

## APPENDIX 5 TO ANNEX X

### LIST OF RESERVATIONS OF SWITZERLAND

1. This List of Reservations sets out, pursuant to Article 3.17 of the Agreement, the reservations taken by Switzerland with respect to measures that do not conform with obligations imposed by any of the following provisions of the Agreement:

- (a) Article 3.4 (Most-Favoured-Nation Treatment);
- (b) Article 3.5 (Market Access); or
- (c) Article 3.6 (National Treatment).

2. Each reservation sets out the following elements:

- (a) “Sector” refers to the general sector in which a reservation is taken;
- (b) “Sub-Sector” refers to the specific sector in which a reservation is taken;
- (c) “Industry Classification” refers, where applicable, to the activity covered by the reservation according to the UN Provisional Central Product Classification (hereinafter referred to as “CPC”);<sup>1</sup>
- (d) “Type of Reservation” specifies the obligation of the Agreement for which a reservation is taken;
- (e) “Level of Government” indicates the level of government maintaining the measure for which a reservation is taken, *i.e.* federal, cantonal and municipal;
- (f) “Measures” identifies the existing laws, ordinances, regulations or other measures, as qualified, where indicated, by the Description element, with respect to which the reservation is taken. In relation to reservations to the Most-favoured-nation treatment, it also includes international treaties. A measure cited in the Measures element:
  - (i) means the measure<sup>2</sup> as in force as of the date of signing of this Agreement, unless otherwise provided for in the Measures element; and

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<sup>1</sup> 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.

<sup>2</sup> It is understood that the Classified Compilation of the federal legislation (SR) is indicated only for transparency purposes and shall by no means override the measure as in force at the date of signing.

- (ii) includes any subordinate measure maintained, modified or adopted under the authority of and consistent with the measure, unless otherwise provided for in the Measures element; and
  - (g) “Description” sets out, with regard to the obligations referred to in paragraph 1 above, commitments and the non-conforming aspects of the measures for which the reservation is taken.
- 3. Reservations are sequenced in the following order:
  - Reservations covering all sectors (horizontal measures);
  - Reservations covering specific sectors (sequenced according to the CPC);
  - Reservations covering sectors to which no obvious CPC numbers could be assigned for the moment;
  - Reservations covering various sectors.
- 4. The interpretation of a reservation in the meaning of this Appendix shall be made in accordance with international law and in the light of the relevant provisions of Chapter 3 of the Agreement. In particular:
  - (a) if the Measures element is marked as being “qualified by the Description element”, the Measures element as so qualified shall prevail over all other elements;
  - (b) if the Measures element is not so qualified, the Measures element shall prevail over all other elements. However, if any element is substantially and materially more precise than the Measures element, then that element shall be taken into consideration when determining the scope and meaning of the reservation. In particular, if the Measures element merely contains a general reference such as “cantonal legislations”, then any other more specific element shall prevail;
  - (c) the “Qualification” in the Description element applies to the level of government indicated in the Level of Government element; unless more narrowly specified in the “Qualification”.
- 5. In case some fields of legislative competences are transferred in the future from federal to sub-federal level or *vice-versa* or from sub-federal to municipal level or *vice-versa*, Switzerland reserves the right to adapt this Appendix correspondingly. The level of commitment shall not be decreased.
- 6. The fact that a reservation mentions a particular measure and how a reservation describes a particular measure shall not be used to infer that the provisions of Chapter 3 of the Agreement cover necessarily such a measure.
- 7. Any activity that is not classified in Chapters 5 to 9 of the CPC is not considered as a service under Chapter 3 of the Agreement.

1. Sector: All Sectors
- Sub-Sector:
- Industry Classification:
- Type of Reservation: National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Swiss Code of obligations (SR 220), Articles 718, 764, 814 and 898
- As qualified by the Description element
- Description: For a joint-stock company (Aktiengesellschaft; société anonyme; società anonima) or a “stock company with unlimited partners” (Kommanditaktiengesellschaft; société en commandite par actions; società in accomandita per azioni): at least one of the members of the board of directors or another person of the company with the right to represent the company must be domiciled in Switzerland (Articles 718 and 764).
- For a limited liability company (Gesellschaft mit bechränkter Haftung; société à responsabilité limitée; società a garanzia limitata): at least one member of the managing officers or another person of the company with the right to represent the company must be domiciled in Switzerland (Article 814).
- For a co-operative society (Genossenschaft; société cooperative; società cooperativa): at least one member of the administration or another person of the company with the right to represent the company must be domiciled in Switzerland (Article 898).
- Qualification: Switzerland reserves the right to maintain, modify or adopt any domicile requirements in sectoral or specific laws or regulations with respect to aforementioned members. However, such future measures shall be not more restrictive than the 50 percent requirement set out pursuant to the Code of obligations prior to its amendment of 1<sup>st</sup> January 2008.

2. Sector: All Sectors
- Sub-Sector:
- Industry Classification:
- Type of Reservation: National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Swiss Code of obligations (SR 220), Article 4 of the final provisions together with Article 685*d* of the Code
- Description: Joint-stock companies are not prohibited from providing in their articles of incorporation that the company may reject persons as acquirers of registered shares, as far as 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.

3. Sector: All Sectors
- Sub-Sector:
- Industry Classification:
- Type of Reservation: National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Swiss Code of obligations (SR 220), Article 935  
Federal Law on international private law (SR 291),  
Article 160
- Description: The establishment of a branch requires a representative (natural person) with domicile in Switzerland who is duly authorised by the company to fully represent it.

4. Sector: All Sectors
- Sub-Sector:
- Industry Classification:
- Type of Reservation: National Treatment (Article 3.6)
- Level of Government: Cantonal
- Measures: Cantonal legislations
- Description: 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 residence permit of the associate(s) under cantonal law.

5. Sector: All Sectors
- Sub-Sector:
- Industry Classification:
- Type of Reservation: National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on the acquisition of real estate by persons abroad (SR 211.412.41), all Articles
- Federal Ordinance on the acquisition of real estate by persons abroad (SR 211.412.411), all Articles
- Description: The acquisition of real estate by foreigners who are not permanently established in Switzerland and by enterprises with headquarters abroad or under foreign control is subject to authorisation. However, no authorisation is required for:
- (a) the acquisition of premises for professional use and business activities;
  - (b) the acquisition of main residences for the purpose of personal housing needs by foreigners who are domiciled in Switzerland.
- For the acquisition of holiday residences and secondary residences for the purpose of personal housing needs, authorisation is granted upon verification of the purpose.
- Purely financial investments and trade in apartments are prohibited, with the following exceptions:
- (a) foreigners may invest without authorisation in financial participations (*i.e.* shares) in juridical persons that own and trade housing properties, provided such participations are quoted on a stock exchange in Switzerland;
  - (b) foreign and foreign-controlled banks and insurance companies are granted authorisation to acquire property that serves as a security for mortgage loans in case of bankruptcy or liquidation;
  - (c) foreign and 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.

6. Sector: All Sectors
- Sub-Sector:
- Industry Classification:
- Type of Reservation: Most-Favoured-Nation Treatment (Article 3.4)  
Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on foreign nationals (SR 142.20), all Articles  
Guidelines on Immigration Procedures Version 1.1.08  
Ordinance on admission, stay and employment (SR 142.201), all Articles  
Ordinance on entry and visa procedures (SR 142.204), all Articles  
Federal Law on minimum working conditions and pay for workers posted to Switzerland (SR 823.20), Article 2  
Ordinance on workers posted to Switzerland (SR 823.201), Article 1  
Federal Law on employment services and the hiring of services (SR 823.11), Articles 3, 12, 13 and 14  
Agreement of 21 June 1999 between the Swiss Confederation and the European Community and their Member States on the free movement of persons (SR 0.142.112.681)  
As qualified by the Description element
- Description: Switzerland reserves the right to maintain, modify or adopt any measures with respect to the entry and temporary stay of people for business purposes, except for measures concerning natural persons falling within the categories defined in paragraphs A, B, C and D below, subject to the limitations and conditions set out below and in any reservations contained in the sectoral part of this Appendix, and subject to the condition that entry and stay of foreign service suppliers in Switzerland are subject to authorisation (requirement of residence permit and work permit):
- Limitations and conditions:
- (a) working conditions prevailing in the branch and the place of activity provided by law and/or collective agreement (with respect to



remuneration, working hours, etc.);

- (b) measures limiting professional and geographical mobility within Switzerland (authorisation to change the place of residence);
- (c) regulations related to statutory systems of social security and public retirement plans (with respect to qualifying period, residence requirement, etc.);
- (d) requirement to cooperate, upon request, of the enterprise employing such persons with the authorities in charge of the enforcement of these measures;
- (e) eligibility for subsidies, tax incentives and tax credits may be limited to persons domiciled in a particular geographical subdivision of Switzerland; and
- (f) all other provisions of the legislation relating to immigration, entry, stay and work.

General provisions:

For essential personnel as defined in paragraph A below, the period of stay is limited to a period of three years, which may be extended to a maximum of five years. For other essential personnel as defined in paragraphs B, C and D below, the period of stay is limited to 90 days within one year; if an authorisation 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.

Natural persons staying in or entering Switzerland with an open-ended or extendable residence permit based on an employment contract not limited in time for Switzerland are not considered as persons residing in or entering Switzerland for the purpose of temporary stay or temporary employment in Switzerland.

Qualification (liberalisation commitment): The numerical ceiling provided for by the Law shall no longer apply to Hong Kong, China permanent residents for supplying a service in the categories defined in this Reservation and under the terms and conditions set out therein.

Qualification: All commitments of Switzerland relating to supply of service through presence of a natural person (Mode 4) are covered wholly and

exclusively in this Reservation.

Qualification on Most-favoured-nation treatment: Switzerland reserves the right to adopt any measures based on bilateral agreements between the Principality of Liechtenstein, or the European Community or respectively the European Union and/or its Member States, and Switzerland with the objective of providing for the movement of all categories of natural persons supplying services.

Categories of natural persons allowed for entry and temporary stay:

A. INTRA-CORPORATE TRANSFEREES (ICT)

Essential persons transferred to Switzerland within a specific business or company of the other Party and defined under (a) and (b) below who are employees of that business or company (hereafter 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.

- (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 managers would not directly perform tasks related to the actual supply of services of the enterprise.
- (b) Specialists: Highly qualified persons who, within an enterprise, are essential for the supply 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.

B. BUSINESS VISITORS (BV) AND SERVICES SALESPERSONS (SS)

- (a) Business visitors responsible for establishing a commercial presence (BV): Persons who are employees of an enterprise not having commercial presence in Switzerland and who have been beforehand employees of that enterprise outside Switzerland for a period of not

less than one year immediately preceding their application for admission, and who fulfil the conditions of paragraph A.(a) above, and who are entering Switzerland for the purpose of establishing a commercial presence of that enterprise in Switzerland. Persons responsible for establishing a commercial presence may not sell services directly to the general public or supply services themselves.

