

## **APPENDIX 4 TO ANNEX V**

### **SWITZERLAND – SCHEDULE OF SPECIFIC COMMITMENTS**

#### **EXPLANATORY NOTES**

1. The level of commitments in a particular services 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.
2. CPC numbers indicated in 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).
3. Unless otherwise provided for, requirements of residency, domicile, commercial presence, etc. in a commitment relate to the territory of Switzerland.
4. The Attachment to this Schedule forms an integral part thereof.

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
This Part sets out the commitments that apply to trade in services in all scheduled services sectors unless otherwise specified. Commitments that apply to trade in specific services sectors are listed in Part II (SECTOR-SPECIFIC COMMITMENTS).			
ALL SECTORS INCLUDED IN THIS SCHEDULE	1) None 2) None 3) None	1) Unbound for subsidies, tax incentives and tax credits 2) Unbound for subsidies, tax incentives and tax credits 3) <u>I. Composition of governing boards</u> Domicile requirements applied to the forms of legal entities hereinafter: - The majority of the board of directors of a “joint stock company” or a “Stock company with unlimited partners” must be domiciled in Switzerland (except for holding companies). - At least one manager of a “limited liability company” must have his domicile in Switzerland. - The majority of administrators of a “co-operative society” (société coopérative/Genossenschaft) must be domiciled in Switzerland. <u>II. Shareholders’ circles</u> Joint stock companies are not prohibited to foresee in their articles of incorporation that the company	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>may reject persons as acquirers of registered shares as far and as long as their recognition by the company might prevent the company from providing proof of the composition of the shareholders' circle required by federal law.</p> <p><u>III. Branching</u> The establishment of a branch requires a representative (natural person) with domicile in Switzerland who is duly authorized by the company to fully represent it.</p> <p><u>IV. Commercial presence without juridical personality</u> The establishment of a commercial presence by natural persons or in the form of an enterprise without juridical personality according to Swiss law (i.e. in a form other than "joint stock company", "limited liability company" or "co-operative society") is subject to the requirement of a permanent residency permit of the associate(s) under cantonal law.</p> <p><u>V. Eligibility for subsidies</u> Eligibility for subsidies, tax incentives and tax credits may be limited to persons established in a particular</p>	

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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 referred to as “persons”) falling within the following categories, as defined in paragraphs I and II below, and subject to the limitations and conditions and to</p>	<p>geographical sub-division of Switzerland</p> <p><u>VI. Acquisition of real estate</u></p> <p>The acquisition of real estate by foreigners who are not permanently established in Switzerland and by enterprises with headquarters abroad and/or under foreign control is subject to authorization. For the purpose of personal housing needs (except the acquisition of holiday residences), professional use and business activities, authorization is granted upon verification of the purpose. Prohibited are purely financial investments, real estate business operations, acquisition, on a professional basis, of holiday apartments and facilities other than hotels (e.g. apartment houses, camps, sport areas) and acquisition of agricultural real estate.</p> <p>4) Unbound, except for measures concerning the categories of natural persons referred to in the market access column, subject to the following limitations and conditions: a) Working conditions prevailing in the branch and the place of activity</p>	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>the limitations and conditions set out under the national treatment column: Entry and stay of foreign service suppliers in Switzerland is subject to authorization (requirement of residency permit and work permit). Authorization is granted subject to measures fixing overall numbers of work permits allocated.</p> <p>For essential personnel as defined in paragraph I below, the period of stay is limited to a period of three years, which may be extended to a maximum of four years. For other essential personnel as defined in paragraph II below, the period of stay is limited to three months within one year; if an authorization for such a period of stay is renewed the following year, the applicant must stay abroad at least two months between the two consecutive periods of stay in Switzerland.</p> <p>Persons staying in or entering Switzerland with an open-ended or prolongable residence permit based on an employment contract not limited in time for Switzerland are not considered</p>	<p>provided by law and/or collective agreement (with respect to remuneration, working hours, etc.),</p> <p>b) measures limiting professional and geographical mobility within Switzerland,</p> <p>c) regulations related to statutory systems of social security and public retirement plans (with respect to qualifying period, residency requirement, etc.),</p> <p>d) all other provisions of the legislation relating to immigration, entry, stay and work.</p> <p>An enterprise employing such persons shall cooperate, upon request, with the authorities in charge of the enforcement of these measures.</p> <p>Eligibility for subsidies, tax incentives and tax credits may be limited to persons domiciled in a particular geographical subdivision of Switzerland.</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>as persons residing in or entering Switzerland for the purpose of temporary stay or temporary employment in Switzerland.</p> <p>I. <u>INTRA-CORPORATE TRANSFEREES (ICT)</u>                      Essential persons - defined in detail under subparagraphs (a) and (b) - transferred to Switzerland, who are employees of a specific business or company (hereinafter referred to as “enterprise”) supplying services in Switzerland through a branch, subsidiary or affiliate established in Switzerland and who have been beforehand employees of their enterprise outside Switzerland for a period of not less than one year immediately preceding their application for admission:</p> <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. Executives and senior</p>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>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> <p><u>II. OTHER ESSENTIAL PERSONS MOVING TO SWITZERLAND</u></p> <p>(a) Services sellers: Persons employed or mandated by an enterprise and who stay temporarily in Switzerland in order to conclude the contract for the sale of a service on behalf of the enterprise which employs them or has mandated them. Services sellers may not sell services directly to the general public or supply services themselves.</p> <p>(b) Persons responsible for the setting up of a commercial presence: Persons who are employees of an enterprise not having commercial presence in Switzerland and</p>		

