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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	4 April 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 174 final - ANNEX 14
Subject:	ANNEX to the Proposal for a Council Decision on the conclusion of the Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the Accession of Ecuador

Delegations will find attached document COM(2016) 174 final - ANNEX 14.

Encl.: COM(2016) 174 final - ANNEX 14



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ANNEX 14

ANNEX

to the

Proposal for a Council Decision

on the conclusion of the Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the Accession of Ecuador

ANNEX XV

(Section B of Appendix 2 to Annex IX to the Agreement referred to in Articles 126 and 127 of the Agreement)

**RESERVATIONS REGARDING TEMPORARY PRESENCE OF
NATURAL PERSONS FOR BUSINESS PURPOSES**

APPENDIX 2

**RESERVATIONS ON CONTRACTUAL SERVICES SUPPLIERS
AND INDEPENDENT PROFESSIONALS**

'SECTION B

EU PARTY

The following abbreviations are used:

AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
ES	Spain
EE	Estonia
EU	European Union, including all its Member States
FI	Finland
FR	France
EL	Greece
HR	Croatia
HU	Hungary
IE	Ireland

IT Italy
LV Latvia
LT Lithuania
LU Luxembourg
MT Malta
NL The Netherlands
PL Poland
PT Portugal

RO	Romania
SK	Slovak Republic
SI	Slovenia
SE	Sweden
UK	United Kingdom

1. The list of reservations below indicates the services sectors liberalised by the EU Party pursuant to Articles 126, paragraphs 2 and 3 and 127, paragraphs 2 and 3 of this Agreement and the specific discriminatory limitations which apply thereto.

The lists are composed of the following elements:

- (a) a first column indicating the sector or sub-sector in which limitations apply; and
- (b) a second column describing the applicable limitations;

When no specific limitations, other than those specified in Title IV of this Agreement, apply to both contractual service suppliers (hereinafter referred to as "CSS") and independent professionals (hereinafter referred to as "IP"), "none" is inscribed next to the relevant European Union Member State(s).

2. In identifying individual sectors and sub-sectors, "CPC" means the Central Products Classification as set out in Statistical Office of the United Nations, Statistical Papers, Series M, No 77, CPC prov, 1991.
3. The list below does not include measures relating to qualification requirements and procedures, technical standards and licensing requirements and procedures, and measures regarding employment, work and social security conditions when they do not constitute a discriminatory limitation within the meaning of Articles 126 paragraphs 2 and 3 and 127, paragraphs 2 and 3 of this Agreement. Those measures (e.g. need to obtain a license, need to obtain recognition of qualifications in regulated sectors, need to pass specific examinations, including language examinations, need to have a legal domicile where the activity is performed, need to comply with national regulations and practices concerning minimum wages and with collective wage agreements in the host country), even if not listed, apply in any case to CSS and IP of another Party.
4. In accordance with Article 107 paragraph 3 of this Agreement, the list below does not include measures concerning subsidies granted by the Parties.
5. All requirements of the laws and regulations of the European Union and of its Member States regarding entry, stay, work and social security measures shall continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements even if not listed below.

6. The list below is without prejudice to the existence of public monopolies and exclusive rights as described in the list of commitments on establishment.
7. In those sectors where economic needs tests are applied, their main criteria will be the assessment of the relevant market situation in the European Union Member State or the region where the service is to be provided, including with respect to the number of, and the impact on, existing services suppliers.
8. The rights and obligations arising from this list of reservations shall have no self-executing effect and thus confer no rights directly to individual natural persons or juridical persons.
9. Commitments on CSS and IP do not apply in cases where the intent or effect of their temporary presence is to interfere with or otherwise affect the outcome of any labour/management dispute or negotiation.

Sector or Sub-Sector	Description of Reservations
ALL SECTORS ¹	<p style="text-align: center;">Transitional periods</p> <p>BG, RO: Commitments shall enter into force with effect from 1 January 2014.</p> <p>AT, BE, DE, DK, EL, ES, FI, FR, IE, IT, LU, NL, PT, SE, UK: None.</p> <p style="text-align: center;">Recognition</p> <p>EU: European Union directives on mutual recognition of diplomas only apply to nationals of European Union Member States. The right to practise a regulated professional service in one European Union Member State does not grant the right to practise in another European Union Member State².</p>
Legal Advisory Services in respect of public international law and foreign law (i.e. non-European Union law) (part of CPC 861) ³	<p>AT, CY, DE, EE, IE, LU, NL, SE, UK: None.</p> <p>ES, IT, HR, EL, PL: Economic needs test for IP.</p> <p>LV: Economic needs test for CSS.</p> <p>BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations.</p> <p>BG, CZ, DK, FI, HU, LT, MT, PT, RO, SI, SK: Economic needs tests.</p> <p>DK: Marketing of legal advice activities is restricted to lawyers with a Danish license to practice. Requirement of a Danish legal examination in order to obtain a Danish licence.</p> <p>FR: Full (simplified) admission to the Bar through an aptitude test is required.</p> <p>HR: Full admission to the Bar required for legal representation services, is subject to national condition.</p>

¹ Note for transparency for BE: where applicable, the referred to annual wage amount is currently set at 33,677 euro (March 2007).

