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ОФИЦИАЛЕН ВЕСТНИК НА ЕВРОПЕЙСКИТЕ ОБЩНОСТИ

L 167/43

**ТРЕТИ ПРОТОКОЛ КЪМ ОБЩОТО СПОРАЗУМЕНИЕ ПО ТЪРГОВИЯТА С УСЛУГИ**

ЧЛЕНОВЕТЕ НА СВЕТОВНАТА ТЪРГОВСКА ОРГАНИЗАЦИЯ, чиито Списъци със специфични задължения към Общото споразумение по търговията с услуги относно движението на физически лица са приложени към настоящия протокол,

СЛЕД ПРОВЕЖДАНЕ на преговори съгласно условията, предвидени в приетото на 15 април 1994 г. в Маракеш министерското решение относно преговорите за движението на физически лица,

ОТЧИТАЙКИ резултатите от тези преговори,

ОТЧИТАЙКИ решението относно движението на физически лица, прието от Съвета по търговията с услуги на 30 юни 1995 г.,

СЕ СПОРАЗУМЯВАТ КАКТО СЛЕДВА:

1. Задълженията на дадена страна членка относно движението на физически лица, приложени към настоящия протокол, при влизането му в сила за тази страна членка ще заместят или допълнят съответните вписвания относно движението на физически лица в списъка със специфични задължения на същата страна членка.
2. Протоколът ще бъде открит за приемане чрез подпис или по друг начин от заинтересованите страни членки до 30 юни 1996 г.
3. Протоколът ще влезе в сила на 30-тия ден след 1 януари 1996 г. за онези страни членки, които са го приели до тази дата, а за онези, които го приемат след тази дата, която не може да бъде по-късно от 30 юни 1996 г., влиза в сила на 30-тия ден след датата на всяко приемане. Ако страна членка, чиито списъци са приложени към настоящия протокол, не го приеме до тази дата, въпросът се отнася до Съвета по търговията с услуги за разглеждане и предприемане на подходящи действия.
4. Протоколът ще бъде депозиран при Генералния директор на Световната търговска организация. Генералният директор ще предостави своевременно на всяка страна членка заверено копие от протокола и нотификациите за приемането му в съответствие с параграф 3.
5. Протоколът ще бъде регистриран в съответствие с разпоредбите на член 102 от Устава на Обединените нации.

Изготвен в Женева на ..... (ден), (месец), хиляда деветстотин деветдесет и пета година в един екземпляр на английски, френски и испански език, като всеки от текстовете еднакво автентичен, освен ако не е предвидено друго по отношение на приложените към протокола списъци.

**ЕВРОПЕЙСКАТА ОБЩНОСТ И НЕЙНИТЕ ДЪРЖАВИ-ЧЛЕНКИ****СПИСЪК СЪС СПЕЦИФИЧНИ ЗАДЪЛЖЕНИЯ***Допълнение 2***(автентичен е само текстът на английски език)**

Този текст допълва вписванията относно раздела за движението на физически лица, които се съдържат на страници 7 до 11 от документ GATS/SC/31.

## ЕВРОПЕЙСКАТА ОБЩНОСТ И НЕЙНИТЕ ДЪРЖАВИ-ЧЛЕНКИ

## СПИСЪК СЪС СПЕЦИФИЧНИ ЗАДЪЛЖЕНИЯ

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
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## I. HORIZONTAL COMMITMENTS

	<p>(4) (iii) Unbound except for measures concerning the entry into and temporary stay within a Member State of the following category of natural persons without requiring compliance with an economic needs test except where indicated for a specific subsector.</p> <p>Access is subject to the following <sup>(1)</sup>:</p> <ul style="list-style-type: none"> <li>— The natural persons are engaged in the supply of a service on a temporary basis as employees of a juridical person, who has no commercial presence in any Member State of the European Community.</li> <li>— The juridical person has obtained a service contract, for a period not exceeding three months from a final consumer in the Member State concerned, through an open tendering procedure or any other procedure which guarantees the bona fide character of the contract (e. g. advertisement of the availability of the contract) where this requirement exists or is introduced in the Member State pursuant to the laws, regulations and requirements of the European Community or its Member States.</li> <li>— The natural person seeking access should be offering such services as an employee of the juridical person supplying the service for at least the year (two years in the case of GR) immediately preceding such movement.</li> </ul>	<p>(4) Unbound except for measures concerning the categories of natural persons referred to in the Market Access column.</p>	
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<sup>(1)</sup> All other requirement of European Community and Member States' laws, regulations and requirements regarding entry, stay and work shall continue to apply. The service contract shall comply with the laws, regulations and requirements of the European Community and the Member State where the service contract is executed.

