

WORLD TRADE ORGANIZATION

TN/S/O/LIE
11 April 2003

(03-2054)

Council for Trade in Services
Special Session

Original: English

COMMUNICATION FROM LIECHTENSTEIN

Initial Offer

The following initial offer has been received from the delegation of Liechtenstein on 9 April with the request that it be circulated to Members of the Council for Trade in Services.

Liechtenstein hereby submits its initial offer on services to other WTO Members. This offer does not prejudge Liechtenstein's final position related to the final commitments as an outcome of the present negotiations.

Liechtenstein reserves the right to withdraw, modify or reduce its initial offer on services and any subsequent offer that could follow, in whole or in part, at any time on or before the conclusion of the services negotiations which is set for 1 January 2005.

Liechtenstein further reserves the right to make any technical change or correction to this initial offer and any subsequent offer that could follow.

LIECHTENSTEIN – SCHEDULE OF SPECIFIC COMMITMENTS

Modes of supply: (1) Cross-border (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 HORIZONTAL COMMITMENTS¹</p> <p>ALL SECTORS INCLUDED IN THIS SCHEDULE</p> <p>The level of commitments in a particular sector shall not be construed to supersede the level of commitments taken with respect to any other services sector to which such service is an input or to which it is otherwise related. CPC numbers indicated in square brackets are references to the UN Provisional Central Product Classification (Statistical Papers Series M No. 77, Provisional Central Product Classification, Department of International Economics and Social Affairs, Statistical Office of the United Nations, New York, 1991).</p> | | | |
| | <p>1) None</p> | <p>1) Unbound for subsidies, tax incentives and tax credits</p> <p>Once the EEA Agreement has entered into force for the Principality of Liechtenstein,</p> <p>† Treatment accorded to subsidiaries of third country companies formed in accordance with the law of an EEA Member State and having registered office, central administration or principal place of business within an EEA Member State is not extended to branches or agencies established in an EEA Member State by a third-country company.</p> <p>Treatment less favourable may be accorded to subsidiaries of third countries having only their registered office in the territory of an EEA Member State unless they show that they possess an effective and continuous link with the economy of one of the EEA Member States.</p> | |
| | <p>2) None</p> | <p>2) Unbound for subsidies, tax incentives and tax credits</p> | |

¹ Liechtenstein makes reference to the specific geographic situation of the country, to its limited resources and to the small labour market. Therefore, Liechtenstein is in a position to bind its services sector only with the reservations mentioned in Part I and Part II.

Modes of supply: (1) Cross-border (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) The establishment of a commercial presence by a juridical person (including branches) is subject to the requirement that no objection for reasons of national economy (balanced proportion of national and foreign capital; balanced ratio of foreigners in comparison with the number of resident population; balanced ratio of total number of jobs in the economy in comparison with the number of the resident population; balanced geographic situation; balanced development of the national economy, between and within the sectors) exists.</p> | <p>3) The establishment of a commercial presence by an individual is subject to the requirement of prior residence during a certain period of time and of permanent domicile in Liechtenstein. He/she must possess sector specific government recognized professional qualifications</p> <p>The establishment of a commercial presence by a juridical person (including branches) is subject to the following requirements: At least one of the managers has to fulfil the requirements of prior residence during a certain period of time and of permanent domicile in Liechtenstein. He must possess sector specific government recognized professional qualifications. The majority of the administrators (authorized to manage and represent the juridical person) must be resident in Liechtenstein and have either to be Liechtenstein citizens or have prior residence during a certain period of time in Liechtenstein. The general and the limited partnership have to fulfil the same conditions as corporations with limited liability (juridical person). In addition the majority of the associates have to be Liechtenstein citizens or to have prior residence during a certain period of time in Liechtenstein.</p> <p>The Liechtenstein company law does not prohibit joint stock companies from foreseeing in their articles of incorporation the preclusion or limitation of the transfer of registered shares</p> | <p> </p> <p> </p> <p> </p> |

Modes of supply: (1) Cross-border (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>Once the EEA Agreement has entered into force for the Principality of Liechtenstein,</p> <p>Treatment accorded to subsidiaries of third-country companies formed in accordance with the law of an EEA Member State and having registered office, central administration or principal place of business within an EEA Member State is not extended to branches or agencies established in an EEA Member State by a third-country company.</p> <p>Treatment less favourable may be accorded to subsidiaries of third countries having only their registered office in the territory of an EEA Member State unless they show that they possess an effective and continuous link with the economy of one of the EEA Member States.</p> <p>All acquisitions of real estate are subject to authorization. Such authorization is granted only if an actual and proven requirement for living or business purposes is given and a certain period of residence has been completed. Non-residents are excluded from the acquisition of real estate.</p> | |