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	<p>who have been beforehand employees of that enterprise outside Switzerland for a time period not less than one year immediately preceding their application for admission, and who fulfil the conditions of subparagraph I (a), and who are entering Switzerland for the purpose of setting up a commercial presence of that enterprise in Switzerland. Persons responsible for the setting-up of a commercial presence may not engage in making direct sales to the general public or supply services themselves.</p> <p>(c) Contractual services suppliers: Persons who are employees of an enterprise outside Switzerland not having commercial presence in Switzerland (other than enterprises providing services as defined by CPC 872), which has concluded a services contract with an enterprise engaged in substantive business in Switzerland, and who have been beforehand employees of the enterprise outside Switzerland for a time period of not less than one year immediately preceding their application for admission, and who fulfil the</p>		



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	<p>conditions of subparagraph I (b) and who supply a service in Switzerland as a professional of a service sector as set out below on behalf of the enterprise outside Switzerland; as a further requirement three years of related experience is required.</p> <p>Per contract, temporary entry for a limited number of service suppliers will be granted for a single period of three months, the number of service suppliers depending on the size of the task to be performed under the contract.</p> <p>Individual services providers not employed by such enterprise outside Switzerland are considered as persons seeking access to the Swiss employment market.</p> <p><u>Services sectors:</u></p> <ul style="list-style-type: none"> <li>- Engineering Services (CPC 8672);</li> <li>- Consultancy Services related to the installation of computer hardware (CPC 841);</li> <li>- Software Implementation Services (CPC 842).</li> </ul>		

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>II. SECTOR-SPECIFIC COMMITMENTS</b>            All sector-specific commitments apply solely for services as described in Annex IV (List of Environmental and Environmentally Related Services) and taking into account the exclusions mentioned under column “ex out”.</p>			
<p><b>1. BUSINESS SERVICES</b></p> <p><b>A. <u>Professional services</u></b></p> <p>(d) Architectural services (part of CPC 86711-86714)</p> <p>(e) Engineering services (part of CPC 8672)</p>	<p>1) None            2) None            3) None            4) Unbound except as indicated in Part I</p> <p>1) None            2) None            3) None            4) Unbound except as indicated in Part I</p>	<p>1) None            2) None            3) None            4) Unbound except as indicated in Part I</p> <p>1) None except that for survey activities for official public purposes a Swiss licence is necessary, which is granted to qualified surveyors after they have passed an exam            2) None            3) None except that for survey activities for official public purposes a Swiss licence is necessary, which is granted to qualified surveyors after they have passed an exam            4) Unbound except as indicated in Part I; for survey activities for official public purposes a Swiss licence is necessary, which is granted to qualified</p>	

