

7 Sector: Distribution Services

Sub-Sector: Wholesale Trade Services Supplied at
Public Wholesale Market

Industry
Classification: JSIC 521 Agricultural, animal and
poultry farm and aquatic
products

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Wholesale Market Law (Law No.35 of
1971), Articles 15, 17 and 33

Description: The number of licences conferred to
wholesale trade service suppliers at
public wholesale markets may be
limited.

8 Sector: Education, Learning Support

Sub-Sector: Higher Educational Services

Industry
Classification: JSIC 816 Institution of higher
education

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Fundamental Law of Education (Law No.
120 of 2006), Article 6

School Education Law (Law No. 26 of
1947), Article 2

Private School Law (Law No. 270 of
1949), Article 3

Description: Higher educational services supplied
as formal education in Japan must be
supplied by formal education
institutions. Formal education
institutions must be established by
school juridical persons.

“Formal education institutions” means
elementary schools, lower secondary
schools, secondary schools, upper
secondary schools, universities,
junior colleges, colleges of
technology, special support schools
and kindergartens.

“School juridical person” means a non-
profit juridical person established
for the purposes of supplying
educational services under the law of
Japan.

9 Sector: Financial Services

Sub-Sector: Banking and Other Financial Services
(excluding Insurance and Insurance-
Related Services)

Industry
Classification: JSIC 622 Banks, except central bank
JSIC 631 Financial institutions for
small-businesses

Type of
Obligation: National Treatment (Article 47)

Level of
Government: Central Government

Measures: Deposit Insurance Law (Law No. 34 of
1971), Article 2

Description: The deposit insurance system does not
cover deposits taken by branches of
foreign banks.

10 Sector: Financial Services

Sub-Sector: Insurance and Insurance-Related Services

Industry Classification: JSIC 672 Non-life insurance institutions

JSIC 6742 Non-life insurance agents and brokers

Type of Reservation: Market Access (Article 46)

Level of Government: Central Government

Measures: Insurance Business Law (Law No. 105 of 1995), Articles 185,186,275, 276, 277, 286 and 287

Cabinet Order for Enforcement of Insurance Business Law (Cabinet Order No. 425 of 1995), Articles 19 and 39-2

Ministerial Ordinance for Enforcement of Insurance Business Law (Ministerial Ordinance of the Ministry of Finance No.5 of 1996), Articles 116 and 212-6

Description: Commercial presence is in principle required for insurance contracts on the following items and any liability arising therefrom:

(a) goods being transported within Japan; and

(b) ships of Japanese registration which are not used for international maritime transport.

11 Sector: Heat Supply

Sub-Sector:

Industry
Classification: JSIC 3511 Heat supply

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

Measures: Foreign Exchange and Foreign Trade
Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Article 3

Description: The prior notification requirement
under the Foreign Exchange and
Foreign Trade Law applies to foreign
investors who intend to make
investments in the heat supply
industry in Japan.

12 Sector: Information and Communications

Sub-Sector: Telecommunications

Industry
Classification: JSIC 3700 Head offices primarily engaged in managerial operations

JSIC 3711 Regional telecommunications, except wire broadcast telephones

JSIC 3731 Services incidental to telecommunications

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

Measures: Law Concerning Nippon Telegraph and Telephone Corporation (Law No. 85 of 1984), Articles 6 and 10

Description: 1. Nippon Telegraph and Telephone Corporation may not enter the name and address in its register of shareholders if the aggregate of the ratio of the voting rights directly and/or indirectly held by the persons set forth in subparagraphs (a) to (c) below reaches or exceeds one third:

(a) a natural person who does not have Japanese nationality;

(b) a foreign government or its representative; and

(c) a foreign legal person or a foreign entity.

2. Any natural person who does not have Japanese nationality may not assume the office of director or auditor of Nippon Telegraph and Telephone Corporation, Nippon Telegraph and Telephone East

Corporation and Nippon Telegraph and
Telephone West Corporation.

13 Sector: Information and Communications

Sub-Sector: Telecommunications and Internet Based Services

Industry Classification: JSIC 3711 Regional telecommunications, except wire broadcast telephones

JSIC 3712 Long-distance telecommunications

JSIC 3719 Miscellaneous fixed telecommunications

JSIC 3721 Mobile telecommunications

JSIC 401 Internet based services

Note: The activities covered by the reservation under JSIC 3711, 3712, 3719, 3721 or 401 are limited to the activities which are subject to the registration obligation under Article 9 of the Telecommunications Business Law (Law No. 86 of 1984).

Type of Reservation: National Treatment (Article 47)

Level of Government: Central Government

Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Description: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in telecommunications business and Internet based services in Japan.

14 Sector: Manufacturing

Sub-Sector: Shipbuilding and Repairing, and Marine Engines

Industry
Classification: JSIC 3131 Shipbuilding and repairing

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Shipbuilding Law (Law No. 129 of 1950), Articles 2, 3 and 3-2

Description: A person who intends to establish or extend docks, which can be used to manufacture or repair vessels beyond a fixed scale, is required to obtain permission from the Minister of Land, Infrastructure, Transport and Tourism. The issuance of a licence is subject to the requirements of an economic needs test.

15 Sector: Manufacturing

Sub-Sector: Services Incidental to Drugs and Medicines Manufacturing

Industry Classification: JSIC 1653 Biological preparations

Type of Reservation: National Treatment (Article 47)

Level of Government: Central Government

Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Description: The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in biological preparations manufacturing industry in Japan. For greater certainty, "biological preparations manufacturing industry" deals with economic activities in establishment which mainly produces vaccine, serum, toxoid, antitoxin and some preparations similar to the aforementioned products or blood products.

16 Sector: Manufacturing
Sub-Sector: Services Incidental to Manufacturing
(Production Services on a Fee or
Contract Basis Relating to Leather and
Leather Products Manufacturing)

Industry
Classification: JSIC 1189 Textile apparel and
accessories, n.e.c.
JSIC 1694 Gelatine and adhesives
JSIC 192 Rubber and plastic footwear
and its findings
JSIC 2011 Leather tanning and
finishing
JSIC 2021 Mechanical leather
products, except gloves and
mittens
JSIC 2031 Cut stock and findings for
boots and shoes
JSIC 2041 Leather footwear
JSIC 2051 Leather gloves and mittens
JSIC 2061 Baggage
JSIC 207 Handbags and small leather
cases
JSIC 2081 Fur skins
JSIC 2099 Miscellaneous leather
products
JSIC 3253 Sporting and athletic goods

Note 1: The activities covered by the
reservation under JSIC 1189 or
3253 are limited to the
activities related to leather
and leather products
manufacturing.

Note 2: The activities covered by the
reservation under JSIC 1694
are limited to the activities
related to animal glue

(nikawa) and gelatine
manufacturing.

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

Measures: Foreign Exchange and Foreign Trade Law
(Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261 of
1980), Article 3

Description: The prior notification
requirement under the Foreign
Exchange and Foreign Trade Law
applies to foreign investors
who intend to make investments in
production services on a fee or
contract basis relating to leather and
leather products manufacturing
business in Japan.

17 Sector: Matters Related to the Nationality of a Ship

Sub-Sector:

Industry Classification:

Type of Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of Government: Central Government

Measures: Ship Law (Law No. 46 of 1899), Article 1

Description: Nationality requirement applies to the supply of international maritime transport services (including services of passenger transportation and freight transportation) through establishment of a registered company operating a fleet flying the flag of Japan.

“Nationality requirement” means that the ship must be owned by a Japanese national, or a company established under the law of Japan, of which all the representatives and not less than two-thirds of the executives administering the affairs are Japanese nationals.

18 Sector: Measuring Services

Sub-Sector:

Industry
Classification: JSIC 7441 Commodity inspection services
JSIC 745 Surveyor certification

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Measurement Law (Law No. 51 of 1992), Chapters 3, 5, 6 and 8
Regulations on Measurement Law (Ministerial Ordinance of the Ministry of International Trade and Industry No. 69 of 1993)
Ministerial Ordinance for Designated Inspection Body, Designated Verification Body, Designated Measurement Certification Inspection Body and Specified Measurement Certification Accreditation Body (Ministerial Ordinance of the Ministry of International Trade and Industry No. 72 of 1993)

Description: 1. A person who intends to supply services of conducting the periodic inspection of specified measuring instruments is required to establish a legal person in Japan and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct such inspection, or by the mayor of a designated city or the chief of a designated ward or village in case the place where the person intends to conduct such inspection is located within the district of such designated city, ward or village.
2. A person who intends to supply services of conducting the verification of specified measuring

instruments is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.

3. A person who intends to conduct measurement certification business, including specified measurement certification business, is required to have an establishment in Japan and to be registered with the prefectural governor having jurisdiction over the district where the establishment is located.

4. A person who intends to supply services of conducting the inspection of specified measuring instruments used for the measurement certification is required to establish a legal person in Japan and to be designated by the prefectural governor having jurisdiction over the district where the person intends to conduct such inspection.

5. A person who intends to supply services of conducting the accreditation for a person engaged in specified measurement certification business is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.

6. A person who intends to supply services of conducting the calibration of measuring instruments is required to establish a legal person in Japan and to be designated by the Minister of Economy, Trade and Industry.

19 Sector: Medical, Health Care and Welfare

Sub-Sector:

Industry
Classification: JSIC 8599 Miscellaneous social insurance, social welfare and care services

Type of reservation: Market Access (Article 46)

Level of Government: Central Government

Measures: Law Concerning Collection of Labour Insurance Premium (Law No. 84 of 1969), Chapter 4

Enforcement Regulations for the Law Concerning Collection of Labour Insurance Premium (Ministerial Ordinance of the Ministry of Labour No. 8 of 1972)

Description: Only an association of business proprietors or a federation of such associations approved by the Minister of Health, Labour and Welfare under the laws and regulations of Japan may conduct labour insurance businesses entrusted by business proprietors. An association which intends to conduct such labour insurance businesses under the laws and regulations of Japan is required to establish an office in Japan and to obtain the approval of the Minister of Health, Labour and Welfare.

20 Sector: Mining

Sub-Sector: Services Incidental to Mining

Industry
Classification: JSIC 05 Mining and quarrying of stone
and gravel

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

Measures: Mining Law (Law No. 289 of 1950),
Chapters 2 and 3

Foreign Exchange and Foreign Trade Law
(Law No. 228 of 1949), Articles 27 and
30

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Articles 3 and 5

Description: Only a Japanese national or a
juridical person established under
the law of Japan may have
mining rights or mining lease rights.

The prior notification
requirement under the Foreign
Exchange and Foreign Trade Law
applies to foreign investors
who intend to make investments in
services incidental to mining business
in Japan.

21 Sector: Oil Industry

Sub-Sector: Storage and Warehouse Services
 Relating to Petroleum and Petroleum
 Products
 Distribution Services Related to
 Petroleum and Petroleum Products

Industry
 Classification: JSIC 4711 Ordinary warehousing
 JSIC 4721 Refrigerated warehousing
 JSIC 5331 Petroleum
 JSIC 6051 Petrol stations
 (gasoline service stations)
 JSIC 6052 Fuel stores, except
 gasoline service stations
 JSIC 9299 Miscellaneous business
 services, n.e.c.

Note 1: The activities covered by the
 reservation under JSIC 4711,
 4721 or 6052 are limited to
 the activities related to oil
 industry.

Note 2: The activities covered by the
 reservation under JSIC 9299
 are limited to the activities
 related to liquefied
 petroleum gas industry.

Type of
 Reservation: National Treatment (Article 47)

Level of
 Government: Central Government

Measures: Foreign Exchange and Foreign Trade
 Law(Law No. 228 of 1949), Article 27
 Cabinet Order on Foreign Direct
 Investment (Cabinet Order No. 261
 of 1980), Article 3

Description: The prior notification requirement
 under the Foreign Exchange and Foreign
 Trade Law applies to foreign investors
 who intend to make investments in oil

industry in Japan.
All organic chemicals such as
ethylene, ethylene glycol and
polycarbonates are outside the scope
of the oil industry.

22 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7211 Lawyers' offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Lawyers Law (Law No. 205 of 1949),
Chapters 3, 4, 4-2, 5 and 9

Description: A natural person who intends to supply legal services is required to be qualified as an attorney at law under the laws and regulations of Japan ("Bengoshi") and to establish an office within the district of the local bar association to which the natural person belongs.

An enterprise which intends to supply legal services is required to establish a law firm under the laws and regulations of Japan ("Bengoshi-Hojin").

23 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7211 Lawyers' offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Law on Special Measures Concerning
the Handling of the Legal Business by
Foreign Legal Consultant (Law No. 66
of 1986), Chapters 2 and 4

Description: A natural person who intends to
supply foreign legal consultant
services is required to be qualified
as a foreign legal consultant under
the laws and regulations of Japan
("Gaikoku-Ho-Jimu-Bengoshi") and to
establish an office within the
district of the local bar association
to which the natural person belongs.

A foreign legal consultant under the
laws and regulations of Japan is
required to stay in Japan for not less
than 180 days per year.

24 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7212 Patent attorneys' offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Patent Attorney Law (Law No. 49 of 2000), Chapters 3, 6 and 8

Description: A natural person who intends to supply patent attorney services is required to be qualified as a patent attorney under the laws and regulations of Japan ("Benrishi").

An enterprise which intends to supply patent attorney services is required to establish a patent business corporation under the laws and regulations of Japan ("Tokkyo-Gyoumu-Hojin").

25 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7221 Notaries public's and
judicial scriveners'
offices

Type of
Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of
Government: Central Government

Measures: Notary Law (Law No. 53 of 1908),
Chapters 2 and 3

Description: Only a Japanese national may be
appointed as a notary in Japan.

The notary is required to establish
an office in the place designated by
the Minister of Justice.

26 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7221 Notaries public's and
judicial scriveners'
offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Judicial Scrivener Law (Law No. 197
of 1950), Chapters 3, 4, 5, 7
and 10

Description: A natural person who intends to
supply judicial scrivener services is
required to be qualified as a judicial
scrivener under the laws and
regulations of Japan ("Shiho-
Shoshi") and to establish an office
within the district of the judicial
scrivener association to which the
natural person belongs.

An enterprise which intends to supply
judicial scrivener services is
required to establish a judicial
scrivener corporation under the laws
and regulations of Japan ("Shiho-
Shoshi-Hojin").

27 Sector: Professional Services

Sub-Sector:

Industry

Classification: JSIC 7241 Certified public
accountants' offices

Type of

Reservation: Market Access (Article 46)

Level of

Government: Central Government

Measures:

Certified Public Accountant Law (Law
No. 103 of 1948), Chapters 3, 5-2 and
7

Description:

A natural person who intends to supply
certified public accountants services
is required to be qualified as a
certified public accountant under the
laws and regulations of Japan
("Koninkaikeishi").

An enterprise which intends to supply
certified public accountants services
is required to establish an audit
corporation under the laws and
regulations of Japan("Kansa-Hojin").

28 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7242 Auditors' offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Certified Public Tax Accountant Law
(Law No. 237 of 1951), Chapters 3, 4,
5-2, 6 and 7

Enforcement Regulation on Certified
Public Tax Accountant Law
(Ministerial Ordinance of the
Ministry of Finance No. 55 of 1951)

Description: A natural person who intends to
supply certified public tax
accountant services is required to be
qualified as a certified public tax
accountant under the laws and
regulations of Japan ("Zeirishi")
and to establish an office within the
district of certified public tax
accountant association to which the
natural person belongs.

An enterprise which intends to supply
certified public tax accountant
services is required to establish a
certified public tax accountant
corporation under the laws and
regulations of Japan ("Zeirishi-
Hojin").

29 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7231 Administrative
scriveners' offices

JSIC 7294 Certified real estate
appraisers

JSIC 7299 Professional services,
n.e.c.

JSIC 7421 Architectural design
services

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Architect and/or Building Engineer
Law (Law No. 202 of 1950), Chapters
1, 2 and 6

Description: An architect and/or building
engineer, qualified as such under the
laws and regulations of Japan
("Kenchikushi"), or a person
employing such an architect and/or
building engineer, who intends to
conduct business of design,
superintendence of construction work,
administrative work related to
construction work contracts,
supervision of building construction
work, survey and evaluation of
buildings, and representation in
procedure under the laws and
regulations concerning construction,
upon request from others for
remuneration, is required to
establish an office in Japan.

30 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7251 Certified social insurance and labour consultants' offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Certified Social Insurance and Labour Consultant Law (Law No. 89 of 1968), Chapters 2-2, 4-2, 4-3 and 5

Description: A natural person who intends to supply social insurance and labour consultant services is required to be qualified as a certified social insurance and labour consultant under the laws and regulations of Japan ("Shakai-Hoken-Romushi") and to establish an office in Japan.

An enterprise which intends to supply social insurance and labour consultant services is required to establish a certified social insurance and labour consultant corporation under the laws and regulations of Japan ("Shakai-Hoken-Romushi-Hojin").

31 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7231 Administrative scriveners'
offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Administrative Scrivener Law
(Law No. 4 of 1951), Chapters 3,
4, 5 and 8

Description: A natural person who intends to
supply administrative scrivener
services is required to be qualified
as an administrative scrivener under
the laws and regulations of Japan
("Gyousei-Shoshi") and to establish
an office within the district of the
administrative scrivener association
to which the natural person belongs.

An enterprise which intends to supply
administrative scrivener services is
required to establish an
administrative scrivener corporation
under the laws and regulations of
Japan ("Gyousei-Shoshi-Hojin").

32 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7299 Professional services,
n.e.c.

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Maritime Procedure Agents Law (Law No.
32 of 1951), Article 17

Description: Maritime procedure agent services must
be supplied by a natural person who is
qualified as a maritime procedure
agent under the laws and regulations
of Japan ("Kaijidairishi").

33 Sector: Professional Services

Sub-Sector:

Industry
Classification: JSIC 7222 Land and house surveyors' offices

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Land and House Surveyor Law (Law No. 228 of 1950), Chapters 3, 4, 5, 7 and 10

Description: A natural person who intends to supply land and house surveyor services is required to be qualified as a land and house surveyor under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi") and to establish an office within the district of the land and house surveyor association to which the natural person belongs.

An enterprise which intends to supply land and house surveyor services is required to establish a land and house surveyor corporation under the laws and regulations of Japan ("Tochi-Kaoku-Chosashi-Hojin").

34 Sector: Real Estate

Sub-Sector:

Industry
Classification: JSIC 6811 Sales agents of buildings and houses

JSIC 6812 Land subdividers and developers

JSIC 6821 Real estate agents and brokers

JSIC 6941 Real estate managers

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Building Lots and Buildings
Transaction Business Law (Law No. 176 of 1952), Chapter 2

Real Estate Syndication Law (Law No. 77 of 1994), Chapter 2

Law Concerning Improving Management of Condominiums (Law No. 149 of 2000), Chapter 3

Description: 1. A person who intends to conduct building lots and buildings transaction business is required to establish an office in Japan and to obtain licence from the Minister of Land, Infrastructure, Transport and Tourism or from the prefectural governor having jurisdiction over the district where the office is located.

2. A person who intends to conduct real estate syndication business is required to establish an office in Japan and to obtain permission from the competent Minister or from the prefectural governor having jurisdiction over the district where the office is located.

3. A person who intends to conduct

condominiums management business is required to establish an office in Japan, and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism.

35 Sector: Real Estate Appraisal Services

Sub-Sector:

Industry
Classification: JSIC 7294 Certified real estate appraisers

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Law Concerning the Appraisal of Real Estate (Law No. 152 of 1963), Chapter 3

Description: A person who intends to supply real estate appraisal services is required to establish an office in Japan and to be registered in the list maintained by the Ministry of Land, Infrastructure, Transport and Tourism or the prefecture having jurisdiction over the district where the office is located.

