

Særskilt vedlegg til St prp. nr 10

(2001-2002)

**Revidert Konvensjon om opprettelse av Det europeiske
frihandelsforbund (EFTA) av 21. juni 2001**

Konsolidert versjon

VEDLEGG 16

Annex O. Reservations by Switzerland

Chapter IX - Investment and Chapter X - Trade in services

In the reservations section, the term «unbound» shall mean that Switzerland does not commit itself with respect to the specified item.

Sector or subsector	Reservations	Chapter to which reservations apply
I. HORIZONTAL RESERVATIONS		
The level of commitments in a particular sector shall not be construed to supersede the level of commitments taken with respect to any other sector to which such activity is an input or to which it is otherwise related. 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).		
Unbound for privatisation as regards Articles 24 and 30 of the Convention.		
Unbound for measures taken by cantonal and communal authorities including by non-governmental bodies in the exercise of powers delegated by such authorities.		
All sectors	The majority of the board of directors of a «joint stock company» (société anonyme/Aktiengesellschaft or société en commandite par actions/ Kommanditaktiengesellschaft) must be Swiss citizens with domicile in Switzerland (except for holding companies). At least one manager of a «corporation with limited liability»	Investment

	<p>(société à responsabilité limitée/Gesellschaft mit beschränkter Haftung) must have his domicile in Switzerland. The administrators of a «co-operative society» (société coopérative/Genossenschaft) must be composed of a majority of Swiss citizens with domicile in Switzerland. Joint stock companies are not prohibited to foresee in their articles of incorporation that shareholders can be denied registration in the shareholder register, inter alia in case federal law requires a certain composition of shareholders. 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. 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», "cooperation with limited liability» or «co-operative society») is subject to the requirement of a permanent residency permit of the associate(s) by cantonal law.</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.	Investment
	Unbound for subsidies, tax incentives and tax credits.	Trade in services and Investment
II. SECTOR-SPECIFIC RESERVATIONS		
1. BUSINESS SERVICES		
a) Legal services, except consultancy on home country law and international law	Unbound	Trade in services and Investment
b) Accounting, auditing and book-keeping services		
- Auditing services, excluding auditing of banks (part of CPC 86211)	At least one person supplying auditing services to a joint stock company (société anonyme/Aktiengesellschaft) or a société en commandite par actions/Kommanditaktiengesellschaft must have a commercial presence in Switzerland.	Trade in services
- Auditing services related to banks	Unbound	Trade in services and Investment
e) Engineering services (CPC 8672)	Swiss nationality necessary for survey activities for official public	Trade in services

	purposes (however, foreign surveyors can work under the responsibility of a licensed Swiss surveyor).	and Investment
h) Medical and dental services (CPC 9312)	Unbound	Investment
i) Veterinary surgeons (CPC 932)	Unbound	Investment
j) Services provided by midwives, nurses, physiotherapists and para-medical personnel	Unbound. None 5 years after the entry into force of the Agreement amending the Convention establishing the European Free Trade Association of 21 June 2001.	Trade in services and Investment
D. Real Estate Services	Unbound	Trade in services and Investment
E. Rental/Leasing without Operators		
a) Relating to ships		
- For maritime transport services (part of CPC 83103)	Unbound	Trade in services
	In order to sail under Swiss flag, vessels must be 100 per cent owned and controlled by Swiss nationals, 3/4 of which having residency in Switzerland.	Investment
	Board of directors and management of companies owning ships sailing under Swiss flag must be composed of Swiss nationals, the majority of which having residency in Switzerland.	Investment
- For internal waterways transport on the Rhine (part of CPC 83103)	Unbound	Trade in services
In order to sail under Swiss flag, vessels must be owned by a company which is substantially influenced (66 per cent of capital and	Investment	

vote) by persons domiciled in Switzerland or in a State according to the Mannheim Convention and the protocols related to it.		
	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.	Investment
F. Other Business Services		
j) Services incidental to energy distribution	Unbound	Trade in services and Investment
k) Placement and supply services of personnel	Unbound	Trade in services and Investment
l) Investigation and security	Unbound	Trade in services and Investment
2. COMMUNICATION SERVICES		
A. Postal services	Unbound	Trade in services and Investment
B. Courier Services	Unbound	Trade in services and Investment
D. Audio-visual services	Unbound	Trade in services and Investment
3. CONSTRUCTION AND RELATED ENGINEERING SERVICES		