- (b) Services salespersons (SS): 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 salespersons may not sell services directly to the general public or supply services themselves.

#### C. CONTRACTUAL SERVICE SUPPLIERS (CSS)

1. CSS – Employees of a juridical person: Persons who are employees of an enterprise located outside Switzerland not having commercial presence in Switzerland (and other than enterprises supplying 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 located outside Switzerland for a time period of not less than one year immediately preceding their application for admission, and who fulfil the conditions of paragraph A.(b) above and who supply a service in Switzerland as a professional in a service sector as set out below on behalf of the enterprise located outside Switzerland; as a further requirement three years of related experience is required. 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. Individual service suppliers not employed by such enterprise located outside Switzerland are considered as persons seeking access to the Swiss employment market.

*Services sectors covered:*

- Consultancy services related to the installation of computer hardware (CPC 841)

- Software implementation services (CPC 842)
- Financial auditing services, excluding auditing of banks and excluding statutory auditing (part of CPC 86211); except, at least one of the auditors of a “joint-stock company” or a “stock company with unlimited partners” must have his domicile, his principal office or a registered branch in Switzerland.
- Accounting review services (part of CPC 86212)
- Business tax planning and consulting services (CPC 86301)
- Business tax preparation and review services (CPC 86302)
- Management consulting services (CPC 865)
- Architectural services (CPC 8671)
- Engineering services (CPC 8672); except for cadastral activities and related activities a Swiss licence is necessary, which is delivered to qualified surveyors after passing an examination.
- Integrated engineering services (CPC 8673)
- Urban planning services (CPC 86741)
- Related scientific and technical consulting services (CPC 8675)
- Technical testing and analysis service (CPC 8676)

#### D. OTHER

Installers and Maintainers: Qualified specialists who are employees of an enterprise located outside Switzerland not having commercial presence in Switzerland, supplying installation or maintenance services for machinery or industrial equipment. The supply of that service has to occur on a fee or contract basis (installation/maintenance contract) between the builder of the machinery or equipment and the owner of that machinery or equipment, both of them being juridical persons (excluding any supply of services in connection with enterprises supplying services as defined by CPC 872).

7. Sector: All sectors
- Sub-Sector:
- Industry Classification:
- Type of Reservation: National Treatment (Article 3.6)
- Level of Government: All
- Measures: Federal, cantonal and municipal legislations  
As qualified by the Description element
- Description: Switzerland reserves the right to maintain, modify or adopt any measures which are not inconsistent with its commitments under the GATS with respect to subsidies, tax incentives and tax credits.

8. Sector: Construction Work
- Sub-Sector: Installation Work
- Industry Classification: CPC 5162 Water plumbing and drain laying work  
CPC 5163 Gas fitting construction work  
CPC 51641 Electrical wiring and fitting work  
CPC 51649 Other electrical construction work  
CPC 87909 Other business services n.e.c. (limited to reading of gas, water and electricity meters)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Cantonal and municipal
- Measures: Cantonal and municipal legislations
- Description: Works related to gas, water and electricity meters, gas pipelines, as well as electricity and main water lines are reserved exclusively to cantons or municipalities or to specific operators.
- The reading of gas, water and electricity meters is reserved exclusively to cantons or municipalities or to specific operators.

9. Sector: Trade Services
- Sub-Sector: Commission Agents' Services; Wholesale Trade Services; Retail Trade Services
- Industry Classification: CPC 6111 Sales of motor vehicles  
CPC 6113 Sales of parts and accessories of motor vehicles  
CPC 6121 Sales of motorcycles and snowmobiles and related parts and accessories  
CPC 622 Wholesale trade services  
CPC 631 Food retailing services  
CPC 632 Non-food retailing services
- Type of Reservation: Market Access (Article 3.5)
- Level of Government: Cantonal and municipal
- Measures: Cantonal and municipal legislations
- Description: Cantonal and municipal enactments provide an authorisation procedure for large-scale distribution facilities that may lead to the rejection of the authorisation on a case-by-case and discretionary basis. No economic needs tests or other market access restrictions apply.

10. Sector: Trade Services
- Sub-Sector: Commission Agents' Services; Wholesale Trade Services; Retail Trade Services
- Industry Classification: CPC 6111 Sales of motor vehicles (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)
- CPC 6113 Sales of parts and accessories of motor vehicles (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)
- CPC 6121 Sales of motorcycles and snowmobiles and related parts and accessories (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)
- CPC 621 Commission agents' services (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)
- CPC 622 Wholesale trade services (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)
- CPC 632 Non-food retailing services (limited to weapons, weapon components, accessories for weapons, ammunition and ammunition components)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on weapons, weapon components and ammunition (SR 514.54), Articles 8, 12, 17 and 24  
As qualified by the Description element
- Description: Authorisation is required for import, distribution and trade of goods as defined in the Law. In order to obtain authorisation, enterprises must be registered in a cantonal Commercial Register in Switzerland. Natural or juridical persons must be resident or domiciled in the same canton for registration in the cantonal Commercial Register.
- Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to



retail trade of weapons, weapon components, accessories for weapons, ammunition and ammunition components.

11. Sector:	Trade Services
Sub-Sector:	Commission Agents' Services; Wholesale Trade Services; Retail Trade Services
Industry Classification:	CPC 6111 Sales of motor vehicles (limited to war material and embargoed goods) CPC 6113 Sales of parts and accessories of motor vehicles (limited to war material and embargoed goods) CPC 6121 Sales of motorcycles and snowmobiles and related parts and accessories (limited to war material and embargoed goods) CPC 621 Commission agents' services (limited to war material and embargoed goods) CPC 622 Wholesale trade services (limited to war material and embargoed goods) CPC 632 Non-food retailing services (limited to war material and embargoed goods)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Law on war material (SR 514.51), Articles 7, 8, 9 and 10 Federal Law on the implementation of international sanctions (SR 946.231), Article 1 As qualified by the Description element
Description:	Market access and national treatment may not be granted in respect of import, export, transit, distribution, brokering and trade of war materials ("Kriegsmaterial", "matériel de guerre", "materiale bellico"). The supply of such services shall not prejudice national interests (SR 514.51, Articles 9 and 10). The import, export, transit, distribution, brokering, trade, or other disposal of nuclear, biological, and chemical weapons as well as anti-personnel mines is prohibited (SR 514.51, Articles 7 and 8). <u>Qualification:</u> Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to any service, if this is necessary for the implementation of international sanctions aiming at enforcing public international law and in particular human rights law (SR 946.231, Article 1).

12. Sector:	Trade Services
Sub-Sector:	Commission Agents' Services; Wholesale Trade Services; Retail Trade Services
Industry Classification:	CPC 621 Commission agents' services (limited to explosives) CPC 622 Wholesale trade services (limited to explosives) CPC 632 Non-food retailing services (limited to explosives)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Law on explosives (SR 941.41), Articles 9 and 10 Federal Ordinance on explosives (SR 941.411), Articles 31 and 35
Description:	Authorisation is required for the distribution, sale and trade of explosives (SR 941.41; SR 941.411, Article 31). Only natural persons having their residence in Switzerland and juridical persons registered in the cantonal Commercial Register may be authorised to sell explosives (SR 941.411, Article 35).

13. Sector: Trade Services
- Sub-Sector: Commission Agents' Services; Wholesale Trade Services; and Retail Trade Services
- Industry Classification: CPC 621 Commission agents' services (limited to dual-use goods and special goods for military use)
- CPC 622 Wholesale trade services (limited to dual-use goods and special goods for military use)
- CPC 632 Non-food retailing services (limited to dual-use goods and special goods for military use)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on the control of goods for civil and military use and of special goods for military use (SR 946.202), Articles 4, 5, 6, and 8
- Description: The distribution, import, export, transit, brokering and trade of goods as defined in the Law are subject to various authorisations, declarations and supervisory obligations which *de facto* restrict cross-border supply of such services.

14. Sector: Trade Services
- Sub-Sector: Commission Agents' Services, Wholesale Trade Services; Retail Trade Services
- Industry Classification: CPC 621 Commission agents' services (limited to services related to medicinal products, medical devices, transplant products, narcotics, psychotropic substances, precursors and other chemicals used to produce narcotics and psychotropic substances)
- CPC 622 Wholesale trade services (limited to services related to medicinal products, medical devices, transplant products, narcotics, psychotropic substances, precursors and other chemicals used to produce narcotics and psychotropic substances)
- CPC 632 Non-food retailing services (limited to services related to medicinal products, medical devices, transplant products, narcotics, psychotropic substances, precursors and other chemicals used to produce narcotics and psychotropic substances)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: Federal Law on the transplantation of organs, tissues and cells (SR 810.21), Article 49  
Federal Law on narcotics and psychotropic substances (SR 812.121), Article 4  
Federal Law on medicinal products and medical devices (Law on therapeutic products) (SR 812.21), Articles 2, 10, 18, 19, 20, 27, 28, 29,30, 47 and 50  
Federal Ordinance on precursors and other chemicals used to produce narcotics and psychotropic substances (SR 812.121.3), Article 6  
Federal Ordinance on authorisations in the area of medicinal products (SR 812.212.1), Articles 7, 12 and 15  
Federal Ordinance on medicinal products (SR 812.212.21), Article 29  
Cantonal legislations  
As qualified by the Description element

Description:

FEDERAL LEVEL:

Authorisation is required for the import, distribution, sale and trade of goods as defined in the Laws cited in the Measures element (SR 810.21; SR 812.121; SR 812.21, Articles 18, 19, 20, 27, 28, 29, 30 and 47; SR 812.121.3).

Juridical persons seeking an authorisation must have their domicile in Switzerland and be registered in a cantonal Commercial Register. Natural persons seeking authorisation must be resident in Switzerland (SR 812.21, Articles 2 and 10; SR 812.121.3; SR 812.212.1, Articles 7 and 12; SR 810.21).

CANTONAL LEVEL:

Retail distribution:

Authorisation issued by the cantons is required for retail distribution of goods as defined in the Federal Law on the transplantation of organs, tissues and cells (SR 810.21) and in the Federal Law on medicinal products and medical devices (Law on therapeutic products) (SR 812.21). Cantons may establish corresponding rules, conditions and procedures (SR 812.21, Article 30; SR 810.21).

Qualification: Switzerland reserves the right to maintain, modify or adopt any such rules and conditions restricting market access and national treatment.

Mail-order distribution:

Mail-order business and distribution of goods as defined in the Federal Law on the transplantation of organs, tissues and cells (SR 810.21) and in the Federal Law on medicinal products and medical devices (Law on therapeutic products) (SR 812.21) are prohibited in principle. Authorisation issued by the cantons may be granted in some cases (SR 812.21, Article 27; SR 810.21). To obtain such an authorisation, a cantonal retail distribution authorisation granting the permission to operate a public pharmacy is required (SR 812.212.21).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to mail-order business and distribution services.