Modes of supply: (1) Cross-border (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) Unbound, except for measures concerning the entry and temporary stay of natural persons (hereafter persons) falling within the categories, as defined in paragraph I below, and subject to the following limitations and conditions and to the limitations and conditions on national treatment set out under the national treatment column: Entry and stay of foreign services suppliers in Liechtenstein is subject to authorization (requirement of residency permit and work permit). Authorization is granted subject to measures fixing overall numbers of work permits allocated. For essential personnel as defined in paragraph I below, the period of stay is limited to a period of three years. Persons staying in or entering Liechtenstein with an open-ended or prolongable residence permit based on an employment contract not limited in time for Liechtenstein are not considered as persons residing in or entering Liechtenstein for the purpose of temporary stay or temporary employment in Liechtenstein.</p> <p>I. <u>Essential persons transferred to Liechtenstein within a specific business or company (intra-corporate transferees)</u></p> <p>Are considered as essential those persons - defined in detail below - who are employees of a business or company (hereafter enterprise) providing services in Liechtenstein through a branch or subsidiary established in Liechtenstein and who have been beforehand employees of their enterprise outside Liechtenstein for a period of not less than one year immediately preceding their application for admission:</p> | <p>4) Unbound, except for measures concerning the categories of natural persons referred to in the market access column and subject to the following limitations and conditions: working conditions prevailing in the branch and the place of activity provided by law and/or collective agreement (with respect to remuneration, working hours, etc.), measures limiting professional mobility, regulations related to statutory systems of social security and public retirement plans (with respect to qualifying period, residency requirement, etc.) and all other provisions of the legislation relating to immigration, entry, stay and work. The enterprise employing such persons shall cooperate, upon request, with the authorities in charge of the enforcement of these measures</p> | |

Modes of supply: (1) Cross-border (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) Executives and senior managers: persons who primarily direct the enterprise or one of its departments and who receive only general supervision or direction from high-level executives, the board of directors or the stockholders of the enterprise</p> <p>Executives and senior managers would not directly perform tasks related to the actual provision of services of the enterprise</p> <p>b) Specialists: highly qualified persons who, within an enterprise, are essential for the provision of a specific service by reason of their knowledge at an advanced level of expertise in the field of services, research equipment, techniques or management of the enterprise</p> | | |
| II. SECTOR-SPECIFIC COMMITMENTS | | | |
| <p>1. BUSINESS SERVICES</p> <p>A. <u>Professional Services</u></p> <p>a) Legal Service</p> <p>- Consultancy on home country law and international law (except for consulting on Liechtenstein law) (part of CPC 861)</p> | <p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in Part I</p> | <p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in Part I</p> | |

Modes of supply: (1) Cross-border (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) Taxation services (CPC 863) | 1) None 2) None 3) Foreign equity ceiling of 49 per cent. Foreign voting rights may not exceed 49 per cent. At least one member of the administrative body authorized to manage and represent must be a Liechtenstein citizen domiciled in Liechtenstein, be in possession of the professional licence to act as an auditor or trustee and must work full-time for the juridical person. 4) Unbound except as indicated in Part I | 1) None 2) None 3) Unbound 4) Unbound except as indicated in Part I | |
| d) Architectural services (CPC 8671) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| e) Engineering services (CPC 8672) | 1) None 2) None | 1) Liechtenstein nationality necessary for survey activities for official public purposes (however, foreign surveyors can work under the responsibility of a licensed Liechtenstein surveyor) 2) None | |

Modes of supply: (1) Cross-border (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) Integrated engineering services (CPC 8673) | 3) None | 3) Liechtenstein nationality necessary for survey activities for official public purposes (however, foreign surveyors can work under the responsibility of a licensed Liechtenstein surveyor) | |
| | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I; Liechtenstein nationality necessary for survey activities for official public purposes (however, foreign surveyors can work under the responsibility of a licensed Liechtenstein surveyor) | |
| | 1) None | 1) None | |
| | 2) None | 2) None | |
| g) Urban planning and landscape architectural services (CPC 8674) | 3) None | 3) None | |
| | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |
| | 1) None | 1) None | |
| | 2) None | 2) None | |
| B. <u>Computer and Related Services</u> (CPC 841 - CPC 845, CPC 8491) | 3) None | 3) None | |
| | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |
| | 1) None | 1) None | |
| | 2) None | 2) None | |
| | 3) None | 3) None | |
| | 4) Unbound except as indicated in Part I | 4) Unbound except as indicated in Part I | |