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<ul style="list-style-type: none"> <li>— The temporary entry and stay within the Member State concerned shall be for a period of not more than 3 months in any 12 month period (24 months in the case of NL) or for the duration of the contract, whatever is less.</li> <li>— The natural person must possess the necessary academic qualifications and professional experience as specified for the sector or activity concerned in the Member State where the service is supplied.</li> <li>— The commitment relates only to the service activity which is the subject of the contract; it does not confer entitlement to exercise the professional title of the Member State concerned.</li> <li>— The number of the persons covered by the service contract shall not be larger than necessary to fulfil the contract, as it may be decided by the laws, regulations and requirements of the European Community and the Member State where the service is supplied.</li> <li>— The service contract has to be obtained in one of the activities mentioned below and subject to the additional conditions mentioned in the subsector by the Member State concerned: <ul style="list-style-type: none"> <li>— legal services</li> <li>— accounting services</li> <li>— taxation advisory services</li> <li>— architectural services, urban planning and landscape architectural services</li> <li>— engineering services, integrated engineering services</li> <li>— computer and related services</li> <li>— research and development services</li> <li>— advertising</li> <li>— management consulting services</li> </ul> </li> </ul>		

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
	<ul style="list-style-type: none"> <li>— services related to management consulting</li> <li>— technical testing and analysis services</li> <li>— translation services</li> <li>— construction services, site investigation work</li> <li>— higher education services</li> <li>— travel agencies and tour operator services</li> <li>— entertainment services</li> <li>— services related to the sale of equipment or to the assignment of a patent.</li> </ul>		
Legal advice on home country law and public international law (page 12 in the schedule dated April 1994):	<p>(4) Unbound except for D and UK where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>D and UK:</b> University degree and professional qualifications and three years „professional experience in the sector.“</p> <p><b>D:</b> Unbound for activities reserved to „Rechtsanwalt“.</p>	(4) Unbound except as indicated in the horizontal section.	
Accounting services (page 14 in the schedule dated April 1994) (CPC 86212 other than „auditing services“):	<p>(4) Unbound except for A, D, L, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>A, D, NL, UK, S:</b> University degree and professional qualifications and three years „experience in the sector.“</p> <p><b>A:</b> examination before the Austrian professional body. The employer must be a member of the relevant professional body in the home country where such body exists.</p> <p><b>D:</b> Unbound for activities reserved by law in the „Wirtschaftsprüfer“.</p>	(4) Unbound except as indicated in the horizontal section.	
Bookkeeping services for A only (page 17 in the schedule dated April 1994) (CPC 86220):	<p><b>A, D, NL, UK, S:</b> University degree and professional qualifications and three years „experience in the sector.“</p> <p><b>A:</b> examination before the Austrian professional body. The employer must be a member of the relevant professional body in the home country where such body exists.</p> <p><b>D:</b> Unbound for activities reserved by law in the „Wirtschaftsprüfer“.</p>		
Taxation advisory services (page 18 in the schedule dated April 1994) (CPC 86301):	<p>(4) Unbound except for A, B, D, L, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>A, B, NL, UK, S:</b> University degree and professional qualifications and three years „experience in the sector.“</p>	(4) Unbound except as indicated in the horizontal section.	

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Architectural services (page 20 in the schedule dated April 1994): (CPC 8671)	<p><b>A:</b> Examination before the Austrian professional body. The employer must be a member of the relevant professional body in the home country where such body exists.</p> <p><b>D:</b> Unbound except for consulting services related to foreign tax law, where: university degree and professional qualifications and three years „professional experience in the sector.“</p> <p>(4) Unbound except for DK, E, L, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p>	(4) Unbound except as indicated in the horizontal section.	
and urban planning and landscape architectural services (page 22 in the schedule dated April 1994): (CPC 8674)	<p><b>DK, NL, UK, S:</b> University degree and professional qualifications and three years „professional experience in the sector.“</p> <p><b>E:</b> Academic and professional qualifications recognized by the national authorities and licence delivered by the Professional Association. Unbound for CPC 86713, 86714, 86719.</p>		
Engineering services (page 21 in the schedule dated April 1994): (CPC 8672)	<p>(4) Unbound except for B, DK, E, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>B, DK, NL, UK, S:</b> University degree and professional qualifications and three years „professional experience in the sector.“</p> <p><b>UK:</b> Compliance with an economic needs test is required.</p> <p><b>E:</b> Academic and professional qualifications recognized by the national authorities and licence delivered by the professional association.</p>	(4) Unbound except as indicated in the horizontal section.	
Integrated engineering services (page 22 in the schedule dated April 1994): (CPC 8673)	<p>(4) Unbound except for B, DK, E, NL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following limitations:</p> <p><b>B, DK, NL, UK, S:</b> University degree and professional qualifications and three years „professional experience in the sector.“</p> <p><b>UK:</b> Compliance with an economic needs test is required.</p> <p><b>E:</b> Academic and professional qualifications recognized by the national authorities and licence delivered by the professional association.</p>	(4) Unbound except as indicated in the horizontal section.	