Note for transparency: Placing certain medical devices on the market may require an authorisation (SR 812.21, Article 47). Import and export of certain medical devices may be restricted or prohibited (SR

812.21, Article 50).

15. Sector: Trade Services
- Sub-Sector: Retail Trade Services
- Industry Classification: CPC 632 Non-food retailing services (limited to precious metals)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on the control of trade with precious metals and goods derived from precious metals (SR 941.31), Articles 1, 2, 23, 24, 25 and 28
- Description: Hawking and taking orders through mobile sales or advertising units with respect to goods as defined in Articles 1 and 2 of the Law as well as to precious metal waste and melting products are prohibited (Articles 23 and 28).
- For commercial trade in precious metal waste and melting products, an authorisation is required (Article 24).
- To obtain such an authorisation for natural persons, residence in Switzerland and registration in the Swiss Commercial Register are required. For juridical persons, domicile in Switzerland and registration in a cantonal Commercial Register are required (Article 25).



16. Sector: Transport Services
- Sub-Sector: Rail Transport Services; Supporting and Auxiliary Transport Services
- Industry Classification: CPC 7111 Passenger transportation  
CPC 7112 Freight transportation  
CPC 7113 Pushing or towing services  
CPC 743 Supporting services for railway transportation
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: Federal Law on railways (SR 742.101), Articles 5 and 6  
Federal Ordinance on access to railway infrastructure (SR 742.122), Article 3  
Cantonal legislations  
As qualified by the Description element
- Description: **FEDERAL LEVEL:**  
A concession is required to construct and/or operate railway infrastructure (SR 742.101, Article 5).  
A concession to construct and/or operate a railway infrastructure may be granted under the condition that the transport service is delivered in a practical and economical way and, in addition, that substantial public interests are not affected such as zoning plans, the protection of the environment and the landscape, or defence (SR 742.101, Article 6).  
Authorisation is required for access to railway infrastructure. Only enterprises domiciled in Switzerland and registered in a cantonal Commercial Register or possessing a concession to construct and/or operate railway infrastructure may obtain such authorisation (SR 742.122).
- CANTONAL LEVEL:**  
Authorisation issued by cantons on a case-by-case and discretionary basis is required for the use of public roads by tramway infrastructure (SR 742.101, Article 6).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to services as indicated in the Industry Classification element above.

17. Sector: Transport Services
- Sub-Sector: Internal Waterways Transport Services; Rail Transport Services; Road Transport Services; Other Land Transport Services (Including Cable Railways, Funiculars, Ski Lifts, Sledge Cable Railway, Elevators, Other Similar Transportation Facilities by Cable or by Cable on Railways, and any Other Transport Facility)
- Industry Classification: CPC 7111 Passenger transportation  
CPC 7121 Other scheduled passenger transportation  
CPC 7122 Other non-scheduled passenger transportation  
CPC 7221 Passenger transportation
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: Federal Law on passenger transport (SR 745.1), Articles 1, 4, 6, 8 and 9  
Federal Law on inland navigation (SR 747.201), Article 7  
Federal Law on the admission as a road carrier (SR 744.10), Article 3  
Federal Ordinance on passenger transport (SR 745.11), Articles 6, 7, 11, 37, 38, 43 and 44  
Cantonal legislations
- Description: FEDERAL LEVEL:  
State monopoly for regular transport of passengers (SR 745.1, Article 4; SR 747.201).  
Concession or authorisation is required for regular transport of passengers (SR 745.1, Articles 6 and 8).  
Concession is required for inland transport as defined in Article 6 of the Federal Ordinance on passenger transport (SR 745.11). Such a concession may be granted under the condition that the transport service is supplied in a practical and economical way and, in addition, that either the transport service does not negatively affect public transport enterprises or the transport service establishes an important new transport connection (SR 745.1, Article 9; SR 745.11, Article 11).  
Authorisation is required for international passenger transport as defined in Article 38 of the Federal Ordinance on passenger transport (SR 745.11), namely for regular cross-border transport, conditional services,

journeys on demand, collective journeys as well as journeys comparable to regular services. The conditions to obtain an authorisation for such international passenger transport are mentioned in Article 44 of the Federal Ordinance on passenger transport (SR 745.11). Such an authorisation may be granted under the condition that the newly introduced transport services must not substantially compete with or negatively affect public or other existing transport services. In addition, an enterprise of Switzerland must have a substantial share in the business (SR 745.11, Article 43). Such an authorisation does not allow the supply of transport services between points within the territory of Switzerland (*i.e.* cabotage) (SR 745.11, Article 37).

Authorisation to carry out passenger or good transport is required for enterprises undertaking regular passenger transport or freight transport by roads (SR 744.10).

#### CANTONAL LEVEL:

Authorisation issued by cantons is required for regular passenger transport as defined in the Federal Ordinance on passenger transport (SR 745.11, Article 7). To obtain such authorisation, the newly introduced service must not compete in any way with public transport (SR 745.1, Article 9).

18. Sector: Transport Services
- Sub-Sector: Road Transport Services
- Industry Classification: CPC 7121 Other scheduled passenger transportation  
CPC 7122 Other non-scheduled passenger transportation  
CPC 7123 Freight transportation
- Type of Reservation: Most-Favoured-Nation Treatment (Article 3.4)  
Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on the shift from road to rail of heavy freight traffic crossing the Alps (SR 740.1), Articles 3 and 4  
Federal Law on road transport (SR 741.01), Articles 53a and 106  
Federal Ordinance on the admission of persons and vehicles to road traffic (SR 741.51), Article 115  
Agreement of 21 June 1999 on the carriage of goods and passengers by rail and road between the European Community and the Swiss Confederation (SR 0.740.72)  
Other bilateral road transport agreements, existing (SR 0.741.619 series) and future
- Description: Freight transport on roads crossing the Alps shall not exceed 650'000 rides per year (SR 740.1, Article 3). The Federal Law on the shift from road to rail of heavy freight traffic crossing the Alps provides the possibility to introduce proportionate and non-discriminatory measures to achieve the objective of shifting freight traffic to rail (SR 740.1, Article 4).  
Switzerland reserves the right to accord less favourable treatment to services or service suppliers of Hong Kong, China for transport of goods and/or passengers by vehicles registered in countries other than Switzerland in, into, out of, or in transit through Swiss territory than that accorded to like service suppliers of any other country, normally pursuant to bilateral road transport agreements (SR 741.01, Article 106).  
Vehicles must carry a Swiss vehicle document and a Swiss licence plate if they transport passengers or freight between points within the territory of Switzerland (prohibition of cabotage) on a commercial basis (SR 741.51).

19. Sector: Transport Services
- Sub-Sector: Road Transport Services
- Industry Classification: CPC 7122 Other non-scheduled passenger transportation (limited to services supplied by taxis)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Cantonal and municipal
- Measures: Cantonal and municipal legislations  
As qualified by the Description element
- Description: Cantonal and municipal enactments on taxi services provide monopolies, concessions or licences to specific operators or impose various measures restricting market access and national treatment.
- Qualification: Switzerland reserves the right to maintain, modify or adopt any measures of the type described above.

20. Sector: Transport Services
- Sub-Sector: Pipeline Transport Services
- Industry Classification: CPC 7131 Transportation of petroleum and natural gas
- CPC 7139 Transportation of other goods
- Type of Reservation: Market Access (Article 3.5)
- National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: Federal Law on pipeline installations (SR 746.1), Articles 2, 3 and 4
- Cantonal legislations
- As qualified by the Description element
- Description: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to pipeline transport services.

21. Sector: Transport Services;  
Business Services
- Sub-Sector: Maritime Transport Services;  
Leasing or Rental Services Concerning Vessels without Operator; Leasing or Rental Services Concerning Pleasure and Leisure Equipment
- Industry Classification:: CPC 721 Transport services by seagoing vessels (limited to flag-related restrictions)
- CPC 83103 Leasing or rental services concerning vessels without operator (limited to maritime transport and flag-related restrictions)
- CPC 83204 Leasing or rental services concerning pleasure and leisure equipment (limited to maritime transport and flag-related restrictions)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on maritime transport under Swiss flag (SR 747.30), Articles 19, 20, 21, 22, 23, 24 and 91  
Federal Ordinance on maritime transport (SR 747.301), Articles 5, 5a, 5b, 5c, 5d, 5e, 5f and 6  
Federal Ordinance on Swiss maritime yachts (SR 747.321.7), Articles 17 and 18
- Description: 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 (SR 747.301, Article 5d).
- The following types of enterprises as listed hereinafter may own and/or operate a vessel under Swiss flag under the following conditions (vessel owner and/or shipping company):
- (a) the head office and actual centre of business activities must be located in Switzerland;
  - (b) at least two thirds of the shares' voting power representing at least the majority of the share capital of a joint-stock company (Aktiengesellschaft; société anonyme; società anonima) or a stock company with unlimited partners (Kommanditaktiengesellschaft; société en commandite par actions; società in accomandita per azioni) must be owned by Swiss nationals domiciled in Switzerland and/or by substantially



Swiss-owned and effectively Swiss-controlled enterprises with registered office in Switzerland;

- (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;
- (d) at least three quarters of the associates or other partners who account for at least three quarters of the capital of a collective society (Kollektivgesellschaft; société en nom collectif; società in nome collettivo), a limited partnership or a limited liability company (Gesellschaft mit beschränkter Haftung; société à responsabilité limitée; società a garanzia limitata) must be Swiss nationals domiciled in Switzerland and/or substantially Swiss-owned and effectively Swiss-controlled enterprises with registered office in Switzerland;
- (e) at least two thirds of the members who account for at least two thirds of the capital of a co-operative society (Genossenschaft; société coopérative; società cooperativa) must be Swiss nationals domiciled in Switzerland and/or substantially Swiss-owned and effectively Swiss-controlled enterprises with registered office in Switzerland.

To own and/or operate a vessel under Swiss flag:

- (a) for all types of enterprises 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 a single person, this person must be a Swiss national domiciled in Switzerland;
  - (iii) in addition, the Swiss Maritime Navigation Office may, if necessary, require other executives and/or senior managers of the enterprise to be Swiss nationals domiciled in Switzerland to ensure the substantially Swiss-owned and effectively Swiss-controlled character of the enterprise;
- (b) for sole proprietorships (Einzelfirma; entreprise individuelle; ditta individuale) 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, a stock company with unlimited partners, a limited liability company or a co-operative society

must be Swiss nationals;

- (d) statutory auditing reports must be drawn up by auditing companies with an office or branch domiciled in Switzerland and registered in a cantonal Commercial Register;
- (e) eligibility for public guarantee of loans for the financing of seagoing vessels is reserved to vessels sailing under Swiss flag (SR 747.30, Articles 19, 20, 21, 22, 23 and 24; SR 747.301).

