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**Working Party on the
Accession of Croatia**

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ACCESSION OF CROATIA

Revised Services Offer

The Ministry of Economy of the Republic of Croatia has submitted a revised offer on market access for trade in services which is reproduced hereunder.

Modes of supply of services: 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
HORIZONTAL COMMITMENTS			
All sectors included in this schedule	<p>(3) <u>Investment</u> Branch offices can perform all kind of business activities, but are not considered to be independent legal entities. The rights and obligations of the branch offices are those vested in the parent companies which have founded them Representative offices may only perform activities related to investigation of local markets and market research</p> <p>(3) <u>Real Estate</u> Unbound in relation to acquisition of real estate by services suppliers not established and incorporated in Croatia Acquisition of real estate necessary for the supply of services by companies established and incorporated in Croatia as legal persons is allowed</p>	<p><u>Subsidies</u> (1), (2), (3) Eligibility for subsidies from the Republic of Croatia may be limited to legal persons established within the territory of Croatia or a particular geographical sub-division thereof. Unbound for research and development subsidies (4) To the extent that any subsidies are made available to natural persons, their availability may be limited to the nationals of the Republic of Croatia.</p>	

Modes of supply of services: 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>(4) <u>Movement of natural persons</u> Unbound, except for the entry and temporary stay of natural persons which fall into one of the following categories: <u>Temporary presence of intracorporate transferees</u> Natural persons of another Member who are employed by a company having its head office in the territory of a WTO member, being temporarily transferred to supply services through commercial presence in the territory of the Republic of Croatia (i) Intra-Corporate Transferees occupying senior managerial or executive positions and: - directing the establishment or a department or subdivision of the establishment; or - supervising or controlling the work of other supervisory, managerial or other skilled professional employees; - having the authority to hire or dismiss employees, or having other authorizations concerning personnel</p>		

Modes of supply of services: 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>(ii) Specialists possessing high or uncommon qualifications or knowledge essential for the functioning of the company, which are important to the services that the company supplies, to research equipment, technical equipment or management. Firms have to be prepared upon request to certify the qualifications of their transferees seeking entry</p> <p>For temporary stay of intracorporate transferees mentioned in this section a residence permit with a validity of up to two years is required and is renewable upon request. On the basis of residence permit a work permit is issued with the validity of up to two years and is also renewable</p> <p><u>Business visitors</u></p> <p>Natural persons of another WTO member who stay temporarily in Croatia without acquiring remuneration from or within Croatia and without seeking employment in Croatia. Here are included:</p> <p>(i) Natural persons who stay temporarily in Croatia for the purpose of participating in business meetings, fairs, business contacts or other similar activities</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>(ii) Natural persons who are representatives of a foreign company and are seeking temporary entry for the purpose of negotiating for the sale of services or entering into agreement to sell services for the company they are employed at or mandated for. Those representatives can not be engaged in making direct sales to the general public or in supplying services themselves</p> <p>(iii) Natural persons employed at or mandated for by a company having its head office in another WTO member who are responsible for setting up of a commercial presence in Croatia. Those representatives can not be engaged in making direct sales to the general public or in supplying services themselves</p> <p>The duration of temporary stay is limited to 90 days or with a 90 days visa, when required</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
SECTOR SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional services			
(a) Legal services, including consultancy on foreign and international law (CPC 861)	(1) Unbound for legal procedures relating to the Croatian law. None for legal consultancy on foreign and international law. (2) None (3) Unbound for legal procedures relating to the Croatian law. None for legal consultancy on foreign and international law. (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) Citizenship requirement for membership in the Bar Council of Croatia. Membership in the Bar Council of Croatia is not required for legal consultancy on foreign and international law. (4) Unbound, except as indicated in the horizontal section	
(b) Accounting, Auditing and Bookkeeping services (CPC 862)	(1) None, except that auditing services can only be performed by foreign legal persons jointly with a domestic auditing firm (2) None (3) None, except auditing can be performed only by legal persons. Natural persons can become legal persons through registration with a commercial court (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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(c) Taxation Advisory Services (CPC 863 excluding representation in tribunals)	(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	
(d) Architectural Services (CPC 8671)	(1) Membership in professional association, certification of qualification or authorization by law in foreign supplier's home country required * (2) None (3) Authorization by the Croatian Chamber of Architects and Engineers is required Authorization by analogous foreign institutions may be recognized. Natural and legal persons may supply these services only by authorized architects or engineers (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(e) Engineering Services (CPC 8672)	(1) Membership in professional association, certification of qualification or authorization by law in foreign supplier's home country required * (2) None	(1) None (2) None	