Modes of supply: (1) Cross-border (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>C. <u>Research and Development Services</u></p> <p>- R&D services on natural sciences, excluding projects financed in whole or in part by public funds (part of CPC 851)</p> <p>- R&D services on social sciences, excluding projects financed in whole or in part by public funds (part of CPC 852)</p> <p>- Interdisciplinary R&D sciences, excluding projects financed in whole or in part by public funds (part of CPC 853)</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> | |
| <p>E. <u>Rental/Leasing Services without Operators</u></p> <p>c) Relating to other transport equipment (CPC 83101 + CPC 83102 + CPC 83105)</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> | |

Modes of supply: (1) Cross-border (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) Relating to other machinery and equipment (CPC 83106 - CPC 83109) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| F. <u>Other Business Services</u> | | | |
| a) Advertising services | | | |
| - Advertising services (including direct mail advertising), excluding outdoor advertising and excluding advertising for goods subject to import authorization and excluding pharmaceutical products, alcohol, tobacco, toxics, explosives, weapons and ammunition (part of CPC 8711 + part of CPC 8712) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| b) Market research and public opinion polling services (CPC 864) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |

Modes of supply: (1) Cross-border (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) Management consulting services (CPC 865) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| d) Services related to management consulting (CPC 866) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| e) Technical testing and analysis services (CPC 8676) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| f) Services incidental to agriculture, hunting and forestry | 1) None 2) None | 1) None 2) None | |
| - Consulting services on agriculture, hunting and forestry (part of CPC 881) | 3) None 4) Unbound except as indicated in Part I | 3) None 4) Unbound except as indicated in Part I | |

Modes of supply: (1) Cross-border (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) Services incidental to fishing | | | |
| - Consulting services relating to fishing (part of CPC 882) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| h) Services incidental to mining | | | |
| - Services incidental to mining, excluding prospection, surveying, exploration and exploitation (part of CPC 883 + part of CPC 5115) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| i) Services incidental to manufacturing | | | |
| - Consulting services relating to manufacturing (part of CPC 884 + part of CPC 885) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |

Modes of supply: (1) Cross-border (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) Related scientific and technical consulting services | 1) None | 1) None | |
| - Related scientific and technical consulting, excluding prospection, surveying, exploration and exploitation (part of CPC 8675) | 2) None 3) None 4) Unbound except as indicated in Part I | 2) None 3) None 4) Unbound except as indicated in Part I | |
| n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 + CPC 8861-CPC 8866) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required for subsector CPC 633 | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required for subsector CPC 633 | |
| o) Building-cleaning services | | | |
| - Building-cleaning services (CPC 874 except CPC 87409) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required for subsector CPC 633 | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required for subsector CPC 633 | |

Modes of supply: (1) Cross-border (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) Photographic services (CPC 875) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| q) Packaging services (CPC 876) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required for subsector CPC 633 | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required for subsector CPC 633 | |
| r) Printing, publishing (CPC 88442) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |

Modes of supply: (1) Cross-border (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>2. COMMUNICATION SERVICES</p> <p><u>C. Telecommunication Services</u></p> <p><u>Telecommunication Services are the transport of electro-magnetic signals - sound, data, image and combinations thereof, excluding broadcasting²</u></p> <p><u>(a) Voice telephone services (CPC 7521)</u></p> <p><u>(b) Packet-switched data transmission (CPC 7523**)</u></p> | <p><u>1) None</u></p> <p><u>2) None</u></p> <p><u>3) None</u></p> <p><u>4) Unbound except as indicated in Part I</u></p> <p><u>1) None</u></p> | <p><u>1) None</u></p> <p><u>2) None</u></p> <p><u>3) None</u></p> <p><u>4) Unbound except as indicated in Part I</u></p> <p><u>1) None</u></p> | <p><u>As annexed</u></p> |

² Broadcasting is defined as the uninterrupted chain of transmission required for the distribution of TV and radio programme signals to the general public, but does not cover contribution links between operators.