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

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(f) Integrated engineering services (part of CPC 8673)	1) None 2) None 3) None 4) Unbound except as indicated in Part I	surveyors after they have passed an exam  1) None 2) None 3) None 4) Unbound except as indicated in Part I	
(g) Urban planning and landscape architectural services (CPC 8674)	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><u>B. Computer and Related Services</u></b>			
(a) Consultancy services related to the installation of computer hardware (part of CPC 841)	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) Software implementation services (part of CPC 842)	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	

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<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(c) Data processing services (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	
(d) Data base services (part of CPC 844)	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) Other			
- Maintenance and repair services of office machinery and equipment including computers (CPC 845)	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	
- Data preparation services (part of CPC 8491)	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	
- Training services for staff of clients (part of CPC 8499)	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	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<b><u>C. Research and Development Services</u></b>			
(a) R&D services on natural sciences, excluding projects financed in whole or in part by public funds (part of CPC 85101-85104; 85109)	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	
(c) Interdisciplinary R&D services, excluding projects financed in whole or in part by public funds (part of CPC 853)	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><u>E. Rental/Leasing without Operators</u></b>			
(c) Relating to other transport equipment (part of CPC 83101 + 83102 + 83105)	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	

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Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b><u>F. Other Business Services</u></b></p> <p>(e) Technical testing and analysis services (part of CPC 8676)</p> <p>(f) Services incidental to agriculture, hunting and forestry</p> <p>- Consulting services on agriculture and forestry (part of CPC 8811; 8814)</p> <p>(g) Services incidental to fishing</p> <p>- Consulting services relating to fishing (part of CPC 882)</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>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 supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
<p>(i) Services incidental to manufacturing</p> <p>- Recycling on a fee or contract basis (CPC 88493)</p> <p>(n) Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 + 8861-8864)</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>	

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><b>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b></p> <p><b><u>A. General Construction Work for Buildings</u></b> (parts of CPC 5121, 5122, 5124, 5126-5129)</p> <p><b><u>B. General Construction Work for Civil Engineering</u></b></p> <p>- General Construction Work for Civil Engineering (parts of CPC5131 + 5132, 5133, 5134, 5135, 5136)</p> <p><b><u>C. Installation and Assembly Work</u></b></p> <p>- Heating, ventilation and air conditioning work; water plumbing and drain laying work;</p>	<p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility 2) None</p>	<p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility 2) None 3) None 4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility 2) None</p>	



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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>electrical wiring and fitting; other electrical construction work; (CPC 5161, 5162, 51641, 51649)</p> <p>- Insulation (CPC 51650)</p>	<p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>3) None except unbound for gas, water and electricity meters, gas pipelines, electricity, main water lines, which are reserved exclusively to cantons, municipalities, or specific operators</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None except unbound for gas, water and electricity meters, gas pipelines, electricity, main water lines, which are reserved exclusively to cantons, municipalities, or specific operators</p> <p>4) Unbound except as indicated in Part I</p>	
<p><b><u>D. Building Completion and Finishing Work</u></b></p> <p>- Glazing work and window glass installation work (CPC 5171)</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>1) Unbound due to lack of technical feasibility</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 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><b>E. <u>Other</u></b></p> <ul style="list-style-type: none"> <li>- Roofing and water proofing (CPC 5153)</li> <li>- Pre-erection work at construction sites: Site formation and clearance work (part of CPC 5113)</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound due to lack of technical feasibility</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in Part I</li> </ul> <ul style="list-style-type: none"> <li>1) Unbound due to lack of technical feasibility</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in Part I</li> </ul>	<ul style="list-style-type: none"> <li>1) Unbound due to lack of technical feasibility</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in Part I</li> </ul> <ul style="list-style-type: none"> <li>1) Unbound due to lack of technical feasibility</li> <li>2) None</li> <li>3) None</li> <li>4) Unbound except as indicated in Part I</li> </ul>	
<p><b>4. DISTRIBUTION SERVICES</b> Excludes services related to goods subject to import authorization, to pharmaceutical products, toxics, explosives, weapons and ammunition, and precious metals.</p>			
<p><b>A. <u>Commission Agents' Services</u></b></p> <ul style="list-style-type: none"> <li>- Sale on a fee or contract basis of</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> </ul>	<ul style="list-style-type: none"> <li>1) None</li> <li>2) None</li> </ul>	

