

# WORLD TRADE ORGANIZATION

S/DCS/W/ROM  
24 January 2003

(03-0554)

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Trade in Services

Original: English

## ROMANIA

### Draft consolidated Schedule of Specific Commitments<sup>1</sup>

Attached is a draft consolidated version of the Schedule of Specific Commitments of Romania in word format. This document does not substitute for the legally binding commitments undertaken by Romania in its Schedule of Specific Commitments (GATS/SC/72; GATS/SC/72/Suppl.1; GATS/SC/72/Suppl.2)

Attached to the draft consolidated schedule is Romania's Article II (MFN) Exemption List (GATS/EL/72) in word format.

The draft consolidated version of the Schedule and the MFN Exemption List were prepared by the Secretariat, at the request of Members, to facilitate the process of negotiations, including the presentation of initial offers.

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<sup>1</sup> This document has been prepared, in English only, under the Secretariat's own responsibility and without prejudice to the positions of Members and to their rights and obligations under the WTO.

## ROMANIA – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
ALL SECTORS INCLUDED IN THIS SCHEDULE			
(a) The right to own land	3),4) Natural persons not having Romanian citizenship and residence in Romania, as well as legal persons not having Romanian nationality and their headquarters in Romania, cannot acquire ownership over any kind of land plots, through inter vivos acts	3) The sole administrator or the Chairman of the Board of Administration as well as half of the total number of administrators of the commercial companies shall be Romanian citizens unless otherwise stipulated in the company contract or in its statutes. The majority of the commercial companies' auditors and their deputies shall be Romanian citizens.	
(b) Legislation on commercial companies			
(c) Participation of foreign investors in privatization of commercial companies <sup>1</sup>	Unbound	Unbound	

<sup>1</sup> Thirty per cent of the capital of the State owned commercial companies has been distributed free of charge to Romanian citizens through "Ownership Certificates" which cannot be sold to foreign legal and natural persons.

The remaining 70 per cent of the capital of these companies is to be put on sale.

Within the privatization process the foreign investors can buy assets and shares of commercial companies. Romanian legal and natural persons have a priority right in this respect. Under privatization through the MEBO method (Management-Employee-Buy-Out) the right to purchase a commercial company is reserved for its employees.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Presence of personnel	4) Unbound, except for the entry and temporary stay in Romania of natural persons serving in management and expert jobs <sup>2</sup> necessary to operate the foreign investment	4) None, only for those categories of natural persons indicated in the market access column	
<b>II. SECTOR SPECIFIC COMMITMENTS*</b>			
1. BUSINESS SERVICES			
A. <u>Professional Services</u>			
(a) Legal services (CPC 861)	1) None 2) None 3) Unbound 4) Unbound	1) None 2) None 3) Unbound 4) Unbound	
(d)&(g) Architectural and urban planning services (CPC 8671-8674)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
(e) Advisory and consultative engineering services (CPC 86721)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	

<sup>2</sup> Natural persons serving in management jobs are those persons with relevant higher education who, within an organization, have the task to manage this organization or one of its departments or divisions.

Natural persons serving in expert jobs are those persons who have university degrees in the speciality of the position they occupy.

\* Commitments are generally classified in accordance with the Services Sectoral Classification (GATT document MTN/GNS/W/120 of 10 July 1991).

The correspondence with the Provisional Central Product Classification List published by the United Nations in 1991, provided in brackets, is an indicative one.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
Engineering design services for mechanical and electrical installations for buildings (CPC 86723)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
<b>B. <u>Computer and Related Services</u></b>			
(a) Consultancy services related to the installation of computer hardware (CPC 841)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
(b) Software development and implementation services (CPC 842)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
(c) Data processing services and data-entry (CPC 843)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
(d) Data-base services (CPC 844)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
(d)&(e) Computer services which are an integral part of the delivery of services of other categories (CPC 845+849)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>F. <u>Other Business Services</u></p> <p>(c)&amp;(d) Consultancy services on management and services related to consultancy services on management (CPC 865 + 866)</p> <p>2. COMMUNICATION SERVICES</p> <p>C. <u>Telecommunication Services</u> CPC numbers: 7521, 7522, 7523, 7524**, 7525, 7526 and 7529**; broadcast distribution to the general public of radio or television programming is excluded All subsectors</p>	<p>1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section</p> <p>Licenses and permissions are granted only to entities with Romanian juridical personality established according to the Romanian legislation.</p> <p>Only Romanian Signatories have the right to links with International Satellite Organizations.</p>	<p>1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section</p>	<p>As attached.</p> <p>Network operations and services supply require licences or permissions issued by the regulatory authority.</p> <p>Licensing conditions, for all subsectors, may provide the application of the universal service principles as defined by the regulatory authority.</p>