* A design or project elaborated abroad must be controlled by authorized revisers in Croatia. This control implies the verification whether the project or design has been elaborated in a manner consistent with the requirements under Croatian law, in particular with the construction standards.

Modes of supply of services: 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>(3) Authorization by the Croatian Chamber of Architects and Engineers is required. Authorization by analogous foreign institutions may be recognized. Natural and legal persons may supply these services only by authorized architects or engineers</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(3) None</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	
(f) Integrated engineering services (CPC 8673)	<p>(1) Membership in professional association, certification of qualification or authorization by law in foreign supplier's home country required*</p> <p>(2) None</p> <p>(3) Authorization by the Croatian Chamber of Architects and Engineers is required. Authorization by analogous foreign institutions may be recognized. Natural and legal persons may supply these services only by authorized architects or engineers</p> <p>(4) Unbound, except as indicated in the horizontal section and subject to recognition of professional and technical qualification</p>	<p>(1) None</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	

* A design or project elaborated abroad must be controlled by authorized revisers in Croatia. This Control implies the verification whether the project or design has been elaborated in a manner consistent with the requirements under Croatian Law, in particular with the construction standards.

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(g) Urban planning and landscape architectural services, except general urban planning services, which are exclusively provided by the Governmental institutions, i.e. the State Office for Urban Planning and its regional and local offices(CPC 8674)			
(i) urban planning	(1) Unbound (2) None (3) None, on condition that the company has at least three employees, one of whom should be authorized architect or engineer (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(ii) landscape architectural 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	
(h) medical and dental services (CPC 9312)	(1) Unbound*, except for telemedicine: none (2) None (3) None, except that investment in the existing obligatory public health network which includes public hospitals, public clinics university clinic hospitals (teaching hospitals) and first aid medical care institutions is not allowed (4) Unbound, except as indicated in the horizontal section	(1) Unbound*, except for telemedicine: none (2) None (3) None, except that Croatian citizenship is required for individual private practice (4) Unbound, except as indicated in the horizontal section	

* Unbound due to lack of technical feasibility

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(i) Veterinary services (CPC 932)	(1) None, except that foreign veterinarian who is not registered in Croatia may not perform measures (such as vaccination) which are ordered by law. Only legal and natural persons registered in Croatia may perform such measures	(1) None	
	(2) None, except that measures (such as vaccination) which are ordered by law may not be performed abroad. Only measures carried out by legal and natural persons registered in Croatia are valid (3) None (4) Unbound, except as indicated in the horizontal section	(2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(j) Services provided by midwives, nurses, physio-therapists and para-medical personnel (CPC 93191, excluding ergotherapy, homeopathy, acupuncture)	(1) Unbound* (2) None (3) None, except that investment in the existing obligatory public health network which includes public hospitals, public clinics, university clinic hospitals (teaching hospitals) and first aid medical care institutions is not allowed (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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B. Computer and Related services			
(a) Consulting services related to the installation of computer hardware (CPC 841)	(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 None	
b) Software implementation services (CPC 842)	(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	
(c) Data processing services (CPC 843)	(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	
(d) Data base services (CPC844)	(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	
(e) Other (CPC 845-849)	(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	