Only Swiss ship-owning companies are allowed to rent/lease ships under Swiss flag without operator (SR 747.30, Article 91).

Commercial maritime transport services for passenger and freight by sport and leisure crafts under Swiss flag and leasing or rental services relating to sport and leisure crafts under Swiss flag are prohibited (SR 747.321.7).

22. Sector:	Transport Services; Business Services
Sub-Sector:	Internal Waterways Transport Services (Limited to the Rhine); Leasing or Rental Services Concerning Vessels without Operator; Leasing or Rental Services Concerning Pleasure and Leisure Equipment
Industry Classification:	CPC 7221 Passenger transportation (limited to transport on the Rhine) CPC 7222 Freight transportation (limited to transport on the Rhine) CPC 7223 Rental services of non-seagoing vessels with operator (limited to transport on the Rhine) CPC 83103 Leasing or rental services concerning vessels without operator (limited to internal waterways transport and flag-related restrictions) CPC 83204 Leasing or rental services concerning pleasure and leisure equipment (limited to internal waterways transport and flag-related restrictions)
Type of Reservation:	Most-Favoured-Nation Treatment (Article 3.4) Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Law on maritime transport under Swiss flag (SR 747.30), Articles 91, 125 and 126 Federal Law on ship registry (SR 747.11), Article 4 Federal Ordinance on ship registry (SR 747.111), Articles 8, 9, 10, 11, 12, 13, 14 and 15 Revised Act on Rhine shipping of 17 October 1868 between Baden, Bavaria, France, Hessen, Netherlands and Prussia (SR 0.747.224.101), as may be amended in the future, Articles 2 and 4
Description:	Ships under the flag of a Contracting Party to the Revised Act on Rhine shipping are defined as “belonging to Rhine shipping” (SR 0.747.224.101, Article 2).  As defined by the Revised Act on Rhine shipping (SR 0.747.224.101, Article 4) and as defined in the Federal Law on maritime transport under Swiss flag (SR 747.30, Article 125), ships “belonging to Rhine shipping” have the right to transport passengers and goods between two points on the Rhine. It is not

allowed to supply services as indicated in the Industry Classification element above under other flags (SR 0.747.224.101, Article 4).

All ships offering commercial transport services of passengers and goods on internal waterways on the territory of Switzerland, including waterways sharing the border with another country, must be registered in the ship registry (Schiffsregister, registre des bateaux, registro del naviglio). To be registered in the ship registry, more than 50 percent of a ship must be owned by one or more natural persons having their residence in Switzerland or by one or more juridical persons having their domicile in Switzerland. In addition, a ship may be registered in the ship registry only if it is allowed to carry the Swiss flag and if it belongs to an economically independent enterprise or branch with a full-fledged operational organisation in Switzerland (SR 747.11).

The owner of a Rhine vessel that is permitted to fly the Swiss flag on the Rhine must meet the requirements as specified hereinafter. Rhine vessels are defined as vessels used for the commercial transport of persons or goods on the Rhine, its tributaries and side canals, downstream of the town of Rheinfelden. The Confederation, the cantons and Swiss public corporations and organisations are not required in their capacity as ship owners to prove that they fulfil these requirements. A maritime vessel that is entered in the register of Swiss maritime vessels (Register der Schweizerischen Seeschiffe, registre des navires suisses, registro delle navi marittime svizzere) may operate on the Rhine under the Swiss flag (SR 747.111, Article 8).

Concerning the abovementioned flag-related restrictions, the following states are “accorded equal status to Switzerland”:

- (a) the Contracting Parties to the Revised Act on Rhine shipping of 17 October 1868;
- (b) the Member States of the European Union in which, for the purpose of flying the flag of their state on the Rhine, regulations that are equivalent to those applicable to the Contracting Parties to the Revised Act on Rhine shipping apply (SR 747.111, Article 9).

If more than half of the ship is owned by a natural person, a commercial business, a legal entity or its branch office, it must be domiciled in Switzerland and be a national of Switzerland or of a state “accorded equal status to Switzerland” or it must have its

registered office in Switzerland and fulfil the requirements of Articles 11 to 13 of SR 747.111 as stated hereinafter with regard to the majority requirement and participation levels.

If more than half of the ship is owned by more than one natural person, commercial company, legal entity or its branch office, these must be domiciled in Switzerland and be a national of Switzerland or of a state “accorded equal status to Switzerland”, or these must have their registered office in Switzerland and fulfil the requirements of Articles 11 to 13 of SR 747.111 as stated hereinafter with regard to the majority requirement and participation levels (SR 747.111, Article 10).

If the ship is owned by a commercial business or a legal entity, this commercial business or legal entity must fulfil the following requirements:

- (a) two thirds of all company members (partners, general partners, limited partners and other co-partners) must be domiciled in Switzerland or in a state “accorded equal status to Switzerland” and be a national of Switzerland or of a state “accorded equal status to Switzerland” or, if the limited partners or other co-partners are legal entities or commercial businesses, they must be entities from Switzerland or from a state “accorded equal status to Switzerland” (SR 747.111, Article 13). The partners must in addition hold a minimum of two thirds of the capital;
- (b) persons from Switzerland or from states “accorded equal status to Switzerland” must hold a minimum of two thirds of the share capital, registered capital or cooperative capital (SR 747.111, Article 13); and, as a minimum, hold the same proportion of voting rights;
- (c) a minimum of two thirds of all members of an association as well as all members of the committee or any other executive association body must be domiciled in Switzerland or in a state “accorded equal status to Switzerland” and be nationals of Switzerland or of a state “accorded equal status to Switzerland”;
- (d) all members of the board of governors of a foundation must be domiciled in Switzerland or in a state “accorded equal status to Switzerland” and be nationals of Switzerland or of a state “accorded equal status to Switzerland”.

Usufructuaries, secured creditors or persons entitled to any other participation in the business of the ship

owner must, if they are in a position to exert a significant influence on the management of the business, fulfil the same requirements as the owner.

Trustors must fulfil the same requirements as trustees. The same condition applies by analogy to arrangements similar to trusts.

A commercial business or legal entity is not regarded as an economically or commercially independent business if the master of the ship, the ship's crew or the members of their families own more than two thirds of the ship (SR 747.111, Article 11).

If only one person is entrusted with the management or administration of a sole proprietorship, commercial business or legal entity, that person must be domiciled in Switzerland and be a national of Switzerland or of a state "accorded equal status to Switzerland".

If more than one person is entrusted with the management or administration of a sole proprietorship, commercial business or legal entity, then the majority of those persons must be domiciled in Switzerland; two thirds must be nationals of Switzerland or of a state "accorded equal status to Switzerland".

Any horizontal provisions on nationality as stated in this agreement that impose stricter conditions are reserved (SR 747.111, Article 12).

The following persons are regarded as persons from Switzerland or from states "accorded equal status to Switzerland" in accordance with the Revised Act on Rhine shipping:

- (a) natural persons that are domiciled in Switzerland or in a state "accorded equal status to Switzerland" and who are nationals of Switzerland or of a state "accorded equal status to Switzerland";
- (b) commercial businesses and legal entities that have their registered office in Switzerland or in a state "accorded equal status to Switzerland" and in which natural persons as referred to in (a) or other commercial businesses or legal entities hold a significant participation as members or partners, shareholders, cooperative members or as other co-partners (sub-participation). Commercial partnerships or legal entities that hold a sub-participation must themselves fulfil the requirements of a significant participation as defined below. The foregoing also applies to any other significant participation in a sub-participation.

A significant participation is defined as (SR 747.111, Article 13):

- (a) a participation in the capital normally amounting to at least two thirds;
- (b) the possession of the same proportion of the voting rights; and
- (c) a significant involvement in the management and administration.

An undertaking in terms of Article 4 of SR 747.11 as stated above (*i.e.* sole proprietorships, commercial businesses, legal entities) or its branch office must:

- (a) be organised appropriately in Switzerland for operating, equipping and manning the vessel; and
- (b) have the centre of its commercial activities in Switzerland and conduct the operation of the vessel from there.

These conditions apply by analogy to associations of joint-owners or co-owners.

If the operational tasks are carried out on board by the master of the ship or a member of the ship's crew (private ship's owner), the owner of the vessel must be domiciled in Switzerland and be a national of Switzerland or of a state "accorded equal status to Switzerland". If the ship is owned by more than one person (joint owners or co-owners), these owners must all be domiciled in Switzerland and be nationals of Switzerland or of a state "accorded equal status to Switzerland" (SR 747.111, Article 14).

If a Rhine vessel is operated by an inland operator who is not the owner, this operator must either:

- (a) be domiciled or have its registered office in Switzerland and fulfil the requirements that the Ordinance specifies for the owner; or
- (b) be domiciled or have its registered office in a state "accorded equal status to Switzerland" and fulfil the requirements that this state specifies for inland operators. In relation to this, the operator must provide an official document in accordance with the Revised Act on Rhine shipping of 17 October 1868 (SR 0.747.224.101).

If a ship is acquired by an owner in terms of Article 8 of SR 747.111 on behalf of the inland operator and primarily for funding purposes, the inland operator must be domiciled or have its registered office in Switzerland as well and must fulfil the same requirements as the owner (SR 747.30, Article 126; SR

747.111, Article 15).

Rental/Leasing without operator relating to ships under Swiss flag is allowed to Swiss ship-owning companies only (SR 747.30, Article 91).



23. Sector: Transport Services
- Sub-Sector: Internal Waterways Transport Services
- Industry Classification: CPC 7221 Passenger transportation (excluding transport on the Rhine)
- CPC 7222 Freight transportation (excluding transport on the Rhine)
- CPC 7224 Towing and pushing services (excluding transport on the Rhine)
- Type of Reservation: Market Access (Article 3.5)
- National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: Federal Law on inland navigation (SR 747.201), Article 3
- Cantonal legislations
- As qualified by the Description element
- Description: Cantons have the competence to restrict or prohibit inland navigation on their internal waterways to protect public interests.
- Qualification: Switzerland reserves the right for the cantons to maintain, modify or adopt any measures restricting market access and national treatment with respect to transport services on internal waterways.