36 Sector: Seafarers

Sub-Sector:

Industry
Classification: JSIC 031 Marine fisheries
JSIC 451 Oceangoing transport
JSIC 452 Coastwise transport

Type of
Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of
Government: Central Government

Measures: Mariners Law (Law No. 100 of 1947),
Chapter 4
The 9th Basic Plan for Employment
Measures (Cabinet Decision,
August 13, 1999)
Official Notification of the Director
General of Seafarers Department,
Maritime Technology and Safety Bureau
of the Ministry of Transport,
No. 115, 1990
Official Notification of the Director
General of Seafarers Department,
Maritime Technology and Safety Bureau
of the Ministry of Transport,
No. 327, 1990
Official Notification of the Director
General of Maritime Bureau of the
Ministry of Land, Infrastructure and
Transport, No. 153, 2004

Description: Foreign nationals employed by
Japanese enterprises except for the
seafarers referred to in the relevant
official notifications may not work
on the vessels flying the Japanese
flag.

37 Sector: Services Related to Occupational Safety and Health

Sub-Sector:

Industry Classification: JSIC 7299 Professional services, n.e.c.

JSIC 7441 Commodity inspection services

JSIC 7452 Environmental surveying certification

JSIC 8222 Vocational guidance centers

Type of Reservation: Market Access (Article 46)

Level of Government: Central Government

Measures: Industrial Safety and Health Law (Law No. 57 of 1972), Chapters 5 and 8

Regulation Concerning Registered Inspection Agency and Other Related Agencies (Ministerial Ordinance of the Ministry of Labour No. 44 of 1972)

Working Environment Measurement Law (Law No. 28 of 1975), Chapters 2 and 3

Enforcement Regulation of the Working Environment Measurement Law (Ministerial Ordinance of the Ministry of Labour No. 20 of 1975)

Description: A person who intends to supply inspection or verification services for working machines, skill training course and other related services in connection with occupational safety and health, or working environment measurement services is required to be resident or to establish an office in Japan and to be registered with the Minister of Health, Labour and Welfare or Director-General of the Prefectural Labour Bureau.

38 Sector: Surveying Services

Sub-Sector:

Industry
Classification: JSIC 7422 Surveying services

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Survey Law (Law No. 188 of 1949),
Chapter 6

Description: A person who intends to supply
surveying services is required to
establish a place of business in Japan
and to be registered with the Minister
of Land, Infrastructure, Transport and
Tourism.

39 Sector: Transport

Sub-Sector: Air Transport

Industry
Classification: JSIC 4600 Head offices primarily engaged in managerial operations

JSIC 4621 Aircraft service, except air transport

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Civil Aeronautics Law (Law No. 231 of 1952), Chapters 7 and 8

Description: 1. The prior notification requirement under the Foreign Exchange and Foreign Trade Law applies to foreign investors who intend to make investments in aerial work business in Japan.

2. Permission of the Minister of Land, Infrastructure, Transport and Tourism for conducting aerial work business is not granted to the following natural persons or entities applying for the permission:

(a) a natural person who does not have Japanese nationality;

(b) a foreign country, or a foreign public entity or its equivalent;

(c) a legal person or other entity constituted under the laws of any foreign country; and

(d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one third of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one third of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).

In the event a person conducting aerial work business falls into a natural person or an entity referred to in subparagraphs (a) through (d), the permission will lose its effect. The conditions for the permission also apply to companies, such as holding companies, which have substantial control over the person conducting aerial work business.

3. A foreign aircraft may not be used for a flight between points within Japan.

40 Sector: Transport

Sub-Sector: Air Transport (Registration of Aircraft in the National Register)

Industry Classification:

Type of Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of Government: Central Government

Measures: Civil Aeronautics Law (Law No. 231 of 1952), Chapter 2

Description: 1. An aircraft owned by any of the following natural persons or entities may not be registered in the national register:

- (a) a natural person who does not have Japanese nationality;
- (b) a foreign country, or a foreign public entity or its equivalent;
- (c) a legal person or other entity constituted under the laws of any foreign country; and
- (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one third of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one third of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).

2. A foreign aircraft may not be registered in the national register.

41 Sector: Transport

Sub-Sector: Customs Brokerage

Industry
Classification: JSIC 4899 Services incidental to
transport, n.e.c.

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Customs Brokerage Law (Law
No. 122 of 1967), Chapter 2

Description: A person who intends to conduct
customs brokerage business is
required to have a place of business
in Japan and to obtain permission of
the Director-General of Customs
having jurisdiction over the district
where the person intends to conduct
customs brokerage business.

42 Sector: Transport

Sub-Sector: Freight Forwarding Business
(excluding freight forwarding
business using air transportation)

Industry
Classification: JSIC 4441 Collect-and-deliver
freight transport

JSIC 4821 Deliver freight transport,
except collect-and-deliver
freight transport

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

Measures: Freight Forwarding Business Law (Law
No. 82 of 1989), Chapters 2, 3 and
4

Enforcement Regulation of Freight
Forwarding Business Law (Ministerial
Ordinance of the Ministry of
Transport No. 20 of 1990)

Description: 1. The following natural persons or
entities are required to be
registered with, or to obtain
permission or approval of, the
Minister of Land, Infrastructure,
Transport and Tourism for conducting
freight forwarding business using
international shipping. Such
registration shall be made, or such
permission or approval shall be
granted, on the basis of reciprocity:

(a) a natural person who does not
have Japanese nationality;

(b) a foreign country, or a foreign
public entity or its equivalent;

(c) a legal person or other entity

constituted under the laws of any foreign country; and

- (d) a legal person represented by the natural persons or entities referred to in subparagraph (a), (b) or (c); a legal person of which more than one third of the members of the board of directors are composed of the natural persons or entities referred to in subparagraph (a), (b) or (c); or a legal person of which more than one third of the voting rights are held by the natural persons or entities referred to in subparagraph (a), (b) or (c).

2. A person who intends to conduct freight forwarding business is required to establish an office in Japan, and to be registered with, or to obtain permission or approval of, the Minister of Land, Infrastructure, Transport and Tourism.

43 Sector: Transport

Sub-Sector: Railway Transport

Industry
Classification: JSIC 421 Railway transport

JSIC 4851 Railway facilities
services

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

Measures: Foreign Exchange and Foreign Trade
Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Article 3

Description: The prior notification requirement
under the Foreign Exchange and
Foreign Trade Law applies to foreign
investors who intend to make
investments in railway transport
industry in Japan.
The manufacture of vehicles, parts and
components for the railway transport
industry is not included in railway
transport industry.

44 Sector: Transport

Sub-Sector: Road Passenger Transport

Industry
Classification: JSIC 4311 Common omnibus operators

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

Measures: Foreign Exchange and Foreign Trade
Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Article 3

Description: The prior notification requirement
under the Foreign Exchange and
Foreign Trade Law applies to foreign
investors who intend to make
investments in omnibus industry in
Japan. The manufacture of vehicles,
parts and components for omnibus
industry is not included in omnibus
industry.

45 Sector: Transport

Sub-Sector: Road transport

Industry
Classification: JSIC 431 Common omnibus operators

JSIC 432 Common taxicab operators

JSIC 433 Contracted omnibus operators

JSIC 4391 Motor passenger transport
(particularly-contracted)

JSIC 441 Common motor trucking

JSIC 442 Motor trucking (particularly-
contracted)

JSIC 443 Mini-sized vehicle freight
transport

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Road Transport Law (Law No. 183 of
1951), Chapter 2

Trucking Business Law (Law No. 83 of
1989), Chapter 2

Description: 1. A person who intends to conduct
road passenger transport business or
road freight transport business is
required to establish a place of
business in Japan and to obtain
permission of the Minister of Land,
Infrastructure, Transport and Tourism.

2. In respect of common taxicab
operators business, the Minister of
Land, Infrastructure, Transport and
Tourism may not grant permission to a
person who intends to conduct the
business, and a person who conducts
the business may not be allowed to
modify the business plan of such
business, in the area including a
designated area where the Minister of
Land, Infrastructure, Transport and

Tourism designated as the "emergency supply/demand adjustment area". The "emergency supply/demand adjustment area" is designated where the Minister of Land Infrastructure, Transport and Tourism considers that the capacity of common taxicab transportation business in that area significantly exceeds the volumes of traffic demand, and that it would be difficult to secure the safety of transportation and the benefits of passengers, if the capacity of transportation further increases.

3. In respect of common motor trucking business or motor trucking business (particularly-contracted), the Minister of Land, Infrastructure, Transport and Tourism may not grant permission to a person who intends to conduct the business, and a person who conducts the business may not be allowed to modify the business plan of such business, in the area including a designated area where the Minister of Land, Infrastructure, Transport and Tourism designated as the "emergency supply/demand adjustment area". The "emergency supply/demand adjustment area" is designated where the Minister of Land, Infrastructure, Transport and Tourism considers that the capacity of common motor trucking business or motor trucking business (particularly-contracted) in that area has significantly exceeded the volumes of transportation demand to the extent that the operation of existing business would become difficult.

46 Sector: Transport

Sub-Sector: Services Incidental to Transport

Industry
Classification: JSIC 4852 Fixed facilities for road
transport

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Road Transport Law (Law No. 183 of
1951), Chapter 4

Description: A person who intends to conduct
motorway business is required to
obtain license from the Minister of
Land, Infrastructure, Transport and
Tourism. The issuance of a licence
is subject to an economic needs
test, such as whether the proposed
motorway is appropriate in scale
compared with the volume and nature of
traffic demand in the proposed area.

47 Sector: Transport

Sub-Sector: Services Incidental to Transport

Industry
Classification:

Type of
Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of
Government: Central Government

Measures: Pilotage Law (Law No. 121 of 1949),
Chapters 2, 3 and 4

Description: Only a Japanese national may become a
pilot in Japan.

Pilots directing ships in the same
pilotage district are required to
establish a pilot association for the
pilotage district.

48 Sector: Transport

Sub-Sector: Water Transport

Industry
Classification: JSIC 451 Oceangoing transport

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

Measures: Law Concerning Special Measures
against Unfavorable Treatment to
Japanese Oceangoing Ship Operators by
Foreign Government (Law No. 60 of
1977)

Description: Swiss oceangoing ship operators may
be restricted or prohibited from
entering ports in Japan or
from loading and unloading cargoes in
Japan in cases where Japanese
Oceangoing ship operators are
prejudiced by Switzerland.

49 Sector: Transport

Sub-Sector: Water Transport

Industry
Classification: JSIC 452 Coastwise transport
 JSIC 453 Inland water transport
 JSIC 4542 Coastwise ship leasing

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

Measures: Foreign Exchange and Foreign Trade
 Law (Law No. 228 of 1949), Article 27
 Cabinet Order on Foreign Direct
 Investment (Cabinet Order No. 261
 of 1980), Article 3

Description: The prior notification requirement
 under the Foreign Exchange and
 Foreign Trade Law applies to foreign
 investors who intend to make
 investments in water transport
 industry in Japan.
 For greater certainty, "water
 transport industry" refers to
 oceangoing/seagoing transport,
 coastwise transport (i.e. maritime
 transport between ports within Japan),
 inland water transport and ship
 leasing industry.
 However, oceangoing/seagoing transport
 industry and ship leasing industry
 excluding coastwise ship leasing
 industry are exempted from the prior
 notification requirement.

50 Sector: Transport

Sub-Sector: Water Transport

Industry
Classification:

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Level of
Government: Central Government

Measures: Ship Law (Law No. 46 of 1899),
Article 3

Description: Unless otherwise specified in laws
and regulations of Japan or
international agreements to which
Japan is a party, ships not flying
the Japanese flag are prohibited from
entering ports in Japan which
are not open to foreign commerce and
from carrying cargoes or passengers
between ports in Japan.

51 Sector: Vocational Skills Test

Sub-Sector:

Industry
Classification:

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Human Resources Development Promotion
Law (Law No. 64 of 1969), Chapter 5

Description: An enterprise which intends to carry
out the vocational skills test for
workers is required to establish an
office in Japan and to be designated
by the Minister of Health, Labour and
Welfare.

52 Sector: Water Supply and Waterworks

Sub-Sector:

Industry
Classification: JSIC 3611 Water for end users,
except industrial users

Type of
Reservation: National Treatment (Article 47)

Level of
Government: Central Government

Measures: Foreign Exchange and Foreign Trade
Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Article 3

Description: The prior notification requirement
under the Foreign Exchange and
Foreign Trade Law applies to foreign
investors who intend to make
investments in water supply and
waterworks industry in Japan.

53 Sector: Wholesale and Retail Trade

Sub-Sector: Livestock

Industry
Classification: JSIC 5219 Miscellaneous agricultural,
animal and poultry farm and
aquatic products

Type of
Reservation: Market Access (Article 46)

Level of
Government: Central Government

Measures: Livestock Dealer Law
(Law No. 208 of 1949), Article 3

Description: A person who intends to conduct
livestock trading business is
required to be resident in Japan and
to obtain a licence from the
prefectural governor having
jurisdiction over the place of
residence. For greater certainty,
"livestock trading" means the trading
or exchange of livestock, or the good
offices for such trading or exchange.

54 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: Market Access (Article 46)
National Treatment (Article 47)

Level of
Government: Local governments other than
prefectures

Measures:

Description: Any existing measure that is
maintained, continued or renewed at
any time by local governments other
than prefectures is reserved by Japan
to the extent not inconsistent with
Japanese specific commitments under
the GATS.

At the time of entry into force of
this Agreement, Japan will provide
Switzerland with a non-legally binding
list of existing measures by local
governments other than prefectures.

Japan shall take such reasonable
measures as may be available to it to
increase the conformity of the
existing measures by such local
governments.

Section 2
Future Measures

1. This list sets out, pursuant to Article 57, the reservations taken by Japan with respect to specific sectors, sub-sectors or activities for which it may maintain existing, or adopt new or more restrictive, measures that do not conform with obligations imposed by;

- (a) Article 45
- (b) Article 46
- (c) Article 47

2. Each reservation in this list sets out the following elements:

- (a) "Sector" refers to the general sector in which the reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which the reservation is taken;
- (c) "Industry Classification" refers, where applicable, and only for transparency purposes, to the activity covered by the reservation according to domestic or international industry classification codes;
- (d) "Type of Reservation" specifies the obligations referred to in paragraph 1 for which the reservation is taken;
- (e) "Description" sets out the scope of the sector, sub-sector or activities covered by the reservation; and
- (f) "Existing Measures" identifies, for transparency purposes, existing measures that apply to the sector, sub-sector or activities covered by the reservation.

3. In the interpretation of a reservation, all elements of the reservation shall be considered. The "Description" element shall prevail over all other elements.

4. With respect to Financial Services:

- (a) For prudential reasons within the context of paragraph 1 of Article VI of Annex VI, Japan shall not be prevented from taking measures such

as non-discriminatory limitations on juridical forms of a commercial presence. For the same reasons, Japan shall not be prevented from applying non-discriminatory limitations concerning admission to the market of new financial services which shall be consistent with regulatory framework aimed at achieving such prudential objectives. In this context, securities firms are allowed to deal in securities defined in the relevant laws of Japan, and banks are not allowed to deal in those securities unless allowed in accordance with those laws.

- (b) Services supplied in the Area of Switzerland to the service consumer in Japan without any active marketing from the service supplier are considered as services supplied under subparagraph (t)(ii) of Article 44.

5. With respect to air transport services, measures affecting traffic rights or measures affecting services directly related to the exercise of traffic rights are not listed in this list, as these are excluded from the scope of Chapter 6 pursuant to paragraph 2 of Article 43.

6. Laws and regulations with regard to spectrum availability affecting obligations under Article 46 (Market Access) are not included in this list, taking into account the Attachment 6 of Guidelines for the Scheduling of Specific Commitments (WTO Document S/L/92, dated 28 March 2001).

7. For the purposes of this Appendix:

- (a) "JSIC" means Japan Standard Industrial Classification set out by the Statistics Bureau, Ministry of Internal Affairs and Communications, and revised on 6 November 2007; and
- (b) "CPC" means the Provisional Central Product Classification (Statistical paper Series M, No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991).

1 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: When transferring or disposing of its equity interests in, or the assets of, a state enterprise or a governmental entity, Japan reserves the right to:

- (a) prohibit or impose limitations on the ownership of such interests or assets by investors of Switzerland or their investments;
- (b) impose limitations on the ability of investors of Switzerland or their investments as owners of such interests or assets to control any resulting enterprise; or
- (c) adopt or maintain any measure relating to the nationality of executives, managers or members of the board of directors of any resulting enterprise.

Existing
Measures:

2 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of telegraph services, postal services, betting and gambling services and sale of coinage in Japan, which are restricted to designated enterprises or governmental entities.

In the event where the supply of telegraph services, postal services, betting and gambling services and sale of coinage in Japan, which are restricted to designated enterprises or governmental entities, are liberalised to those other than the designated enterprises or governmental entities, or in the event where such designated enterprises or governmental entities no longer operate on a non-commercial basis, Japan reserves the right to adopt or maintain any measure relating to those activities.

Existing
Measures: Telecommunications Business Law (Law No. 86 of 1984) Supplementary Provisions, Article 5

Postal Law (Law No. 165 of 1947), Article 2

Horse Racing Law (Law No. 158 of 1948) Article 1

The Law relating to Motorboat Racing (Law No. 242 of 1951), Article 2

Bicycle Racing Law (Law No. 209 of 1948), Article 1

Auto Racing Law (Law No. 208 of 1950),
Article 3

Lottery Law (Law No. 144 of 1948),
Article 4

The Law relating to Unit of Currency
and Issue of Coin (Law No. 42 of
1987), Article 10

3 Sector: All Sectors (New Services)

Sub-Sector:

Industry
Classification:

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to new services other than those recognised or that should have been recognised owing to the circumstances at the time of entry into force of this Agreement by the Government of Japan.

Any services classified positively and explicitly in JSIC or CPC at the time of entry into force of this Agreement should have been recognised by the Government of Japan at that time.

Japan reserves the right to adopt or maintain any measure relating to the supply of services in any mode of supply in which those services were not technically feasible at the time of entry into force of this Agreement.

This reservation shall not apply to Article II of Annex VI.

Existing
Measures:

4 Sector: All Sectors

Sub-Sector:

Industry
Classification:

Type of
Reservation: National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure related to research and development subsidies including any direct or indirect contribution, financial or otherwise, to research and development provided by the Government of Japan or any Japanese public body.

Existing
Measures:

5 Sector: Aerospace Industry

Sub-Sector: Machine Repair Related to Aircraft Industry

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector to the extent not inconsistent with its commitments under the GATS.

Existing Measures:

Aircraft Manufacturing Industry Law (Law No. 237 of 1952), Articles 2 through 5

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

6 Sector: Aerospace Industry

Sub-Sector: Machine Repair Related to Satellites
and Rockets

Industry
Classification:

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or
maintain any measure relating to the
supply of services in this sub-sector.

Existing
Measures: Foreign Exchange and Foreign Trade Law
(Law No. 228 of 1949), Articles 27 and
30

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Articles 3 and 5

7 Sector: Arms and Explosives Industry

Sub-Sector: Machine Repair Related to Arms and Explosives Industry

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Ordnance Manufacturing Law (Law No. 145 of 1953), Articles 3 and 5

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

8 Sector: Information and Communications

Sub-Sector: Broadcasting Industry

Industry
Classification: JSIC 380 Establishments engaged in administrative or ancillary economic activities

JSIC 381 Public broadcasting, except cablecasting

JSIC 382 Private-sector broadcasting, except cablecasting

JSIC 383 Cablecasting

Type of
Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in broadcasting industry.