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C. Research and Development services			
(a) R&D services on natural sciences (CPC 851)	(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	
(b) R&D services on social sciences and humanities (CPC 852)	(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	
(c) Interdisciplinary R&D services (CPC 853)	(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	
D. Real Estate Services (CPC 821)	(1) Commercial presence required (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	
E. Rental/Leasing Services Without Operators			
(a) Relating to ships (CPC 83103), excluding cabotage	(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	

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(b) Relating to Aircrafts (CPC 83104)	(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	
(c) Relating to Other Transport Equipment(CPC 83101, 83102, 83105), excluding cabotage	(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	
(d) Relating to Other Machinery and Equipment (CPC 831006, 83107, 83108, 83109)	(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	
F. Other Business Services			
(a) Advertising services (CPC 871)	(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	
(b) Market research and public opinion polling services (CPC 864)	(1) Commercial presence required (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	
(c) Management consulting services (CPC 865)	(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	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
(d) Services related to management consulting (CPC 866),	(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	
(e) Technical testing and analysis services (CPC 8676) excluding services related to issuance of mandatory certificates and similar official documents	(1) Institutions should be registered in the accreditation system (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	
(f) Services incidental to agriculture, hunting, forestry and fishing (CPC 881 and 882)	(1) None for consultancy (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	
(i) Services incidental to manufacturing (CPC 884, CPC 885, excluding producing of securities, money, coins and stamps)	(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	
(j) Services incidental to energy distribution (CPC 887)	(1) Commercial presence required (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	
(k) Placement and supply Services of Personnel (CPC 87203)	(1) Unbound (2) Unbound (3) Unbound, except for placement and supply of Croatian nationals for employment in Croatia by	(1) Unbound (2) Unbound (3) Unbound	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>legal persons mediators and subject to prior approval by the Ministry of Labor and Social</p> <p>Welfare for the following professionals: house- - maid, babysitter, musician, singer, farmer, fruit grower, vintner, masseur, nurse, music teacher, driving instructor, actor, culture and art performances organiser, physical therapist, master of ceremonials-speakers or musician</p> <p>(4) Unbound, except as indicated in the horizontal section and that persons should have at least two-year post-secondary school qualification and three-year working experience in personnel management</p>	<p>(4) Unbound, except as indicated in the horizontal section</p>	
(m) Related scientific and technical consulting services (CPC 8675)	(1) Services of basic geological, geodetic and mining research as well as related environmental protection research services on the territory of Croatia can be carried out only jointly with/or through domestic legal persons	(1) None	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(2) None (3) None (4) Unbound, except as indicated in the horizontal section	(2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633+8861-8866)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(r) Publishing (part of CPC 88442)	(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	
(s) Convention services (CPC 87909, planning, managing and marketing services for conventions and similar events)	(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	
(t) Other-Translation services (CPC 87905)	(1) None, except for official documents (2) None (3) None, except for translation and interpretation services for/before Croatian courts (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
2. COMMUNICATION SERVICES			
B. Courier services (CPC 7512)	(1) None, except for letters (max. dimension 230 x 120mm, max weight 20 g) on which HPT has monopoly (2) None (3) None, except for letters (max. dimension 230 x 120mm, max weight 20 g) on which HPT has monopoly (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
C. Telecommunication services			
All subsectors	Modes (1), (2), (3) During the period of exclusivity (until 1 January 2003), HPT- Croatian Post and Telecommunications is the sole supplier of the fixed network infrastructure During this period all international traffic must go through the HPT. None, as of 1 January 2003		See the Reference Paper attached
1. Basic Telecommunications Services			
fixed telecommunication infrastructure facilities - based and on resale basis, for public and non public use			
(a) Voice telephony (b) Packet-switched data (c) Circuit-switched data transmission services, (d) Telex services, (e) Telegraph services, (f) Facsimile services, (g) Private leased circuit services	(1) and (2) Until 1 January 2003 bypass of network of HPT not allowed. None as of 1 January 2003 (3) HPT - Croatian Post and Telecommunications has monopoly on these services. None as of 1 January 2003, except participation of foreign capital in HPT is limited to 25% 4. Unbound, except as indicated in the horizontal section	(1) and (2) None (3) At least 75% of the members of the HPT's supervising body must be Croatian nationals residing in Croatia (4) Unbound, except as indicated in the horizontal section	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	(3) None except for International interconnection of mobile networks with other mobile or fixed networks must be made through the HPT until 1 January 2003. None as of 1 January 2003 (4) Unbound, except as indicated in the horizontal section	(3) None (4) Unbound, except as indicated in the horizontal section	
D. Audiovisual services			
(c) Radio and television services (d) Radio and television transmission services	(1) Unbound (2) None (3) Radio, television and cable television services can be provided only by legal entities, registered in Croatia, holding a concession granted by the Telecommunication Council The number of concessions issued for individual territories (national and subnational) is limited Concession is also needed for the production of program for cable television Radio, Television and Cable Television concessionaire must be established as a stock company, individual equity ownership (held by legal entity or private person) is limited to 25% Total foreign capital participation must not exceed 25%	(1) Unbound (2) None (3) The concessionaire of radio, television and cable television and his shareholders, as well as the members of his managing board must be residents of Croatia i.e. must be Croatian citizens and must have their place of residence in Croatia, with the exception of foreign natural persons who own equity shares	