C. Installation and Assembly Work (CPC 514 + 516)	Unbound for installations in the area of energy, heating, water, communications and elevators.	Investment
4. DISTRIBUTION SERVICES		
- Commission agents and retailing services related to goods subject to import authorisation, to pharmaceutical products, toxic, explosives, weapons and ammunition, and precious metals	Unbound	Trade in services and Investment
- retailing services through mobile sales unit	Unbound	Trade in services and Investment
5. EDUCATIONAL SERVICES		
- Compulsory education services (primary & secondary I)	Unbound	Trade in services
6. ENVIRONMENTAL SERVICES Nothing in this commitment should be construed to include public work function whether owned and operated by municipalities, cantons or federal government or contracted out by them.		
B. Refuse Disposal Services-ul (CPC 9402)	Unbound for garbage dump.	Investment
7. FINANCIAL SERVICES		
Commitments on banking, securities and insurance services in accordance with the «GATS Understanding on Commitments in Financial Services» of the WTO (hereafter «Understanding») and subject to limitations and conditions as		

<p>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>Insurance and Insurance-Related Services</p>	<p>Transactions as indicated in paragraph B.3 of the «Understanding»: the underwriting of aircraft liability insurance requires a commercial presence in Switzerland.</p>	<p>Trade in services</p>
	<p>Acquisition of real estate by foreigners is limited as indicated in Part I; however, foreign or foreign-controlled insurance companies are granted authorisation 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>	<p>Trade in services and Investment</p>
	<p>Transactions as indicated in paragraph B.4 of the «Understanding»: the underwriting of aircraft liability insurance requires a commercial presence in Switzerland.</p>	<p>Trade in services</p>
	<p>Representative offices cannot conduct business or act as an agent; for insurance companies incorporated in Switzerland, the legal form of a joint-stock company (Aktiengesellschaft, société anonyme) or a mutual association (Genossenschaft, société cooperative) is required ; for branches of foreign insurance companies, the legal form of the insurance company in the head office State 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 (Verein, association), mutual association, foundation (Stiftung, fondation) or</p>	<p>Investment</p>

	<p>joint-stock company; participation in the statutory pension funds scheme (Berufsvorsorge / prévoyance professionnelle) requires pension funds to be organized in the form of a mutual association or a foundation.</p>	
	<p>A minimum of three years of experience in the direct insurance business in the head office State is required.</p>	Investment
<p>Banking and Other Financial Services (excluding insurance)</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>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).</p> <p>Foreign investment funds can only be marketed or distributed through a licensed representative agent resident in Switzerland; Swiss franc denominated issues can be lead-managed only by a bank or a securities dealer having a commercial presence (except representative office) in Switzerland.</p>	Trade in services
	<p>Acquisition of real estate by foreigners is limited as indicated in Part I; however, foreign or foreign-controlled banks are granted authorisation to acquire property that</p>	Trade in services and Investment

	<p>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>Swiss franc denominated issues can be lead-managed only by a bank or a securities dealer having a commercial presence (except representative office) in Switzerland.</p>	Trade in services
	<p>Commercial presence of foreign financial service suppliers is subject to specific requirements relating to the name of firm and the regulations on financial institutions in the State 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>	Investment
8. HEALTH RELATED AND SOCIAL SERVICES	Unbound	Trade in services and Investment
9. TOURISM AND TRAVEL RELATED SERVICES		
A. Hotels and Restaurants (CPC 641-643)	<p>Federal law enables cantons to grant licence for restaurants based on economic needs (assessment of economic needs is based on criteria such as population, degree of built-up area, type of neighbourhood, touristic interests, number of existing restaurants.</p>	Investment
- Catering	Unbound	Trade in Services
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audio-visual		

services)		
A. Entertainment services	Unbound	Trade in services and Investment
C. Libraries, archives, museums and other cultural services	Unbound	Trade in services and Investment
11. TRANSPORT SERVICES		
A. Maritime Transport Services	Unbound	Trade in services and Investment
B. Internal Waterways Transport	Unbound	Trade in services
Internal Waterways Transport on the Rhine:	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 State according to the Mannheim Convention and the protocols related to it.	Investment
- Passenger and freight transportation (part of CPC 7221 and part of 7222)	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.	
- Rental of vessels with crew (part of CPC 7223)	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 State according to the Mannheim Convention and the protocols related to it.	Investment
	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.	Investment
D. Space Transport- ul (CPC 733)	Unbound	Investment

G. Pipeline Transport	Unbound	Trade in services and Investment
12. ENERGY PRODUCTION AND DISTRIBUTION; INSTALLATION OF EQUIPMENT IN THE ENERGY SECTOR	Unbound	Trade in services and Investment