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

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
machinery, industrial equipment and vehicles other than motor vehicle, bicycle and motorcycles, of furniture, household goods, hardware and ironmongery, (part of CPC 62114, 62115)	3) Some cantons have restrictions on sales area 4) Unbound except as indicated in Part I	3) None 4) Unbound except as indicated in Part I	

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><b><u>B. Wholesale Trade Services</u></b></p> <ul style="list-style-type: none"> <li data-bbox="185 440 562 576">- Wholesale Trade Services of household appliances (part of CPC 62242)</li> <li data-bbox="185 663 562 799">- Wholesale Trade Services of sports goods (part of CPC 6226)</li> <li data-bbox="185 887 562 1023">- Wholesale trade services of waste and scrap and materials for recycling (part of CPC 62278)</li> <li data-bbox="185 1110 562 1342">- Wholesale trade services of transport equipment and other motor vehicles, motorcycles and bicycles (part of CPC 62282)</li> </ul>	<ul style="list-style-type: none"> <li data-bbox="562 440 1160 576">1) None</li> <li data-bbox="562 576 1160 632">2) None</li> <li data-bbox="562 632 1160 735">3) Some cantons have restrictions on sales area</li> <li data-bbox="562 735 1160 791">4) Unbound except as indicated in Part I</li> <li data-bbox="562 807 1160 863">1) None</li> <li data-bbox="562 863 1160 919">2) None</li> <li data-bbox="562 919 1160 1023">3) Some cantons have restrictions on sales area</li> <li data-bbox="562 1023 1160 1078">4) Unbound except as indicated in Part I</li> <li data-bbox="562 1094 1160 1150">1) None</li> <li data-bbox="562 1150 1160 1206">2) None</li> <li data-bbox="562 1206 1160 1310">3) Some cantons have restrictions on sales area</li> <li data-bbox="562 1310 1160 1366">4) Unbound except as indicated in Part I</li> </ul>	<ul style="list-style-type: none"> <li data-bbox="1160 440 1731 496">1) None</li> <li data-bbox="1160 496 1731 552">2) None</li> <li data-bbox="1160 552 1731 608">3) None</li> <li data-bbox="1160 608 1731 663">4) Unbound except as indicated in Part I</li> <li data-bbox="1160 679 1731 735">1) None</li> <li data-bbox="1160 735 1731 791">2) None</li> <li data-bbox="1160 791 1731 847">3) None</li> <li data-bbox="1160 847 1731 903">4) Unbound except as indicated in Part I</li> <li data-bbox="1160 919 1731 975">1) None</li> <li data-bbox="1160 975 1731 1031">2) None</li> <li data-bbox="1160 1031 1731 1086">3) None</li> <li data-bbox="1160 1086 1731 1142">4) Unbound except as indicated in Part I</li> <li data-bbox="1160 1158 1731 1214">1) None</li> <li data-bbox="1160 1214 1731 1270">2) None</li> <li data-bbox="1160 1270 1731 1326">3) None</li> <li data-bbox="1160 1326 1731 1382">4) Unbound except as indicated in Part I</li> </ul>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>C. <u>Retailing Services</u></b></p> <p>- Retailing Services of household appliances; not covered is retailing through mobile sales unit (part of CPC 63232)</p>	<p>1) None 2) None 3) Some cantons have restrictions on sales area 4) Unbound except as indicated in Part I; commercial presence in Switzerland required</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Switzerland required</p>	
<p><b>5. EDUCATIONAL SERVICES</b></p> <p>Private Educational Services</p> <p>- Higher Education Services (part of CPC 923)</p> <p>- Adult Education Services (part of CPC 924)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</p> <p>1) None 2) None 3) None 4) Unbound except as indicated in Part I</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
<b>6. ENVIRONMENTAL SERVICES<sup>1</sup></b>			
<b>A. <u>Sewage Services</u></b> (CPC 9401)	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>B. <u>Refuse Disposal Services</u></b> (CPC 9402)	1) None 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Switzerland required	1) None 2) None 3) None 4) Unbound except as indicated in Part I; commercial presence in Switzerland required	
<b>C. <u>Sanitation and Similar Services</u></b> (CPC 9403)	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>D. <u>Other Environmental Services</u></b> - Cleaning services of exhaust gases (CPC 9404)	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	