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(a) Voice telephone services Local/Long-distance/ International - for public use - facilities-based - resale based - wire based - fixed radio based	1) Bypass of Romtelecom network is not allowed until 31.12.2002. None as of 01.01.2003. 2) None 3) Reserved to Romtelecom for exclusive supply until 31.12.2002. None as of 01.01.2003. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(a) Voice telephone services - for non-public use	1) None 2) None 3) None except connection to the public telephone network is not allowed until 31.12.2002. 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(b) Packed-switched data transmission services	1) None 2) None	1) None 2) None	
(c) Circuit-switched data transmission services	3) None 4) Unbound except as indicated in the horizontal section.	3) None 4) Unbound except as indicated in the horizontal section.	
(d) Telex services	1) Bypass of Romtelecom network is not allowed until 31.12.2002. None as of 01.01.2003.	1) None	
(e) Telegraph services	2) None 3) Reserved to Romtelecom for exclusive supply until 31.12.2002. None as of 01.01.2003. 4) Unbound except as indicated in the horizontal section.	2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(f) Facsimile services	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(g) Leased circuit services	<ul style="list-style-type: none"> <li>1) None as of 01.01.2003</li> <li>2) None</li> <li>3) None as of 01.01.2003</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in the horizontal section.</li> </ul>	
(h) electronic mail	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal measures section</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) None, only as indicated in the horizontal measures section</li> </ul>	
(i) Voice mail	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal measures section</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) None, only as indicated in the horizontal measures section</li> </ul>	
(j) On-line information and data base retrieval	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal measures section</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) None, only as indicated in the horizontal measures section</li> </ul>	
(k) Electronic data interchange (EDI)	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal measures section</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) None, only as indicated in the horizontal measures section</li> </ul>	
(l) Enhanced/value-added facsimile services	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound, except as indicated in the horizontal measures section</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) None, only as indicated in the horizontal measures section</li> </ul>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(m) Code and protocol conversion	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
(n) On-line information and/or data processing (including transaction processing)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
(o) Other services	1) None except bypass of Romtelecom international public telephone network is not allowed until 31.12.2002.	1) None	
- Analog cellular mobile telephony (450 MHz/NMT)	2) None 3) None except: - exclusive supply reserved to Telefonica Romania until 01.04.2002, and - wire based infrastructure reserved to Romtelecom for exclusive supply until 31.12.2002 4) Unbound except as indicated in the horizontal section	2) None 3) None 4) Unbound except as indicated in the horizontal section	
- Digital cellular mobile telephony (900 MHz/GSM)	1) None except bypass of Romtelecom international public telephone network is not allowed until 31.12.2002. 2) None 3) None except wire based infrastructure reserved to Romtelecom for exclusive supply until 31.12.2002 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
- Paging services	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
- VSAT services for non-public use	1) None 2) None 3) None except connection to the public network is not allowed until 31.12.2002 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	
3. CONSTRUCTION SERVICES			
A. <u>General construction work for buildings</u> (CPC 512)	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) Unbound* 2) None 3) None 4) None, only as indicated in the horizontal measures section	
B. <u>General Construction Works-Civil Engineering (bridges, roads, etc.)</u> (CPC 513)	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) Unbound* 2) None 3) None 4) None, only as indicated in the horizontal measures section	
C. <u>Installation and Assembly Work, Erection of Prefabricated Construction</u> (CPC 514+516)	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) Unbound* 2) None 3) None 4) None, only as indicated in the horizontal measures section	