Modes of supply of services: 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>A concessionaire of radio, television and cable television may hold only one radio or television concession at the national level, or no more than two concessions, one for radio and one for television at local level in non adjacent territories.</p> <p>Cable television concessionaire can not hold a radio or television concession or own shares of radio and television concessionaire</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	<p>(4) Unbound, except as indicated in the horizontal section</p>	
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES			
A. General construction work for buildings (CPC 512)	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the horizontal section, and that, for the general supervision of the technical construction work on site, recognition of technical and professional qualification in accordance with Croatian regulations is required</p>	<p>(1) Unbound*</p> <p>(2) None</p> <p>(3) None</p> <p>(4) Unbound, except as indicated in the horizontal section</p>	

* Unbound due to lack of technical feasibility

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
B. General construction work for civil engineering (CPC 513)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section, and that, for the general supervision of the technical construction work on site, recognition of technical and professional qualification in accordance with Croatian regulations is required	(1) Unbound* (2) None (3)None (4) Unbound, except as indicated in the horizontal section	
C. Installation and assembly work (CPC 514, 516)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section, and that for the general supervision of the technical construction work on site, recognition of technical and professional qualification in accordance with Croatian regulations is required	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
D. Building completion and finishing work (CPC 517)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section, and that for the general supervision of the technical construction work on site, recognition of technical and professional qualification in accordance with Croatian regulations is required	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
E. Special trade construction work (CPC 515)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section, and that for the general supervision of the technical construction work on site, recognition of technical and professional qualification in accordance with Croatian regulations is required	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section, and that, for the general supervision of the technical construction work on site, recognition of technical and professional qualification in accordance with Croatian regulations is required	
F. Other (CPC 511)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section, and that for the general supervision of the technical construction work on site, recognition of technical and professional qualification in accordance with Croatian regulations is required	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

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4. DISTRIBUTION SERVICES*			
A. Commission agents services (CPC 621)	(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	
B. Wholesale trade services (CPC 622)	(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	
C. Retailing services (CPC 631, 632)	(1) Unbound, except for mail and electronic order (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	
D. Franchising (CPC 8929)	(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	
E. Auto distribution (CPC 6111)	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

* Excluding fire arms, explosive devices, tobacco products, medicaments and drugs