<sup>1</sup> Nothing in this commitment shall be construed to include public work function whether owned and operated by municipalities, cantons or the federal government or contracted out by them.

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
<ul style="list-style-type: none"> <li>- Noise abatement services (CPC 9405)</li> <li>- Nature and landscape protection services (CPC 9406)</li> <li>- Other environmental and ancillary services excluding radiation surveillance for official purposes (part of 9409)</li> </ul>			
<p><b>7. FINANCIAL SERVICES</b></p> <p>Commitments on banking, securities and insurance services are in accordance with the WTO “Understanding on Commitments in Financial Services” (the 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.</p>			
<p><u>Insurance and Insurance-related Services</u></p>	<p>Monopoly rights as indicated in paragraph B.1 of the Understanding: a public monopoly on fire and natural damage insurance on buildings exists in the following cantons: Zurich, Berne, Lucerne, Nidwalden, Glaris, Zoug, Fribourg, Soleure, Bâle-Ville, Bâle-Campagne, Shaffhouse, Argovie, St-Gall, Grisons, Appenzell Rhodes</p>	<p>1) Acquisition of real estate by foreigners is limited as indicated in Part I; however, foreign or foreign-controlled insurance companies are granted authorization to invest in real estate, provided the total value of the buyer’s property does not exceed the technical reserves required for the company’s activities in Switzerland, as well as to</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
	<p>Extérieures, Thurgovie, Vaud, Neuchâtel, Jura. In the cantons of Nidwalden and Vaud, the public monopoly on fire and natural damage insurance covers also movable property located in the buildings.</p> <p>3) Representative offices cannot conduct business or act as an agent; for insurance companies incorporated in Switzerland, the legal form of a joint-stock company or a mutual association (<i>Genossenschaft, société cooperative</i>) is required; for branches of foreign insurance companies, the legal form of the insurance company in the head office country must be comparable to a Swiss joint-stock company or to a Swiss mutual association; participation in the basic health insurance scheme requires health insurance suppliers to be organized in one of the following legal entities: association (<i>Verein, association</i>), mutual association, foundation (<i>Stiftung, foundation</i>) or joint-stock company;</p>	<p>acquire property that serves as a security for mortgage loans in case of bankruptcy or liquidation.</p> <p>2) None</p> <p>3) A minimum of three years of experience in the direct insurance business in the head office country is required; acquisition of real estate by foreigners is limited as indicated in Part I; however, foreign or foreign-controlled insurance companies are granted authorization to invest in real estate, provided the total value of the buyer's property does not exceed the technical reserves required for the company's activities in Switzerland, as well as to acquire property that serves as a security for mortgage loans in case of bankruptcy or liquidation.</p>	