\* Unbound due to lack of technical feasibility.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. <u>Building Completion and Finishing Work</u> (CPC 517)	1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) Unbound* 2) None 3) None 4) None, only as indicated in the horizontal measures section	
4. DISTRIBUTION SERVICES (except, for the subsectors listed below, distribution services for arms, ammunition, explosives, narcotics and medicines containing narcotics, tobacco products and paper for cigarettes, alcohol and spirits)			
A. <u>Commission Agents' Services</u> (CPC 621)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
B. <u>Wholesale Trade Services</u> (CPC 622)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	

\* Unbound due to lack of technical feasibility.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
C. <u>Retailing Services</u> (CPC 631+632)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
6. ENVIRONMENTAL SERVICES			
D. <u>Other Services</u>	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
<p>7. FINANCIAL SERVICES</p> <p><u>Additional information for transparency and clarification purposes:</u></p> <p>Normal prudential measures are applied to financial (insurance, reinsurance, banking, and securities) institutions, with a view to protecting the investors, depositors and to ensure the stability of the financial system.</p> <p>The establishment and the activity of insurance and reinsurance companies are subject to the authorization from the Insurance and Reinsurance Activity surveillance Body.</p> <p>The establishment and the activity of the banking companies are subject to the authorization from the National Bank of Romania. There are no restrictions for the establishment of a foreign bank in Romania, other than the observance of prudential measures set up by the National Bank of Romania.</p> <p>The establishment and the activity of securities market related entities (natural or legal persons, as the case may be) are subject to an authorization from the National Securities Commission of Romania (NSC).</p> <p>After the establishment of a commercial presence, the financial institutions have to carry out their transactions with residents only in the national currency of Romania.</p>			

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
A. <u>All Insurance and Insurance-related Services</u>			
(a) Life insurance services (CPC 8121)	1) Unbound 2) Unbound 3) The establishment of companies with foreign participation is allowed only in partnership with Romanian legal or natural persons. The representatives of foreign companies and of the associations of foreign insurers have the right to conclude insurance contracts only with foreign legal and natural persons. 4) Unbound, except as indicated in the horizontal section.	1) Unbound 2) Unbound 3) None  4) None, only as indicated in the horizontal section.	
(b) Non-life insurance services (CPC 8129)	1) Unbound 2) Unbound 3) The establishment of companies and intermediation agencies with foreign participation is allowed only in partnership with Romanian legal or natural persons. The representatives of foreign insurance companies and of the associations of foreign insurers have the right to conclude insurance contracts only with foreign legal and natural persons and for their goods. 4) Unbound, except as indicated in the horizontal measures section.	1) Unbound 2) Unbound 3) None  4) None, only as indicated in the horizontal section.	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(c) Reinsurance and retrocession services (CPC 81299)	<ol style="list-style-type: none"> <li>1) None, except that reinsurance on international market is allowed only if the reinsured risk cannot be placed on domestic market.</li> <li>2) None, except that ceding in reinsurance on international market can be made only if the reinsured risk cannot be placed on domestic market.</li> <li>3) The establishment of companies with foreign participation is allowed only in partnership with Romanian legal or natural persons.</li> <li>4) Unbound, except as indicated in the horizontal section.</li> </ol>	<ol style="list-style-type: none"> <li>1) None</li> <li>2) None</li> <li>3) None</li> <li>4) None, only as indicated in the horizontal measures section.</li> </ol>	
(d) Services auxiliary to insurance (including broking and agency services) (CPC 8140)	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) The establishment of companies and intermediation agencies with foreign participation is allowed only in partnership with Romanian legal or natural persons. Intermediation agencies are not allowed to conclude insurance contracts for foreign insurance companies with Romanian legal or natural persons or for their goods.</li> </ol>	<ol style="list-style-type: none"> <li>1) Unbound</li> <li>2) Unbound</li> <li>3) None</li> </ol>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. <u>Banking and Other Financial Services</u> (excluding insurance)	<p>The representatives of foreign insurance companies and of the associations of foreign insurers have the right to conclude only the following types of insurance contracts:</p> <p>(a) insurance and reinsurance contracts with legal and natural foreign persons or for their goods;</p> <p>(b) reinsurance contracts with Romanian insurance companies, Insurance-reinsurance companies and reinsurance companies.</p> <p>4) Unbound, except as indicated in the horizontal measures section.</p>	<p>4) None, only as indicated in the horizontal section.</p>	
	<p>(a) Acceptance of deposits and other reimbursable funds from the public (CPC 81115-81119)</p> <p>1) None 2) The opening of accounts and utilization of foreign currency resources abroad by natural and legal Romanian persons is allowed only with prior permission from the National Bank of Romania. 3) None 4) Unbound, except as indicated in the horizontal measures section.</p>		
	<p>(b) Lending of all types (CPC 8113)</p> <p>1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section.</p>		