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
5. EDUCATIONAL SERVICES			
B. Secondary education services (CPC 922)	(1) Unbound (2) None (3) None for legal persons (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
C. Higher education services (CPC 923)	(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	
D. Adult education (CPC 924)	(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	
E. Other, short time education services (CPC 929)	(1) None for correspondence education or education via telecommunications (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) None for correspondence education or education via telecommunications (2) None (3) None (4) Unbound except as indicated in the horizontal section	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
6. ENVIRONMENTAL SERVICES			
A. Sewage services (CPC 9401)	(1) Unbound* (2) None (3) These services are legally considered as municipal activities, provided primarily by entities owned by local authorities. Private operators may be allowed to provide those services on the basis of a concession granted by local authorities (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
B. Refuse disposal services (CPC 9402)	(1) Unbound* (2) None (3) These services are legally considered as municipal activities, provided primarily by entities owned by local authorities. Private operators may be allowed to provide those services on the basis of a concession granted by local authorities (4) Unbound except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section	

* Unbound due to lack of technical feasibility

Modes of supply of services: 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. Sanitation and similar services (CPC 9403)	(1) Unbound* (2) None (3) These services are legally considered as municipal activities, provided primarily by entities owned by local authorities. Private operators may be allowed to provide those services on the basis of a concession granted by local authorities (4) Unbound except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section	
D. Cleaning services of exhaust gases (CPC 9404)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section	
E. Noise abatement services (CPC 9405)	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound except as indicated in the horizontal section	
D. Other: Nature and Landscape Protection Services (CPC 9406)	(1) Commercial presence required (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 of services: 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
7. FINANCIAL SERVICES			
Insurance and related services as defined in the "Annex on Financial services"			
(a) Life insurance	(1) and (2) Unbound, except for the supply of life insurance to foreign persons residing in Croatia (3) None (4) Unbound, except as indicated in the horizontal section	(1) and (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) and (2) Limitations will be gradually removed, in accordance with the BOP position of the Republic of Croatia
(b) Non-life insurance	(1) Unbound, except for the supply of non-life insurance other than automobile liability insurance to foreign persons residing in Croatia (2) Unbound, except (a) for foreign persons residing in Croatia for non-life insurance other than automobile liability and (b) in the following cases: - in accordance with the BOP position of the Republic of Croatia - overseas ships - liability of the shipper for damage caused to the third person or his property, - ships under construction and overhaul - if it is stipulated by the contract concluded with the foreign client (buyer), - investment works in foreign countries made by local enterprises, as well as the equipment for those works, i.e. according to regulations of the country in which those works are made,	Unbound, except for the supply of non-life insurance other than automobile liability insurance to foreign persons residing in Croatia (1) and (2) None	(1) and (2) Limitations will be gradually removed, in accordance with the BOP position of the Republic of Croatia

Modes of supply of services: 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
	<ul style="list-style-type: none"> - foreign loans in order to insure their return (collateral insurance) if it is stipulated by the contract on request of the loan provider, - personal and property insurance of sole enterprises and enterprises established jointly with foreign persons which perform an economic activity in a foreign country, if it is in accordance with the regulations of that country or it is required by its registration, - personal or property risk insurance that is not available in the Republic of Croatia, - import or export of goods insurance if they are not transported at the risk of a domestic person <p>(3) None (4) Unbound, except as indicated in the horizontal section</p>	<p>(3) None (4) Unbound, except as indicated in the horizontal section</p>	
(c) Reinsurance and retrocession	<p>(1) and (2) None (3) None (4) Unbound, except as indicated in the horizontal section</p>	<p>(1) and (2) None (3) None (4) Unbound, except as indicated in the horizontal section</p>	