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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><u>Banking and Other Financial Services</u> (excluding insurance)</p>	<p>participation in the statutory pension funds scheme (<i>Berufsvorsorge/ prévoyance professionnelle</i>) requires pension funds to be organized in the form of a foundation.</p> <p>4) Unbound except as indicated in Part I</p> <p>Monopoly rights as indicated in paragraph B.1 of the Understanding: two mortgage bonds issuance institutes have been granted an exclusive right for the issuance of specific mortgage bonds (Pfandbrief, lettre de gage); with regard to the first institute only Swiss cantonal banks are accepted as members; in the case of the second institute banks with head office in Switzerland whose national mortgage loan business amounts to at least 60 per cent of the balance sheet can be members; the issue of other mortgage-backed bonds is not affected by this regulation.</p> <p>1)<sup>2</sup> Foreign investment funds can only be marketed or distributed through a</p>	<p>4) Unbound except as indicated in Part I</p> <p>1) Acquisition of real estate by foreigners is limited as indicated in Part I;</p>	

<sup>2</sup> Not only transactions indicated in paragraph B.3 of the Understanding but the whole range of banking and other financial services transactions are covered (excluding insurance).

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>licensed representative agent resident in Switzerland;</p> <p>3) Commercial presence of foreign financial service suppliers is subject to specific requirements relating to the name of the firm and the regulations on financial institutions in the country of origin; commercial presence may be denied to financial service suppliers whose ultimate shareholders and/or beneficial owners are persons of a non-GATS Member; representative offices can neither conclude or deal business nor act as an agent.</p> <p>4) Unbound except as indicated in Part I</p>	<p>however, foreign or foreign-controlled banks are granted authorization to acquire property that serves as a security for mortgage loans in case of bankruptcy or liquidation; the issue of foreign collective investment funds is subject to stamp duty.</p> <p>2) None</p> <p>3) Acquisition of real estate by foreigners is limited as indicated in Part I; however, foreign or foreign-controlled banks are granted authorization to acquire property that serves as a security for mortgage loans in case of bankruptcy or liquidation.</p> <p>4) Unbound except as indicated in Part I</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b>11. TRANSPORT SERVICES</b></p> <p><b><u>A. Maritime Transport Services</u></b></p> <p>(a/b) Passenger and freight transportation (part of CPC 7211 + 7212)</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None except that 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>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None except that</p> <ul style="list-style-type: none"> <li>- the following forms of legal entities as listed hereinafter may own and/or operate a vessel under Swiss flag under the following conditions (vessel owner and/or shipping company):</li> <li>(a) the head office and real centre of activities must be located in Switzerland;</li> <li>(b) at least two thirds of the shares' voting power representing at least the majority of the share capital of a "joint-stock company" or a "stock company with unlimited partners" must be owned by Swiss nationals domiciled in Switzerland and/or by substantially Swiss owned and effectively Swiss controlled</li> </ul>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
		<p>enterprises with registered office in Switzerland;</p> <p>(c) the whole share capital of the “joint-stock company” or of the “stock company with unlimited partners” must be issued in the form of registered shares;</p> <p>(d) at least three quarters of the associates or other partners who account for at least three quarters of the capital of a “general partnership”, a “limited partnership” or a “limited liability company” must be Swiss nationals domiciled in Switzerland and/or substantially Swiss owned and effectively Swiss controlled enterprises with registered office in Switzerland;</p> <p>(e) at least two thirds of the members who account for at least two thirds of the capital of a “co-operative society” must be Swiss nationals domiciled in Switzerland and/or substantially Swiss owned and effectively Swiss controlled enterprises with registered office in Switzerland;</p>	

- to own and/or operate a vessel under Swiss flag:
  - (a) for all forms of legal entities mentioned above:
    - (i) the majority of the members of the board of directors and of the management must be domiciled in Switzerland;
    - (ii) if the board of directors or the management is constituted by one single person, this person must be a Swiss national domiciled in Switzerland;
    - (iii) 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;
  - (b) for sole proprietorship the proprietor must be a Swiss national domiciled in Switzerland;
  - (c) at least two thirds of the members of the board of directors and of the management of a “joint-stock company”, of a “stock company with unlimited partners”, of a “limited liability company” or of a