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) All payments and money transmission services (CPC 81339**)	1) Allowed only through a resident bank. 2) The opening of accounts and utilization of foreign currency resources abroad by natural and legal Romanian persons is allowed only with prior permission from the National Bank of Romania. 3) None 4) Unbound, except as indicated in the horizontal measures section.	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section.	
(e) Guarantees and commitments (CPC 81199**)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section.	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section.	
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:	1) Unbound 2) The opening of accounts and utilization of foreign currency resources abroad by natural and legal Romanian persons is allowed only with prior permission from the National Bank of Romania.	1) Unbound 2) None	
- transferable securities (CPC 81321*)	3) The securities (brokerage) company must be a Romanian legal entity set up as a joint-stock company under the Romanian law, and having as exclusive business objective the intermediation of securities.	3) None, except that: - the securities transactions, on the organized securities markets, by a natural or legal person which is a non-resident of Romania are taxed up to 1.5% of total value of each buying contract;	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(g) Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues (CPC 81322+ 81329)	<p>4) Unbound, except as indicated in the horizontal measures section.</p> <p>1) Unbound 2) Unbound 3) The securities company must be a Romanian legal entity set up as a joint-stock company under the Romanian law, and having as its exclusive business objective the intermediation of securities.</p> <p>Any public offer of securities shall require, previous to the publication of its prospectus, the authorization of the National Securities Commission of Romania.</p> <p>4) Unbound, except as indicated in the horizontal measures section.</p>	<p>- the repatriation of the invested capital and of the profits shall be made in the same currency in which initial investment was made.</p> <p>4) None, only as indicated in the horizontal measures section.</p> <p>1) Unbound 2) Unbound 3) None, except that the repatriation of the invested capital and of profits shall be made in the same currency in which initial investment was made.</p> <p>4) None, only as indicated in the horizontal measures section.</p>	
(h) Money broking (CPC 81339**)	<p>1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section.</p>	<p>1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section.</p>	



Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pensions fund management, custodial depository and trust services:</p> <ul style="list-style-type: none"> <li>- portfolio management (CPC 81323*)</li> <li>- closed-end investment trust services (CPC 81191*)</li> <li>- open-ended investment funds services (CPC 81193*)</li> <li>- securities custody services (CPC 81319*)</li> </ul>	<p>1) Unbound 2) Unbound 3) None, except that:</p> <ul style="list-style-type: none"> <li>- companies performing the listed services (except CPC 81193*) must be established as joint-stock companies under the Romanian law;</li> <li>- the open-ended investment funds must be established under civil Romanian law.</li> </ul> <p>4) Unbound, except as indicated in the horizontal measures section.</p>	<p>1) Unbound 2) Unbound 3) None, except that the repatriation of the invested capital and of the profits shall be made in the same currency in which initial investment was made.</p> <p>4) None, only as indicated in the horizontal measures section.</p>	
<p>(j) Settlement and clearing services for financial assets, including securities, and derivative products, and other negotiable instruments: applies only to:</p> <ul style="list-style-type: none"> <li>- settlement and clearing services for securities (CPC 81319**)</li> </ul>	<p>1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal measures section.</p>	<p>1) Unbound 2) Unbound 3) None 4) None, only as indicated in the horizontal measures section.</p>	
<p>(k) Consultancy and other auxiliary services (CPC 8133)</p>	<p>1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section.</p>	<p>1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section.</p>	