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Computer and related services (pages 31 to 33 in the schedule dated April 1994): (CPC 841, 842, 843, 844)	<p>(4) Unbound except for B, DK, GR, I, L, NL, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>B, DK, I, NL, S:</b> Unbound, except for computer scientists, systems analysts, programmers, software document analysts and field engineers where: university degree and three years „professional experience in the sector.“</p> <p><b>I:</b> Compliance with an economic needs test is required.</p> <p><b>GR:</b> Unbound, except for computer scientists, systems analysts, programmers, software document analysts where: university degree and five years „professional experience in the sector.“</p>	(4) Unbound except as indicated in the horizontal section.	
Research services (CPC 852) (page 33 of the schedule dated April 1994): (to be added under CPC 851 and 853 for F only)	<p>(4) Unbound except for F and L where concerning the temporary entry of researchers: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>F:</b> — The researchers are in possession of an employment contract from a research body.</p> <p>— The work permit is delivered for a period not exceeding nine months renewable for the duration of the contract.</p> <p>— Compliance with an economic needs test is required.</p> <p>— The research body must pay a tax to the International Migration Office.</p>	(4) Unbound except as indicated in the horizontal section.	
Advertising (page 38 in the schedule dated April 1994): (CPC 871)	<p>(4) Unbound except for B, D, GR, I, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>B, D, I, UK, S:</b> Relevant qualifications and three years „professional experience.“</p> <p><b>I, UK:</b> Compliance with an economic needs test is required.</p> <p><b>GR:</b> Relevant qualifications and five years „professional experience.“</p>	(4) Unbound except as indicated in the horizontal section.	

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Management consulting services (page 39 in the schedule dated April 1994): (CPC 865)	<p>(4) Unbound except for B, D, DK, I, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>B, D, DK, I, UK, S:</b> Unbound except for managers and senior consultants where: university degree and three years „professional experience.“</p> <p><b>I, UK:</b> Compliance with an economic needs test is required.</p>	(4) Unbound except as indicated in the horizontal section.	
Services related to management consulting (page 39 in the schedule dated April 1994): (CPC 866)	<p>(4) Unbound except for B, D, DK, I, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>B, D, DK, I, UK, S:</b> Unbound except for managers and senior consultants where: university degree and three years „professional experience.“</p> <p><b>I, UK:</b> Compliance with an economic needs test is required.</p>	(4) Unbound except as indicated in the horizontal section.	
Technical testing and analysis services (page 40 in the schedule dated April 1994): (CPC 8676)	<p>(4) Unbound except for D, DK, L, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>D, DK, UK, S:</b> University degree or technical qualifications demonstrating knowledge and three years „professional experience“</p> <p><b>UK:</b> Compliance with an economic needs test is required.</p>	(4) Unbound except as indicated in the horizontal section.	
Translation services (page 48 in the schedule dated April 1994): (CPC 87905)	<p>(4) Unbound except for GR, I, IRL, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>GR:</b> Relevant qualifications and five years „professional experience.“</p> <p><b>I, IRL, UK, S:</b> Relevant qualifications and three years „professional experience.“</p> <p><b>I, UK:</b> Compliance with an economic needs test is required.</p>	(4) Unbound except as indicated in the horizontal section.	



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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Construction services (page 51 in the schedule dated April 1994): (CPC 511, 512, 513, 514, 515, 516, 517, 518)	<p>(4) Unbound except for NL and F where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>NL:</b> University degree and professional qualifications and three years „professional experience in the sector.“</p> <p><b>F:</b> Unbound except for measures concerning the temporary entry for technicians under the following conditions:</p> <ul style="list-style-type: none"> <li>— The technician is an employee of a juridical person within the territory of another Member and is transferred to a commercial presence in F which has a contract with that juridical person.</li> <li>— The work permit is delivered for a period not exceeding six months.</li> <li>— The technician presents a work certificate from the commercial presence in F and a letter from the juridical person within the territory of another Member, demonstrating its agreement to the transfer.</li> <li>— Compliance with an economic needs test is required.</li> <li>— The commercial presence body must pay a tax to the International Migration Office.</li> </ul>	(4) Unbound except as indicated in the horizontal section.	
Site investigation work (CPC 5111)	<p>(4) Unbound except for B, D, DK, UK, S where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>B, DK, UK, S:</b> University degree and professional qualifications and three years „professional experience in the sector.“</p> <p><b>UK:</b> Compliance with an economic needs test is required.</p> <p><b>D:</b> Unbound except for limited range of services of site investigation work where: university degree and professional qualifications and three years „professional experience in the sector.“</p>	(4) Unbound except as indicated in the horizontal section.	