24. Sector:	Transport Services, Business Services, Agricultural Services, Community Services
Sub-Sector:	Air Transport Services; Specialty Air Services
Industry Classification:	CPC 731 Passenger transportation by air CPC 732 Freight transportation by air CPC 734 Rental services of aircraft with operator CPC 86753 Surface surveying services (limited to airborne surveying services) CPC 8719 Other advertising services (limited to aerial advertising services) CPC 87504 Speciality photography services (limited to aerial photography) CPC 8811 Services incidental to agriculture (limited to aerial spraying) CPC 8814 Services incidental to forestry and logging (limited to air-lifted logging and forest fire management) CPC 9126 Police and fire protection services (limited to aerial fire-fighting)
Type of Reservation:	Most-Favoured-Nation Treatment (Article 3.4) Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Law on air transport (SR 748.0), Articles 2, 8, 27, 28, 29, 30 and 32. Federal Ordinance on air transport (SR 748.01), Articles 4, 83, 103 and 108 Agreement of 21 June 1999 on air transport between the Swiss Confederation and the European Community (SR 0.748.127.192.68) Other bilateral air services agreements, existing (SR 0.748.127 series) and future As qualified by the Description element
Description:	In order to operate in Swiss air-space, aeroplanes must be registered in the Swiss aircraft register (Schweizerisches Luftfahrzeugregister; registre matricule suisse; matricola svizzera). Foreign aeroplanes may be allowed to operate in Swiss air-space pursuant to bilateral agreements (SR 748.0 Article 2). Aeroplanes owned by the following natural or juridical persons may be registered in the Swiss aircraft register:

- (a) Swiss nationals;
- (b) foreigners, who:
  - (i) pursuant to a bilateral agreement, are accorded equal status to Swiss nationals in respect of foreign capital participation in and management of Swiss air traffic companies;
  - (ii) are domiciled in Switzerland; and
  - (iii) are permitted to stay in Switzerland for an extended period of time;
- (c) foreigners, who:
  - (i) are domiciled in Switzerland;
  - (ii) are permitted to stay in Switzerland for an extended period of time; and
  - (iii) normally use the aeroplane from Switzerland;
- (d) companies and co-operative societies domiciled in Switzerland and registered in a cantonal Commercial Register (SR 748.01, Article 4).

An authorisation is required for the commercial transport of passengers and freight (SR 748.0, Article 27). Commercial transport of passengers includes services such as air sightseeing services or transport of parachute jumpers and of heli-skiers. Commercial transport of freight includes air-lifted transport of material for construction sites or air lifted logging. A concession is required for the regular transport of passengers and freight on the same flight route (SR 748.0, Article 28). In order to obtain such authorisation or concession, an enterprise must have its domicile in Switzerland (SR 748.0, Article 27), be registered in a cantonal Commercial Register and be owned and controlled by a majority of Swiss nationals or Swiss enterprises. The majority of the shares must be registered shares and in Swiss hands (SR 748.01, Article 103).

Enterprises without domicile in Switzerland may obtain such authorisation and concession on the basis of reciprocity, normally pursuant to bilateral air services agreements. Switzerland reserves the right to accord less favourable treatment to services or service suppliers of Hong Kong, China than that accorded to like services or service suppliers of any other country (SR 748.0, Articles 29, 30; SR 748.01, Article 108; SR 0.748).

Commercial transport services of passengers or freight between points within the territory of Switzerland (*i.e.* cabotage) must be supplied by Swiss enterprises

exclusively, unless international agreements stipulate otherwise. Switzerland reserves the right to accord less favourable treatment to services or service suppliers of Hong Kong, China than that accorded to like services or service suppliers of any other country, normally pursuant to bilateral air services agreements (SR 748.0, Article 32; SR 0.748).

Aerial advertising is prohibited (SR 748.01, Article 83).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to passenger and freight transport by air (CPC 731 and 732) and to aerial fire-fighting services (CPC 9126).

25. Sector:	Transport Services
Sub-Sector:	Supporting and Auxiliary Transport Services
Industry Classification:	CPC 741 Cargo handling services (limited to cargo handling services for air transport)
	CPC 7461 Airport operation services (excluding cargo handling)
Type of Reservation:	Most-Favoured-Nation Treatment (Article 3.4) Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Ordinance on aviation infrastructure (SR 748.131.1), Article 29a and Annex on ground-handling services  Agreement of 21 June 1999 on air transport between the Swiss Confederation and the European Community (SR 0.748.127.192.68)
Description:	The Ordinance stipulates that Council Directive 96/67/EC of October 1996 on access to the ground-handling market at Community airports shall apply in Switzerland (SR 748.131.1, Article 29a). As a consequence, as provided for by the provisions of the Directive, access to the ground-handling services market may be guaranteed on a reciprocal basis only.  The number of ground-handling services suppliers may be limited in accordance with Council Directive 96/67/EC of October 1996 on access to the ground-handling market at Community airports (SR 748.131.1, Annex on ground-handling services).

26.	Sector:	Transport Services
	Sub-Sector:	Supporting and Auxiliary Transport Services
	Industry Classification:	CPC 7441 Bus station services CPC 7443 Parking services
	Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
	Level of Government:	Cantons
	Measures:	Cantonal legislations As qualified by the Description element
	Description:	Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to services as indicated in the Industry Classification element above, including monopolies and exclusive service suppliers.

27. Sector: Transport Services
- Sub-Sector: Supporting and Auxiliary Transport Services
- Industry Classification: CPC 7442 Highway, bridge and tunnel operation services
- Type of Reservation: Market Access (Article 3.5)
- Level of Government: Federal
- Measures: Federal Constitution (SR 101), Article 82
- Description: The supply of highway, bridge and tunnel operation services must be free of charge (Article 82). This amounts to a *de facto* ban of the supply of such services on a private commercial basis.
- Highways, bridges and tunnels are all state-owned and operated by the state or by delegated entities.

28. Sector: Transport Services
- Sub-Sector: Supporting and Auxiliary Transport Services
- Industry Classification: CPC 7462 Air traffic control services
- Type of Reservation: Market Access (Article 3.5)
- Level of Government: Federal
- Measures: Federal Law on aviation (SR 748.0), Article 40  
Federal Ordinance on air traffic control services (SR 748.132.1), Article 2
- Description: Air traffic control services may be supplied exclusively by a non-commercial institution designated by the Federal Council.



29. Sector: Communications Services
- Sub-Sector: Postal and Courier Services
- Industry Classification: CPC 751 Postal and courier services (excluding express delivery services)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on postal services (SR 783.0), Article 2  
Federal Ordinance on postal services (SR 783.01), Articles 2 and 3  
Federal Ordinance on road traffic (SR 741.11), Article 91  
As qualified by the Description element
- Description: Swiss Post (Die Schweizerische Post; La Poste Suisse; La Posta Svizzera) has the exclusive mandate to guarantee universal postal service. This covers the pick-up, transport and delivery of domestically and internationally addressed letters up to one kilogram and parcels up to 20 kilograms as well as the pick-up, transport and delivery of subscribed newspapers and periodicals.
- Unlike other postal services suppliers, Swiss Post is allowed to drive heavy vehicles at night and on Sundays (SR 741.11).
- Note for transparency: The exclusive mandate and therefore this reservation do not apply to express delivery services.
- Qualification: This reservation corresponds to the legislation (measures) in force on 1<sup>st</sup> April 2004.

30. Sector: Communications Services
- Sub-Sector: Telecommunications Services; Audiovisual Services
- Industry Classification: CPC 7524 Programme transmission services  
CPC 75300 Radio and television cable services  
CPC 9613 Radio and television services
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on telecommunications (SR 784.10),  
Article 3  
Federal Law on radio and television (SR 784.40),  
Articles 1 and 2
- Description: According to Swiss Law, telecommunications services are defined as the transport of electromagnetic signals (*i.e.* sound, data, image and combinations thereof) excluding services which are defined as broadcasting services according to the Federal Law on radio and television.
- Broadcasting services are defined as the production, processing, transmission and reception of radio and television programme services. A programme service is a sequence of programmes which are offered continuously, defined in time and transmitted using telecommunications techniques and which are intended for the public.
- Consequently, the scope of non-conforming measures contained in this Appendix and relating to telecommunications or broadcasting is to be determined on the basis of the above definitions.

31. Sector: Communications Services
- Sub-Sector: Telecommunications Services; Audiovisual Services
- Industry Classification: CPC 7524 Programme transmission services  
CPC 75300 Radio and television cable services  
CPC 9613 Radio and television services (limited to the licensing procedure and financing)
- Type of Reservation: Most-Favoured-Nation Treatment (Article 3.4)  
Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on radio and television (SR 784.40), Articles 38, 43, 44, 53 and 59  
As qualified by the Description element
- Description: The Law establishes two types of licences:
1. licences with a performance mandate and giving right to a share in revenue from reception fees (Article 38);
  2. licences with a performance mandate without giving right to a share in revenue from reception fees (Article 43).
- Licences of type 1 shall be granted to local and regional broadcasters in defined coverage areas. Licensees must be natural persons domiciled in Switzerland or juridical persons having their headquarters in Switzerland. Only one licence is granted per coverage area (Article 38 and 44).
- Licences of type 2 shall be granted only to a natural person domiciled in Switzerland or to a juridical person having its headquarters in Switzerland (Article 44).
- A licence may not be granted to a juridical person under foreign control, to a Swiss juridical person with foreign capital participation or to a natural person who does not have Swiss nationality if reciprocity is not granted (Article 44).
- The maximum number of licences (types 1 and 2 together) per broadcasting company is two for television and two for radio (Article 44).
- Programmes of the Swiss Broadcasting Corporation (Schweizerische Radio- und Fernsehgesellschaft; Société suisse de radiodiffusion et télévision; Società svizzera di radiotelevisione (SRG/SSR idée suisse)) and of other companies that have been granted a licence benefit from guaranteed and privileged access

to wireless terrestrial broadcasting or broadcasting by wire (Articles 53 and 59).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to broadcasting services.

32. Sector:	Communications Services
Sub-Sector:	Telecommunications Services; Audiovisual Services
Industry Classification:	CPC 75241 Television broadcast transmission services CPC 75300 Radio and television cable services (limited to television services) CPC 96132 Television services (limited to the programming) CPC 96133 Combined programme making and broadcasting services (limited to television services)
Type of Reservation:	Most-Favoured-Nation Treatment (Article 3.4) Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Law on radio and television (SR 784.40), Article 7 Federal Ordinance on radio and television (SR 784.401), Articles 5 and 6
Description:	Television broadcasters with a national or regional language programme service are obliged to reserve at least 50 percent of their broadcasting time for Swiss or European productions and are obliged to reserve at least 10 percent of their broadcasting time or 10 percent of their production costs for works from independent Swiss or European producers (SR 784.40; SR 784.401, Article 5).  Television broadcasters with a national or regional language programme service which broadcast films in their programme service must spend at least 4 percent of their gross revenue on purchase, production or co-production of Swiss films or must pay a corresponding support fee of up to 4 percent. This obligation also applies to foreign television broadcasters which offer windows of national or regional language programme services in Switzerland (SR 784.40) and which offer feature, documentary and animation films in their respective programmes (SR 784.401, Article 6).

33. Sector: Financial Services  
Sub-Sector: Insurance Services  
Industry Classification: Part of CPC 81  
Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)  
Level of Government: Cantonal  
Measures: Cantonal legislations  
Description: A public monopoly on fire and natural damage insurance on buildings exists in the following cantons: Zürich, Bern, Luzern, Nidwalden, Glarus, Zug, Fribourg, Solothurn, Basel-Stadt, Basel-Landschaft, Schaffhausen, Aargau, St. Gallen, Graubünden, Appenzell Ausserrhoden, Thurgau, 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.