Existing
Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Radio Law (Law No.131 of 1950), Chapter 2

Broadcast Law (Law No. 132 of 1950), Chapters 3, 3-3 and 3-4

Law concerning Broadcast through Use of Telecommunications Services (Law No. 85 of 2001), Chapter 2

9 Sector: Education, Learning Support

Sub-Sector: Primary and Secondary Educational Services

Industry Classification: JSIC 811 Kindergartens

JSIC 812 Elementary schools

JSIC 813 Lower secondary schools

JSIC 814 Upper secondary schools, secondary schools

JSIC 815 Schools for special needs education

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of primary and secondary educational services.

Existing Measures: Fundamental Law of Education (Law No. 120 of 2006), Article 6

School Education Law (Law No. 26 of 1947), Article 2

Private School Law (Law No. 270 of 1949), Article 3

10 Sector: Energy

Sub-Sector: Machine Repair Related to Nuclear Energy

Industry Classification: JSIC 9011 General machine repair shops, except construction and mining machinery

Note: The activities covered by the reservation under JSIC 9011 are limited to the activities related to nuclear energy industry.

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

11 Sector: Energy

Sub-Sector: Services Incidental to Energy Distribution (Transmission Services on a Fee or Contract Basis of Electricity)

Industry Classification: JSIC 330 Establishments engaged in administrative or ancillary economic activities

JSIC 331 Production, transmission and distribution of electricity

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Electricity Business Law (Law No. 170 of 1964), Articles 3 and 5

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

12 Sector: Energy

Sub-Sector: Specified Radioactive Waste Final Disposal Services

Industry
Classification: JSIC 8899 Waste treatment services,
n.e.c

Type of
Reservation: Market Access (Article 46)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing
Measures: Specified Radioactive Waste Final Disposal Act (Law No. 117 of 2000), Chapter 5

13 Sector: Energy

Sub-Sector: Transportation Services of Natural Gas on a Fee or Contract Basis

Industry Classification: JSIC 340 Establishments engaged in administrative or ancillary economic activities

JSIC 3411 Gasworks

JSIC 3412 Gas distribution

Type of Reservation: Most-Favoured-Nation-Treatment (Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures: Gas Business Law (Law No. 51 of 1954), Articles 3 and 5

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Articles 27 and 30

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Articles 3 and 5

14 Sector: Financial Services

Sub-Sector: Banking and other financial services (excluding Insurance)

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraph (t) (i) of Article 44 for banking and other financial services, other than:

- (a) securities-related transactions with financial institutions and other entities in Japan as prescribed by the relevant laws and regulations of Japan;
- (b) sales of a beneficiary certificate of an investment trust and an investment security, through securities firms in Japan; and
Note: Solicitation must be conducted by securities firms in Japan.
- (c) provision and transfer of financial information and financial data processing as referred to in subparagraph 2(a) (i) (O) of Article I of Annex VI and advisory and other auxiliary services, excluding intermediation, relating to banking and other financial services as referred to in subparagraph 2(a) (i) (P) of Article I of Annex VI.

Japan reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraph (t) (ii) of Article 44 of banking and other financial services,

other than the services as referred to
in subparagraph 2(a)(i)(E) to (P) of
Article I of Annex VI.

Existing
Measures:

15 Sector: Financial Services

Sub-Sector: Insurance and Insurance-Related Services

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure with respect to trade in services as defined in subparagraph (t) (i) of Article 44 and trade in services as defined in subparagraph (t) (ii) of Article 44 for insurance and insurance-related services, other than the following services, whether supplied by a financial service supplier of Switzerland established in Switzerland as a principal, through an intermediary or as an intermediary:

(a) insurance of risks relating to:

(i) maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods and any liability arising therefrom; and

(ii) goods in international transit; and

(b) reinsurance, retrocession and the services auxiliary to insurance as referred to in subparagraph 2(a) (i) (D) of Article I of Annex VI.

Note: Insurance intermediation services may be supplied only for insurance contracts allowed to be supplied in

Japan.

Existing
Measures:

16 Sector: Fisheries

Sub-Sector: Fisheries within the Territorial Sea, Internal Waters, Exclusive Economic Zone and Continental Shelf

Industry Classification: JSIC 031 Marine fisheries

JSIC 032 Inland water fisheries

JSIC 041 Marine aquaculture

JSIC 042 Inland water aquaculture

JSIC 8093 Recreational fishing guide business

Type of Reservation: Most-Favoured-Nation Treatment (Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in fisheries in the territorial sea, internal waters, exclusive economic zone and continental shelf of Japan.

For the purposes of this reservation, "Fisheries" means the work of taking and cultivation of aquatic resources, including the following fisheries related services:

- (a) investigation of aquatic resources without taking such resources;
- (b) luring of aquatic resources;
- (c) preservation and processing of fish catches;
- (d) transportation of fish catches and fish products; and
- (e) provision of supplies to other vessels used for fisheries.

Existing
Measures:

Foreign Exchange and Foreign Trade
Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct
Investment (Cabinet Order No. 261
of 1980), Article 3

Law for Regulation of Fishing
Operation by Foreign Nationals (Law
No. 60 of 1967), Articles 3, 4 and 6

Law concerning the Exercise of
Sovereign Rights concerning Fisheries
in the Exclusive Economic Zones (Law
No. 76 of 1996), Articles 4 through 12
and 14

17 Sector: Land Transaction

Sub-Sector:

Industry
Classification:

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

National Treatment (Article 47)

Description: With respect to the acquisition or
lease of land properties in Japan,
prohibitions or restrictions may be
imposed by Cabinet Order on Swiss
nationals or legal persons, where
Japanese nationals or legal persons
are placed under identical or similar
prohibitions or restrictions in
Switzerland.

Existing
Measures: Alien Land Law (Law No. 42, 1925),
Article 1

18 Sector: Manufacturing

Sub-Sector: Services Incidental to Aircraft Industry, Explosives Industry, Arms Industry and Aerospace Industry

Industry Classification:

Type of Reservation: Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of services in this sub-sector.

Existing Measures:

Aircraft Manufacturing Industry Law (Law No. 237 of 1952), Articles 2 through 5

Ordnance Manufacturing Law (Law No. 145 of 1953), Article 5

Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27

Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

19 Sector: Public Law Enforcement and
Correctional Services and Social
Services

Sub-Sector:

Industry
Classification:

Type of
Reservation: Most-Favoured-Nation Treatment
(Article 45)

Market Access (Article 46)

National Treatment (Article 47)

Description: Japan reserves the right to adopt or
maintain any measure relating to
the supply of services in
public law enforcement and
correctional services, and in social
services such as income security or
insurance, social security or
insurance, social welfare, public
training, health and child care.

Existing
Measures:

20 Sector: Security Guard Services

Sub-Sector:

Industry
Classification: JSIC 923 Guard services

Type of
Reservation: Market Access (Article 46)
National Treatment (Article 47)

Description: Japan reserves the right to adopt or maintain any measure relating to the supply of security guard services.

Existing
Measures: Security Business Law (Law No. 117 of 1972), Articles 4 and 5
Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949), Article 27
Cabinet Order on Foreign Direct Investment (Cabinet Order No. 261 of 1980), Article 3

Appendix 2

List of Reservations of Switzerland

1. This List of Reservations sets out, pursuant to Article 57, the reservations taken by Switzerland with respect to measures that do not conform with obligations imposed by any of the following provisions of the Agreement:

- (a) Article 45;
- (b) Article 46; or
- (c) Article 47.

2. Each reservation sets out the following elements:

- (a) "Sector" refers to the general sector in which a reservation is taken;
- (b) "Sub-Sector" refers to the specific sector in which a reservation is taken;
- (c) "Industry Classification" refers, where applicable, to the activity covered by the reservation according to the UN Provisional Central Product Classification [Statistical Papers Series M No 77, Provisional Central Product Classification, Department of International Economics and Social Affairs, Statistical Office of the United Nations, New York, 1991] (hereinafter referred to as "CPC");.
- (d) "Type of Reservation" specifies the obligation of the Agreement for which a reservation is taken;
- (e) "Level of Government" indicates the level of government maintaining the measure for which a reservation is taken, *i.e.* federal, cantonal and/or municipal;
- (f) "Measures" identifies the existing laws, ordinances, regulations or other measures, as qualified, where indicated, by the Description element, with respect to which the reservation is taken. In relation to reservations with respect to Article 45, it also includes international treaties. A measure cited in the Measures element:

- (i) means the measure as in force as of the date of signing of this Agreement, unless otherwise provided for in the Measures element; and
- (ii) includes any subordinate measure maintained, modified or adopted under the authority of and consistent with the measure, unless otherwise provided for in the Measures element; and

Note: It is understood that the Classified Compilation of the federal legislation (SR) is indicated only for transparency purposes and shall by no means override the measure as in force at the date of signing.

- (g) "Description" sets out, with regard to the obligations referred to in paragraph 1, the non-conforming aspects of the measures for which the reservation is taken.

3. Reservations are sequenced in the following order:

- Reservations covering all sectors (horizontal measures);
- Reservations covering specific sectors (sequenced according to the CPC);
- Reservations covering sectors to which no obvious CPC numbers could be assigned for the moment;
- Reservations covering various sectors.

4. The interpretation of a reservation in the meaning of this Appendix shall be made in accordance with international law and in the light of the relevant provisions of Chapter 6. In particular:

- (a) if the Measures element is marked as being "qualified by the Description element", the Measures element as so qualified shall prevail over all other elements; and
- (b) if the Measures element is not so qualified, the Measures element shall prevail over all other elements. However, if any element is substantially and materially more precise than the Measures element, then that element shall be taken into consideration when determining the scope and/or meaning of the reservation. In particular, if the Measures element merely contains a general reference such as "cantonal legislations", then any other more specific element shall prevail; and

(c) the "Qualification" in the Description element applies to the levels of government indicated in the Level of Government element, unless more narrowly specified in the Qualification.

5. In case some fields of legislative competences are transferred in the future from federal to sub-federal level or vice-versa or from sub-federal to municipal level or vice-versa, Switzerland reserves the right to adapt the list of reservations correspondingly. The level of commitment shall not be decreased.

6. The fact that a reservation mentions a particular measure as well as the description of a particular measure shall not be used to infer that the provisions of Chapter 6 necessarily cover that measure.

7. Any activity that is not classified in Chapters 5 to 9 of the CPC is not considered as a service under Chapter 6.

1. Sector: All Sectors

Sub-Sector:

Industry

Classification:

Type of Reservation: National treatment (Article 47)

Level of Government: Federal

Measures: Swiss Code of obligations (SR 220), Articles 718, 764, 814 and 898, as qualified by the Description element

Description: For a joint-stock company (Aktiengesellschaft; société anonyme; società anonima) or a "stock company with unlimited partners" (Kommanditaktiengesellschaft; société en commandite par actions; società in accomandita per azioni): at least one of the members of the board of directors or another person of the company with the right to represent the company must be domiciled in Switzerland (Articles 718 and 764 of the Code).

For a limited liability company (Gesellschaft mit beschränkter Haftung; société à responsabilité limitée; società a garanzia limitata): at least one member of the managing officers or another person of the company with the right to represent the company must be domiciled in Switzerland (Article 814 of the Code).

For a co-operative society (Genossenschaft; société cooperative; società cooperativa): at least one member of the administration or another person of the company with the right to represent the company must be domiciled in Switzerland (Article 898 of the Code).

Qualification: Switzerland reserves the right to maintain, modify or adopt, for aforementioned members, any domicile requirements in sectoral or specific laws or regulations. However, such future measures shall be not more restrictive than the 50 per cent requirement set out pursuant to the Code of obligations prior to its amendment of 1st January 2008.

2. Sector: All Sectors

Sub-Sector:

Industry
Classification: National treatment (Article 47)

Type of
Reservation: Federal

Level of
Government: Swiss Code of obligations (SR 220),
Measures: Article 4 of the final provisions
together with Article 685d of the Code

Description: Joint-stock companies are not prohibited
from providing in their articles of
incorporation that the company may reject
persons as acquirers of registered
shares, as far as 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.

3. Sector: All Sectors
Sub-Sector:
Industry
Classification: Industry
Type of National treatment (Article 47)
Reservation:
Level of Federal
Government:
Measures: Swiss Code of obligations (SR 220),
Article 935
Federal Law on international private law
(SR 291), Article 160
Description: The establishment of a branch requires a
representative (natural person) with
domicile in Switzerland who is duly
authorised by the company to fully
represent it.

4. Sector: All Sectors
Sub-Sector:
Industry
Classification:
Type of National treatment (Article 47)
Reservation:
Level of Cantonal
Government:
Measures: Cantonal legislations
Description: 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 residence permit of the associate(s) under cantonal law.

5. Sector: All Sectors

Sub-Sector:

Industry

Classification: National treatment (Article 47)

Type of Reservation: Federal

Level of Government: Federal Law on the acquisition of real estate by persons abroad (SR 211.412.41)

Measures: Federal Ordinance on the acquisition of real estate by persons abroad (SR 211.412.411)

Description: 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.

Purely financial investments and trade in apartments are prohibited, with the following exceptions:

- (a) foreigners may invest without authorisation in financial participations (*i.e.* shares) in juridical persons that own and trade housing properties, provided such participations are quoted on 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.

6. Sector: All sectors
Sub-Sector: Subsidies
Industry
Classification:
Type of Reservation: National treatment (Article 47)
Level of Government: All
Measures: Federal, cantonal and municipal legislations
As qualified by the Description element
Description: With regard to subsidies, tax incentives and tax credits, Switzerland reserves the right to maintain, modify or adopt any measures which are not inconsistent with its commitments under the GATS.

7. Sector: All sectors
Sub-Sector:
Industry
Classification:
Type of Reservation: National treatment (Article 47)
Level of Government: All
Measures: As qualified by the Description element
Description: When transferring or disposing of its equity or interests in, or the assets of, a state enterprise or a governmental entity, Switzerland reserves the right to:
(a) prohibit or impose limitations on the ownership of such interests or assets by persons of Japan;
(b) impose limitations on the ability of persons of Japan as owners of such interests or assets to control any resulting enterprise;
(c) adopt or maintain any measure relating to the nationality of executives, managers or members of the board of directors of any resulting enterprise.

8. Sector: Construction Work

Sub-Sector: Installation Work

Industry Classification: CPC 5162 Water plumbing and drain laying work

CPC 5163 Gas fitting construction work

CPC 51641 Electrical wiring and fitting work

CPC 51649 Other electrical construction work

CPC 87909 Other business services n.e.c. (limited to reading of gas, water and electricity meters)

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Cantonal and municipal

Measures: Cantonal and municipal legislations

Description: Works related to gas, water and electricity meters, gas pipelines, as well as electricity and main water lines are reserved exclusively to cantons or municipalities or to specific operators.

The reading of gas, water and electricity meters is reserved exclusively to cantons or municipalities or to specific operators.

9. Sector: Trade Services

Sub-Sector: Commission Agents' Services; Wholesale Trade Services; Retail Trade Services

Industry Classification: CPC 6111 Sales of motor vehicles

CPC 6113 Sales of parts and accessories of motor vehicles

CPC 6121 Sales of motorcycles and snowmobiles and related parts and accessories

CPC 622 Wholesale trade services

CPC 631 Food retailing services

CPC 632 Non-food retailing services

Type of Reservation: Market access (Article 46)

Level of Government: Cantonal and municipal

Measures: Cantonal and municipal legislations

Description: Cantonal and municipal enactments provide an authorisation procedure for large-scale distribution facilities that may lead to the rejection of the authorisation on a case-by-case and discretionary basis. No economic needs tests or other market access restrictions apply.

10. Sector: Trade Services

Sub-Sector: Commission Agents' Services; Wholesale Trade Services; Retail Trade Services

Industry Classification: CPC 6111 Sales of motor vehicles (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)

CPC 6113 Sales of parts and accessories of motor vehicles (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)

CPC 6121 Sales of motorcycles and snowmobiles and related parts and accessories (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)

CPC 621 Commission agents' services (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)

CPC 622 Wholesale trade services (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)

CPC 632 Non-food retailing services (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)

Type of Reservation: Market Access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on weapons, weapon components and ammunition (SR 514.54), Articles 8, 12, 17 and 24, as qualified by the Description element

Description: Authorisation is required for import, distribution and trade of goods as defined in the Law. In order to obtain authorisation, enterprises must be

registered in a cantonal Commercial Register in Switzerland. Natural or juridical persons must be resident or domiciled in the same canton for registration in the cantonal Commercial Register (SR 514.54, Articles 8, 12, 17 and 24).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment for retail trade of weapons, weapon components, accessories for weapons, ammunition and ammunition components.

11. Sector: Trade Services

Sub-Sector: Commission Agents' Services; Wholesale Trade Services; Retail Trade Services

Industry Classification: CPC 6111 Sales of motor vehicles (limited to war material and embargoed goods)

CPC 6113 Sales of parts and accessories of motor vehicles (limited to war material and embargoed goods)

CPC 6121 Sales of motorcycles and snowmobiles and related parts and accessories (limited to war material and embargoed goods)

CPC 621 Commission agents' services (limited to war material and embargoed goods)

CPC 622 Wholesale trade services (limited to war material and embargoed goods)

CPC 632 Non-food retailing services (limited to war material and embargoed goods)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on war material (SR 514.51), Articles 7, 8, 9 and 10
Federal Law on the implementation of international sanctions (SR 946.231), Article 1
As qualified by the Description element

Description: Market access and/or national treatment may not be granted in respect of import, export, transit, distribution, brokering and trade of war materials ("Kriegsmaterial", "matériel de guerre", "materiale bellico"). The supply of such services shall not prejudice national interests (SR 514.51, Articles 9 and 10).
The import, export, transit, distribution, brokering, trade, or other disposal of nuclear, biological, and

chemical weapons as well as anti-personnel mines is prohibited (SR 514.51, Articles 7 and 8).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment for any service, if this is necessary for the implementation of international sanctions aiming at enforcing public international law and in particular public international human rights law (SR 946.231, Article 1).

12. Sector: Trade Services

Sub-Sector: Commission Agents' Services; Wholesale Trade Services; Retail Trade Services

Industry Classification: CPC 621 Commission agents' services (limited to explosives)

CPC 622 Wholesale trade services (limited to explosives)

CPC 632 Non-food retailing services (limited to explosives)

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on explosives (SR 941.41), Articles 9 and 10

Federal Ordinance on explosives (SR 941.411), Articles 31 and 35

Description: Authorisation is required for the distribution, sale and trade of explosives (SR 941.41, Articles 9 and 10; SR 941.411 Article 31).

Only natural persons having their residence in Switzerland and juridical persons registered in the cantonal Commercial Register may be authorised to sell explosives (SR 941.411, Article 35).

13. Sector: Trade Services

Sub-Sector: Commission Agents' Services; Wholesale Trade Services; and Retail Trade Services

Industry Classification: CPC 621 Commission agents' services (limited to dual-use goods and special goods for military use)

CPC 622 Wholesale trade services (limited to dual-use goods and special goods for military use)

CPC 632 Non-food retailing services (limited to dual-use goods and special goods for military use)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on the control of goods for civil and military use and of special goods for military use (SR 946.202), Articles 4, 5, 6, and 8

Description: The distribution, import, export, transit, brokering and trade of goods as defined in the Law are subject to various authorisations, declarations and supervisory obligations which *de facto* restrict cross-border supply of such services (SR 946.202, Articles 4, 5, 6 and 8).