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>(e) Pushing and towing services related to offshore wind power (part of CPC 7214)</p>	<p>4) Unbound except as indicated in Part I; unbound for vessels' crews</p> <p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p>	<p>"co operative society" must be Swiss nationals;</p> <p>(d) 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> <p>- eligibility for public guarantee of loans for the financing of seagoing vessels is reserved to vessels sailing under Swiss flag</p> <p>4) Unbound except as indicated in Part I; unbound for vessels' crews; unbound for eligibility for subsidies</p> <p>1) Unbound due to lack of technical feasibility</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 supply 2) Consumption abroad 3) Commercial presence 4) Presence of natural persons

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p>(f) Supporting services for maritime transport (part of CPC 745)</p> <p><b><u>B. Internal Waterways Transport</u></b></p> <p>Internal Waterways Transport on the Rhine</p> <p>- freight transportation (part of CPC 7222)</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound</p> <p>2) None</p> <p>3) In order to sail under Swiss flag, vessels must be owned by a company which is substantially influenced (66 per cent of capital and vote) by persons domiciled in Switzerland or in a country according to the Mannheim Convention and the protocols related to it</p>	<p>1) Unbound due to lack of technical feasibility</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound</p> <p>2) None</p> <p>3) Traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it; owner of vessels must dispose of an appropriate managing agency in Switzerland</p>	

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

Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Additional Commitments
<p><b><u>E. Rail Transport Services</u></b></p> <p>(a) Passenger transportation (CPC 7111)</p> <p>(b), (c) Freight transportation, including pushing and towing (CPC 7112 + 7113)</p>	<p>4) Unbound except as indicated in Part I; commercial presence in Switzerland required</p> <p>1) Unbound 2) None 3) Concession required, for granting of concession there has to be a need for such a railways undertaking and there is no other means of transport which could handle that service in an ecologically and economically more reasonable way 4) Unbound except as indicated in Part I</p> <p>1) Unbound 2) None 3) Concession required, for granting of concession there has to be a need for such a railways undertaking and there is no other means of transport which could handle that service in an ecologically and economically more reasonable way 4) Unbound except as indicated in Part I</p>	<p>4) Unbound except as indicated in Part I; traffic rights including cabotage are limited on the basis of the Mannheim Convention and the protocols related to it; commercial presence in Switzerland required</p> <p>1) Unbound 2) None 3) None</p> <p>4) Unbound except as indicated in Part I</p> <p>1) Unbound 2) None 3) None</p> <p>4) Unbound except as indicated in Part I</p>	



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

<b>Sector or Sub-sector</b>	<b>Limitations on Market Access</b>	<b>Limitations on National Treatment</b>	<b>Additional Commitments</b>
(d) Maintenance and repair of rail transport equipment (part of CPC 8868)	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	

## ATTACHMENT TO APPENDIX 4

### ENGLISH TRANSLATIONS USED IN THIS SCHEDULE

#### (MODE 3 – FORMS OF LEGAL ENTITIES)

This list compiles the translations into English of forms of legal entities as, and to the extent that, they are used in this Schedule:<sup>3</sup>

“Association” :	<i>association, Verein, associazione</i>
“Co-operative society” :	<i>société coopérative, Genossenschaft, società cooperativa</i>
“General partnership” :	<i>société en nom collectif, Kollektivgesellschaft, società in nome collettivo</i>
“Foundation” :	<i>fondation, Stiftung, fondazione</i>
“Joint-stock company” :	<i>société anonyme (SA), Aktiengesellschaft (AG), società anonima (SA)</i>
“Limited liability company” :	<i>société à responsabilité limitée (sàrl), Gesellschaft mit beschränkter Haftung (GmbH), società a garanzia limitata (Sagl)</i>
“Limited partnership” :	<i>société en commandite, Kommanditgesellschaft, società in accomandita</i>
“Sole proprietorship” :	<i>entreprise individuelle, Einzelfirma, ditta individuale</i>
“Stock company with unlimited partners” :	<i>société en commandite par actions, Kommanditaktiengesellschaft, società in accomandita per azioni</i>

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<sup>3</sup> Unofficial translations based on the translations prevailing most widely in the literature.