Modes of supply: (1) Cross-border (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 |
|--|---|---|------------------------|
| <u>(c) Circuit-switched data transmission (CPC 7523**)</u> | <u>1) None</u> <u>2) None</u> <u>3) None</u> <u>4) Unbound except as indicated in Part I</u> | <u>1) None</u> <u>2) None</u> <u>3) None</u> <u>4) Unbound except as indicated in Part I</u> | |
| <u>(d) Telex services (CPC 7523**)</u> | <u>1) None</u> <u>2) None</u> <u>3) None</u> <u>4) Unbound except as indicated in Part I</u> | <u>1) None</u> <u>2) None</u> <u>3) None</u> <u>4) Unbound except as indicated in Part I</u> | |
| <u>(e) Telegraph services (CPC 7522)</u> | <u>1) None</u> <u>2) None</u> <u>3) None</u> <u>4) Unbound except as indicated in Part I</u> | <u>1) None</u> <u>2) None</u> <u>3) None</u> <u>4) Unbound except as indicated in Part I</u> | |
| <u>(f) Facsimile services (CPC 7521** + 7529**)</u> | <u>1) None</u> <u>2) None</u> <u>3) None</u> <u>4) Unbound except as indicated in Part I</u> | <u>1) None</u> <u>2) None</u> <u>3) None</u> <u>4) Unbound except as indicated in Part I</u> | |
| <u>(g) Private leased circuit services (CPC 7522** + 7523**)</u> | <u>1) None</u> <u>2) None</u> <u>3) None</u> <u>4) Unbound except as indicated in Part I</u> | <u>1) None</u> <u>2) None</u> <u>3) None</u> <u>4) Unbound except as indicated in Part I</u> | |

Modes of supply: (1) Cross-border (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>Enhanced/value-added telecommunication services</u> | | | |
| General condition applicable to all telecommunication sectors: national monopoly on network infrastructure, services have to be provided over the public network or over leased lines; wireless networks subject to licensing; pricing of leased lines not volume-sensitive, connection with the public network possible. | | | |
| Electronic mail (part of CPC 7523) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| Voice mail (part of CPC 7523) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| On-line information and data base retrieval (part of CPC 7523) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| Electronic data interchange (EDI) (part of CPC 7523) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |

Modes of supply: (1) Cross-border (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 |
|---|---|---|------------------------|
| Enhanced/value-added facsimile services (part of CPC 7523) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| Code and protocol conversion | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| On-line information and/or data processing (part of CPC 843) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| Videotext | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| Enhanced/value-added services based on licensed wireless networks including enhanced/value-added paging services, except for voice transmission | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |

Modes of supply: (1) Cross-border (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. DISTRIBUTION SERVICES</p> <p>A. <u>Commission agents' services</u></p> <p>- Commission agents' services, excluding services related to goods subject to import authorization, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals (part of CPC 6211)</p> <p>B. <u>Wholesale trade services</u></p> <p>- Wholesale trade services, excluding services related to goods subject to import authorization, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals (part of CPC 622)</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) Restrictions on sales areaNone</p> <p>4) Unbound except as indicated in Part I</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> | |

Modes of supply: (1) Cross-border (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>C. <u>Retailing services</u></p> <p>- Retailing services, excluding services related to goods subject to import authorization, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals; not covered is retailing through mobile sales unit (part of CPC 631 + part of CPC 632 + part of CPC 6111 + part of CPC 6113 + part of CPC 6121)</p> <p>D. <u>Franchising</u> (CPC 8929)</p> | <p>1) None</p> <p>2) None</p> <p>3) Restrictions on sales areaNone</p> <p>4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> | <p> </p> |

Modes of supply: (1) Cross-border (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>5. EDUCATIONAL SERVICES</p> <p>Private Educational Services:</p> <p>- Compulsory education services (primary & secondary I)</p> <p>- Non-compulsory secondary education <u>services</u> (secondary II)</p> <p>- Higher education services (CPC 923)</p> | <p>1) Unbound</p> <p>2) Unbound</p> <p>3) Foreigners may establish commercial presence only when organized as juridical persons according to Liechtenstein law</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) Foreigners may establish commercial presence only when organized as juridical persons according to Liechtenstein law</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) Foreigners may establish commercial presence only when organized as juridical persons according to Liechtenstein law</p> <p>4) Unbound except as indicated in Part I</p> | <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> | |

Modes of supply: (1) Cross-border (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 |
|---|--|--|------------------------|
| - Adult education services (CPC 924) | 1) None 2) None 3) Foreigners may establish commercial presence only when organized as juridical persons according to Liechtenstein law 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| 6. ENVIRONMENTAL SERVICES ³ | | | |
| A. <u>Sewage services</u> (CPC 9401) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | |
| B. <u>Refuse disposal services</u> (CPC 9402) | 1) Unbound due to lack of technical feasibility 2) None 3) None; unbound for garbage dump 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required | |

³ Nothing in this commitment should be construed to include public work function whether owned and operated by municipalities or Liechtenstein government or contracted out by them.