14. Sector: Trade Services

Sub-Sector: Commission Agents' Services, Wholesale Trade Services; Retail Trade Services

Industry Classification: CPC 621 Commission agents' services (limited to services related to medicinal products, medical devices, transplant products, narcotics, psychotropic substances, precursors and other chemicals used to produce narcotics and psychotropic substances)

CPC 622 Wholesale trade services (limited to services related to medicinal products, medical devices, transplant products, narcotics, psychotropic substances, precursors and other chemicals used to produce narcotics and psychotropic substances)

CPC 632 Non-food retailing services (limited to services related to medicinal products, medical devices, transplant products, narcotics, psychotropic substances, precursors and other chemicals used to produce narcotics and psychotropic substances)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: Federal Law on the transplantation of organs, tissues and cells (SR 810.21), Article 49
Federal Law on narcotics and psychotropic substances (SR 812.121), Article 4
Federal Law on medicinal products and medical devices (Law on therapeutic products) (SR 812.21), Articles 2, 10, 18, 19, 20, 27, 28, 29, 30, 47 and 50
Federal Ordinance on precursors and other chemicals used to produce narcotics and psychotropic substances (SR 812.121.3), Article 6

Federal Ordinance on authorisations in the area of medicinal products (SR 812.212.1), Articles 7, 12 and 15

Federal Ordinance on medicinal products (SR 812.212.21), Article 29

Cantonal legislations

As qualified by the Description element

Description:

FEDERAL LEVEL:

Authorisation is required for the import, distribution, sale and trade of goods as defined in the Laws cited in the Measures element (SR 810.21, Article 49; SR 812.121, Article 4; SR 812.21, Articles 18, 19, 20, 27, 28, 29, 30 and 47; SR 812.121.3, Article 6).

Juridical persons seeking an authorisation must have their domicile in Switzerland and be registered in a cantonal Commercial Register. Natural persons seeking authorisation must be resident in Switzerland (SR 812.21, Articles 2 and 10; SR 812.121.3, Article 6; SR 812.212.1, Articles 7 and 12; SR 810.21, Article 49).

CANTONAL LEVEL:

Retail distribution:

Authorisation issued by the cantons is required for retail distribution of goods as defined in the Federal Law on the transplantation of organs, tissues and cells (SR 810.21) and in the Federal Law on medicinal products and medical devices (Law on therapeutic products, SR 812.21). Cantons may establish corresponding rules, conditions and procedures (SR 812.21, Article 30; SR 810.21, Article 49).

Qualification: Switzerland reserves the right to maintain, modify or adopt any such rules and conditions.

Mail-order distribution:

Mail-order business and distribution of goods as defined in the Federal Law on the transplantation of organs, tissues and cells (SR 810.21) and in the Federal

Law on medicinal products and medical devices (Law on therapeutic products) (SR 812.21) is prohibited in principle. Authorisation issued by the cantons may be granted in some cases (SR 812.21, Article 27; SR 810.21, Article 49). To obtain such an authorisation, a cantonal retail distribution authorisation granting the permission to operate a public pharmacy is required (SR 812.212.21, Article 29).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment for mail-order business and distribution services.

Note for transparency: Placing certain medical devices on the market may require an authorisation (SR 812.21, Article 47). Import and export of certain medical devices may be restricted or prohibited (SR 812.21, Article 50).

15. Sector: Trade Services

Sub-Sector: Retail Trade Services

Industry Classification: CPC 632 Non-food retailing services
(limited to precious metals)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on the control of trade with
precious metals and goods derived from
precious metals (SR 941.31), Articles 1,
2, 23, 24, 25 and 28

Description: Hawking and taking orders through mobile
sales or advertising units with respect
to goods as defined in Articles 1 and 2
of the Law as well as to precious metal
waste and melting products are
prohibited (Articles 23 and 28).

For commercial trade in precious metal
waste and melting products, an
authorisation is required (Article 24).

To obtain such an authorisation for
natural persons, residence in
Switzerland and registration in the
Swiss Commercial Register are required.
For juridical persons, domicile in
Switzerland and registration in a
cantonal Commercial Register are
required (Article 25).

16. Sector: Transport Services

Sub-Sector: Rail Transport Services; Supporting and Auxiliary Transport Services

Industry Classification: CPC 7111 Passenger transportation
CPC 7112 Freight transportation
CPC 7113 Pushing or towing services
CPC 743 Supporting services for railway transportation

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: Federal Law on railways (SR 742.101), Articles 5 and 6
Federal Ordinance on access to railway infrastructure (SR 742.122), Article 3
Cantonal legislations, as qualified by the Description element

Description: FEDERAL LEVEL:
A concession is required to construct and/or operate railway infrastructure (SR 742.101, Article 5).
A concession to construct and/or operate a railway infrastructure may be granted under the condition that the transport service is delivered in a practical and economical way and, in addition, that substantial public interests are not affected such as zoning plans, the protection of the environment and the landscape, or defence (SR 742.101, Article 6).
Authorisation is required for access to railway infrastructure. Only enterprises domiciled in Switzerland and registered in a cantonal Commercial Register or possessing a concession to construct and/or operate railway infrastructure may obtain such authorisation (SR 742.122, Article 3).

CANTONAL LEVEL:
Authorisation issued by cantons on a case-by-case and discretionary basis is required for the use of public roads by

tramway infrastructure (SR 742.101, Article 6).

Qualification: Switzerland reserves the right for the cantons to maintain, modify or adopt any measures restricting market access and/or national treatment for services as indicated in the Industry Classification element.

17. Sector: Transport Services

Sub-Sector: Internal Waterways Transport Services; Rail Transport Services; Road Transport Services; Other Land Transport Services (Including Cable Railways, Funiculars, Ski Lifts, Sledge Cable Railway, Elevators, Other Similar Transportation Facilities by Cable or by Cable on Railways, and any Other Transport Facility)

Industry Classification: CPC 7111 Passenger transportation
CPC 7121 Other scheduled passenger transportation
CPC 7122 Other non-scheduled passenger transportation
CPC 7221 Passenger transportation

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: Federal Law on passenger transport and on concessions for road transport enterprises (SR 744.10), Articles 2, 4 and 8
Federal Law on inland navigation (SR 747.201), Article 7
Federal Ordinance on concessions for passenger transportation (SR 744.11), Articles 4, 5, 6, 13, 32, 37, 38, 39b, 40 and 47a
Cantonal legislations

Description: FEDERAL LEVEL:
State monopoly for regular transport of passengers (SR 744.10, Article 2; SR 747.201, Article 7).
Concession or authorisation is required for regular transport of passengers (Article 4 SR 744.11).
Concession is required for regular transport as defined in Article 5 of the Federal Ordinance on concessions for passenger transportation (SR 744.11). Such a concession may be granted under the condition that the transport service is supplied in a practical and economical way and, in addition, that

either the transport service does not negatively affect public transport enterprises or that the transport service establishes an important new transport connection (SR 744.10, Article 5; SR 744.11, Article 13).

Authorisation is required for regular transport as defined in Article 6 of the Federal Ordinance on concessions for passenger transportation (SR 744.11), namely for regular cross-border transport, certain international shuttle transport and for the transport of passengers between airports and tourist regions. To obtain an authorisation for regular cross-border and certain international shuttle transport by road, the newly introduced transport services must not compete in any way with public or other existing transport services and an enterprise of Switzerland must have a substantial share in the business. Such an authorisation does not allow the supply of transport services between points within the territory of Switzerland (cabotage). To obtain an authorisation for the transport of passengers between airports and tourist regions, the conditions for obtaining a concession must be met (SR 744.11, Articles 6, 37, 38, 39b, 40 and 47a).

Authorisation is required for enterprises undertaking regular passenger transport or freight transport by road (SR 744.10, Article 8).

CANTONAL LEVEL:

Authorisation issued by cantons is required for regular passenger transport as defined in the Federal Ordinance on concessions for passenger transport (SR 744.11, Article 6). To obtain such authorisation, the newly introduced service must not compete in any way with public transport (SR 744.10, Article 4; SR 744.11, Articles 13 and 32).

18. Sector: Transport Services

Sub-Sector: Road Transport Services

Industry Classification: CPC 7121 Other scheduled passenger transportation

CPC 7122 Other non-scheduled passenger transportation

CPC 7123 Freight transportation

Type of Reservation: Most-favoured-nation treatment (Article 45)

Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on the shift to rail of freight traffic crossing the Alps (SR 740.1), Article 1

Federal Law on road transport (SR 741.01), Article 106

Federal Ordinance on the admission of persons and vehicles to road traffic (SR 741.51), Article 115

Agreement of 21 June 1999 on the carriage of goods and passengers by rail and road between the European Community and the Swiss Confederation (SR 074.72)

Other bilateral road transport agreements, existing (SR 0.741.619 series) and future

Description: Freight transport on roads crossing the Alps shall not exceed 650'000 rides per year (SR 740.1, Article 1). The Federal Law on the shift to rail of freight traffic crossing the Alps provides the possibility to introduce non-discriminatory measures to achieve the objective of shifting freight traffic to rail (SR 740.1, Article 2).

Switzerland reserves the right to accord less favourable treatment to services or service suppliers of Japan for transport of goods and/or passengers by vehicles registered in countries other than Switzerland in, into, out of, or in transit through Swiss territory than that accorded to like service suppliers of any other country, normally pursuant

to bilateral road transport agreements (SR 741.01, Article 106; SR 0.741).

Vehicles must carry a Swiss vehicle document and a Swiss licence plate if they transport passengers or freight between points within the territory of Switzerland (prohibition of cabotage) on a commercial basis (SR 741.51, Article 115).

19. Sector: Transport Services
Sub-Sector: Road Transport Services
Industry Classification: CPC 7122 Other non-scheduled passenger transportation (limited to services supplied by taxis)
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Cantonal and municipal
Measures: Cantonal and municipal legislations, as qualified by the Description element
Description: Cantonal and municipal enactments on taxi services provide monopolies, concessions or licences to specific operators or impose various measures restricting market access and/or national treatment.
Qualification: Switzerland reserves the right to maintain, modify or adopt any measures of the type described.

20. Sector: Transport Services

Sub-Sector: Pipeline Transport Services

Industry Classification: CPC 7131 Transportation of petroleum and natural gas

CPC 7139 Transportation of other goods

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: Federal Law on pipeline installations (SR 746.1), Articles 2, 3 and 4

Cantonal legislations

Description: For public and economic policy reasons specified in the Law, market access for foreign companies to receive approval to construct pipeline installations in Switzerland may be restricted or denied (SR 746.1, Articles 2 and 3).

To receive approval to construct pipeline installations in Switzerland and/or to supply services as indicated in the Industry Classification element, a foreign enterprise must have its management as well as its production management resident in Switzerland. Furthermore, the foreign enterprise must have an operational organisation which ensures the implementation of Swiss Law (SR 746.1, Article 4).

Cantonal authorisation may be required and is granted on a case-by-case and discretionary basis.

21. Sector: Transport Services;
Business Services

Sub-Sector: Maritime Transport Services;
Leasing or Rental Services Concerning
Vessels without Operator; Leasing or
Rental Services Concerning Pleasure and
Leisure Equipment

Industry
Classification:: CPC 721 Transport services by seagoing
vessels (limited to flag-
related restrictions)

CPC 83103 Leasing or rental services
concerning vessels without
operator (limited to maritime
transport and flag-related
restrictions)

CPC 83204 Leasing or rental services
concerning pleasure and
leisure equipment (limited to
maritime transport and flag-
related restrictions)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on maritime transport under
Swiss flag (SR 747.30), Articles 19, 20,
21, 22, 23, 24 and 91

Federal Ordinance on maritime transport
(SR 747.301), Articles 5, 5a, 5b, 5c,
5d, 5e, 5f and 6

Federal Ordinance on Swiss maritime
yachts (SR 747.321.7), Articles 17 and
18

Description: 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 (SR 747.301,
Article 5d).

The following types of enterprises as
listed hereinafter may own and/or
operate a vessel under Swiss flag under
the following conditions (vessel owner
and/or shipping company):

(a) the head office and actual centre of
business 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 (Aktiengesellschaft; société anonyme; società anonima) or a stock company with unlimited partners (Kommanditaktiengesellschaft; société en commandite par actions; società in accomandita per azioni) 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;
 - (d) at least three quarters of the associates or other partners who account for at least three quarters of the capital of a collective society (Kollektivgesellschaft; société en nom collectif; società in nome collettivo), a limited partnership (Kommanditgesellschaft; société en commandite; società in accomandita) or a limited liability company (Gesellschaft mit beschränkter Haftung; société à responsabilité limitée; società a garanzia limitata) 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 (Genossenschaft; société coopérative; società cooperativa) 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 types of enterprises 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 a single person, this person must be a Swiss national domiciled in Switzerland;
 - (iii) in addition, the Swiss Maritime Navigation Office may, if necessary, require other executives and/or senior managers of the enterprise to be Swiss nationals domiciled in Switzerland to ensure the substantially Swiss-owned and effectively Swiss-controlled character of the enterprise;
- (b) for sole proprietorships (Einzelfirma; entreprise individuelle; ditta individuale), 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, a stock company with unlimited partners, a limited liability company or a co-operative society must be Swiss nationals;
- (d) statutory auditing reports must be drawn up by auditing companies with an office or branch domiciled in Switzerland and registered in a cantonal Commercial Register;
- (e) eligibility for public guarantee of loans for the financing of seagoing vessels is reserved to vessels sailing under Swiss flag (SR 747.30, Articles 19, 20, 21, 22, 23 and 24; SR 747.301, Articles 5, 5a, 5b, 5c, 5d, 5e, 5f and 6).

Rental/Leasing without operator relating to ships under Swiss flag is allowed to Swiss ship-owning companies only (SR 747.30, Article 91).

Commercial maritime transport services for passenger and freight by sport and leisure crafts under Swiss flag and leasing or rental services relating to sport and leisure crafts under Swiss flag are prohibited (SR 747.321.7, Articles 17 and 18).

22. Sector: Transport Services;
Business Services

Sub-Sector: Internal Waterways Transport Services
(Limited to the Rhine); Leasing or
Rental Services Concerning Vessels
without Operator; Leasing or Rental
Services Concerning Pleasure and Leisure
Equipment

Industry
Classification: CPC 7221 Passenger transportation
(limited to transport on the
Rhine)

CPC 7222 Freight transportation
(limited to transport on the
Rhine)

CPC 7223 Rental services of non-
seagoing vessels with operator
(limited to transport on the
Rhine)

CPC 83103 Leasing or rental services
concerning vessels without
operator (limited to internal
waterways transport and flag-
related restrictions)

CPC 83204 Leasing or rental services
concerning pleasure and
leisure equipment (limited to
internal waterways transport
and flag-related restrictions)

Type of Reservation: Most-favoured-nation treatment (Article
45)

Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on maritime transport under
Swiss flag (SR 747.30), 91, 125 and 126

Federal Law on ship registry (SR
747.11), Article 4

Federal Ordinance on ship registry (SR
747.111), Articles 8, 9, 10, 11, 12, 13,
14 and 15

Revised Act on Rhine shipping of 17
October 1868 between Baden, Bavaria,
France, Hessen, Netherlands and Prussia
(SR 0.747.224.101), as may be amended in
the future, Articles 2 and 4

Description:

Ships under the flag of a Contracting Party to the Revised Act on Rhine shipping are defined as "belonging to Rhine shipping" (SR 0.747.224.101, Article 2).

As defined by the Revised Act on Rhine shipping (SR 0.747.224.101, Article 4) and as defined in the Federal Law on maritime transport under Swiss flag (SR 747.30, Article 125), ships "belonging to Rhine shipping" have the right to transport passengers and goods between two points on the Rhine. It is not allowed to supply services as indicated in the Industry Classification element under other flags (SR 0.747.224.101, Article 4).

All ships offering commercial transport services of passengers and goods on internal waterways on the territory of Switzerland, including waterways sharing the border with another country, must be registered in the ship registry (Schiffsregister, registre des bateaux, registro del naviglio). To be registered in the ship registry, more than 50 per cent of a ship must be owned by one or more natural persons having their residence in Switzerland or by one or more juridical persons having their domicile in Switzerland. In addition, a ship may be registered in the ship registry only if it is allowed to carry the Swiss flag and if it belongs to an economically independent enterprise or branch with a full-fledged operational organisation in Switzerland (SR 747.11, Article 4).

The owner of a Rhine vessel that is permitted to fly the Swiss flag on the Rhine must meet the requirements as specified hereinafter. Rhine vessels are defined as vessels used for the commercial transport of persons or goods on the Rhine, its tributaries and side canals, downstream of the town of Rheinfelden. The Confederation, the cantons and Swiss public corporations and organisations are not required in their capacity as ship owners to prove that they fulfil these requirements. A

maritime vessel that is entered in the register of Swiss maritime vessels (Register der Schweizerischen Seeschiffe, registre des navires suisses, registro delle navi marittime svizzere) may operate on the Rhine under the Swiss flag (SR 747.111, Article 8).

Concerning the abovementioned flag-related restrictions, the following states are "accorded equal status to Switzerland":

- (a) the Contracting Parties to the Revised Act on Rhine shipping of 17 October 1868;
- (b) the Member States of the European Community in which, for the purpose of flying the flag of their state on the Rhine, regulations that are equivalent to those applicable to the Contracting Parties to the Revised Act on Rhine shipping apply (SR 747.111, Article 9).

If more than half of the ship is owned by a natural person, a commercial business, a legal entity or its branch office, it must be domiciled in Switzerland and be a national of Switzerland or of a state "accorded equal status to Switzerland" or it must have its registered office in Switzerland and fulfil the requirements of Articles 11 to 13 of SR 747.111 as stated hereinafter with regard to the majority requirement and participation levels.

If more than half of the ship is owned by more than one natural person, commercial company, legal entity or its branch office, these must be domiciled in Switzerland and be a national of Switzerland or of a state "accorded equal status to Switzerland", or these must have their registered office in Switzerland and fulfil the requirements of Articles 11 to 13 (SR 747.111) as stated hereafter with regard to the majority requirement and participation levels (SR 747.111, Article 10).

If the ship is owned by a commercial

business or a legal entity, this commercial business or legal entity must fulfil the following requirements:

- (a) two thirds of all company members (partners, general partners, limited partners and other co-partners) must be domiciled in Switzerland or in a state "accorded equal status to Switzerland" and be a national of Switzerland or of a state "accorded equal status to Switzerland" or, if the limited partners or other co-partners are legal entities or commercial businesses, they must be entities from Switzerland or from a state "accorded equal status to Switzerland" (SR 747.111, Article 13). The partners must in addition hold a minimum of two thirds of the capital;
- (b) persons from Switzerland or from states "accorded equal status to Switzerland" must hold a minimum of two thirds of the share capital, registered capital or cooperative capital (SR 747.111, Article 13); these persons must also as a minimum hold the same proportion of voting rights;
- (c) a minimum of two thirds of all members of an association as well as all members of the committee or any other executive association body must be domiciled in Switzerland or in a state "accorded equal status to Switzerland" and be nationals of Switzerland or of a state "accorded equal status to Switzerland";
- (d) all members of the board of governors of a foundation must be domiciled in Switzerland or in a state "accorded equal status to Switzerland" and be nationals of Switzerland or of a state "accorded equal status to Switzerland".

Usufructuaries, secured creditors or persons entitled to any other participation in the business of the ship owner must, if they are in a position to exert a significant

influence on the management of the business, fulfil the same requirements as the owner.

Trustors must fulfil the same requirements as trustees. The same condition applies by analogy to arrangements similar to trusts.

A commercial business or legal entity is not regarded as an economically or commercially independent business if the master of the ship, the ship's crew or the members of their families own more than two thirds of the ship (SR 747.111, Article 11).

