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Negotiating Group on Maritime Transport Services

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COMMUNICATION FROM SWITZERLAND

Conditional Offer on Maritime Transport Services

The following communication is circulated at the request of Switzerland to members of the Negotiating Group on Maritime Transport Services.

In accordance with the decision taken by the Negotiating Group on Maritime Transport Services, Switzerland hereby submits its conditional draft offer on maritime transport services. The offer is conditional upon satisfactory initial commitments being received from other negotiating partners.

Switzerland reserves the right to modify, reduce or withdraw this offer, in whole or in part, at any time prior to the conclusion of the negotiations. Switzerland further reserves the right to make technical changes, amendments or corrections to the offer.

SWITZERLAND - 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		
TRANSPORT SERVICES					
MARITIME TRANSPORT SERVICES					Services at sea ports ¹
International transport (passengers and freight)	1) Unbound*	1) Unbound*			
CPC 7211 and 7212 <u>less</u>	2) None	2) None			
cabotage transport	3) The following types of enterprises as listed hereinafter, whose headoffice and real center of activities are located in Switzerland, can own and/or operate a vessel under Swiss flag under the following conditions (vessel owner and/or shipping company):	3) For all types of enterprises mentioned under mode 3 of the market access column: the majority of the members of the board of directors and of the management must be domiciled in Switzerland;			

1 Additional commitments on services at sea ports are not feasible from a technical point of view.

* A commitment on this mode of delivery is not feasible from a technical point of view.

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>At least two thirds of the shares' voting power representing at least the majority of the share-capital of a joint stock company (société anonyme/Aktiengesellschaft) or a partnership limited by shares (société en commandite par actions/Kommanditaktiengesellschaft) must be owned by Swiss nationals domiciled in Switzerland and/or by substantially Swiss-owned and effectively Swiss-controlled enterprises with registered office in Switzerland. The whole share-capital of the joint stock company or of the partnership limited by shares must be issued in the form of nominative shares.</p> <p>At least three quarters of the associates or other partners who account for at least three quarters of the capital of a collective society (société en nom collectif/Kollektivgesellschaft), a limited partnership (société en commandite/Kommanditgesellschaft) or a corporation with limited liability (société à responsabilité limitée/Gesellschaft mit beschränkter Haftung) must be Swiss nationals domiciled in Switzerland and/or substantially Swiss-owned and effectively Swiss-controlled enterprises with registered</p>	<p>if the board of directors or the management is constituted by one single person, this person must be a Swiss national domiciled in Switzerland; in addition, the Swiss Maritime Navigation Office may require other executives and/or senior managers of the enterprise to be Swiss nationals domiciled in Switzerland if necessary to ensure the substantially Swiss-owned and effectively Swiss-controlled character of the enterprise.</p> <p>In addition, at least two thirds of the members of the board of directors and of the management of a joint stock company, of a partnership limited by shares, of a corporation with limited liability or of a co-operative society must be Swiss nationals.</p> <p>Statutory auditing reports must be drawn up by auditing companies with registered office in Switzerland or having a branch which is registered in the commercial register in Switzerland.</p>		

SWITZERLAND (continued)

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>office in Switzerland.</p> <p>At least two thirds of the members who account for at least two thirds of the capital of a co-operative society (société coopérative/Genossenschaft) must be Swiss nationals domiciled in Switzerland and/or substantially Swiss-owned and effectively Swiss-controlled enterprises with registered office in Switzerland.</p> <p>The financing of a vessel under Swiss flag by foreign funds shall in no way endanger the influence of Swiss interests on the shipping company and on the operation of the vessel.</p>	<p>Eligibility for public guarantee of loans for the financing of seagoing vessels reserved to vessels sailing under Swiss flag.</p>	
	<p>4) Unbound except as indicated in Part I; vessels' crews: unbound.</p>	<p>4) Unbound except as indicated in Part I; vessels' crews: unbound. Eligibility for subsidies: unbound.</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
MARITIME AUXILIARY SERVICES					
- Maritime cargo handling services (as defined below - definition no. 1) ²		1) Unbound*		1) Unbound*	
		2) None		2) None	
		3) Unbound*		3) Unbound*	
		4) Unbound*		4) Unbound*	

2 Cargo-handling services **auxiliary to all modes of transport** (CPC 741): commitments as specified in Switzerland's Schedule of Specific Commitments (document GATS/SC/83 of April 1994).