Modes of supply: (1) Cross-border (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>Sanitation and similar services</u> (CPC 9403) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Liechtenstein required | |
| D. <u>Other environmental services</u> (CPC 9404 + CPC 9405 + CPC 9406 + part of CPC 9409) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | |
| 7. FINANCIAL SERVICES | | | |
| Commitments on banking, securities and insurance services in accordance with the 'Understanding on Commitments in Financial Services' (hereafter 'Understanding') and subject to limitations and conditions as contained in Part I (horizontal commitments) and as listed below. It is understood that paragraph B.4 of the 'Understanding' does not impose any obligation to allow non-resident financial services suppliers to solicit business. | | | |
| <u>Insurance and insurance related services</u> | 1) Establishment of a commercial presence is required for the provision of insurance services in Liechtenstein. Residents may not purchase insurance services in the territory of another Party. 2) Establishment of a commercial presence is required for the provision of insurance services in Liechtenstein. Residents may not purchase insurance services in the territory of another Party. <u>None</u> | 1) Establishment of a commercial presence is required for the provision of insurance services in Liechtenstein. Residents may not purchase insurance services in the territory of another Party. <u>None</u> 2) Establishment of a commercial presence is required for the provision of insurance services in Liechtenstein. Residents may not purchase insurance services in the territory of another Party. <u>None</u> | |

Modes of supply: (1) Cross-border (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><u>Banking and other financial services</u> (excluding insurance)</p> | <p>3) Permit for establishment of insurance companies from countries other than Liechtenstein is granted only to companies which are supervised by the Swiss insurance supervision authority; <u>Insurance companies incorporated in Liechtenstein must be organized as public limited company (Aktiengesellschaft) or as co-operative/mutual association (Genossenschaft).</u> <u>If a third-country insurer wishes to become active within Liechtenstein, an agency or branch office must be established in Liechtenstein. The third-country insurer must be authorized to conduct insurance activities under the law of its country of incorporation.</u> To be recognized for participation in the basic health insurance scheme, health insurance suppliers must be organized in the form of mutual associations (Genossenschaft, Verein: Versicherungsverein auf Gegenseitigkeit or Hilfskasse) or foundations (Stiftung); Duty of security for insurance services; Economic need test for accident insurance services; Commercial presence does not cover the setting up of representative offices</p> <p>4) Unbound except as indicated in Part I</p> <p>1⁴) Participation in settlement and clearing networks is subject to a commercial presence in Liechtenstein</p> | <p>3) Domestic legal entities and the branch or agency establishment of foreign legal entities whose managing or representing bodies, such as the board of directors and the administration, are comprised in the main of foreigners or foreign firms, shall appoint in Liechtenstein a Liechtenstein citizen who is permanently resident here either to represent the legal entity towards the authorities as a legal representative or, empowered as an authorized signatory (procurist), to exercise the representation, without the cooperation of others. Before setting up a commercial presence to provide specific classes of insurance services, a foreign insurer must have been authorised to operate in the same classes of insurance in its country of origin for at least three years. One member of the board of directors and the administrators must be resident in Liechtenstein. They must be duly authorized to fully represent their company. In the case of a branch or an agency, it suffices if the general representative, whose nomination requires the approval of the supervisory authority, has his residence in Liechtenstein and is duly authorized to fully represent his company.</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Subvention for house building is only granted to Liechtenstein citizen, which have to take out the loan for the house building at a domestic bank</p> | |

⁴ Are covered not only transactions indicated in paragraph B.3 of the 'Understanding' but the whole range of banking and other financial services transactions (excluding insurance).