If only one person is entrusted with the management or administration of a sole proprietorship, commercial business or legal entity, that person must be domiciled in Switzerland and be a national of Switzerland or of a state "accorded equal status to Switzerland".

If more than one person is entrusted with the management or administration of a sole proprietorship, commercial business or legal entity, then the majority of those persons must be domiciled in Switzerland; two thirds must be nationals of Switzerland or of a state "accorded equal status to Switzerland".

Any horizontal provisions on nationality as stated in this agreement that impose stricter conditions are reserved (SR 747.111, Article 12).

The following persons are regarded as persons from Switzerland or from states "accorded equal status to Switzerland" in accordance with the Revised Act on Rhine shipping:

- (a) natural persons that are domiciled in Switzerland or in a state "accorded equal status to Switzerland" and who are nationals of Switzerland or of a state "accorded equal status to Switzerland";
- (b) commercial businesses and legal entities that have their registered office in Switzerland or in a state

"accorded equal status to Switzerland" and in which natural persons as referred to in (a) or other commercial businesses or legal entities hold a significant participation as members or partners, shareholders, cooperative members or as other co-partners (sub-participation). Commercial partnerships or legal entities that hold a sub-participation must themselves fulfil the requirements of a significant participation as defined below. The foregoing also applies to any other significant participation in a sub-participation.

A significant participation is defined as (SR 747.111, Article 13):

- (a) a participation in the capital normally amounting to at least two thirds;
- (b) the possession of the same proportion of the voting rights; and
- (c) a significant involvement in the management and administration.

An undertaking in terms of Article 4 of SR 747.11 as stated above (sole proprietorships, commercial businesses, legal entities) or its branch office must:

- (a) be organised appropriately in Switzerland for operating, equipping and manning the vessel; and
- (b) have the centre of its commercial activities in Switzerland and conduct the operation of the vessel from there.

These conditions apply by analogy to associations of joint-owners or co-owners.

If the operational tasks are carried out on board by the master of the ship or a member of the ship's crew (private ship's owner), the owner of the vessel must be domiciled in Switzerland and be a national of Switzerland or of a state "accorded equal status to Switzerland".

If the ship is owned by more than one person (joint owners or co-owners), these owners must all be domiciled in Switzerland and be nationals of Switzerland or of a state "accorded equal status to Switzerland" (SR 747.111, Article 14).

If a Rhine vessel is operated by an inland operator who is not the owner, this operator must either:

- (a) be domiciled or have its registered office in Switzerland and fulfil the requirements that the Ordinance specifies for the owner; or
- (b) be domiciled or have its registered office in a state "accorded equal status to Switzerland" and fulfil the requirements that this state specifies for inland operators. In relation to this, the operator must provide an official document in accordance with the Revised Act on Rhine shipping of 17 October 1868 (SR 0.747.224.101).

If a ship is acquired by an owner in terms of Article 8 of SR 747.111 on behalf of the inland operator and primarily for funding purposes, the inland operator must be domiciled or have its registered office in Switzerland as well and must fulfil the same requirements as the owner (SR 747.30, Article 126; SR 747.111, Article 15).

Rental/Leasing without operator relating to ships under Swiss flag is allowed to Swiss ship-owning companies only (SR 747.30, Article 91).

23. Sector: Transport Services

Sub-Sector: Internal Waterways Transport Services

Industry Classification: CPC 7221 Passenger transportation
(excluding transport on the Rhine)

CPC 7222 Freight transportation
(excluding transport on the Rhine)

CPC 7224 Towing and pushing services
(excluding transport on the Rhine)

Type of Reservation: Market access (Article 46)

Level of Government: Federal and cantonal

Measures: Federal Law on inland navigation (SR 747.201), Article 3

Cantonal legislations, as qualified by the Description element

Description: Cantons have the competence to restrict or prohibit inland navigation on their internal waterways to protect public interests.

Qualification: Switzerland reserves the right for the cantons to maintain, modify or adopt any measures restricting market access and/or national treatment for transport services on internal waterways.

24. Sector: Transport Services, Business Services, Agricultural Services, Community Services

Sub-Sector: Air Transport Services; Specialty Air Services

Industry Classification: CPC 731 Passenger transportation by air

CPC 732 Freight transportation by air

CPC 734 Rental services of aircraft with operator

CPC 86753 Surface surveying services (limited to airborne surveying services)

CPC 8719 Other advertising services (limited to aerial advertising services)

CPC 87504 Speciality photography services (limited to aerial photography)

CPC 8811 Services incidental to agriculture (limited to aerial spraying)

CPC 8814 Services incidental to forestry and logging (limited to air-lifted logging and forest fire management)

CPC 9126 Police and fire protection services (limited to aerial fire-fighting)

Type of Reservation: Most-favoured-nation treatment (Article 45)

Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on air transport (SR 748.0), Articles 2, 8, 27, 28, 29, 30 and 32.

Federal Ordinance on air transport (SR 748.01), Articles 4, 83, 103 and 108

Agreement of 21 June 1999 on air transport between the Swiss Confederation and the European Community (SR 0.748.127.192.68)

Other bilateral air services agreements, existing (SR 0.748.127 series) and

future

Description:

In order to operate in Swiss air-space, aeroplanes must be registered in the Swiss aircraft register (Schweizerisches Luftfahrzeugregister; registre matricule suisse; matricola svizzera). Foreign aeroplanes may be allowed to operate in Swiss air-space pursuant to bilateral agreements (SR 748.0 Article 2).

Aeroplanes owned by the following natural or juridical persons may be registered in the Swiss aircraft register:

(a) Swiss nationals;

(b) foreigners, who:

(i) pursuant to a bilateral agreement, are accorded equal status to Swiss nationals in respect of foreign capital participation in and management of Swiss air traffic companies;

(ii) are domiciled in Switzerland; and

(iii) are permitted to stay in Switzerland for an extended period of time;

(c) foreigners, who:

(i) are domiciled in Switzerland;

(ii) are permitted to stay in Switzerland for an extended period of time; and

(iii) normally use the aeroplane from Switzerland;

companies and co-operative societies domiciled in Switzerland and registered in a cantonal Commercial Register (SR 748.01, Article 4).

An authorisation is required for the commercial transport of passengers and freight (SR 748.0, Article 27).

Commercial transport of passengers includes services such as air sightseeing services or transport of parachute jumpers and of heli-skiers. Commercial transport of freight includes air-lifted transport of material for construction sites or air lifted

logging. A concession is required for the regular transport of passengers and freight on the same flight route (SR 748.0, Article 28). In order to obtain such authorisation or concession, an enterprise must have its domicile in Switzerland (SR 748.0, Article 27), be registered in a cantonal Commercial Register and be owned and controlled by a majority of Swiss nationals or Swiss enterprises. The majority of the shares must be registered shares and in Swiss hands (SR 748.01, Article 103).

Enterprises without domicile in Switzerland may obtain such authorisation and concession on the basis of reciprocity, normally pursuant to bilateral air services agreements. Switzerland reserves the right to accord less favourable treatment to services or service suppliers of Japan than that accorded to like services or service suppliers of any other country (SR 748.0, Articles 29, 30; SR 748.01, Article 108; SR 0.748).

Commercial transport services of passengers or freight between points within the territory of Switzerland (cabotage), as well as rental services of aircraft with operator, must be supplied by Swiss enterprises exclusively, unless international agreements stipulate otherwise. Switzerland reserves the right to accord less favourable treatment to services or service suppliers of Japan than that accorded to like services or service suppliers of any other country, normally pursuant to bilateral air services agreements (SR 748.0, Article 32; SR 0.748).

Aerial advertising is prohibited (SR 748.01, Article 83).

25. Sector: Transport Services

Sub-Sector: Supporting and Auxiliary Transport Services

Industry Classification: CPC 741 Cargo handling services (limited to cargo handling services for air transport)

CPC 7461 Airport operation services (excl. cargo handling)

Type of Reservation: Most-favoured-nation treatment (Article 45)

Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Ordinance on aviation infrastructure (SR 748.131.1), Article 29a and Annex on ground-handling services

Agreement of 21 June 1999 on air transport between the Swiss Confederation and the European Community (SR 0.748.127.192.68)

Description: The Ordinance stipulates that Council Directive 96/67/EC of October 1996 on access to the ground-handling market at Community airports shall apply in Switzerland (SR 748.131.1 Article 29a). As a consequence, as provided for by the provisions of the Directive, access to the ground-handling services market may be guaranteed on a reciprocal basis only.

The number of ground-handling services suppliers may be limited in accordance with Council Directive 96/67/EC of October 1996 on access to the ground-handling market at Community airports (SR 748.131.1, Annex on ground-handling services).

26. Sector: Transport Services
Sub-Sector: Supporting and Auxiliary Transport Services
Industry Classification: CPC 7441 Bus station services
CPC 7443 Parking services
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Cantons
Measures: Cantonal legislations
As qualified by the Description element
Description: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access or national treatment for services as indicated in the Industry Classification element, including monopolies and exclusive service suppliers.

27. Sector: Transport Services

Sub-Sector: Supporting and Auxiliary Transport Services

Industry Classification: CPC 7442 Highway, bridge and tunnel operation services

Type of Reservation: Market access (Article 46)

Level of Government: Federal

Measures: Federal Constitution (SR 101), Article 82

Description: The supply of highway, bridge and tunnel operation services must be free of charge (Article 82). This amounts to a *de facto* ban of the supply of such services on a private commercial basis. Highways, bridges and tunnels are all state-owned and operated by the state or by delegated entities.

28. Sector: Transport Services
Sub-Sector: Supporting and Auxiliary Transport Services
Industry Classification: CPC 7462 Air traffic control services
Type of Reservation: Market access (Article 46)
Level of Government: Federal
Measures: Federal Law on aviation (SR 748.0), Article 40
Federal Ordinance on air traffic control services (SR 748.132.1), Article 2
Description: Air traffic control services may be supplied exclusively by a non-commercial institution designated by the Federal Council.

29. Sector: Communications Services

Sub-Sector: Postal and Courier Services

Industry: CPC 751 Postal and courier services

Classification:

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures:

Federal Law on postal services (SR 783.0), Article 2

Federal Ordinance on postal services (SR 783.01), Articles 2 and 3

Federal Ordinance on road traffic (SR 741.11), Article 91

As qualified by the Description element

Description:

Swiss Post (Die Schweizerische Post; La Poste Suisse; La Posta Svizzera) has the exclusive mandate to guarantee universal postal service. This covers the pick-up, transport and delivery of domestically and internationally addressed letters up to one kilogram and parcels up to 20 kilograms as well as the pick-up, transport and delivery of subscribed newspapers and periodicals.

Unlike other postal services suppliers, Swiss Post is allowed to drive heavy vehicles at night and on Sundays (SR 741.11, Article 91).

Note for transparency: The exclusive mandate and therefore this reservation do not apply to express delivery services.

Qualification: This reservation corresponds to the legislation (measures) in force on 1 April 2004.

30. Sector: Communications Services

Sub-Sector: Telecommunications Services; Audiovisual Services

Industry Classification: CPC 7524 Programme transmission services

CPC 75300 Radio and television cable services

CPC 9613 Radio and television services

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on telecommunications (SR 784.10), Article 3

Federal Law on radio and television (SR 784.40), Articles 1 and 2

Description: According to Swiss Law, telecommunications services are defined as the transport of electromagnetic signals - sound, data, image and combinations thereof - excluding services which are defined as broadcasting services according to the Federal Law on radio and television.

Broadcasting services are defined as the production, processing, transmission and reception of radio and television programme services. A programme service is a sequence of programmes which are offered continuously, defined in time and transmitted using telecommunications techniques and which are intended for the public.

Consequently, the scope of non-conforming measures contained in this reservation and relating to telecommunications or broadcasting is to be determined on the basis of the above definitions.

31. Sector: Communications Services

Sub-Sector: Telecommunications Services; Audiovisual Services

Industry Classification: CPC 7524 Programme transmission services

CPC 75300 Radio and television cable services

CPC 9613 Radio and television services (limited to the licensing procedure and financing)

Type of Reservation: Most-favoured-nation treatment (Article 45)

Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on radio and television (SR 784.40), Articles 38, 43, 44, 53 and 59

As qualified by the Description element

Description: The Law establishes two types of licences:

1. licences with a performance mandate and giving right to a share in revenue from reception fees (Article 38);
2. licences with a performance mandate without giving right to a share in revenue from reception fees (Article 43).

Licences of type 1 shall be granted to local and regional broadcasters in defined coverage areas. Licensees must be natural persons domiciled in Switzerland or juridical persons having their headquarters in Switzerland. Only one licence is granted per coverage area (Article 38 and 44).

Licences of type 2 shall be granted only to a natural person domiciled in Switzerland or to a juridical person having its headquarters in Switzerland (Article 44).

A licence may not be granted to a juridical person under foreign control, to a Swiss juridical person with foreign capital participation or to a natural

person who does not have Swiss nationality if reciprocity is not granted (Article 44).

The maximum number of licences (types 1 and 2 together) per broadcasting company is two for television and two for radio (Article 44).

Programmes of the Swiss Broadcasting Corporation (Schweizerische Radio- und Fernsehgesellschaft; Société suisse de radiodiffusion et télévision; Società svizzera di radiotelevisione (SRG/SSR idée suisse)) and of other companies that have been granted a licence benefit from guaranteed and privileged access to wireless terrestrial broadcasting or broadcasting by wire (Articles 53 and 59).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment with respect to broadcasting services.

32. Sector: Communications Services

Sub-Sector: Telecommunications Services; Audiovisual Services

Industry Classification: CPC 75241 Television broadcast transmission services

CPC 75300 Radio and television cable services (limited to television services)

CPC 96132 Television services (limited to the programming)

CPC 96133 Combined programme making and broadcasting services (limited to television services)

Type of Reservation: Most-favoured-nation treatment (Article 45)

Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on radio and television (SR 784.40), Article 7

Federal Ordinance on radio and television (SR 784.401), Articles 5 and 6

Description: Television broadcasters with a national or regional language programme service are obliged to reserve at least 50 per cent of their broadcasting time for Swiss or European productions and are obliged to reserve at least 10 per cent of their broadcasting time or 10 per cent of their production costs for works from independent Swiss or European producers (SR 784.40, Article 7 and SR 784.401, Article 5).

Television broadcasters with a national or regional language programme service which broadcast films in their programme service must spend at least 4 per cent of their gross revenue on purchase, production or co-production of Swiss films or must pay a corresponding support fee of up to 4 per cent. This obligation also applies to foreign television broadcasters which offer windows of national or regional language programme services in Switzerland (SR

784.40, Article 7) and which offer feature, documentary and animation films in their respective programmes (SR 784.401, Article 6).

33. Sector: Financial Services

Sub-Sector: Insurance Services

Industry Part of CPC 81

Classification:

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Cantonal

Measures: Cantonal legislations

Description: 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 Innerrhoden, 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.

34. Sector: Financial Services

Sub-Sector: Insurance Services

Industry Part of CPC 81

Classification:

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures:

Federal Law on the supervision of private insurers (SR 961.01), Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 41, 42 and 44

Federal Ordinance on the supervision of private insurers (SR 961.011), Articles 182, 183, 184, 185, 186 and 187

Description:

Representative offices may not conduct business or act as an agent (Articles 3 to 15 and 41).

For insurance companies incorporated in Switzerland, the legal form of a joint-stock company (Aktiengesellschaft; société anonyme; società anonima) or a co-operative society (Genossenschaft; société coopérative; società cooperativa) 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 (Articles 7 and 15).

Except for maritime, aviation and transport insurance services (MAT) as well as reinsurance services, commercial presence is required in Switzerland (Articles 3 and 15).

For insurance intermediation services, such as brokerage and agency, only services supplied by insurance companies established in Switzerland may be supplied with the exception of maritime, aviation and transport insurance services (MAT) as well as reinsurance services. Dependent intermediary insurance suppliers are required to be affiliated to an insurance company domiciled in Switzerland. Independent intermediary insurance suppliers are required to register in the intermediary

insurance register
(Versicherungsvermittler-Register;
Registre des intermédiaires en
assurance; Registro degli intermediari
assicurativi) (SR 961.01, Articles 7,
15, 41, 42, 43 and 44; SR 961.011,
Articles 182 to 187).

35. Sector: Financial Services

Sub-Sector: Insurance Services

Industry Part of CPC 81

Classification:

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on occupational benefit plans concerning old-age, survivors and invalidity (SR 831.40), Articles 11 and 48

Description: Pension funds must be established in Switzerland in order to operate in the statutory pension funds scheme ("Berufsvorsorge"; "prévoyance professionnelle"; "previdenza professionale"). Participation in the statutory pension funds scheme requires pension funds to be organised in the form of a co-operative society or of a foundation (Stiftung; fondation; fondazione) (Article 48).

Employers employing persons subject to compulsory insurance must be affiliated to a provident institution ("Vorsorgeeinrichtung"; "institution de prévoyance"; "istituto di previdenza") entered in the Register for occupational benefit plans ("Register für die berufliche Vorsorge"; "registre de la prévoyance professionnelle"; "registro della previdenza professionale") according to Swiss Law (Article 11).

36. Sector: Financial Services

Sub-Sector: Insurance Services

Industry Part of CPC 81

Classification:

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on health insurance (SR 832.10), Articles 3 and 4
Federal Ordinance on health insurance (SR 832.102), Article 12

Description: Participation in the basic health insurance scheme requires health insurance suppliers to be organised in one of the following legal entities: an association (Verein; association; associazione), a co-operative society, a foundation or a joint-stock company with non-profit purposes (SR 832.102, Article 12).

Foreign health insurance suppliers must be established in Switzerland in order to operate in the basic health insurance scheme (SR 832.102, Article 12). Persons subject to compulsory health insurance must choose a health insurance participating in the basic health insurance scheme or a private insurer according to Swiss law as their insurance supplier (SR 832.10, Articles 3 and 4).

37. Sector: Financial Services
Sub-Sector: Insurance Services
Industry Part of CPC 81
Classification:
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Federal
Measures: Federal Law on accident insurance (SR 832.20), Article 68
Description: Foreign insurance suppliers must be established in Switzerland in order to operate in the compulsory accident and occupational disease insurance scheme. Persons subject to compulsory accident and occupational disease insurance but excluded from the scope of the Swiss Accident Insurance Fund (Schweizerische Unfallversicherungsanstalt; Caisse nationale suisse d'assurance en cas d'accidents; Istituto svizzero di assicurazione contro gli infortuni (Suva)) must be affiliated by their employer with a private insurer or a health insurance fund with domicile in Switzerland.

38. Sector: Financial Services
Sub-Sector: Banking and Other Financial Services
Industry: Part of CPC 81
Classification:
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Federal
Measures: Federal Law on the issuance of specific mortgage bonds (SR 211.423.4), Articles 1, 2, 3, 4, and 5
Description: Two mortgage bond issuance institutes have been granted an exclusive right to issue specific mortgage bonds ("Pfandbriefe"; "lettres de gage"; "obbligazioni fondiarie"); in case of the first institute only Swiss cantonal banks are accepted as members; in case of the second institute, banks with head offices in Switzerland whose national mortgage loan business amounts to at least 60 per cent of their balance sheet can be members; the issuance of other mortgage-backed bonds is not affected by this regulation.

39. Sector: Financial Services
Sub-Sector: Banking and Other Financial Services
Industry Part of CPC 81
Classification:
Type of Reservation: National treatment (Article 47)
Level of Government: Federal
Measures: Federal Law on stamp duty (SR 641.10),
Article 14
Description: The issuance of foreign collective
investment funds is subject to stamp
duty.