² In order for third-country nationals to obtain European Union-wide recognition of their qualifications, it is necessary a Mutual Recognition Agreement negotiated within the framework defined in Article 129 of this Agreement.

³ Provision of these services, like the provision of other services, is subject to licensing requirements and procedures applicable in the European Union Member States. These may take *inter alia* the form of compliance with local codes of ethics, use of home title (unless recognition with the host title has been obtained) insurance requirements, simple registration with the host country Bar or a simplified admission to the host country Bar through an aptitude test and a legal or professional domicile in the host country.

Sector or Sub-Sector	Description of Reservations
Accounting and Bookkeeping Services (CPC 86212 other than "auditing services", CPC 86213, CPC 86219 and CPC 86220)	CY, DE, EE, ES, HR, IE, IT, LU, NL, PL, SI, SE, UK: None. AT: The employer must be member of the relevant professional body in the home country where such body exists. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. FR: Authorisation requirement. BG, CZ, DK, EL, FI, HU, LT, LV, MT, PT, RO, SK: Economic needs test.
Taxation Advisory Services (CPC 863) ⁴	CY, DE, EE, ES, FR, IE, IT, LU, NL, PL, SI, SE, UK: None. AT: The employer must be member of the relevant professional body in the home country where such body exists; nationality condition for representation before competent authorities. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. BG, CZ, DK, EL, FI, HU, LT, LV, MT, RO, SK: Economic needs test. PT: Unbound. HR, HU: Residence requirement.
Architectural services and Urban planning and landscape architectural services (CPC 8671 and CPC 8674)	CY, EE, EL, FR, IE, LU, MT, NL, SI, SE, UK: None. ES, HR, IT, PL: Economic needs test for IP. LV: Economic needs test for CSS. FI: The natural person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. DK: Economic needs test except for CSS stays of up to three months. BG, CZ, DE, FI, HU, LT, PT, RO, SK: Economic needs test. AT: Planning services only, where: Economic needs test. HR, HU: Residence requirement.

⁴ Does not include legal advisory and legal representational services on tax matters, which are to be found under Legal Advisory Services in respect of public international law and foreign law.

Sector or Sub-Sector	Description of Reservations
Engineering services and Integrated engineering services (CPC 8672 and CPC 8673)	CY, EE, EL, FR, IE, LU, MT, NL, SI, SE, UK: None. ES, HR, IT, PL, PT: Economic needs test for IP. LV: Economic needs test for CSS. FI: The natural person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. DK: Economic needs test except for CSS stays of up to three months. BG, CZ, DE, FI, HU, LT, RO, SK: Economic needs test. AT: Planning services only, where: Economic needs test. HR, HU: Residence requirement.
Medical (including psychologists) and dental services (CPC 9312 and part of CPC 85201)	SE: None. CY, CZ, DE, DK, EE, ES ⁵ , IE, IT, LU, MT, NL, PL, RO, SI: Economic needs test. AT: Unbound except for psychologists and dental services, where: Economic needs test. BE, BG, EL, FI, FR, HU, LT, LV, PT, SK, UK: Unbound.
Veterinary services (CPC 932)	SE: None. BE, CY, CZ, DE, DK, EE, EL, ES ⁶ , FI, IE, IT, LT, LU, MT, NL, PL, RO, SI: Economic needs test. AT, BG, FR, HR, HU, LV, PT, SK, UK: Unbound.
Midwives services (part of CPC 93191)	SE: None. AT, CY, CZ, DE, DK, EE, EL, ES, IE, IT, LT, LV, LU, MT, NL, PL, RO, SI: Economic needs test. BE, BG, FI, FR, HU, PT, SK, UK: Unbound.
Services provided by nurses, physiotherapists and paramedical personnel (part of CPC 93191)	SE: None. AT, CY, CZ, DE, DK, EE, EL, ES, IE, IT, LT, LV, LU, MT, NL, PL, RO, SI: Economic needs test. BE, BG, FI, FR, HU, PT, SK, UK: Unbound.

⁵ For medical (including psychologists) and dental services (CPC 9312 and part of CPC 85201) and as concerns Spain only, the economic needs test requirement does not apply to Colombia.

⁶ For veterinary services (CPC 932) and as concerns Spain only, the economic needs test requirement does not apply to Colombia.