Modes of supply: (1) Cross-border (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>According to the practice in Liechtenstein, mutual funds (collective investments) have to be marketed through banks having a commercial presence in Liechtenstein</p> <p>Swiss franc denominated issues can be lead managed only by a bank having a commercial presence (registered office or branch office) in Liechtenstein</p> <p>2) Swiss franc denominated issues can be lead managed only by a bank having a commercial presence (registered office or branch office) in Liechtenstein</p> <p>3) Licence granted to banks and financial companies according to Liechtenstein Banking and Financial Companies Act has to be approved by the Liechtenstein parliament</p> <p>Banks and financial companies must be organized in the form of a limited company</p> <p>Financial institutions other than banks and financial companies according to the Liechtenstein Banking and Companies Act are subject to the following licensing requirements: foreign equity ceiling of 49 per cent; foreign voting rights may not exceed 49 per cent; at least one member of the administrative body authorized to manage and represent must be a Liechtenstein citizen domiciled in Liechtenstein, be in possession of the professional licence to act as an auditor or trustee and must work full-time for the juridical person</p> | <p>2) Subvention for house building is only granted to Liechtenstein citizen, which have to take out the loan for the house building at a domestic bank</p> <p>3) One member of the board of directors and the administrators must have domicile in Liechtenstein. They must be duly authorized to fully represent their company.</p> | |

Modes of supply: (1) Cross-border (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>9. TOURISM AND TRAVEL RELATED SERVICES</p> <p>A. <u>Hotels and restaurants</u> (incl. catering) (CPC 641-CPC 643)</p> <p>B. <u>Travel agencies and tour operators services</u> (CPC 7471)</p> | <p>Commercial presence of foreign financial institutions is subject to licensing requirements relating to the name of firm, duties toward the Swiss national bank and regulations on financial institutions in the country of origin</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility, except unbound for catering (CPC 6423)</p> <p>2) None</p> <p>3) Licence only granted if need for restaurants exists (assessment of economic needs is based on criteria such as population, degree of built up area, type of neighbourhood, touristical interests, number of existing restaurants)None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> | <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility, except unbound for catering (CPC 6423)</p> <p>2) None</p> <p>3) Passing an examination may be requiredNone</p> <p>4) Unbound except as indicated in Part I</p> <p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> | <p></p> |

Modes of supply: (1) Cross-border (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>Tourist guides services</u> (CPC 7472) 10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audiovisual services) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | |
| B. <u>News agency services</u> (CPC 962) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |
| D. <u>Sporting and other recreational services</u> - Sporting services (CPC 9641) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |

Modes of supply: (1) Cross-border (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 |
|---|---|--|------------------------|
| 11. TRANSPORT SERVICES F. <u>Road transport services</u> a) Passenger transportation - regular, 'closed-door' tours only (part of CPC 7121) - occasional, excluding empty entrance, cabotage and taxi services (part of CPC 7122) c) Rental of commercial vehicles with operator (CPC 7124) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I 1) None 2) None 3) None 4) Unbound except as indicated in Part I 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |

Modes of supply: (1) Cross-border (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) Maintenance and repair of road transport equipment (CPC 6112 + CPC 8867) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | |
| H. <u>Services auxiliary to all modes of transport</u> | | | |
| a) Cargo-handling services (CPC 741) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | |
| b) Storage and warehouse services (CPC 742) | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | 1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I | |
| c), d) Freight transport agency services, including other auxiliary transport services, excluding local pick up and delivery (CPC 748 + part of CPC 749) | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | 1) None 2) None 3) None 4) Unbound except as indicated in Part I | |

Additional Commitment by Liechtenstein

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 and 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.

2.2 Interconnection to be ensured

Within the limits of permitted market access, interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided⁵:

- (a) under non-discriminatory terms, conditions (including technical standards 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 affiliates⁶;
- (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 appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

⁵ Suppliers of services or networks not generally available to the public, such as closed user groups, have guaranteed rights to connect with the public telecommunications transport network or services on terms, conditions and rates which are non-discriminatory, transparent and cost-oriented. Such terms, conditions and rates may, however, vary from the terms, conditions and rates applicable to interconnection between public telecommunications networks or services.

⁶ Different terms, conditions and rates may be set in Liechtenstein for operators in different market segments, on the basis of non-discriminatory and transparent national licensing provisions, where such differences can be objectively justified because these services are not considered 'like services'.

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.