40. Sector: Financial Services
Sub-Sector: Banking and Other Financial Services
Industry Part of CPC 81
Classification:
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Federal
Measures: Federal Law on banks and savings banks
(SR 952.0), Articles 3*bis* and 3*ter*
Federal Ordinance on banks and savings
banks (SR 952.02), Article 5
Federal Ordinance on foreign banks in
Switzerland (SR 952.111), Articles 4, 12
and 14

Description:

I. If the foreign controlling ultimate shareholders and/or beneficial owners are nationals and/or residents of a non-Party, then

- the licence to establish a bank to be organised under Swiss law;
- the licence to establish an office, a branch or an agency of a foreign or foreign-controlled bank; and
- the licence to appoint a permanent representative of a foreign bank;

are subject to the additional condition that the country of domicile of the foreign bank or of the foreign controlling corporate or individual shareholder shall guarantee reciprocity.

II. An additional licence (as described under I.) must be obtained by any bank which falls under foreign control or if a foreign controlled bank undergoes a change of its foreign shareholders holding a qualified participation.

A bank organised under Swiss law falls under this provision whenever a foreign person (see below) with a qualified participation directly or indirectly holds more than 50 percent of the voting rights in the bank or a significant influence on it is exercised in another manner.

The following shall be deemed foreign persons:

- (a) natural persons who have neither Swiss nationality nor a residence permit conferring the right of establishment in Switzerland;
- (b) juridical persons and partnerships who have their registered office abroad or, if they have their registered office in Switzerland, are controlled by persons defined under (a).

41. Sector: Financial Services
Sub-Sector: Banking and Other Financial Services
Industry: Part of CPC 81
Classification:
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Federal
Measures: Federal Law on banks and savings banks
(SR 952.0), Article 3bis
Federal Ordinance on foreign banks in
Switzerland (SR 952.111), Articles 4 and
12

Description:

The licence

- to establish a bank to be organised under Swiss law, but with respect to which controlling foreign influence exists;
- to establish an office, a branch or an agency of a foreign or foreign-controlled bank; or
- to appoint a permanent representative of a foreign bank;

is subject to the additional condition that the corporate name of the foreign controlled Swiss bank shall in no way indicate or suggest that the bank is Swiss-controlled.

A bank organised under Swiss law falls under this provision whenever a foreign person (see below) with a qualified participation directly or indirectly holds more than 50 percent of the voting rights in the bank or a significant influence on it is exercised in another manner.

The following shall be deemed foreign persons:

- (a) natural persons who have neither Swiss nationality nor a residence permit conferring the right of establishment in Switzerland;
- (b) juridical persons and partnerships who have their registered office abroad or, if they have their registered office in Switzerland, are controlled by persons defined under (a).

42. Sector: Financial Services
Sub-Sector: Banking and Other Financial Services
Industry Part of CPC 81
Classification:
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Federal
Measures: Federal Ordinance on foreign banks in
Switzerland (SR 952.111), Article 2
Description: Representative offices of a foreign bank
may neither conduct business nor act as
an agent.

43. Sector: Financial Services
Sub-Sector: Banking and Other Financial Services
Industry: Part of CPC 81
Classification:
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Federal
Measures: Federal Law on collective investment schemes (SR 951.31), Articles 13, 120 and 123
As qualified by the Description element
Description: Foreign investment funds may be professionally marketed or distributed in or from Switzerland only through a licensed representative agent resident in Switzerland.
Qualification: Switzerland reserves the right to maintain, modify or adopt any measures which are not inconsistent with its commitments under the GATS.

44. Sector: Financial Services
Sub-Sector: Banking and Other Financial Services
Industry Classification: Part of CPC 81
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Federal
Measures: Federal Law on stock exchanges and securities trading (SR 954.1), Article 37
Federal Ordinance on stock exchanges and securities trading (SR 954.11), Articles 14, 41, 49, 53 and 56

Description:

- I. If its ultimate shareholders and/or beneficial owners are nationals and/or residents of a non-Party, authorisation of a foreign stock exchange or of a stock exchange controlled by foreign persons domiciled abroad may be refused if the non-Party in which the foreign stock exchange has its registered office or in which the controlling foreign persons are domiciled does not accord Swiss stock exchanges effective access to its markets and does not offer them the same competitive opportunities as to the local stock exchange. The same rule shall apply to the authorisation of securities dealers.
- II. Stock exchanges and securities dealers which subsequently come under foreign control must obtain the approval of the Swiss Financial Market Supervisory Authority (Eidgenössische Finanzmarktaufsicht (FINMA); Autorité fédérale de surveillance des marchés financiers (FINMA); Autorità federale di vigilanza sui mercati finanziari (FINMA)). The same condition shall apply to foreign-controlled stock exchanges or securities dealers, if there is a change in the foreign persons with significant interests.

Stock exchanges and securities dealers organised under Swiss law shall be considered foreign-controlled, if foreign persons (see below) with significant interests in them hold over half the voting rights directly or indirectly, or otherwise exert a controlling influence on them.

The following shall be deemed foreign persons:

- (a) natural persons who have neither Swiss nationality nor a residence permit conferring the right of establishment in Switzerland;
- (b) juridical persons and partnerships which have their registered office abroad or, if they have their registered office in Switzerland, are controlled by persons mentioned under letter (a).

45. Sector: Financial Services
Sub-Sector: Banking and Other Financial Services
Industry Classification: Part of CPC 81
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Federal
Measures: Federal Ordinance on stock exchanges and securities trading (SR 954.11), Article 39
Swiss Financial Market Supervisory Authority Circular 2008/5, n. 54-63
Description: Representative offices of a foreign securities dealer may neither conduct business nor act as an agent.

46. Sector: Business Services; Community Services

Sub-Sector: Supervisory audit services

Industry Classification: CPC 81312 Financial market regulatory services

CPC 81409 Other services auxiliary to insurance and pension funding

CPC 91112 Financial and fiscal services

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on financial market supervision (SR 956.1), Article 26

Federal Ordinance on financial market supervisory audit (SR 956.161), Articles 2 to 7

Federal Law on collective investment schemes (SR 951.31, Article 127)

Federal Law on money laundering in the financial sector (SR 955.0), Article 19b

As qualified by the Description element

Description: Financial services suppliers may be obliged to mandate an auditing company to audit compliance with all supervisory provisions (*supervisory audit service*). The choice of the auditing company is subject to approval by the supervisory authority (SR 956.1) or the Federal Council (SR 951.31, SR 955.0).

The auditing company must be supervised according to the the Federal Law on the authorisation and control of auditors (SR 956.1).

Note: See reservation No. 54 of this Appendix.

Further conditions for approval may apply *inter alia* with respect to requirements for establishing subsidiaries or the number and years of experience of the senior auditors of the company (SR 956.161, SR 951.31).

Qualification: Switzerland reserves the right to adopt any measures with regard to requirements of supervisory auditing services restricting market access

and/or national treatment.

47. Sector: Business Services

Sub-Sector: Real Estate Services

Industry Classification: CPC 821 Real estate services involving own or leased property

CPC 822 Real estate services on a fee or contract basis

Type of Reservation: National treatment (Article 47)

Level of Government: Federal

Cantonal (Canton of Ticino)

Measures: Cantonal Law on the exercise of fiduciary activities (Legge sull'esercizio delle professioni di fiduciario, del 18 giugno 1984 (11.1.4.1)), Articles 1, 6 and 11

Description: The supply of real estate services on a fee or contract basis in the Canton of Ticino is restricted to "fiduciario immobiliare" (professional title) subject to authorisation.

Measures contained in reservation No. 5 of this Appendix restrict the supply of services classified under CPC 821.

48. Sector: Business Services; Audiovisual Services

Sub-Sector: Leasing or Rental Services Concerning Personal and Household Goods; Audiovisual Services

Industry Classification: CPC 8320 Leasing or rental services concerning personal and household goods (limited to video tapes and other content carriers)

CPC 96113 Motion picture or video tape distribution services

CPC 9612 Motion picture projection services

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: As qualified by the Description element

Description: Switzerland reserves the right to maintain, modify or adopt, on the grounds of public morals or protection of individuals, any measures restricting market access or national treatment for services as indicated in the Industry Classification element. This applies in particular to sexual, obscene, or violent contents.

49. Sector: Business Services

Sub-Sector: Research and Development Services

Industry Classification: CPC 85 Research and Development Services (limited to the participation in Swiss national and European research programs)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Bylaws of the Swiss National Science Foundation (Schweizer Nationalfonds zur Förderung der wissenschaftlichen Forschung (SNF); Fonds national suisse de la recherche scientifique (FNS); Fondo nazionale svizzero per la ricerca scientifica (FNS)), approved by the Federal Council on 2 May 2001, Article 8

Description: To apply as a natural person for participation in national and European research programs, a researcher needs to be resident in Switzerland (independents) or be employed by an institution established in Switzerland.

The Swiss National Science Foundation (SNSF) may authorise, either in individual cases or for whole programs, juridical persons to apply (*i.e.* restriction to market access for enterprises).

50. Sector: Business Services
Sub-Sector: Legal Services
Industry Classification: CPC 861 Legal services (limited to representation services in courts)
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Cantonal
Measures: Cantonal legislations
Description: All cantons maintain measures restricting market access and/or national treatment with respect to legal representation services in courts. Such measures include, but are not limited to, exams and practical experience in the canton where admission is sought and registration in the register of the same canton.

51. Sector: Business Services

Sub-Sector: Legal Services

Industry Classification: CPC 861 Legal services (limited to notary public services)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Cantonal

Measures: Cantonal legislations

Law by the Canton of Zürich on notary public services (Notariatsgesetz vom 9. Juni 1985 *LS 242* (NotG)), Sections 1 and 2

Law by the Canton of Fribourg on notary public services (Loi du 20 septembre 1967 sur le notariat *RSF 261.1* (LN); Gesetz vom 20. September 1967 über das Notariat *SGF 261.1* (NG)), Article 2

Description: Cantons may maintain measures for the supply of notary public services.

In particular, services such as authentication of documents and notarisations (*i.e.* sales acts, donations, inheritance, corporate and foundation charters, *etc.*) may only be supplied by a registered notary public or other expressly authorised commissioners for oaths.

The Canton of Zürich fixes a ceiling of 44 notaries public authorised to practice in its territory.

The Canton of Fribourg fixes a ceiling of 42 notaries public authorised to practice in its territory. The legislation also requires Swiss nationality.

Other cantons maintain similar measures. Some cantonal laws also provide that notaries public be elected by popular vote.

52. Sector: Business Services
Sub-Sector: Legal Services
Industry Classification: CPC 861 Legal services (limited to legal advisory services on Swiss fiscal law)
Type of Reservation: National treatment (Article 47)
Level of Government: Cantonal (Canton of Ticino)
Measures: Cantonal Law on the exercise of fiduciary activities (Legge sull'esercizio delle professioni di fiduciario, del 18 giugno 1984 (11.1.4.1)), Articles 1, 5 and 10
Description: The supply of legal advisory services on Swiss fiscal law in the Canton of Ticino is restricted to "fiduciario commercialista" (professional title) subject to authorisation.

53. Sector: Business Services

Sub-Sector: Legal Services

Industry Classification: CPC 861 Legal services (limited to patent attorneys)

Type of Reservation: National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on patent attorneys (Bill as of 7 December 2007), Articles 2 and 9. This measure shall apply as at the date of entry into force of the Law.

Federal trademark Law (SR 232.11), Article 42

Federal Law on designs (SR 232.12), Article 18

Federal patent Law (SR 232.14), Article 13

Description: To act as a patent attorney ("Patentanwalt"; "conseil en brevets"; "consulente in brevetti") a permanent postal address in Switzerland is required, as well as one year of professional experience in Switzerland under the supervision of a patent attorney admitted by the Swiss Federal Institute of Intellectual Property (Eidg. Institut für Geistiges Eigentum (IGE); Institut fédéral de la propriété intellectuelle (IPI); Istituto federale della proprietà intellettuale (IPI)).

54. Sector: Business Services

Sub-Sector: Accounting and Auditing Services

Industry Classification: CPC 8621 Accounting and auditing services

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Swiss Code of Obligations (SR 220),
Articles 730 and 740
Federal Law on the authorisation and control of auditors (SR 221.302),
Article 4

Description: For auditing companies
("Revisionsstelle"; "organe de révision"; "ufficio di revisione"), at least one auditor must be domiciled in Switzerland or have a registered office or principal or branch office in Switzerland (SR 220, Article 730).
For liquidation companies
("Liquidatoren"; "liquidateurs"; "liquidatori"), at least one of the liquidators must be domiciled in Switzerland (SR 220, Article 740).
Foreign titles that may be required to practice in Switzerland will be recognised, provided the foreign diploma is considered to be equivalent. Moreover, the competence in one national language will be required (SR 221.302, Article 4).

55. Sector: Business Services
Sub-Sector: Engineering Services
Industry Classification: CPC 8672 Engineering services (limited to official land measurements (cadastral and related activities))
Type of Reservation: National treatment (Article 47)
Level of Government: Federal
Measures: Federal Ordinance on federal diploma for land surveyors (SR 211.432.261), Articles 1, 2 and following
Description: Official land measurements (cadastral surveying) may only be carried out by licensed surveyors. A licence is granted to qualified surveyors after they have passed an exam. Theoretical knowledge and practical experience in the home country will be taken into account in the assessment of subject matters for which an exam is necessary.

56. Sector: Business Services

Sub-Sector: Advertising Services

Industry CPC 871 Advertising services

Classification:

Type of Reservation: Market access (Article 46)

Level of Government: Federal

Measures:

Federal Law on medicinal products and medical devices (Law on therapeutic products) (SR 812.21), Article 32

Federal Law on narcotics and psychotropic substances (SR 812.121), Articles 1 and 17

Federal Law on the transplantation of organs, tissues and cells (SR 810.21), Article 49

Federal Ordinance on advertisement for medicinal products (SR 812.212.5), Article 14

Federal Ordinance on medicinal products (SR 812.212.21), Articles 23 and 24

Federal Ordinance on narcotics and psychotropic substances (SR 812.121.1), Article 56

Description: Advertising is prohibited for transplant products (SR 810.21 Article 49; SR 812.21, Article 32), for narcotics and psychotropic substances (SR 812.121, Articles 1 and 17; SR 812.121.1, Article 56) and for medicinal products only available on prescription (SR 812.21, Article 32; SR 812.212.5, Article 14; SR 812.212.21, Articles 23 and 24).

57. Sector: Business Services; Audiovisual Services

Sub-Sector: Advertising Services; Promotion Services; Audiovisual Services

Industry Classification: CPC 7524 Programme transmission services (limited to the broadcasting of promotional material)

CPC 75300 Radio and television cable services (limited to the broadcasting of promotional material)

CPC 87110 Sale or leasing services of advertising space or time (limited to radio and television programmes)

CPC 87120 Planning, creating and placement services of advertisements to be displayed through the advertising media (limited to radio and television programmes).

CPC 96111 Promotion or advertising services (limited to the programming and broadcasting of promotional material)

CPC 9613 Radio and television services (limited to the programming and broadcasting of promotional material)

Type of Reservation: Market access (Article 46)

Level of Government: Federal

Measures: Federal Law on radio and television (SR 784.40), Articles 10 and 12

As qualified by the Description element

Description:

The Law bans the advertisement of tobacco products and medicinal products only available on prescription and restricts the advertisement of alcoholic beverages (Article 10).

Companies whose main activity is the production or sale of the abovementioned products or which mainly supply services to such companies may not sponsor broadcasts (Article 12).

Qualification: Switzerland reserves the right to ban advertising for alcoholic beverages or to introduce any restrictions.

Note for transparency: The promotion of political and religious material may not be broadcast as advertising.

58. Sector: Business Services
Sub-Sector: Advertising Services
Industry: CPC 8719 Other advertising services
Classification: (limited to outdoor advertising services)
Type of Reservation: Market access (Article 46)
Level of Government: Cantonal and municipal
Measures: Cantonal and municipal legislations, as qualified by the Description element
Description: Outdoor advertising on public ground is subject to long-term exclusive supplier's contracts by tender through cantons and municipalities.
Qualification: Switzerland reserves the right to maintain, modify or adopt any measures relating to outdoor advertising on public or private ground for certain products judged to be detrimental to human health or public morals (e.g. tobacco products), including prohibition thereof.

59. Sector: Business Services; Agricultural Services

Sub-Sector: Placement and Supply Services of Personnel; Agency Services; Services Incidental to Agriculture and Forestry

Industry Classification: CPC 872 Placement and supply services of personnel

CPC 87909 Other business services n.e.c. (limited to agency services on behalf of individual performers)

CPC 8811 Services incidental to agriculture (limited to services of farm labour contractors)

CPC 8814 Services incidental to forestry and logging (limited to services of forest labour contractors)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on employment services and the hiring of services (SR 823.11), Articles 2, 3, 12, 13 and 14

Description: The placement and hiring of services from abroad to Switzerland by a foreign company offering services for hire is not allowed (*i.e.* cross-border supply is not allowed).

A placement and/or hiring agency must be registered in a cantonal Commercial Register.

The placement and hiring of services within Switzerland requires a cantonal licence. Companies providing staff from Switzerland for hire or placement abroad or providing newly arriving foreign staff for hire in Switzerland additionally require a federal licence. Natural persons responsible for management of a placement and/or hiring agency must be Swiss nationals or foreigners with a residence permit.

Additional conditions apply to the placement and/or hiring of services, for example: sufficient business expertise,

lodging of a deposit as a guarantee, natural persons responsible for management must be qualified to offer services for hire on a professional basis and be of proven good repute, etc.

These measures apply to all types of placement and hiring, including for example "head-hunter" services, placement and casting of artists, photo models or fashion models, athletes, hiring of household personnel, maids or au pairs, harvesting, logging and other services of farm or forest labour contractors.

These measures apply to all types of placement and hiring including in connection with rental services of machinery or vehicles with operator, driver or crew.

60. Sector: Business Services

Sub-Sector: Investigation and Security Services

Industry Classification: CPC 873 Investigation and security services (limited to forensic analysis of human DNA-profiles)

Note: "DNA" refers to deoxyribonucleic acid.

CPC 873 Investigation and security services (limited to security services excluding security consultation services CPC 87302)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal
Cantonal

Measures: Federal Ordinance on the use of DNA-profiles in criminal proceedings and for the identification of unknown or missing persons (SR 363.1), Article 2
Federal Constitution (SR 101), Articles 178, 5 and 36, as qualified by the Description element

Description: Investigation services as indicated in the Industry Classification element:
The competent authorities may delegate certain investigation activities to competent private laboratories. Legal domicile in Switzerland is required, and the production and supply of the services must take place in Swiss territory (SR 363.1, Article 2) (no cross-border trade or outsourcing abroad allowed).

Note for transparency: requirements are set out in the federal Ordinance on quality and service requirements for forensic analysis of DNA (SR 363.11).

Security services as indicated in the Industry Classification element:
Qualification: Switzerland reserves the right to maintain, modify or adopt any

measures relating to the delegation by
the government of certain security
services to private entities.

61. Sector: Business Services

Sub-Sector: Investigation and Security Services

Industry Classification: CPC 873 Investigation and security services (excluding security consultation services CPC 87302)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Cantonal

Measures: Cantonal legislations, including intercantonal agreements, as qualified by the Description element

Intercantonal Agreement on security enterprises (Concordat concernant les entreprises de sécurité du 18 octobre 1996 (RO 2001 2587), as amended on 5 October 2004 (RO 2004 4303)), Articles 8, 9 and 10

Description: Switzerland reserves the right to maintain, modify or adopt any measures relating to investigation and security services, including through intercantonal agreements.