Sector or Sub-Sector	Description of Reservations
Computer and Related Services (CPC 84)	<p>CY, DE, EE, EL, FR, IE, LU, MT, NL, SI, SE: None.</p> <p>ES, IT, PL: Economic needs test for IP.</p> <p>LV: Economic needs test for CSS.</p> <p>BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations.</p> <p>DK: Economic needs test except for CSS stays of up to three months.</p> <p>AT, BG, CZ, FI, HU, LT, RO, PT, SK, UK: Economic needs test.</p> <p>HR: Residency requirement for CSS. Unbound for IP.</p>
Market Research and Opinion Polling (CPC 864)	<p>CY, DE, EE, FR, IE, LU, NL, SE, UK: None.</p> <p>ES, HR, IT, PL: Economic needs test for IP.</p> <p>BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations.</p> <p>AT, BG, CZ, DK, EL, FI, LT, LV, MT, RO, SI, SK: Economic needs test.</p> <p>LT, PT: Unbound for public opinion polling services (CPC 86402).</p> <p>HU: Economic needs test except for public opinion polling services (CPC 86402), where: Unbound.</p>
Management Consulting Services (CPC 865)	<p>CY, DE, EE, EL, FR, IE, LV, LU, MT, NL, SI, SE, UK: None.</p> <p>ES, HR, IT, PL, PT: Economic needs test for IP.</p> <p>BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations.</p> <p>DK: Economic needs test except for CSS stays of up to three months.</p> <p>AT, BG, CZ, FI, HU, LT, RO, SK: Economic needs test.</p>
Services Related to Management Consulting (CPC 866)	<p>CY, DE, EE, EL, FR, IE, LV, LU, MT, NL, SI, SE, UK: None.</p> <p>ES, HR, IT, PL, PT: Economic needs test for IP.</p> <p>BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations.</p> <p>DK: Economic needs test except for CSS stays of up to three months.</p> <p>AT, BG, CZ, FI, LT, RO, SK: Economic needs test.</p> <p>HU: Economic needs test, except for arbitration and conciliation services (CPC 86602), where: Unbound.</p>

Sector or Sub-Sector	Description of Reservations
Maintenance and repair of vessels (part of CPC 8868)	CY, EE, EL, ES, FR, HR, IT, LV, LU, NL, PL, PT, SK, SI, SE: None BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DE, DK, FI, HU, IE, LT, MT, RO, UK (for Colombia only): Economic needs test. UK (for Ecuador only): Unbound.
Maintenance and repair of rail transport equipment (part of CPC 8868)	CY, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK (for Colombia only): None. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DE, DK, FI, HU, IE, LT, RO, SK: Economic needs test. UK (for Ecuador only): Unbound.
Maintenance and repair of motor vehicles, motorcycles, snowmobiles and road transport equipment (CPC 6112, CPC 6122, part of CPC 8867 and part of CPC 8868)	CY, EE, EL, ES, FR, HR, IT, LV, LU, NL, PL, PT, SI, SE: None. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DE, DK, FI, HU, IE, LT, MT, RO, SK: Economic needs test. UK (for Colombia only): Economic needs test for maintenance and repair of motor vehicles, motorcycles, snowmobiles (CPC 6112, CPC 6122, part of CPC 8867). UK (for Ecuador only): Unbound.
Maintenance and repair of aircraft and parts thereof (part of CPC 8868)	CY, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK (for Colombia only): None. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DE, DK, FI, HU, IE, LT, RO, SK: Economic needs test. UK (for Ecuador only): Unbound.

Sector or Sub-Sector	Description of Reservations
Maintenance and repair of metal products, of (non office) machinery, of (non transport and non office) equipment and of personal and household goods ⁷ (CPC 633, CPC 7545, CPC 8861, CPC 8862, CPC 8864, CPC 8865 and CPC 8866)	CY, EE, EL, ES, FR, HR, IT, LV, LU, MT, NL, PL, PT, SI, SE, UK: None. BE: Economic needs test, except for CSS when the annual wage is above the amount defined by the relevant laws and regulations. AT, BG, CZ, DE, DK, FI, HU, IE, LT, RO, SK: Economic needs test.
Design services	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK: Unbound. ES: none for CSS, unbound for IP.
Chemical engineering, pharmaceuticals, photochemistry	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK: Unbound. ES, IT: none for CSS, unbound for Impendent Professionals.
Services in cosmetics technology	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK: Unbound. ES: none for CSS, unbound for IP.
Specialised services in technology, engineering, marketing and sales for the automotive sector	AT, BE, BG, CY, CZ, ES, DE, DK, EE, EL, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK: Unbound. IT: none for CSS, Economic needs test for IP.
Commercial design services and marketing for the fashion textile industry, garments, footwear and articles	AT, BE, BG, CY, CZ, DE, DK, EE, EL, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SK, SE, SI, UK: Unbound. ES: none for CSS, unbound for IP.
Translation and Interpretation Services (CPC 87905, excluding official or certified activities)	CY, EE, FR, LU, LV, MT, NL, PT, SI, SE, UK: None. AT, BE, BG, CZ, DE, DK, ES, EL, FI, HU, IE, IT, LT, PL, RO, SK: Economic needs test. HR: Unbound for IP.

⁷ Maintenance and repair services of office machinery and equipment including computers (CPC 845) are to be found under Computer services.