34. Sector: Financial Services
- Sub-Sector: Insurance Services
- Industry Classification: Part of CPC 81
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on the supervision of private insurers (SR 961.01), Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 41, 42, 43 and 44  
Federal Ordinance on the supervision of private insurers (SR 961.011), Articles 182, 183, 184, 185, 186 and 187
- Description: Representative offices may not conduct business or act as an agent (SR 961.01, Articles 3 to 15 and 41).
- For insurance companies incorporated in Switzerland, the legal form of a joint-stock company (Aktiengesellschaft; société anonyme; società anonima) or a co-operative society (Genossenschaft; société coopérative; società cooperativa) 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 co-operative society (SR 961.01, Articles 7 and 15).
- Except for maritime, aviation and transport insurance services (MAT) as well as reinsurance services, commercial presence is required in Switzerland (SR 961.01, Articles 3 and 15).
- For insurance intermediation services, such as brokerage and agency, only services supplied by insurance companies established in Switzerland may be supplied with the exception of maritime, aviation and transport insurance services (MAT) as well as reinsurance services. Dependent intermediary insurance suppliers are required to be affiliated to an insurance company domiciled in Switzerland. Independent intermediary insurance suppliers are required to register in the intermediary insurance register (Versicherungsvermittler-Register; Registre des intermédiaires en assurance; Registro degli intermediari assicurativi) (SR 961.01, Articles 7, 15, 41, 42, 43 and 44; SR 961.011).

35. Sector: Financial Services
- Sub-Sector: Insurance Services
- Industry Classification: Part of CPC 81
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on occupational benefit plans concerning old-age, survivors and invalidity (SR 831.40), Articles 11 and 48
- Description: Pension funds must be established in Switzerland in order to operate in the statutory pension funds scheme (“Berufsvorsorge”; “prévoyance professionnelle”; “previdenza professionale”). Participation in the statutory pension funds scheme requires pension funds to be organised in the form of a co-operative society or of a foundation (Stiftung; fondation; fondazione) (Article 48).
- Employers employing persons subject to compulsory insurance must be affiliated to a provident institution (“institution de prévoyance”; “Vorsorgeeinrichtung”; “istituto di previdenza”) entered in the Register for occupational benefit plans (“Register für die berufliche Vorsorge”; “registre de la prévoyance professionnelle”; “registro della previdenza professionale”) according to the Law (Article 11).



36. Sector:	Financial Services
Sub-Sector:	Insurance Services
Industry Classification:	Part of CPC 81
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Law on health insurance (SR 832.10), Articles 3 and 4 Federal Ordinance on health insurance (SR 832.102), Article 12
Description:	Participation in the basic health insurance scheme requires health insurance suppliers to be organised in one of the following legal entities: an association (Verein; association; associazione), a co-operative society, a foundation or a joint-stock company with non-profit purposes (SR 832.102). Foreign health insurance suppliers must be established in Switzerland in order to operate in the basic health insurance scheme (SR 832.102). Persons subject to compulsory health insurance must choose a health insurance participating in the basic health insurance scheme or a private insurer according to Swiss law as their insurance supplier (SR 832.10).

37. Sector:	Financial Services
Sub-Sector:	Insurance Services
Industry Classification:	Part of CPC 81
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Law on accident insurance (SR 832.20), Article 68
Description:	Foreign insurance suppliers must be established in Switzerland in order to operate in the compulsory accident and occupational disease insurance scheme.  Persons subject to compulsory accident and occupational disease insurance but excluded from the scope of the Swiss Accident Insurance Fund (Schweizerische Unfallversicherungsanstalt; Caisse nationale suisse d'assurance en cas d'accidents; Istituto svizzero di assicurazione contro gli infortuni (Suva)) must be affiliated by their employer with a private insurer or a health insurance fund with domicile in Switzerland.

38. Sector: Financial Services
- Sub-Sector: Banking and Other Financial Services
- Industry Classification: Part of CPC 81
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on the issuance of specific mortgage bonds (SR 211.423.4), Articles 1, 2, 3, 4, and 5
- Description: Two mortgage bond issuance institutes have been granted an exclusive right to issue specific mortgage bonds (“Pfandbriefe”; “lettres de gage”; “obbligazioni fondiarie”); in case of the first institute only Swiss cantonal banks are accepted as members; in case of the second institute, banks with head offices in Switzerland whose national mortgage loan business amounts to at least 60 percent of their balance sheet can be members; the issuance of other mortgage-backed bonds is not affected by this regulation.

39. Sector: Financial Services  
Sub-Sector: Banking and Other Financial Services  
Industry Classification: Part of CPC 81  
Type of Reservation: National Treatment (Article 3.6)  
Level of Government: Federal  
Measures: Federal Law on stamp duty (SR 641.10), Article 14  
Description: The issuance of foreign collective investment funds is subject to stamp duty.

40. Sector: Financial Services
- Sub-Sector: Banking and Other Financial Services
- Industry Classification: Part of CPC 81
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on banks and savings banks (SR 952.0),  
Articles *3bis* and *3ter*  
Federal Ordinance on banks and savings banks (SR 952.02), Article 5  
Federal Ordinance on foreign banks in Switzerland (SR 952.111), Articles 4, 12 and 14
- Description: I. If the foreign controlling ultimate shareholders and/or beneficial owners are nationals and/or residents of a non-Party, then
- the licence to establish a bank to be organised under Swiss law;
  - the licence to establish an office, a branch or an agency of a foreign or foreign-controlled bank; and
  - the licence to appoint a permanent representative of a foreign bank;
- are subject to the additional condition that the country of domicile of the foreign bank or of the foreign controlling corporate or individual shareholder shall guarantee reciprocity.
- II. An additional licence (as described under I. above) must be obtained by any bank which falls under foreign control or if a foreign controlled bank undergoes a change of its foreign shareholders holding a qualified participation.
- A bank organised under Swiss law falls under this provision whenever a foreign person (see below) with a qualified participation directly or indirectly holds more than 50 percent of the voting rights in the bank or a significant influence on it is exercised in another manner.
- The following shall be deemed foreign persons:
- (a) natural persons who have neither Swiss nationality nor a residence permit conferring the right of establishment in Switzerland;
  - (b) juridical persons and partnerships who have their registered office abroad or, if they have their registered office in Switzerland, are controlled by persons defined under (a) above.

41. Sector: Financial Services
- Sub-Sector: Banking and Other Financial Services
- Industry Classification: Part of CPC 81
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on banks and savings banks (SR 952.0), Article 3*bis*  
Federal Ordinance on foreign banks in Switzerland (SR 952.111), Articles 4 and 12
- Description: The licence
- to establish a bank to be organised under Swiss law, but with respect to which controlling foreign influence exists;
  - to establish an office, a branch or an agency of a foreign or foreign-controlled bank; or
  - to appoint a permanent representative of a foreign bank;
- is subject to the additional condition that the corporate name of the foreign controlled Swiss bank shall in no way indicate or suggest that the bank is Swiss-controlled.
- A bank organised under Swiss law falls under this provision whenever a foreign person (see below) with a qualified participation directly or indirectly holds more than 50 percent of the voting rights in the bank or a significant influence on it is exercised in another manner.
- The following shall be deemed foreign persons:
- (a) natural persons who have neither Swiss nationality nor a residence permit conferring the right of establishment in Switzerland;
  - (b) juridical persons and partnerships who have their registered office abroad or, if they have their registered office in Switzerland, are controlled by persons defined under (a) above.

42. Sector:	Financial Services
Sub-Sector:	Banking and Other Financial Services
Industry Classification:	Part of CPC 81
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Ordinance on foreign banks in Switzerland (SR 952.111), Article 2
Description:	Representative offices of a foreign bank may neither conduct business nor act as agents.

43.	Sector:	Financial Services
	Sub-Sector:	Banking and Other Financial Services
	Industry Classification:	Part of CPC 81
	Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
	Level of Government:	Federal
	Measures:	Federal Law on collective investment schemes (SR 951.31), Articles 13, 120 and 123
	Description:	Foreign investment funds may be professionally marketed or distributed in or from Switzerland only through a licensed representative agent resident in Switzerland.



44. Sector: Financial Services
- Sub-Sector: Banking and Other Financial Services
- Industry Classification: Part of CPC 81
- Type of Reservation: Market Access (Article 3.5)
- Level of Government: Federal
- Measures: Federal Law on stock exchanges and securities trading (SR 954.1), Article 37
- Federal Ordinance on stock exchanges and securities trading (SR 954.11), Articles 14, 41, 49, 53 and 56
- Description:
- I. If its ultimate shareholders and/or beneficial owners are nationals and/or residents of a non-party, authorisation of a foreign stock exchange or of a stock exchange controlled by foreign persons domiciled abroad may be refused if the non-party in which the foreign stock exchange has its registered office or in which the controlling foreign persons are domiciled does not accord Swiss stock exchanges effective access to its markets and does not offer them the same competitive opportunities as to the local stock exchange. The same rule shall apply to the authorisation of securities dealers.
  - II. Stock exchanges and securities dealers which subsequently come under foreign control must obtain the approval of the Swiss Financial Market Supervisory Authority (Eidgenössische Finanzmarktaufsicht; Autorité fédérale de surveillance des marchés financiers; Autorità federale di vigilanza sui mercati finanziari). The same condition shall apply to foreign-controlled stock exchanges or securities dealers, if there is a change in the foreign persons with significant interests.
- Stock exchanges and securities dealers organised under Swiss law shall be considered foreign-controlled, if foreign persons (see below) with significant interests in them hold over half the voting rights directly or indirectly, or otherwise exert a controlling influence on them.
- The following shall be deemed foreign persons:
- (a) natural persons who have neither Swiss nationality nor a residence permit conferring the right of establishment in Switzerland;
  - (b) juridical persons and partnerships which have their registered office abroad or, if they have their registered office in Switzerland, are controlled by persons mentioned under (a) above.

45.	Sector:	Financial Services
	Sub-Sector:	Banking and Other Financial Services
	Industry Classification:	Part of CPC 81
	Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
	Level of Government:	Federal
	Measures:	Federal Ordinance on stock exchanges and securities trading (SR 954.11), Article 39 Swiss Financial Market Supervisory Authority Circular 2008/5, n. 54-63
	Description:	Representative offices of a foreign securities dealer may neither conduct business nor act as agents.