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Higher education services (page 57 of the schedule dated April 1994): (CPC 923)	<p>(4) Unbound except for F and L concerning the temporary entry of professors where: as indicated in the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>F:</b> — The professors have obtained an employment contract from a university or other higher education institution.</p> <p>— The work permit is delivered for a period not exceeding nine months renewable for the duration of the contract.</p> <p>— Compliance with an economic needs test is required unless those professors are designated directly by the Minister in charge of higher education.</p> <p>— The recruiting institution must pay a tax to the International Migration Office.</p>	(4) Unbound except as indicated in the horizontal section.	
Travel agencies and tour operators services (page 82 in the schedule dated April 1994): (CPC 7471)	<p>(4) Unbound except for A, B, D, DK, I, FIN, IRL, S where: as indicated in the horizontal section under (iii), and subject to the following specific limitations:</p> <p><b>A, B, D, DK, FIN, I, IRL, S:</b> Unbound except for tour managers (persons whose function is to accompany a tour group of a minimum of 10 people, without acting as guides in specific locations) where for A, B, D, DK, I, IRL, S: professional certificate and three years „professional experience.“</p> <p><b>I:</b> Compliance with an economic needs test is required</p>	(4) Unbound except as indicated in the horizontal section.	
Entertainment services (including theatre, live bands and circus services) (page 84 in the schedule dated April 1994): (CPC 9619)	<p>(4) Unbound except for A and F concerning the temporary entry of artists where: as indicated under the horizontal section under (iii) and subject to the following specific limitations:</p> <p><b>A:</b> Access is limited to persons whose main professional activity is in the field of fine arts, deriving the major part of their income from that activity. Such persons shall not exercise any other commercial activity in Austria.</p>	(4) Unbound except as indicated in the horizontal section.	

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

Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
Services related to the sale of equipment or to the assignment of a patent:	<p><b>F:</b> — The artists have obtained an employment contract from an authorized entertainment enterprise.</p> <p>— The work permit is delivered for a period not exceeding nine months renewable for a duration of three months.</p> <p>— Compliance with an economic needs test is required.</p> <p>— The entertainment enterprise must pay a tax to the International Migration Office.</p> <p>(4) Unbound except for F concerning the temporary entry of technicians where: as indicated under the horizontal section under (iii) and subject to the following specific limitations:</p> <p>— The technician is an employee of a juridical person within the territory of another Member, and</p> <p>— that juridical person manufactures equipment and has sold that equipment to a commercial presence in France, or</p> <p>— that juridical person has assigned a patent to a commercial presence in France.</p> <p>— the technician is in charge of supervising the construction of the equipment, or of ensuring the preparation for the exploitation of the patent.</p> <p>— the work permit is delivered for a period not exceeding six months.</p> <p>— the technician presents a work certificate from the commercial presence in France and a letter from the juridical person within the territory of another Member demonstrating its agreement to the transfer.</p> <p>— the commercial presence in France must pay a tax to the International Migration Office.</p>	<p>(4) Unbound except as indicated in the horizontal section.</p>	

**РЕШЕНИЕ ОТНОСНО ЗАДЪЛЖЕНИЯТА ПО ОТНОШЕНИЕ НА ДВИЖЕНИЕТО НА ФИЗИЧЕСКИ ЛИЦА****Прието от Съвета по търговията с услуги на 21 юли 1995 година**

СЪВЕТЪТ ПО ТЪРГОВИЯТА С УСЛУГИ,

КАТО ВЗЕ ПРЕДВИД резултатите от преговорите, проведени при условията на решението относно движението на физически лица, прието в Маракеш на 15 април 1994 г.,

КАТО ВЗЕ ПРЕДВИД решението относно движението на физически лица, прието от Съвета по търговия с услуги на 30 юни 1995 г.,

РЕШИ:

1. Да приеме текста на Третия протокол към Общото споразумение по търговията с услуги.
  2. Като започнат веднага и продължат до датата на влизане в сила на Третия протокол към Общото споразумение по търговията с услуги, заинтересованите страни членки, в най-пълно съответствие с тяхното действащо законодателство, няма да предприемат мерки, които биха били несъвместими със задълженията, поети в резултат на тези преговори.
  3. Съветът по търговията с услуги ще контролира процеса на приемане на протокола от заинтересованите страни членки и по молба на страна членка ще разглежда всеки въпрос, повдигнат във връзка с прилагането на параграф 2 по-горе.
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