The Intercantonal Agreement on security enterprises adhered to by Western cantons sets out a requirement of Swiss nationality or permanent residency and passing of a cantonal exam in the canton where establishment is sought (Article 8). Security enterprises from a canton not party to the Intercantonal Agreement may not supply services unless authorisation to do so is granted (Article 10).

62. Sector: Business Services
Sub-Sector: Building Cleaning Services
Industry: CPC 87409 Other building cleaning
Classification: services (limited to furnace
and chimney cleaning services)
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Cantonal
Measures: Cantonal legislations
Description: Some cantons maintain a monopoly or an
exclusive service suppliers scheme for
furnace and chimney cleaning services.

63. Sector: Business Services

Sub-Sector: Collection Agency Services

Industry CPC 87902 Collection agency services

Classification:

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Cantonal

Measures: Cantonal legislations

Cantonal Law of Ticino on the exercise of fiduciary activities (Legge sull'esercizio delle professioni di fiduciario, del 18 giugno 1984) (11.1.4.1), Articles 1, 5 and 10

As qualified by the Description element

Description: The supply of collection agency services in the Canton of Ticino is restricted to "fiduciario commercialista" (professional title) subject to authorisation.

Qualification: Switzerland reserves the right to maintain, modify or adopt any measure relating to collection agency services. This applies to collection services related to any type of claim in respect of, for example, financial assets, real assets, intangible assets (such as intellectual property rights) or any type of debt instruments.

64. Sector: Business Services

Sub-Sector: Translation and Interpretation Services

Industry Classification: CPC 87905 Translation and interpretation services (limited to translation for official purposes)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Cantonal (Cantons of Zürich and Genève)

Measures: Regulation of the Canton of Zürich relating to interpreters, (Dolmetscherverordnung, vom 26./27. November 2003) (LS 211.17), Article 10
Regulation by the Canton of Genève relating to sworn translators, (Règlement relatif aux traducteurs-jurés du 6 décembre 2004) (I 2 46.03), Article 2

Description: Swiss nationality or possession of a residence permit for several years may be required in the Canton of Zürich for interpretation and translation services for judicial and administrative purposes (LS 211.17).
Domicile for at least three years in Switzerland is required in the Canton of Genève for translation services for official purposes (I 2 46.03).

65. Sector: Business Services
Sub-Sector: Other Business Services
Industry Classification: CPC 87909 Other business services n.e.c.
(limited to the management of copyrights)
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Federal
Measures: Federal Law on copyrights and neighbouring rights (SR 231.1), Articles 41 and 42
Description: Enterprises acting in the management of copyrights and neighbouring rights where collective exploitation is required by law must be approved by the Federal Institute of Intellectual Property (Eidg. Institut für Geistiges Eigentum (IGE); Institut fédéral de la propriété intellectuelle (IPI); Istituto federale della proprietà intellettuale (IPI)) (Article 41).

Note: Copyrights is to be understood as defined in CPC 89230.

Only one authorisation is granted per category of works and the collecting enterprises must have their headquarters and management in Switzerland (Article 42).

Note for transparency: At the date of signing of the Agreement, the following five collecting enterprises are approved by the Federal Institute of Intellectual Property: SUISA, SUISSIMAGE, ProLitteris, Société Suisse des Auteurs (SSA) and SWISSPERFORM.

66. Sector: Agricultural Services

Sub-Sector: Services Incidental to Agriculture

Industry Classification: CPC 8811 Services incidental to agriculture (limited to slaughter services and on artificial insemination)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on animal protection (SR 455), Article 21
Federal Ordinance on animal protection (SR 455.1), Articles 178, 179, 184, 185 and 187
Federal Ordinance on epizooties (SR 916.401), Articles 51, 52, 53 and 54

Description: Slaughter services (Market Access restriction) :

Slaughter of mammals without stunning prior to drawing of blood is prohibited (SR 455, Article 21; SR 455.1, Article 178). Stunning has to be immediate and cause no pain (SR 455.1, Article 185).
Stunning methods and their application are prescribed by the Ordinance on animal protection (SR 455.1, Article 184). Blood may be drawn only once the animal is unconscious (SR 455.1, Article 187).

Artificial insemination :

Provisions applicable to artificial insemination may *de facto* restrict cross-border supply of services. The inseminator needs to be certified by the canton (SR 916.401, Articles 51 and 53). The semen has to be obtained from a facility that meets the criteria set by the Swiss authorities (SR 916.401, Articles 52 and 54). If the above provisions are not met, the authorities may take any measures regarding an inseminated animal for prevention of epizooties in particular upon re-entry of the animal into Swiss territory. In addition, any conditions regarding registration in a national herd-book

apply.

67. Sector: Agricultural Services
Sub-Sector: Services Incidental to Agriculture and Forestry
Industry Classification: CPC 8811 Services incidental to agriculture (limited to activities involving dissemination of genetically modified organisms)
CPC 8814 Services incidental to forestry and logging (limited to activities involving dissemination of genetically modified organisms)
Type of Reservation: Market access (Article 46)
Level of Government: Federal
Measures: Federal Constitution (SR 101), Articles 120 and 197
Description: The use of genetically modified organisms (GMOs) in agriculture and forestry and their dissemination into the environment are prohibited.

68. Sector: Agricultural Services

Sub-Sector: Services Incidental to Agriculture and Hunting

Industry Classification: CPC 8813 Services incidental to hunting

Type of Reservation: Market access (Article 46)

Level of Government: Federal and cantonal

Measures: Federal Law on animal protection (SR 455), Article 26
Cantonal legislations

Description: Killing of animals in any cruel way is prohibited, including, for instance, types of hunting activities involving protracted cruel treatment of prey (SR 455, Article 26).

Services related to the enforcement of the cantonal regulations on hunting and related activities may not be supplied on a commercial basis. These services are either supplied by the cantonal administration or by other persons assigned by that administration (usually volunteers or non-profit organisations).

Note for transparency: Cantons may ban hunting, or specific types of hunting, on their territory.

69. Sector: Agricultural Services;
 Entertainment Services

Sub-Sector: Services Incidental to Agriculture and
 Hunting;
 Entertainment Services

Industry Classification: CPC 8813 Services incidental to hunting
 CPC 96199 Other entertainment services
 n.e.c. (limited to
 entertainment services
 involving animals)

Type of Reservation: Market access (Article 46)

Level of Government: Federal

Measures: Federal Law on animal protection (SR
 455), Article 26

Description: The Law bans the organisation of fights
 between animals or with animals where
 these are mistreated or killed.

The Law bans the killing of animals for
 entertainment or on perverse purposes,
 such as shooting at tame animals.

The Law bans the killing of animals in
 any cruel way.

70. Sector: Construction Work and Mining Services

Sub-Sector: Construction Work For Engineering Works; Services Incidental to Mining (Limited to the Oil Sector)

Industry Classification: CPC 5139 For engineering works n.e.c.
CPC 883 Services incidental to mining

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Cantonal

Measures: Intercantonal Agreement on the prospecting and exploitation of oil (Konkordat vom 24. September 1955 betreffend die Schürfung und Ausbeutung von Erdöl; Concordat du 24 septembre 1955 concernant la prospection et l'exploitation du pétrole), Articles 1, 3, 4 and 8
Cantonal legislations, as qualified by the Description element

Description: A concession issued by cantons is required for the prospecting and exploitation of oil.
Cantons may grant such concession on a case-by-case and discretionary basis.
In the cantons of Zürich, Schwyz, Glarus, Zug, Schaffhausen, Appenzell Innerrhoden, Appenzell Ausserrhoden, St. Gallen, Aargau and Thurgau foreign capital participation in an enterprise holding such a concession is restricted to not more than 25 per cent (Intercantonal Agreement on the prospecting and exploitation of oil, Article 3). Other cantons apply similar measures.
Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment in respect of the prospecting and exploitation of oil.

71. Sector: Services Related to Energy

Sub-Sector: Energy Distribution

Industry Classification: CPC 887 Services incidental to energy distribution

Services related to the activities covered by CPC 887

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: All

Measures: Federal Law on electricity supply (SR 734.7), Article 18

Cantonal and municipal legislations, as qualified by the Description element

Description: The electricity transmission network is operated solely by the national electricity distribution network company and owned by at least 50 per cent by the cantons and municipalities (SR 734.7, Article 18).

Qualification: Switzerland reserves the right for the cantons and municipalities to maintain, modify or adopt any measures restricting market access and/or national treatment for services as indicated in the Industry Classification element.

72. Sector: Community and Social Services
Sub-Sector: Public Administration and Other Services
to the Community as a Whole
Industry Classification: CPC 91260 Police and fire protection
services
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: All
Measures: Federal, cantonal and municipal
legislations, as qualified by the
Description element
Description: Switzerland reserves the right to
maintain, modify or adopt any measures
relating to police and fire protection
services.

73. Sector: Community and Social Services

Sub-Sector: Public Administration and Other Services
to the Community as a Whole

Industry Classification: CPC 91270 Law courts related
administrative services

CPC 91280 Administrative services
related to detention or
rehabilitation of criminals

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: All

Measures: Federal, cantonal and municipal
legislations

Description: Administrative services relating to
courts of law and relating to detention
or rehabilitation of criminals are
reserved to the Confederation, the
cantons and the municipalities.

74. Sector: Community and Social Services

Sub-Sector: Education Services

Industry Classification: CPC 921 Primary education services (limited to public services)

CPC 922 Secondary education services (limited to public services)

CPC 923 Higher education services (limited to public services)

CPC 924 Adult education services n.e.c. (limited to public services)

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: All

Measures: Federal Constitution (SR 101), Articles 62 and 63a

Federal Law on federal institutes (SR 414.110)

Cantonal and municipal legislations, as qualified by the Description element

Description: FEDERAL LEVEL:

Operation of the Federal Institutes of Technology (Eidgenössische Technische Hochschulen (ETH); écoles polytechniques fédérales (EPF); politecnici federali (PF)) is reserved to the Confederation (SR 101, Article 63a; SR 414.110).

Note for transparency: The Confederation applies no restrictions on market access or national treatment for universities of applied sciences (Fachhochschulen; hautes écoles spécialisées; scuole universitarie professionali) (see Federal Law on the universities of applied sciences, SR 414.71).

CANTONAL LEVEL:

Public education falls within the competence of the cantons (SR 101, Articles 62 and 63a).

Qualification: Switzerland reserves the right for the cantons and municipalities to maintain, modify or adopt any measures restricting market access

and/or national treatment for public education services.

Note for transparency: Public education services are understood as education services where:

- (a) the Government or an agency mandated by governmental authorities issues a title or a curriculum or other form of specification of the education service indicating that this education service forms an integral part of the greater system of public education; and
- (b) there is a public mandate corresponding to the overall education policy of the canton or the Confederation and enshrined in a legal act. The provision of a subsidy or the permission by governmental authorities to deliver a certain type of education service is not sufficient in itself to determine that a mandate exists; and
- (c) public education services correspond to a public need for the supply of the service. This need is to be understood in the sense that there is a political will to achieve certain goals by means of particular education services. This may or may not be reflected in any laws. The question here is whether public action to supply such a service would be required if it did not already exist. The third criterion is unrelated to market access.

75. Sector: Community and Social Services

Sub-Sector: Education Services

Industry Classification: CPC 921 Primary education services
(limited to private services)

CPC 922 Secondary education services
(limited to private services)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: All

Measures: Federal Constitution (SR 101), Article 62
Cantonal and municipal legislations, as qualified by the Description element

Description: Compulsory education may only be attended in the territory of Switzerland in schools established in a given canton (prohibition of consumption abroad).

Qualification: Switzerland reserves the right for the cantons and municipalities to maintain, modify or adopt any measures restricting market access and/or national treatment for private education services as indicated in the Industry Classification element under the modes of supply "cross-border supply" and "consumption abroad".

76. Sector: Community and Social Services
Sub-Sector: Education Services
Industry Classification: CPC 929 Other education services
(excluding private foreign language teaching services and private cooking teaching services)
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: All
Measures: As qualified by the Description element
Description: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment for education services as indicated in the Industry Classification element.

77. Sector: Community and Social Services

Sub-Sector: Health and Social Services

Industry: CPC 93199 Other human health services

Classification: n.e.c. (limited to blood collection and storage services)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: Federal Law on medicinal products and medical devices (Law on therapeutic products) (SR 812.21), Articles 2, 10 and 34
Cantonal legislations

Description: FEDERAL LEVEL:
Collecting human blood from donors for transfusion, for the manufacture of therapeutic products, or for supply to a third party, including the import of blood products, is subject to authorisation. Only juridical persons domiciled in Switzerland and registered in a cantonal Commercial Register as well as natural persons residing in Switzerland may be granted such authorisation (SR 812.21, Articles 2, 10 and 34).

CANTONAL LEVEL:
Authorisation issued by the cantons is required for operating establishments such as hospitals which do not collect, but stock blood or blood products (SR 812.21, Article 34). Cantons have and may maintain measures restricting market access and/or national treatment.

78. Sector: Trade Services;
Community and Social Services

Sub-Sector: Retail Trade Services;
Health and Social Services

Industry Classification: CPC 63211 Non-food retailing services
(limited to pharmacists and opticians)
CPC 931 Human health services
CPC 932 Veterinary Services

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: Federal Law on medical professions requiring a university degree (SR 811.11), Article 2, 12, 15, 34, 36
Federal Ordinance on diplomas, university education, post-graduate education and the exercise of medical professions requiring a university degree (SR 811.112.0), Article 14
Federal Law on health insurance (SR 832.10), Articles 34 and 55a
Federal Ordinance on health insurance (SR 832.102) Articles 36, 44, 45, 46, 47, 48, 49, 50, 50a, and 54
Federal Ordinance on the limitation of the admission of service suppliers practicing on account of the compulsory medical and health insurance (SR 832.103), all Articles
Federal Ordinance on the components of the compulsory health care insurance (SR 832.112.31), Articles 5, 6, 9b, 9c, 11 and 40
Federal Law on accident insurance (SR 832.20), Article 10
Federal Ordinance on accident insurance (SR 832.202), Article 17
Cantonal legislations

Description: The number of service suppliers admitted to practice on account of the compulsory medical and health insurance is limited per canton and per occupation

(quantitative ceiling). Cantons may exclude any further admission if the density of service suppliers in the canton is above the regional or the national average (SR 832.10, Article 55a and SR 832.103, all Articles).

Swiss nationality is required to practice a medical profession independently. However, a foreign natural person may exercise the medical profession in a practice provided the practice is located in a region where the number of professionals is proven to be insufficient (economic needs test), and if its diploma is recognised as equivalent and the foreign natural person speaks a national language. Moreover, a foreign natural person may be allowed to practice independently a medical profession in a specific hospital in the case where that person is allowed to teach within accredited course programmes in that hospital, and if his or her diploma is recognised as equivalent. (SR 811.11, Articles 2, 12, 15, 34, 36; SR 811.112.0, Article 14).

Chiropractors are required to pass the federal exam for chiropractors (diploma and postgraduate title). Applicants are requested to have successfully completed professional training in one of the institutions listed in Article 40 paragraph 1 of SR 832.112.31 (see also SR 832.102, Article 44). Cantons may, on a case-by-case and discretionary basis, admit institutions additional to those listed in Article 40, paragraph 1, of SR 832.112.31. Osteopaths are required to pass the intercantonal exam for osteopaths.

For reimbursement by compulsory (and additional) health and medical insurance, certain occupations (CPC 93191, nursing services, physiotherapeutic and para-medical services) require registration at the cantonal level (SR 811.11, Articles 2 and 15; SR 832.112.31, Articles 5, 6, 9b, 9c and 11).

Medical services supplied abroad are

covered by compulsory health insurance or by accident and occupational disease insurance in emergency cases only if the treatment cannot be provided in Switzerland (SR 832.10 Article 34; SR 832.102, Article 36; SR 832.20, Article 10; SR 832.202, Article 17).

Medical laboratories may be subject to an exclusive service suppliers scheme (SR 832.102, Article 54).

Note for transparency: Reimbursement is capped at twice the amount of the costs that would be reimbursed in Switzerland.

Note for transparency: Medical services supplied in adjacent countries may be covered by compulsory health insurance under specific conditions as defined by the Federal Council.

79. Sector: Trade Services;
Community and Social Services

Sub-Sector: Retail Trade Services;
Health and Social Services

Industry Classification: CPC 63211 Non-food retailing services
(limited to pharmacists and opticians)

Note: "Opticians" refers to
Persons qualified to
examine the eyes and
prescribe glasses.

CPC 931 Human health services
CPC 932 Veterinary services
CPC 933 Social services
Intermediation of social
services

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Cantonal

Measures: Cantonal legislations
As qualified by the Description element

Description: Switzerland reserves the right to
maintain, modify or adopt any measures
restricting market access and/or
national treatment with respect to human
health, veterinary, social services or
intermediation services relating to
social services, as well as related
retailing services.

80. Sector: Community and Social Services

Sub-Sector: Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services

Industry Classification: CPC 9401 Sewage services (limited to public utilities)

CPC 9402 Refuse disposal services (limited to public utilities)

CPC 9403 Sanitation and similar services (limited to public utilities)

CPC 9404 Cleaning services of exhaust gases (limited to public utilities)

CPC 9405 Noise abatement services (limited to public utilities)

CPC 9406 Nature and landscape protection services (limited to public utilities)

CPC 9409 Other environmental protection services n.e.c. (limited to public utilities)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Cantonal and municipal

Measures: Cantonal and municipal legislations
As qualified by the Description element

Description: Public utilities in the environmental services sector, whether owned and operated by cantons or municipalities or contracted out by them to third parties, are subject to monopolies or exclusive service suppliers rights at the cantonal or municipal level.

Exclusive rights to operate public utilities in the environmental sector are not necessarily granted on a national treatment basis.

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures of the type described.

81. Sector: Community and Social Services
Sub-Sector: Sewage and Refuse Disposal, Sanitation
and other Environmental Protection
Services
Industry Classification: CPC 9409 Other environmental protection
services n.e.c. (limited to
radiation surveillance)
Type of Reservation: National treatment (Article 47)
Level of Government: Federal
Measures: Radiation protection Law (SR 814.50),
Article 17
Description: The Federal Council designates
institutions responsible for radiation
surveillance services for official
purposes. The designation of responsible
institutions is not necessarily on a
national treatment basis.

82. Sector: Communications Services

Sub-Sector: Audiovisual Services

Industry Classification: CPC 96112 Motion picture or video tape production services

CPC 96113 Motion picture or video tape distribution services

CPC 9612 Motion picture projection services

Type of Reservation: Most-favoured-nation treatment (Article 45)

National treatment (Article 47)

Level of Government: Federal

Measures: International agreements on cinematographic and audiovisual relationships with third countries or within the Council of Europe, existing (SR 0.443.913.6, SR 0.443.916.3, SR 0.443.917.2, SR 0.443.923.2, SR 0.443.934.9 and SR 0.443.945.4) or future

European Convention of 2 October 1992 on cinematographic co-production (SR 0.443.2), as may be amended in the future

Agreement of 11 October 2007 between the European Community and the Swiss Confederation in the audiovisual field, establishing the terms and conditions for the participation of the Swiss Confederation in the Community programmes MEDIA 2007 (SR 0.784.405.226.8), including future MEDIA programmes or programmes of a similar kind

European Convention of 5 May 1989 on transfrontier television (SR 0.784.405), as may be amended in the future

Description: Switzerland confers national treatment to audiovisual works covered by bilateral or plurilateral agreements on co-production in the field of audiovisual works, in particular in relation to access, funding and distribution.

Co-productions with other countries are treated the same as Swiss films when

Swiss involvement is at least equivalent to foreign involvement or, when Swiss involvement is less substantial, subject to reciprocity or a co-production agreement between Switzerland and the country concerned.