46. Sector: Business Services; Community Services
- Sub-Sector: Supervisory audit services
- Industry Classification: CPC 81312 Financial market regulatory services  
CPC 81409 Other services auxiliary to insurance and pension funding  
CPC 91112 Financial and fiscal services
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on financial market supervision (SR 956.1), Article 26  
Federal Ordinance on financial market supervisory audit (SR 956.161), Articles 2 to 7  
Federal Law on collective investment schemes (SR 951.31), Article 127  
Federal Law on money laundering in the financial sector (SR 955.0), Article 19b  
As qualified by the Description element
- Description: Financial services suppliers may be obliged to mandate an auditing company to audit compliance with all supervisory provisions (supervisory audit service). The choice of the auditing company is subject to approval by the supervisory authority (SR 956.1) or the Federal Council (SR 951.31, SR 955.0)
- The auditing company must be supervised according to the Federal Law on the authorisation and control of auditors<sup>3</sup> (SR 956.1).
- Further conditions for approval may apply *inter alia* with respect to requirements for establishing subsidiaries or the number and years of experience of the senior auditors of the company (SR 956.161, SR 951.31).
- Qualification: Switzerland reserves the right to adopt any measures restricting market access and national treatment with respect to requirements of supervisory auditing services.

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See reservation number 54 of this Appendix.

47. Sector:	Business Services
Sub-Sector:	Real Estate Services
Industry Classification:	CPC 821 Real estate services involving own or leased property
	CPC 822 Real estate services on a fee or contract basis
Type of Reservation:	National Treatment (Article 3.6)
Level of Government:	Federal
	Cantonal (Canton of Ticino)
Measures:	Cantonal Law on the exercise of fiduciary activities (Legge sull'esercizio delle professioni di fiduciario, del 18 giugno 1984 (11.1.4.1)), Articles 1, 6 and 11
Description:	The supply of real estate services on a fee or contract basis in the Canton of Ticino is restricted to "fiduciario immobiliare" (professional title) subject to authorisation.
	Measures contained in reservation number 5 of this Appendix restrict the supply of services classified under CPC 821.

48. Sector: Business Services; Audiovisual Services
- Sub-Sector: Leasing or Rental Services Concerning Personal and Household Goods; Audiovisual Services
- Industry Classification: CPC 8320 Leasing or rental services concerning personal and household goods (limited to video tapes and other content carriers)
- CPC 96113 Motion picture or video tape distribution services
- CPC 9612 Motion picture projection services
- Type of Reservation: Market Access (Article 3.5)
- National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: As qualified by the Description element
- Description: Switzerland reserves the right to maintain, modify or adopt, on the grounds of public morals or protection of individuals, any measures restricting market access and national treatment with respect to services as indicated in the Industry Classification element above. This applies in particular to sexual, obscene or violent contents.

49. Sector: Business Services
- Sub-Sector: Research and Development Services
- Industry Classification: CPC 85 Research and Development Services  
(limited to the participation in Swiss national and European research programs)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Bylaws of the Swiss National Science Foundation (Schweizer Nationalfonds zur Förderung der wissenschaftlichen Forschung (SNF); Fonds national suisse de la recherche scientifique (FNS); Fondo nazionale svizzero per la ricerca scientifica (FNS)), approved by the Federal Council on 2 May 2001, Article 8
- Description: To apply as a natural person for participation in national and European research programs, a researcher needs to be resident in Switzerland (independents) or be employed by an institution established in Switzerland.
- The Swiss National Science Foundation (SNSF) may authorise, either in individual cases or for whole programs, juridical persons to apply (*i.e.* restriction to market access for enterprises).

50. Sector: Business Services
- Sub-Sector: Legal Services
- Industry Classification: CPC 861 Legal services (limited to representation services in courts)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: Federal and cantonal legislations  
As qualified by the Description element
- Description: All cantons maintain measures restricting market access and national treatment with respect to legal representation services in courts. Such measures include, but are not limited to, examinations and practical experience in the canton where admission is sought and registration in the register of the same canton.
- Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to legal representation services in courts involving Swiss law.

51. Sector:	Business Services
Sub-Sector:	Legal Services
Industry Classification:	CPC 861 Legal services (limited to notary public services)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal and cantonal
Measures:	Federal and cantonal legislations  Law by the Canton of Zürich on notary public services (Notariatsgesetz vom 9. Juni 1985 <i>LS 242</i> (NotG)), Sections 1 and 2  Law by the Canton of Fribourg on notary public services (Loi du 20 septembre 1967 sur le notariat <i>RSF 261.1</i> (LN); Gesetz vom 20. September 1967 über das Notariat <i>SGF 261.1</i> (NG)), Article 2  As qualified by the Description element
Description:	Cantons may maintain measures for the supply of notary public services.  In particular, services such as authentication of documents and notarisations ( <i>i.e.</i> sales acts, donations, inheritance, corporate and foundation charters, <i>etc.</i> ) may only be supplied by a registered notary public or other expressly authorised commissioners for oaths.  The Canton of Zürich fixes a ceiling of 44 notaries public authorised to practice in its territory.  The Canton of Fribourg fixes a ceiling of 42 notaries public authorised to practice in its territory. The legislation also requires Swiss nationality.  Other cantons maintain similar measures. Some cantonal laws also provide that notaries public be elected by popular vote.  <u>Qualification:</u> Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to notary public services involving Swiss law.



52. Sector:	Business Services
Sub-Sector:	Legal Services
Industry Classification:	CPC 861      Legal services (limited to legal services on Swiss law)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal and cantonal
Measures:	Federal and cantonal legislations As qualified by the Description element
Description:	Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to legal services involving Swiss law.

53. Sector: Business Services
- Sub-Sector: Legal Services
- Industry Classification: CPC 861 Legal services (limited to patent attorneys)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal legislation  
As qualified by the Description element
- Description: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to patent attorneys involving Swiss law.

54. Sector: Business Services
- Sub-Sector: Accounting and Auditing Services
- Industry Classification: CPC 8621 Accounting and auditing services
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Swiss Code of Obligations (SR 220), Articles 730 and 740  
Federal Law on the authorisation and control of auditors (SR 221.302), Article 4
- Description: For auditing companies (“Revisionsstelle”; “organe de revision”; “ufficio di revisione”), at least one auditor must be domiciled in Switzerland or have a registered office or principal or branch office in Switzerland (SR 220, Article 730).  
For liquidation companies (“Liquidatoren”; “liquidateurs”; “liquidatori”), at least one of the liquidators must be domiciled in Switzerland (SR 220, Article 740).  
Foreign titles that may be required to practice in Switzerland will be recognised, provided the foreign diploma is considered to be equivalent and an agreement of mutual recognition exists between Switzerland and the home country or reciprocity is granted. Moreover, the competence in one national language is required (SR 221.302).

55. Sector: Business Services
- Sub-Sector: Engineering Services
- Industry Classification: CPC 8672 Engineering services (limited to official land measurements (cadastral and related activities))
- Type of Reservation: National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Ordinance on federal diploma for land surveyors (SR 211.432.261), Articles 1, 2 and following
- Description: Official land measurements (cadastral surveying) may only be carried out by licensed surveyors. A licence is granted to qualified surveyors after they have passed an examination. Theoretical knowledge and practical experience in the home country will be taken into account in the assessment of subject matters for which an examination is necessary.

56. Sector: Business Services
- Sub-Sector: Advertising Services
- Industry Classification: CPC 871 Advertising services
- Type of Reservation: Market Access (Article 3.5)
- Level of Government: Federal
- Measures: Federal Law on medicinal products and medical devices (Law on therapeutic products) (SR 812.21), Article 32
- Federal Law on narcotics and psychotropic substances (SR 812.121), Articles 1 and 17
- Federal Law on the transplantation of organs, tissues and cells (SR 810.21), Article 49
- Federal Ordinance on advertisement for medicinal products (SR 812.212.5), Article 14
- Federal Ordinance on medicinal products (SR 812.212.21), Articles 23 and 24
- Federal Ordinance on narcotics and psychotropic substances (SR 812.121.1), Article 56
- Description: Advertising is prohibited for transplant products (SR 810.21; SR 812.21), for narcotics and psychotropic substances (SR 812.121; SR 812.121.1) and for medicinal products only available on prescription (SR 812.21; SR 812.212.5; SR 812.212.21).

57. Sector:	Business Services; Audiovisual Services
Sub-Sector:	Advertising Services; Promotion Services; Audiovisual Services
Industry Classification:	CPC 7524 Programme transmission services (limited to the broadcasting of promotional material) CPC 75300 Radio and television cable services (limited to the broadcasting of promotional material) CPC 87110 Sale or leasing services of advertising space or time (limited to radio and television programmes) CPC 87120 Planning, creating and placement services of advertisements to be displayed through the advertising media (limited to radio and television programmes). CPC 96111 Promotion or advertising services (limited to the programming and broadcasting of promotional material) CPC 9613 Radio and television services (limited to the programming and broadcasting of promotional material)
Type of Reservation:	Market Access (Article 3.5)
Level of Government:	Federal
Measures:	Federal Law on radio and television (SR 784.40), Articles 10 and 12 As qualified by the Description element
Description:	The Law bans the advertisement of tobacco products and medicinal products only available on prescription and restricts the advertisement of alcoholic beverages (Article 10). Companies whose main activity is the production or sale of the abovementioned products or which mainly supply services to such companies may not sponsor broadcasts (Article 12). <u>Qualification:</u> Switzerland reserves the right to ban advertising for alcoholic beverages or to introduce any restrictions. <u>Note for transparency:</u> The promotion of political and religious material may not be broadcast as advertising.

58. Sector: Business Services  
Sub-Sector: Advertising Services  
Industry Classification: CPC 8719 Other advertising services (limited to outdoor advertising services)  
Type of Reservation: Market Access (Article 3.5)  
Level of Government: Cantonal and municipal  
Measures: Cantonal and municipal legislations  
As qualified by the Description element  
Description: Outdoor advertising on public ground is subject to long-term exclusive supplier's contracts by tender through cantons and municipalities.  
Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access with respect to outdoor advertising on public or private ground for certain products judged to be detrimental to human health or public morals (*e.g.* tobacco products), including prohibition thereof.

59. Sector:	Business Services; Agricultural Services
Sub-Sector:	Placement and Supply Services of Personnel; Agency Services; Services Incidental to Agriculture and Forestry
Industry Classification:	CPC 872 Placement and supply services of personnel CPC 87909 Other business services n.e.c. (limited to agency services on behalf of individual performers) CPC 8811 Services incidental to agriculture (limited to services of farm labour contractors) CPC 8814 Services incidental to forestry and logging (limited to services of forest labour contractors)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Law on employment services and the hiring of services (SR 823.11), Articles 2, 3, 12, 13 and 14
Description:	<p>The placement and hiring of services from abroad to Switzerland by a foreign company offering services for hire is not allowed (<i>i.e.</i> cross-border supply is not allowed).</p> <p>A placement and/or hiring agency must be registered in a cantonal Commercial Register.</p> <p>The placement and hiring of services within Switzerland requires a cantonal licence. Companies providing staff from Switzerland for hire or placement abroad or providing newly arriving foreign staff for hire in Switzerland additionally require a federal licence. Natural persons responsible for management of a placement and/or hiring agency must be Swiss nationals or foreigners with a residence permit.</p> <p>Additional conditions apply to the placement and/or hiring of services, for example: sufficient business expertise, lodging of a deposit as a guarantee, natural persons responsible for management must be qualified to offer services for hire on a professional basis and be of proven good repute, etc.</p> <p>These measures apply to all types of placement and hiring, including for example “head-hunter” services, placement and casting of artists, photo models or fashion models, athletes, hiring of household personnel, maids or au pairs, harvesting, logging and other services of farm or forest labour contractors.</p>



These measures apply to all types of placement and hiring including in connection with rental services of machinery or vehicles with operator, driver or crew.