Modes of supply of services: 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) Insurance intermediation, such as brokerage and agency Services auxiliary to insurance, such as: - consultancy - actuarial - risk assessment - claim settlement services	(1) Unbound (2) None (3) Unbound, except when the brokerage of insurance contracts is done with a company established in Croatia and when the foreign person has been registered with the commercial court (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. Banking and Other Financial Services* (excluding insurance) as defined in the "Annex on Financial Services"			
a) Acceptance of deposits and other repayable funds from the public	(1) and (2) Unbound	(1) and (2) None	(1) and (2) Limitations will be removed gradually, in accordance with the BOP position of the Republic of Croatia
(b) Lending of all types, including consumer credit, factoring and financing of commercial transactions	(1) and (2) None	(1) and (2) None	
(c) Financial leasing	(1) and (2) None	(1) and (2) None	
(d) All payment and money transmission services, including credit, charge and debit cards, traveller's cheques and bankers drafts	(1) and (2) None	(1) and (2) None	
(e) Guarantees and commitments	(1) None (2) None (3) (for operations from (a) to (e)) None (4) (for operations from (a) to (e)), Unbound, except as indicated in the horizontal section	(1) None (2) None (3) (for operations from (a) to (e)) None (4) (for operations from (a) to (e)), Unbound, except as indicated in the horizontal section	

Modes of supply of services: 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
(f) Trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise the following:			
- money market instruments (including cheques, bills, certificate of deposits)	(1) Unbound* (2) Unbound, except as indicated in the horizontal section (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	(1) and (2) Limitations will be gradually removed, in accordance with the BOP position of the Republic of Croatia
- derivative products including, but not limited to, futures and options	(1) Unbound** (2) Unbound (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	(1) and (2) Limitations will be gradually removed, in accordance with the BOP position of the Republic of Croatia
- exchange rate and interest rates instruments, including products such as swaps, forward rate agreements	(1) Unbound*** (2) Unbound (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	(1) and (2) Limitations will be gradually removed, in accordance with the BOP position of the Republic of Croatia

* Money market instruments can be sold by non-resident to Croatian resident only if those instruments are listed in the Croatian Stock Exchange (organized market), and on the basis of license granted by CROSEC. Trading with those instruments over-the-counter is forbidden. (Article 56. of the Securities Act.)

** Derivative products including, but not limited to, futures and options, can be sold by non-resident to Croatian resident only if those instruments are listed in the Croatian Stock Exchange (organized market), and on the basis of license granted by CROSEC. Trading with those instruments over-the-counter is forbidden. (Article 56. of the Securities Act.)

*** Exchange rate and interest rates instruments, including products such as swaps, forward rate agreements can be sold by non-resident to Croatian resident only if those instruments are listed in the Croatian Stock Exchange (organized market), and on the basis of license granted by CROSEC. Trading with these instruments over-the-counter is forbidden. (Article 56. of the Securities Act)

Modes of supply of services: 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
- foreign exchange	(1) Unbound (2) Unbound (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	(1) Limitations will be gradually removed, in accordance with the BOP position of the Republic of Croatia
- transferable securities	(1) Unbound* (2) Unbound (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	(1) and (2) Limitations will be gradually removed, in accordance with the BOP position of the Republic of Croatia
- other negotiable instruments and financial assets, including bullion	(1) Unbound** (2) Unbound. Trade in bullion can only be carried out with the authorization of the Croatian national bank (3) None. Unbound, for trade in bullion (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None Unbound, for trade in bullion (4) Unbound, except as indicated in the horizontal section	(1) and (2) Limitations will be gradually removed, in accordance with the BOP position of the Republic of Croatia

* These limitations refer to the purchases by the non-residents of the short-term securities issued by the central bank - Croatian National Bank (CNB). These securities are used primarily as indirect, market-based instruments of monetary management. Additional commitments on mode 1 do not refer to the purchases of the CNB short-term securities by non-residents. Transferable securities can be sold by non-resident to Croatian resident only if those instruments are listed in the Croatian Stock Exchange (organized market), and on the basis of license granted by CROSEC. Trading with those instruments over-the-counter is forbidden. (Article 56. of the Securities Act.)

** Other negotiable instruments and financial assets can be sold by non-resident to Croatian resident only if those instruments are listed in the Croatian Stock Exchange (organized market), and on the basis of license granted by CROSEC. Trading with those instruments over-the-counter is forbidden. (Article 56. of the Securities Act.)