Measures granting benefits under support programmes, such as MEDIA and EURIMAGES.

Measures relating to the allocation of screen time which implement arrangements such as the Council of Europe Convention on transfrontier television and confer national treatment to audiovisual works and/or to suppliers of audiovisual services meeting specific European origin criteria.

83. Sector: Communications Services
Sub-Sector: Audiovisual Services
Industry: CPC 96113 Motion picture or video tape
Classification: distribution services
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Federal
Measures: Federal Law on the film industry (SR
443.1), Article 19
Description: In order to guarantee linguistic
diversity, the Law stipulates that a
same film may only be distributed by a
film distribution enterprise once it
possesses the rights for all language
versions of the film for the entire
territory of Switzerland.

84. Sector: Communications Services

Sub-Sector: Audiovisual Services

Industry Classification: CPC 96113 Motion picture or video tape distribution services

CPC 9612 Motion picture projection services

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on the film industry (SR 443.1), Articles 21 and 23

As qualified by the Description element

Description: If the cinematic offerings in a given region are not sufficiently diverse, the Confederation may levy incentive fees in order to promote the diversity of the cinematic offerings (SR 443.1, Article 21).

Only natural persons domiciled in Switzerland or juridical persons established in Switzerland may show or distribute films intended for public exhibition or projection. All members of the board of a juridical person must be domiciled in Switzerland (SR 443.1, Article 23).

Note for transparency: The public exhibition or projection of films or the distribution of films for public exhibition or projection requires registration of the distributor and the exhibitor in a public register.

Qualification: Switzerland reserves the right to adopt any measures restricting market access and/or national treatment with respect to motion picture distribution and exhibition or projection services, in order to encourage the diversity as well as the quality of the cinematic offerings pursuant to paragraph 2 of Article 71 of the Federal Constitution (SR 101).

85. Sector: Communications Services
Sub-Sector: Audiovisual Services
Industry: CPC 9612 Motion picture projection
Classification: services
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Cantonal and municipal
Measures: Cantonal and municipal legislations
Description: The exhibition or projection of films in
cafés, restaurants, discotheques,
nightclubs and similar premises may be
prohibited or subject to authorisation.
Cantons and municipalities may restrict
the number of licences per natural or
juridical person for projection
services.

86. Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Cultural Services

Industry Classification: CPC 963 Library, archive, museum and other cultural services (excluding archive services)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: All

Measures: Federal Constitution (SR 101), Article 69
Cantonal and municipal legislations
As qualified by the Description element

Description: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment relating to cultural services.

87. Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Cultural Services

Industry: CPC 96312 Archive services

Classification:

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: All

Measures: Federal Law on archiving (SR 152.1), Article 4
Cantonal and municipal legislations

Description: Documents of the Confederation are archived by the Federal Archives (Das Schweizerische Bundesarchiv (BAR); Les Archives fédérales suisses (AFS); L'Archivio federale svizzero (AFS)).
Documents of cantons and municipalities are archived by the cantons' and municipalities' archives. Cantons maintain measures regarding archiving of specific sources that are considered public functions, such as notary sources or churches.

88. Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Recreational Services

Industry Classification: CPC 96331 Botanical and zoological garden services

CPC 96332 Nature reserve services including wildlife preservation services

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Cantonal

Measures: Cantonal legislations, as qualified by the Description element

Description: Cantons may maintain any measures relating to botanical and zoological garden services, including monopolies and exclusive service suppliers rights.

Nature reserve services, including wildlife preservation services, are normally reserved to cantons.

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment with respect to nature reserve services, including wildlife preservation services.

89. Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Sporting Services

Industry Classification: CPC 9641 Sporting services (limited to circuit races)

Type of Reservation: Market access (Article 46)

Level of Government: Federal

Measures: Federal Law on road traffic (SR 741.01), Article 52

Description: Circuit races are prohibited.

90. Sector: Recreational, Cultural and Sporting Services

Sub-Sector: Recreational Services

Industry Classification: CPC 96492 Gambling and betting services

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: All

Measures: Federal Constitution (SR 101), Article 106
Federal Law on games of chance and casinos (SR 935.52), Articles 4, 5, 10, 11 and 13
As qualified by the Description element

Description: Concessions are required for both the establishment and the operation of casinos. Gambling services other than gambling services supplied in a casino are prohibited (SR 101, Article 106; SR 935.52, Articles 4 and 10).

Concessions may be granted only to:

- (a) juridical persons established under Swiss public law;
- (b) joint-stock companies established under Swiss law whose joint-stock capital is issued in the form of registered shares, and whose members of the board of directors have their residence in Switzerland; and
- (c) co-operative societies established under Swiss law whose members of the board of directors have their residence in Switzerland (SR 935.52, Article 11).

The establishment of a casino is subject to cantonal approval. Cantons and municipalities may approve casinos on a case-by-case and discretionary basis (SR 935.52, Article 13).

Dexterity games fall within the competence of the cantons (SR 101, Article 106).

The supply of any gambling service through any means of telecommunication, including the Internet, is prohibited

(SR 935.52, Article 5).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment in respect of gambling.

91. Sector: Recreational, Cultural and Sporting Services;
Business Services

Sub-Sector: Recreational Services;
Advertising Services

Industry Classification: CPC 871 Advertising services (limited to advertising services for commercial betting)
CPC 96492 Gambling and betting services (limited to lotteries, mixed lotteries or premium bonds and commercial betting)

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: Federal Constitution (SR 101), Article 106
Federal Law on lotteries and commercial betting (SR 935.51), Articles 1, 2, 5, 15, 16, 17, 18, 24, 25, 28, 32, 33, 34 and 35
Federal Ordinance to the federal lotteries and commercial betting (SR 935.511), Articles 43 and 44
Cantonal legislations, as qualified by the Description element

Description: FEDERAL LEVEL:
Lotteries and commercial betting services and similar services are prohibited (SR 935.51, Articles 1, 2 and 33; SR 935.511, Article 43), subject to the following exceptions:
An authorisation by the Federal Council is needed to issue Swiss premium bonds ("inländische Prämienanleihen"; "emprunts à primes Suisses"; "prestiti svizzeri a premi") (SR 935.51, Article 17). Only Swiss public entities on the federal, cantonal or municipal level may obtain such authorisation (SR 935.51, Article 18).
Foreign premium bonds ("ausländische Prämienanleihen"; "emprunts à primes étrangers"; "prestiti esteri a premi svizzeri") are subject to authorisation

by the Federal Department of Finance. Authorisation is granted on a case-by-case and discretionary basis. Only natural persons having their residence in Switzerland and juridical persons having their domicile in Switzerland are allowed to submit foreign premium bond lots for stamping to the Federal Department of Finance. Only stamped foreign premium bond lots may be bought, sold or accepted (SR 935.51, Articles 24 and 25).

The following activities are prohibited: the selling of premium bond lots on an instalment plan; the selling of expected earnings from premium bonds in any form; the door-to-door selling of premium bond lots; and the taking of orders for premium bond lots (SR 935.51, Article 32).

Advertising services, including through mailing, for commercial betting ("gewerbsmässiges Wetten"; "paris professionnels"; "scommesse professionalmente organizzate") are prohibited (SR 935.51, Article 33).

The sender of lots, coupons, drawing lists, and other lottery related mail by post or by courier must prove that authorisation for the lottery in question has been granted. Otherwise, such mail, including incoming mail from abroad, is not delivered, but returned to the sender. Post and courier services suppliers must ensure that such mail is not delivered to the addressee (SR 935.51, Article 35; SR 935.511, Article 44).

CANTONAL LEVEL:

Authorisation by the competent canton is required for the commercial trading of premium bond lots. Natural persons seeking such authorisation must be resident in the same canton, and enterprises must be domiciled in the same canton and registered in the cantonal Commercial Register (SR 935.51, Article 28).

Authorisation by the competent canton is required for public welfare lotteries ("gemeinnützige Lotterien nach Bundesrecht"; "loteries d'utilité publique selon la législation fédérale"; "lotteria di utilità pubblica secondo la legislazione federale") (SR 935.51, Article 5). Only natural persons having their residence in Switzerland and associations having their domicile in Switzerland may seek such authorisation (SR 935.51, Article 6). Welfare lottery procedures may be regulated in greater detail by the cantons (SR 935.51, Article 15). The latter may restrict or prohibit public welfare lotteries (SR 935.51, Article 16).

Cantons may allow certain commercial betting services with variable quotes, e.g. in respect of horse and boat races, football matches and similar events (SR 935.51, Article 34).

Tombolas fall within the competence of the cantons. Cantons may allow, restrict or prohibit tombolas (SR 935.51, Article 2).

Qualification: Switzerland reserves the right for the cantons to maintain, modify or adopt any measures restricting market access and/or national treatment in respect of commercial trading of premium bond lots, public welfare lotteries, commercial betting and tombolas.

92. Sector: Other Services
Sub-Sector: Other Services
Industry Classification: CPC 9703 Funeral, cremation and
undertaking services
Type of Reservation: Market access (Article 46)
National treatment (Article 47)
Level of Government: Cantonal
Measures: Cantonal legislations
Description: Cantons maintain a monopoly or an
exclusive service suppliers scheme or
require authorisations for funeral,
cremation and undertaking services,
including the carriage of corpses.

93. Sector:

Sub-Sector: Services Related to Nuclear Energy

Industry

Classification:

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal

Measures: Federal Law on nuclear energy (SR 732.1), Articles 12, 13, 19 and 20

As qualified by the Description element

Description: Authorisations are required to construct and/or operate a nuclear plant. Such authorisations are granted or rejected on a case-by-case and discretionary basis (Articles 12 and 19).

Only joint-stock companies (Aktiengesellschaft; société anonyme; società anonima), co-operative societies (Genossenschaft; société cooperative; società cooperativa) or public entities may obtain such authorisation (Article 13).

A foreign enterprise must have a subsidiary in Switzerland that is registered in a cantonal Commercial Register (Article 13).

Only the owner of a nuclear plant may be authorised to operate the nuclear plant (Article 20).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment for the construction or operation of nuclear plants.

94. Sector:

Sub-Sector: Services Related to Hydropower

Industry

Classification:

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: All

Measures: Federal Law on the use of hydropower (SR 721.80), Article 38

Cantonal and municipal legislations

As qualified by the Description element

Description: Concession or authorisation is required for the use of water. Such concession or authorisation may be granted or rejected on a case-by-case and discretionary basis.

The attribution of rights for the use of water normally falls within the competence of the cantons (SR 721.80, Article 38).

Qualification: Switzerland reserves the right to maintain, modify or adopt discriminatory measures such as nationality, residence or domicile requirements.

95. Sector:

Sub-Sector: Specialty Air Services : Airborne search and rescue services

Industry

Classification:

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal

Measures: Federal Ordinance on search and rescuing by civil aviation (SR 748.126.1), Articles 1 and 2

Description: National monopoly for airborne search and rescue services, including coordination of such services as defined in the Law (Article 1).

The Federal Office of Civil Aviation (Bundesamt für Zivilluftfahrt (BAZL); Office fédéral de l'aviation civile (OFAC); Ufficio federale dell'aviazione civile (UFAC)) may on a case-by-case and discretionary basis, mandate private enterprises to supply such services (Article 2).

96. Sector:

Sub-Sector: Official homologation, verification,
control and official punching

Industry
Classification:

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: Federal Law on metrology (SR 941.20),
Articles 13, 15 and 16
Federal Ordinance on measuring
instruments (941.210), Articles 16, 17,
18 and 19
Federal Ordinance on the tasks and
competences of the Cantons in the field
of metrology (SR 941.292), Articles 2, 3
and 7
Federal Ordinance on verification
laboratories (SR 941.293), Articles 2, 3
and 4
Federal Law on precious metal control
(SR 941.31), Articles 36, 37, 38 and 41
Cantonal legislations

Description:

FEDERAL LEVEL:

Services in these sub-sectors are
currently supplied by the competent
governmental authorities (SR 941.20 and
SR 941.31).

Competences for official verification
are split between the federal and
cantonal authorities (SR 941.20,
Articles 13 and 15; SR 941.292, Articles
3 and 7). Activities falling within
federal competence may be delegated to
the private sector. For this purpose,
the competent authorities recognise
private laboratories (SR 941.293,
Articles 2 and 3; SR 941.210, Article
19). The cantonal authorities apply an
economic needs test (SR 941.293, Article
4). Legal domicile in Switzerland and
facilities in Switzerland to supply the
service in Switzerland are required. The
federal authorities may authorise
exceptions to the latter obligation (SR

941.293, Article 3).

The exercise of the profession of a commercial assayer requires the authorisation of the competent federal authorities, a relevant federal diploma ("eidgenössisches Diplom für Edelmetallprüfer"; "diplôme fédéral d'essayeur-juré"; "diploma federale di saggiatore") as well as residence in Switzerland. Legal domicile and service supply in Switzerland are required. Commercial assayers are not allowed to supply official control or punching services for precious metals (SR 941.31, Articles 36, 37, 38 and 41).

Note for transparency: For all these services the federal authorities fix the fees to be charged to consumers for the service supplied.

CANTONAL LEVEL:

The control of road vehicles is implemented by cantonal legislation and reserved to cantonal offices or delegated entities designated by them.

97. Sector:

Sub-Sector: Official certification for construction authorisations

Industry

Classification:

Type of Reservation: National treatment (Article 47)

Level of Government: Cantonal

Measures: Cantonal legislations

Description: Applications for construction authorisations may require the signature of a natural person registered in the Swiss Registers of Engineers, Architects and Technicians (REG) (Schweizerische Register für Ingenieure, Architekten und Techniker; Registres suisses des ingénieurs, des architectes et des techniciens; registri svizzeri degli ingegneri, degli architetti e dei tecnici). In general, foreign professionals may register after two years of practice in Switzerland.

98. Sector:

Sub-Sector: Archaeology

Industry

Classification:

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: All

Measures: As qualified by the Description element

Description: Switzerland reserves the right to maintain, modify or adopt any measures in respect of the exploitation of archaeological digs and excavation of archaeological finds.

99. Sector:

Sub-Sector: Services related to the sex trade and other activities involving moral or sexual integrity of individuals

Industry

Classification:

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: As qualified by the Description element

Description: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment for services such as, for example, so-called "escort" services, "hostess" services, dating or partnership services, prostitution and related activities, cabaret shows and cabaret personnel services, striptease services, entertainment services supplied by bars, clubs, discotheques and similar facilities (excluding beverage serving service *per se*, covered by CPC 6432), production of erotic and other sex-related material (images and videos), services via telecommunications (such as "phone sex" or Internet), or "massage services". Switzerland reserves the right to maintain, modify or adopt any measures related to services such as search for, recruitment and transfer of persons with a view to involving them in the production or supply of the services described above. This reservation covers all modes of supply and covers direct supply of services as well as intermediation, soliciting of potential clients, promotion and marketing, and similar activities.

100.Sector:

Sub-Sector: Internet-based services

Industry

Classification:

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Federal and cantonal

Measures: As qualified by the Description element

Description: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and/or national treatment for the protection of youth or for the prevention of addiction or compulsive behaviour and other mental health hazards.

101.Sector:

Sub-Sector: Services for indebted persons

Industry

Classification:

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: Cantonal

Measures: Cantonal legislations

As qualified by the Description element

Description:

Advisory services to indebted persons, debt-reshuffling assistance to indebted persons or advice on debt for particular groups of natural persons (such as young persons) may be reserved to cantonal entities.

Qualification: Switzerland reserves the right to maintain, modify or adopt any such measures.

102.Sector: Various Sectors

Sub-Sector: Limited to activities that are not mentioned explicitly in the CPC classification

Industry
Classification:

Type of Reservation: Market access (Article 46)
National treatment (Article 47)

Level of Government: All

Measures: Federal, cantonal and municipal legislations
As qualified by the Description element

Description: Whenever a specific service activity within a sub-sector is not mentioned explicitly in the CPC classification but is deemed to be subsumed under "n.e.c." or under any type of residual formulation, then possible measures may not necessarily appear in this List of Reservations.

Qualification: Switzerland reserves the right to maintain, modify or adopt any such measures.

103.Sector: Various Sectors

Sub-Sector: New Services

Industry
Classification: CPC 7524 Programme transmission services (limited to new audiovisual services)

CPC 75300 Radio and television cable services (limited to new audiovisual services)

CPC 752 Telecommunications services (limited to new telecommunications services)

CPC 8499 Other computer services n.e.c. (limited to new computer services)

CPC 8719 Other advertising services (limited to new advertising services)

CPC 87909 Other business services n.e.c. (limited to new auctioneering services)

CPC 9611 Motion picture and video production and distribution services (limited to new audiovisual services)

CPC 9612 Motion picture projection services (limited to new audiovisual services)

CPC 9613 Radio and television services (limited to new audiovisual services)

CPC 96199 Other entertainment services n.e.c. (limited to new entertainment services)

CPC 96499 Other recreational services n.e.c. (limited to new recreational services)

Internet-based services (limited to new services)

Type of Reservation: Market access (Article 46)

National treatment (Article 47)

Level of Government: All

Measures: As qualified by the Description element

Description: Switzerland reserves the right to adopt any measures in respect of new services

referred to in the Industry Classification element.

In respect of commercial presence, such restrictive measures shall grant national treatment. As regards cross-border trade, Switzerland reserves the right to introduce any new discriminatory measures.

For the purpose of this reservation, the term "new services" means services that are not currently delivered on the Swiss market. It includes services related to existing or new products or the manner in which a product or service is supplied.

Attachment I

English Translations Used in this List of Reservations
(Mode 3 - Forms of Legal Entities)

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

Note: These are unofficial translations based on the ones prevailing in the literature.

"Association" :	Verein, association, associazione
"Co-operative society" :	Genossenschaft, société coopérative, società cooperativa
"Foundation" :	Stiftung, fondation, fondazione
"General partnership" :	Kollektivgesellschaft, société en nom collectif, società in nome collettivo
"Joint-stock company" :	Aktiengesellschaft (AG), société anonyme (SA), società anonima (SA)
"Limited liability company" :	Gesellschaft mit beschränkter Haftung (GmbH), société à responsabilité limitée (sàrl), società a garanzia limitata (Sagl)
"Limited partnership" :	Kommanditgesellschaft, société en commandite, società in accomandita
"Sole proprietorship" :	Einzelfirma, entreprise individuelle, ditta individuale
"Stock company with unlimited partners" :	Kommanditaktiengesellschaft, société en commandite par

actions,
società in accomandita per
azioni

Attachment II
List of Swiss Cantons

The list below contains all cantons forming the Swiss Confederation :

Kanton Zürich (ZH)
Kanton Bern (BE); Canton de Berne
Kanton Luzern (LU)
Kanton Uri (UR)
Kanton Schwyz (SZ)
Kanton Obwalden (OW)
Kanton Nidwalden (NW)
Kanton Glarus (GL)
Kanton Zug (ZG)
Canton de Fribourg (FR); Kanton Freiburg
Kanton Solothurn (SO)
Kanton Basel-Stadt (BS)
Kanton Basel-Landschaft (BL)
Kanton Schaffhausen (SH)
Kanton Appenzell Ausserrhoden (AR)
Kanton Appenzell Innerrhoden (AI)
Kanton St. Gallen (SG)
Kanton Graubünden (GR); Cantone dei Grigioni
Kanton Aargau (AR)
Kanton Thurgau (TG)
Cantone Ticino (TI)
Canton de Vaud (VD)
Canton du Valais (VS); Kanton Wallis
Canton de Neuchâtel (NE)
Canton de Genève (GE)
Canton du Jura (JU)