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(1) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services applies only to:  - securities related services (CPC 8131*)  9. TOURISM AND TRAVEL RELATED SERVICES <sup>3</sup>  A. <u>Hotels and Restaurants</u> (CPC 641-643)  B.& C. <u>Travel Agencies, Tour Operators and Tourist Guides Services</u> (CPC 7471-7472)	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section.          1) Unbound* 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section          1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section.          1) Unbound* 2) None 3) None 4) None, only as indicated in the horizontal measures section          1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	

<sup>3</sup> Including hotels and restaurants, travel agencies and tour operators, recreational and cultural activities (museums, monuments and natural reservations).

\* Unbound due to lack of technical feasibility.

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
10. TRANSPORT SERVICES			
C. <u>Air Transport Services</u>			
(d) Maintenance and repair of aircrafts (CPC 8868)	1) Unbound* 2) None 3) An authorization from the Romanian Aeronautical Authority is required 4) Unbound, except as indicated in the horizontal measures section	1) Unbound* 2) None 3) None 4) None, only as indicated in the horizontal measures section	
Sales and marketing services for air transport	1) None 2) None 3) Unbound 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) Unbound 4) None, only as indicated in the horizontal measures section.	
Computer-reservation services	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) None 2) None 3) None 4) None, only as indicated in the horizontal measures section	
F. <u>Road Transport Services</u>			
(a)&(b) Passenger and freight transportation (CPC 7121, 7122, 7123, less cabotage services)	1) Unbound 2) None 3) None 4) Unbound, except as indicated in the horizontal measures section	1) Unbound 2) None 3) None 4) None, only as indicated in the horizontal measures section	

\* Unbound due to lack of technical feasibility.

## Annex

### Romania: Additional Commitments on Basic Telecommunications

#### **Scope**

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

#### Definitions

Users mean service consumers and service suppliers.

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

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

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

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

#### **1. Competitive safeguards**

##### **1.1 Prevention of anti-competitive practices in telecommunications**

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

##### **1.2 Safeguards**

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

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

#### **2. Interconnection**

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

## 2.2 Interconnection to be ensured

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

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

## 2.3 Public availability of the procedures for interconnection negotiations

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

## 2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

## 2.5 Interconnection: dispute settlement

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

- (a) at any time; or
- (b) after a reasonable period of time which has been made publicly known to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

## 3. **Universal service**

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

#### **4. Public availability of licensing criteria**

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

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

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

#### **5. Independent regulators**

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

#### **6. Allocation and use of scarce resources**

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

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## ROMANIA – FINAL LIST OF ARTICLE II (MFN) EXEMPTIONS

Sector or Subsector		Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
11.	TRANSPORT SERVICES				
B.	Internal Waterways Transport	Reserve of the right in direct traffic, for transporting goods and/or passengers on the ships belonging to the contracting parties to the inland waterways transport agreements	Germany, France, Netherlands, Luxembourg, and possibly other countries in future	Indefinite	The need for the exemption is linked to the specificity of the inland waterways transport
C.	Sales and Marketing Services for Air Transport	The right for sales and marketing services for air transport is granted on a reciprocity basis	All countries	Indefinite	The reciprocity requirement is the reason for the exemption
F.	Road Transport Services	Permission for vehicles registered in another specified country to transport goods and/or passengers in accordance with existing and future bilateral road agreements. Road cabotage is reserved to domestic registered vehicles	Austria, Albania, Belgium, Bulgaria, Czech Republic, Cyprus, Croatia, Denmark, Switzerland, Latvia, Lithuania, France, Finland, Italy, Iran, Germany, Greece, Luxembourg, Great Britain, Norway, Netherlands, Poland, Portugal, Spain, Sweden, Slovak Republic, Syria, Slovenia, Turkey, Hungary, and possibly other countries in future	Indefinite	The need for the exemption is linked to the regional specificity of the cross-border provision of the road transport services