* A commitment on this mode of delivery is not feasible from a technical point of view.

SWITZERLAND (continued)

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
- Storage and warehouse services (CPC 742) ³	1) Unbound* 2) None 3) None 4) Unbound except as indicated in Part I	1) Unbound* 2) None 3) None 4) Unbound except as indicated in Part I	
- Customs clearance services (As defined below - definition no. 2)	1) Unbound* 2) None 3) None** 4) Unbound except as indicated in Part I	1) Unbound* 2) None 3) None 4) Unbound except as indicated in Part I	

3 Storage and warehouse services **auxiliary to all modes of transport** (CPC 742): commitments as specified in Switzerland's Schedule of Specific Commitments (document GATS/SC/83 of April 1994).

* A commitment on this mode of delivery is not feasible from a technical point of view.

** Public utility concession or licensing procedures may apply in case of occupation of the public domain.

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
-	Container station and depot services (as defined below - definition no. 3)	1) Unbound*	1) Unbound*	1) Unbound*	
		2) None	2) None	2) None	
		3) None**	3) None	3) None	
		4) Unbound except as indicated in Part I**	4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	
-	Maritime agency services (as defined below - definition no. 4) ⁴	1) None	1) None	1) None	
		2) None	2) None	2) None	
		3) None	3) None	3) None	
		4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	

* A commitment on this mode of delivery is not feasible from a technical point of view.

** Public utility concession or licensing procedures may apply in case of occupation of the public domain.

4 Freight transport agency services, including other auxiliary transport services, **auxiliary to all modes of transport** excluding local pick-up and delivery (CPC 748 + part of 749) : commitments as specified in Switzerland's Schedule of Specific Commitments (document GATS/SC/83 of April 1994).

SWITZERLAND (continued)

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

Sector or sub-sector	1) Cross-border supply	2) Consumption abroad	3) Commercial presence	4) Presence of natural persons
- Maritime freight forwarding services (as defined below - definition no. 5) ⁵	1) None	1) None	1) None	
	2) None	2) None	2) None	
	3) None	3) None	3) None	
	4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	
Maintenance and repair services of seagoing vessels	1) Unbound*	1) Unbound*	1) Unbound*	
	2) None	2) None	2) None	
	3) None	3) None	3) None	
	4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	4) Unbound except as indicated in Part I	

5 Freight transport agency services, including other auxiliary transport services, **auxiliary to all modes of transport** excluding local pick-up and delivery (CPC 748 + part of 749) : commitments as specified in Switzerland's Schedule of Specific Commitments (document GATS/SC/83 of April 1994).

* A commitment on services at sea ports are not feasible from a technical point of view.

DEFINITIONS TO THIS SCHEDULE

1. **"Maritime cargo handling services"** means activities exercised by stevedore companies, including terminal operators, but not including the direct activities of dockers when this workforce is organised independently of the stevedoring or terminal operator companies. The activities covered include the organisation and supervision of the loading/discharging of cargo to/from a vessel, the lashing/unlashing of cargo, the reception/delivery and safekeeping of cargoes before shipment or after discharge.
2. **"Customs clearance services"** (alternatively **"customs house brokers' services"**) means activities consisting in carrying out on behalf of another party customs formalities concerning import, export or through-transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity.
3. **"Container station and depot services"** means activities consisting in storing containers, whether in port areas or inland, with a view to their stuffing/stripping, repairing and making them available for shipments.
4. **"Maritime agency services"** means activities consisting in representing as an agent, within a given geographic area, the business interests of one or more shipping lines or shipping companies for the following purposes: **(a)** marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information; **(b)** acting on behalf of the companies organising the call of the vessel or taking over cargoes when required.
5. **"Maritime freight forwarding services"** means the activity consisting in organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information.