Modes of supply of services: 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 and provision of services related to such issue (excluding central bank's securities)	(1) Unbound (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	
(h) Money broking	(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	
(i) Asset management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services (excluding pension fund management)	(1) Unbound (2) Unbound (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	(1) and (2) Limitations will be gradually removed, in accordance with the BOP position of the Republic of Croatia (This refers only to asset management)
(j) Settlement and clearing services for financial assets, including securities, derivatives products, and other negotiable instruments*	(1) Unbound (2) Unbound (3) Unbound (4) Unbound, except as indicated in the horizontal section	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

* Access to the settlement and clearing services of the "Central Depository Agency" will be granted to non-residents on a non-discriminatory basis.

Modes of supply of services: 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
(k) Advisory, intermediation and other auxiliary financial services on all the activities listed in subparagraphs (a) through (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy	(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	
(l) Provision and transfer of financial information and financial data processing and related software by suppliers of other financial 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	
8. HEALTH RELATED AND SOCIAL SERVICES			
A. Hospital services (CPC 9311)	(1) Unbound*, except for telemedicine: none (2) None (3) None, except that investment in the existing obligatory public health network which includes public hospitals, public clinics, university clinic hospitals (teaching hospitals) and first aid medical care institutions is not allowed (4) Unbound, except as indicated in the horizontal section	(1) Unbound*, except for telemedicine: none (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

* Unbound due to lack of technical feasibility

Modes of supply of services: 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
9. TOURISM AND TRAVEL RELATED SERVICES			
A. Hotels, restaurants (including catering) (CPC 641, 642, 643) (excluding catering in transport services sector)	(1) Unbound* (2) None (3) None, other than location in the protected areas of particular historic and artistic interest and within national or landscape parks is subject to approval by the Government of the Republic of Croatia which can be denied (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
B. Travel agencies and tour operators services (CPC 7471)	(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	
C. Tourist guides services (CPC 7472)	(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	
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (Other than Audiovisual services)			
A. Other Entertainment Services (CPC 9619)	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

Modes of supply of services: 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. News Agency Services (CPC 962)	(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	
C. Sporting and Other Recreational Activities, excluding gambling and betting services (CPC 9641, 96491)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
11 TRANSPORT SERVICES			
A. Maritime Transport Services			
(a) Passenger transportation (CPC 7211)	(1) None, except for cabotage (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None, except for cabotage (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(b) Freight transportation (CPC 7212)	(1) None, except for cabotage (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None, except for cabotage (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

* Unbound due to lack of technical feasibility

Modes of supply of services: 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) Rental of vessels with crew (CPC 7213)	(1) None, except for cabotage (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None, except for cabotage (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(d) Maintenance and Repair of Vessels (CPC 8868)	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(e) Towing and pushing services (CPC 7214)	(1) Unbound (2) None (3) None on condition that a foreign legal person establishes a company in Croatia which should be granted a concession by the port authority following a public tendering procedure. The number of service suppliers may be limited reflecting limitations in port capacity. (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

* Unbound due to lack of technical feasibility

Modes of supply of services: 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
(f) Supporting services for maritime transport (CPC 745)	(1) Unbound* (2) None (3) None, except for navigation aid services and pilotage and on the condition that foreign legal person establishes a company in Croatia which should be granted a concession by the port authority following a public tendering procedure. The number of service suppliers may be limited reflecting limitations in port capacity. (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
C. Air Transport Services			
(d) Maintenance and repair of aircrafts (CPC 8868)	(1) Unbound* (2) None (3) None, provided a license is granted by the Ministry of Maritime Affairs, Transport and Communications (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(e) Supporting services for air transport - Sales and marketing	(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	

* Unbound due to lack of technical feasibility

Modes of supply of services: 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
(f) Rental services of aircraft with operator (CPC 7340)	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
Computer Reservation System (CRC)*	(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	
E. Rail Transport service			
(d) Maintenance and Repair of Rail Transport Equipment (CPC 8868)	(1) Unbound** (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound** (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(e) Supporting services for railway transport (CPC 7430)	(1) Unbound** (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
G. Pipeline transport services (CPC 713)	(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	

