

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/SPEC/TPKM/3/Rev.2/Corr.1¹
8 June 1999

(99-2298)

Working Party on the
Accession of Chinese Taipei

Original: English

ACCESSION OF CHINESE TAIPEI

Specific Commitments on Services

Corrigendum

Attached are replacement pages for document WT/ACC/SPEC/TPKM/3/Rev.2.

¹ English only

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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
I. HORIZONTAL COMMITMENTS			
All Sectors (except as indicated otherwise in specific sectors)	<p><u>Investment</u></p> <p>(3)</p> <p>(a) Foreign business and individuals may directly invest in Chinese Taipei , unless otherwise falling into the measures of limitations specified in the specific sectors.</p> <p>(b) Until December 31, 2000, with respect to portfolio investment in companies whose shares are listed in the securities markets of Chinese Taipei.</p> <p>i. Any non-Chinese Taipei natural or juridical person may hold 4550% of the total issued stocks of a listed company;</p> <p>ii. All non-Chinese Taipei natural or juridical persons, in the aggregate, may hold 3050% of the total issued stocks of a listed company.</p> <p>On January 1, 2001 and thereafter, no limitations shall exist, except as otherwise specified in this schedule for specific sectors.</p> <p>Before January 1, 2001 the investment ceilings will be reviewed every six months.</p>		

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	<p><u>Entry and Temporary Stay of Natural Persons</u></p> <p>(4) Unbound, except for measures concerning the entry and temporary stay of natural persons in the following categories:</p> <p>(a) <u>Business visitors</u> may enter and stay for an initial period of no more than 90 days. <u>Business visitor</u> being a natural person who stays in Chinese Taipei without receiving remuneration from within Chinese Taipei and is not engaged in making direct sales to the general public, for the purpose of participating in business meetings, business negotiations, the preparation for establishing a commercial presence or other similar activities.</p> <p>(b) <u>Intra-corporate Transferees</u> may enter and stay in Chinese Taipei for twothree-year initial period that may be renewed for one-year periods indefinitely.</p>	<p><u>Acquiring the Rights and Interests in the Land</u></p> <p>(3)</p> <p>(a) Land in agriculture, forestry, fishing, pasture, hunting, salt production, mines, and sources of water may not be transferred, encumbered or leased to foreigners.</p> <p>(4) Unbound except for measures concerning the categories of natural persons referred to in the market access column.</p>	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
II. SECTOR-SPECIFIC COMMITMENTS			
1. BUSINESS SERVICES			
A. Professional Services a) Legal Services(861**) i. Legal services provided by "Attorney of foreign legal affairs (AFLA)".. ¹ - AFLA practicing the law of his/her home jurisdiction(s) or international law independently.	(1) None. (2) None. (3) Access is restricted to natural persons having established a law office ² . in the form of sole proprietorship or partnership. ³ Partnership in a law office is limited to persons registered as attorneys of foreign legal affairs.	(1) None. (2) None. (3) The firm name must indicate the title of "attorney of foreign legal affairs"	(3) (a) Chinese Taipei will grant recognition of AFLA to the following: i. the service provider is qualified as a lawyer in his/her home jurisdiction(s), and

¹ Registration shall be made with the Bar Association in the locality in Chinese Taipei where the law office is located after the person is recognized by Chinese Taipei as "attorney of foreign legal affairs".

² The AFLA is required to indicate the jurisdiction(s) where he/she is qualified as a lawyer.

³ Note for Transparency: According to the law of Chinese Taipei, partnership is not a juridical person.

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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>- AFLA cooperating with the licensed lawyer in Chinese Taipei or acquiring the latter's written opinions in the matters concerning marriage, parental or inheritance cases in which the national of Chinese Taipei is a party or the estates is located in Chinese Taipei</p> <p>ii. Foreign legal assistant or consultant:</p> <p>- assisting Chinese Taipei lawyers or AFLA but not conducting litigation or providing other legal services under the assistant/consultant's own name.</p>	(4) Unbound except as indicated in the horizontal section.	(4) Unbound except as indicated in the horizontal section.	<p>ii. the service provider has practiced as a qualified lawyer for at least 5 years in his/her home jurisdiction(s). However, should a foreign lawyer be employed by a lawyer of Chinese Taipei as an assistant or consultant or have practiced his/her home jurisdiction laws elsewhere, the term, up to a maximum of two years, of employment or practice may be accredited to the said five year term.</p> <p>iii. Any foreign lawyer who is already employed by a Chinese Taipei lawyer by 18 November 1996 the date of Chinese Taipei's accession to the WTO in accordance with the Regulation Concerning Chinese Taipei's Lawyers' Employment of Foreigners</p>

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
	<p>(b) Veterinary assistant shall also meet one of the following requirements with verification documents:</p> <p>i. practicing as a veterinarian assistant for at least 4 years; or</p> <p>ii. undertaking veterinary-related work for at least 5 years.</p> <p>4) Unbound except as indicated in the horizontal section.</p>	<p>4) Unbound except as indicated in the horizontal section.</p>	
B. Computer and Related Services (excluding the Computer airline reservation system) (841, 842, 843, 844, 845, 849)	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	
C. Research and Development Services (851, 852, 853)	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	