LIECHTENSTEIN - 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 |
|--------------------------------------|--|---|-------------------------------------|---|
| Distribution services | To grant work permits, without certain limitations, to employees of establishments of enterprises of member countries of the Convention establishing the European Free Trade Association (EFTA), the establishment's activity being commerce in goods | Members of EFTA | Indefinite | Flanking measure to the provision on free trade in goods under the EFTA Agreement |
| Audiovisual services | <p>To confer national treatment to audiovisual works covered by bi- or plurilateral agreements on co-production in the filed of audiovisual works, in particular in relation to access to funding and to distribution</p> <p>Measures granting the benefit of support programmes, such as MEDIA and EURIMAGES, and measures relating to the allocation of screentime which implement arrangements such as the Council of Europe Convention on Transfrontier Television and confer national treatment, to audiovisual works and/or to suppliers of audiovisual services meeting specific European origin criteria</p> | <p>All countries with whom cultural co-operation may be desirable</p> <p>European countries</p> | <p>Indefinite</p> <p>Indefinite</p> | <p>Promotion of common cultural objectives</p> <p>Promotion of cultural objectives based on long standing cultural links</p> |
| Construction and related Engineering | <p>Concessions for the operation of radio or television broadcast stations may be granted to persons of countries other than Liechtenstein</p> <p>The right of commercial presence and the right of presence of natural persons is dependent on reciprocity for service providers from Liechtenstein</p> | <p>All countries with whom cultural co-operation may be desirable</p> <p>All countries</p> | <p>Indefinite</p> <p>Indefinite</p> | <p>Promotion of common cultural objectives, and to regulate access to a market limited in scale in order to preserve diversity of supply</p> <p>To ensure adequate market access to services providers from Liechtenstein</p> |

| 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 |
|--|--|---|---|---|
| Insurance services | To grant permit for establishment to insurance companies from countries other than Liechtenstein only to companies which are supervised by the Swiss insurance supervision authority | All countries | Indefinite | Measure to ensure supervision of foreign insurance companies |
| Banking and other financial services (excluding insurance) | To allow persons established in Switzerland, without requiring a commercial presence in Liechtenstein, to participate in settlement and clearing networks and to lead-manage Swiss franc denominated issues | Switzerland | Indefinite | Measures ensuing from the monetary union between Liechtenstein and Switzerland |
| CRS and sales and marketing of air transport services | Measures based on Article 7 of the revised Code of Conduct of the European Civil Aviation Conference (ECAC), whereby the obligations of CRS system vendors or parent and participating air carriers shall not apply where equivalent treatment to that applied under the revised Code of Conduct is not accorded in the country of origin of the parent carrier of the system vendor | All countries where a CRS system vendor or a parent air carrier is located | Indefinite | The need for the exemption results from the insufficient development of multilaterally agreed rules for the operation of CRS |
| Road transport services (passenger and freight) | To allow, on the basis of mutual access to the market, transport services by vehicles registered in countries other than Liechtenstein to undertake transportation of goods and/or passengers in, into, out of, or in transit through Liechtenstein territory, normally based on bilateral agreements | All countries with whom bilateral agreements on road transport or other arrangements relating to road transport exist or may be desirable (at present approx. 30 countries) | Exemption needed until multilateral liberalization of road transport services, taking into account regional specificity and environmental effects of road transport, will have been agreed upon | To take into account regional specificity of the provision of road transport services and to protect the integrity of road infrastructure and environment |

| 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 |
|---------------------|--|---|--|--|
| All sectors | <p>To mutually grant permits of temporary stay and permanent residency in the territory of the parties, without certain limitations, to citizens of the parties of the agreements on temporary stay and permanent residency between Liechtenstein and Switzerland</p> <p>Preferential treatment accorded to nationals of countries other than Liechtenstein, belonging to traditional recruiting areas according to Liechtenstein legislation on immigration, when granting permits for entry, stay and work in Liechtenstein (year round resident, short time resident, seasonal worker) to natural persons providing services other than essential persons as defined in the Liechtenstein schedule of specific commitments on trade in services (Part I: horizontal commitments)</p> <p>According to the Liechtenstein legislation the right of presence of natural persons in all sectors is dependent on reciprocity for services providers from Liechtenstein</p> | <p>Switzerland</p> <p>EC and EFTA countries</p> <p>All countries</p> | <p>Indefinite</p> <p>Indefinite</p> <p>Indefinite</p> | <p>Flanking measure to customs, monetary - and postal union between the Principality of Liechtenstein and Switzerland</p> <p>To regulate immigration into Liechtenstein by measures based on long standing links with traditional recruiting areas</p> <p>To ensure adequate market access to services providers from Liechtenstein</p> |