* Further Croatian regulation will be based on the recommendations of ECAC (European Civil Aviation Conference) concerning Code of Conduct on CRS (identical European Commission's regulation)

** Unbound due to lack of technical feasibility

Modes of supply of services: 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
F. Road Transport services			
(a) Passenger and freight transportation (CPC 7121 + 7122)	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) Unbound (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(c) Maintenance and repair of road transport equipment (CPC 8867)	(1) None, except for cabotage and subject to permit (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None, except for cabotage and subject to permit (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(d) Supporting services for road transport (CPC 744)	(1) None, except for cabotage and subject to permit (2) None (3) None (4) Unbound, except as indicated in the horizontal section	(1) None, except for cabotage and subject to permit (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
H. Services auxiliary to all modes of transport			
(a) Cargo handling services (CPC 741)	(1) Unbound* (2) None (3) None, except for maritime services where a foreign legal person is required to establish a company in Croatia which should be granted a concession by the port authority, following a public tendering	(1) Unbound* (2) None (3) None	

* Unbound due to lack of technical feasibility

Modes of supply of services: 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
	procedure. The number of service suppliers may be limited reflecting limitations in port capacity. (4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in the horizontal section	
(b) Storage and warehousing services (CPC 742)	(1) Unbound* (2) None (3) None, except for maritime services where a foreign legal person is required to establish a company in Croatia which should be granted a concession by the port authority, following a public tendering procedure. The number of service suppliers may be limited reflecting limitations in port capacity. (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	
(c) Freight transport agency services (CPC 748)	(1) Unbound* (2) None (3) None, except for maritime services where a foreign legal person is required to establish a company in Croatia which should be granted a concession by the port authority, following a public tendering procedure. The number of service suppliers may be limited reflecting limitations in port capacity. (4) Unbound, except as indicated in the horizontal section	(1) Unbound* (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

* Unbound due to lack of technical feasibility

Modes of supply of services: 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) Other supporting and auxilliary transport services (CPC 749)	(1) Unbound*, except for transportation document preparation services (2) None (3) None, except for maritime services where a foreign legal person is required to establish a company in Croatia which should be granted a concession by the port authority, following a public tendering procedure. The number of service suppliers may be limited reflecting limitations in port capacity. (4) Unbound, except as indicated in the horizontal section	(1) Unbound*, except for transportation document preparation services (2) None (3) None (4) Unbound, except as indicated in the horizontal section	

LIST OF ARTICLE II MFN EXEMPTIONS OF THE REPUBLIC OF CROATIA				
Sector or Sub-sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended duration	Conditions creating the need for the exemption
Road Transport Passenger and Freight	Measures applied under existing or future agreements and which reserve or limit the provision of transport services and specify operating conditions, including transit permits and/or preferential road taxes of transport services into, in, across and out of the Republic of Croatia to the parties concerned	All countries with which agreements are or will be in force	Indefinite	To protect the integrity of road transport infrastructure and the environment and to regulate traffic rights in the territory of the Republic of Croatia and between the countries concerned
Real Estate	Reciprocity requirement for foreign persons and approval of the minister for foreign affairs*, except for immigrants from the former Yugoslav republics and their descendants who are without any citizenship and who require approval by the Ministry in charge of immigration	All countries	Temporary	Political considerations and BOP position reasons

* Acquisition of real estate necessary for the supply of services by companies established and incorporated in Croatia as legal persons is not affected by this requirement.

**ATTACHMENT TO THE REPUBLIC OF CROATIA INITIAL
DRAFT SCHEDULE ON BASIC TELECOMMUNICATIONS SERVICES
REFERENCE PAPER**

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
- (b) 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 not-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favorable 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 unbounded 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 appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal services

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 license 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 license and
- (b) the terms and conditions of individual licenses.

The reasons for the denial of a license 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.