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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 (7521) (b) Packet-switched data transmission services (7523**) (3) Circuit-switched data transmission services (7523**) (d) Telex services (7523**) (e) Telegraph services (7523**) (7522) (f) Facsimile services (7521**, 7529**) (g) Private leased circuit services (7522**, 7523**)	(1) None except that: — For voice telephone services, the use of leased circuits connected to PSTN is not allowed until 1 July 2001. — Provision of satellite based mobile communication services is subject to commercial arrangements with Chinese Taipei licenced operators. (2) None. (3) As of 31 December 1999⁶ for sub-sector (g) only through satellite technology and as of 1 July 2001⁷ for all other, None, none except that: - A service supplier shall be a company limited by shares Company Limited by Shares incorporated in Chinese Taipei. - Direct investment by non-Chinese Taipei persons in a service supplier cannot exceed 20 %, but the aggregate of direct and indirect investment by non-Chinese	(1) None. (2) None. (3) The chairman and a majority of the board of directors shall be Chinese Taipei nationals.	Chinese Taipei undertakes the obligations contained in the reference paper attached hereto.

⁶ Licence application has been started on 20 June 1998.

⁷ Licence application will be started on 1 January 1999.

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>(b) Packet-switched data transmission services (7523**)</p> <p>(c) Circuit-switched data transmission services (7523**)</p> <p>(d) Telex services (7523**)</p> <p>(e) Telegraph services (7523**) (7522)</p> <p>(f) Facsimile services (7521**, 7529**)</p> <p>(g) Private leased circuit services (7522**, 7523**)</p> <p>(o) Others: Cellular mobile phone services (75213*), Radio paging services (75291*) Trunked radio services (7523**, 75213*), Mobile data services (7523**)</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
Education Services (9222, 9223, 9224, 923, 924, 929)	<p>(1) None. (2) None. (3) None, except that: Consistent with Article VI of GATS, educational institutions of a type currently regulated by the Ministry of Education are required to comply with Chinese Taipei's Private School Law. Branches of such an institution may be established with the approval of the Ministry of Education.</p> <p>(b) (a) The principal / president and chairman of the board should be national of Chinese Taipei. (e) (b) The number of foreigners as director may not exceed one third of the board and may not exceed five directors. (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None. (2) None. (3) None.</p> <p>(4) Unbound except as indicated in the horizontal section.</p>	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
<p>B. Banking and Other Financial Services (excluding insurance, securities and futures)</p> <p>All services listed in this sub-sector</p>	<p>(1) Unbound.</p> <p>(2) None, except: 1- that solicitation and marketing activities in the territory of Chinese Taipei by non-resident financial services providers is prohibited ; 2-financial services consumed abroad have to be permitted in the jurisdiction where they are consumed.</p> <p>(3)</p> <p>(a) Provision of banking services, listed in this sub-sector, through the commercial presence in Chinese Taipei shall be limited to the establishment of the following institutions: commercial banks, branches of foreign banks, offshore banking branches of banks, foreign exchange brokerage firms, credit card institutions and bills finance companies.</p> <p>3) A financial institution or the branch office of a foreign financial institution shall be in accordance with the minimum capital requirement or the minimum inward remittance operating capital requirement.</p>	<p>(1) Unbound.</p> <p>(2) Unbound.</p> <p>(3) None.</p>	<p>As of 1 January 2000, Chinese Taipei will permit the opening, at customer request, of foreign currency deposit accounts abroad and the transfer of funds to these accounts pursuant to the prudential regulations of competent authorities of Chinese Taipei.</p> <p>Specifically, this means that Chinese Taipei residents will be permitted to seek information from the local branch of foreign banks on opening accounts abroad. The local branch of the foreign banks will be allowed to provide information upon request, including application forms and to provide information on filling out such forms. The application forms have to be sent directly by the customer to the parent bank outside Chinese Taipei for processing and approval. The foreign bank will not be</p>

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9. TOURISM AND TRAVEL RELATED SERVICES			
<p>A. Hotels and Restaurants (including catering)</p> <p>a) Hotel (limited to tourist hotel) (excluding food and beverage serving services) (64110**)</p> <p>b) Hotels (limited to regular hotel) (64110**)</p> <p>c) Food serving services (642) (including related beverage serving services)</p> <p>B. Travel Agencies and Tour Operators Services (7471)</p>	<p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p> <p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p> <p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p> <p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p> <p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p> <p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p> <p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p>	

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Sector or sub-sector	Limitations on market access	Limitations on national treatment	Additional commitments
H. Services Auxiliary to All Modes of Transport			
a) Cargo Handling Services (excluding ramping services provided in airports) (741**)	<p>(1) Unbound*. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) Unbound*. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p>	
b) Storage and Warehousing services (742)	<p>(1) Unbound*. (2) None. (3) None, except that services provided in airports are not allowed until 31 December 1999. None as of 1 January 2000. (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) Unbound*. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p>	
c) Freight Transport Agency Services (7480)	<p>(1) Unbound*. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p>	
d) Other Supporting and Auxiliary Transport Services (excluding local pick-up and delivery) (7490**)	<p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p>	<p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in the horizontal section.</p>	