60. Sector:	Business Services
Sub-Sector:	Investigation and Security Services
Industry Classification:	CPC 873 Investigation and security services (limited to forensic analysis of human DNA-profiles) <sup>4</sup>
	CPC 873 Investigation and security services (limited to security services excluding security consultation services CPC 87302)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal and cantonal
Measures:	Federal Ordinance on the use of DNA-profiles in criminal proceedings and for the identification of unknown or missing persons (SR 363.1), Article 2 Federal Constitution (SR 101), Articles 5, 36 and 178 As qualified by the Description element
Description:	Investigation services as indicated in the Industry Classification element above:  The competent authorities may delegate certain investigation activities to competent private laboratories <sup>5</sup> . Legal domicile in Switzerland is required, and the production and supply of the services must take place in Swiss territory (SR 363.1) (no cross-border trade or outsourcing abroad allowed).  Security services as indicated in the Industry Classification element above:  <u>Qualification:</u> Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to the delegation by the Government of certain security services to private entities.

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<sup>4</sup> Deoxyribonucleic acid.

<sup>5</sup> Note for transparency: requirements are set out in the Federal Ordinance on quality and service requirements for forensic analysis of DNA (SR 363.11).

61. Sector: Business Services
- Sub-Sector: Investigation and Security Services
- Industry Classification: CPC 873 Investigation and security services  
(excluding security consultation services  
CPC 87302)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Cantonal
- Measures: Cantonal legislations, including intercantonal  
agreements  
  
Intercantonal Agreement on security enterprises  
(Concordat concernant les entreprises de sécurité du 18  
octobre 1996 (RO 2001 2587), as amended on 5  
October 2004 (RO 2004 4303)), Articles 8, 9 and 10  
  
As qualified by the Description element
- Description: The Intercantonal Agreement on security enterprises  
adhered to by Western cantons sets out a requirement  
of Swiss nationality or permanent residence and  
passing of a cantonal examination in the canton where  
establishment is sought (Article 8). Security enterprises  
from a canton not party to the Intercantonal Agreement  
may not supply services unless authorisation to do so is  
granted (Article 10).  
  
Qualification: Switzerland reserves the right to  
maintain, modify or adopt any measures restricting  
market access and national treatment with respect to  
investigation and security services, including through  
intercantonal agreements.

62.	Sector:	Business Services
	Sub-Sector:	Building Cleaning Services
	Industry Classification:	CPC 87409 Other building cleaning services (limited to furnace and chimney cleaning services)
	Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
	Level of Government:	Cantonal
	Measures:	Cantonal legislations
	Description:	Some cantons maintain a monopoly or an exclusive service suppliers scheme for furnace and chimney cleaning services.

63. Sector: Business Services
- Sub-Sector: Collection Agency Services
- Industry Classification: CPC 87902 Collection agency services
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Cantonal
- Measures: Cantonal legislations  
Cantonal Law of Ticino on the exercise of fiduciary activities (Legge sull'esercizio delle professioni di fiduciario, del 18 giugno 1984) (11.1.4.1), Articles 1, 5 and 10  
As qualified by the Description element
- Description: The supply of collection agency services in the Canton of Ticino is restricted to "fiduciario commercialista" (professional title) subject to authorisation.
- Qualification: Switzerland reserves the right to maintain, modify or adopt any measure restricting market access and national treatment with respect to collection agency services. This applies to collection services related to any type of claim in respect of, for example, financial assets, real assets, intangible assets (such as intellectual property rights) or any type of debt instruments.

64. Sector: Business Services
- Sub-Sector: Translation and Interpretation Services
- Industry Classification: CPC 87905 Translation and interpretation services (limited to translation for official purposes)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Cantonal (Cantons of Zürich and Genève)
- Measures: Regulation of the Canton of Zürich relating to interpreters, (Dolmetscherverordnung) (LS 211.17), Article 10  
Regulation by the Canton of Genève relating to sworn translators, (Règlement relatif aux traducteurs-jurés du 6 décembre 2004) (I 2 46.03), Article 2
- Description: Swiss nationality or possession of a residence permit for several years may be required in the Canton of Zürich for interpretation and translation services for judicial and administrative purposes (LS 211.17).  
Domicile for at least three years in Switzerland is required in the Canton of Genève for translation services for official purposes (I 2 46.03).

65. Sector:	Business Services
Sub-Sector:	Other Business Services
Industry Classification:	CPC 87909 Other business services n.e.c. (limited to the management of copyrights)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Law on copyrights and neighbouring rights (SR 231.1), Articles 41 and 42
Description:	<p>Enterprises acting in the management of copyrights<sup>6</sup> and neighbouring rights where collective exploitation is required by law must be approved by the Federal Institute of Intellectual Property (Eidgenössisches Institut für Geistiges Eigentum (IGE); Institut fédéral de la propriété intellectuelle (IPI); Istituto federale della proprietà intellettuale (IPI)) (Article 41).</p> <p>Only one authorisation is granted per category of works and the collecting enterprises must have their headquarters and management in Switzerland (Article 42).</p> <p><u>Note for transparency:</u> At the date of signing of the Agreement the following five collecting enterprises are approved by the Federal Institute of Intellectual Property: SUISA, SUISSIMAGE, ProLitteris, Société Suisse des Auteurs (SSA) and SWISSPERFORM.</p>

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<sup>6</sup> Copyrights is to be understood as defined in CPC 89230.

66. Sector: Agricultural Services
- Sub-Sector: Services Incidental to Agriculture
- Industry Classification: CPC 8811 Services incidental to agriculture (limited to slaughter services and on artificial insemination)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on animal protection (SR 455), Article 21  
Federal Ordinance on animal protection (SR 455.1), Articles 178, 179, 184, 185 and 187  
Federal Ordinance on epizooties (SR 916.401), Articles 51, 52, 53 and 54
- Description: Slaughter services (market access restriction):  
Slaughter of mammals without stunning prior to drawing of blood is prohibited (SR 455; SR 455.1, Article 178). Stunning has to be immediate and cause no pain (SR 455.1, Article 185).  
Stunning methods and their application are prescribed by the Ordinance on animal protection (SR 455.1, Article 184). Blood may be drawn only once the animal is unconscious (SR 455.1, Article 187).  
Artificial insemination:  
Provisions applicable to artificial insemination may *de facto* restrict cross-border supply of services. The inseminator needs to be certified by the canton (SR 916.401, Articles 51 and 53). The semen has to be obtained from a facility that meets the criteria set by the Swiss authorities (SR 916.401, Articles 52 and 54). If the above provisions are not met, the authorities may take any measures regarding an inseminated animal for prevention of epizooties in particular upon re-entry of the animal into Swiss territory. In addition, any conditions regarding registration in a national herd-book apply.



67.	Sector:	Agricultural Services
	Sub-Sector:	Services Incidental to Agriculture and Forestry
	Industry Classification:	CPC 8811 Services incidental to agriculture (limited to activities involving dissemination of genetically modified organisms)
		CPC 8814 Services incidental to forestry and logging (limited to activities involving dissemination of genetically modified organisms)
	Type of Reservation:	Market Access (Article 3.5)
	Level of Government:	Federal
	Measures:	Federal Constitution (SR 101), Articles 120 and 197
	Description:	The use of genetically modified organisms (GMOs) in agriculture and forestry and their dissemination into the environment are prohibited.

68. Sector: Agricultural Services
- Sub-Sector: Services Incidental to Agriculture and Hunting
- Industry Classification: CPC 8813 Services incidental to hunting
- Type of Reservation: Market Access (Article 3.5)
- Level of Government: Federal and cantonal
- Measures: Federal Law on animal protection (SR 455), Article 26  
Cantonal legislations
- Description: Killing of animals in any cruel way is prohibited, including, for instance, types of hunting activities involving protracted cruel treatment of prey (SR 455).
- Services related to the enforcement of the cantonal regulations on hunting and related activities may not be supplied on a commercial basis. These services are either supplied by the cantonal administration or by other persons assigned by that administration (usually volunteers or non-profit organisations).
- Note for transparency: Cantons may ban hunting, or specific types of hunting, on their territory.

69. Sector: Agricultural Services;  
Entertainment Services
- Sub-Sector: Services Incidental to Agriculture and Hunting;  
Entertainment Services
- Industry Classification: CPC 8813 Services incidental to hunting  
CPC 96199 Other entertainment services n.e.c.  
(limited to entertainment services  
involving animals)
- Type of Reservation: Market Access (Article 3.5)
- Level of Government: Federal
- Measures: Federal Law on animal protection (SR 455), Article 26
- Description: The Law bans the organisation of fights between  
animals or with animals where these are mistreated or  
killed.
- The Law bans the killing of animals for entertainment  
or on perverse purposes, such as shooting at tame  
animals.
- The Law bans the killing of animals in any cruel way.

70. Sector: Construction Work and Mining Services
- Sub-Sector: Construction Work For Engineering Works; Services Incidental to Mining (limited to the Oil Sector)
- Industry Classification: CPC 5139 For engineering works n.e.c.  
CPC 883 Services incidental to mining
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Cantonal
- Measures: Cantonal legislations  
Intercantonal Agreement on the prospecting and exploitation of oil (Konkordat vom 24. September 1955 betreffend die Schürfung und Ausbeutung von Erdöl; Concordat du 24 septembre 1955 concernant la prospection et l'exploitation du pétrole), Articles 1, 3, 4 and 8  
As qualified by the Description element
- Description: A concession issued by the cantons is required for the prospecting and exploitation of oil.  
Cantons may grant such concession on a case-by-case and discretionary basis.  
In the cantons of Zürich, Schwyz, Glarus, Zug, Schaffhausen, Appenzell Innerrhoden, Appenzell Ausserrhoden, St. Gallen, Aargau and Thurgau foreign capital participation in an enterprise holding such a concession is restricted to not more than 25 percent (Intercantonal Agreement on the prospecting and exploitation of oil, Article 3). Other cantons apply similar measures.  
Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to the prospecting and exploitation of oil.

71. Sector: Services Related to Energy
- Sub-Sector: Energy Distribution
- Industry Classification: CPC 887 Services incidental to energy distribution  
Services related to the activities covered  
by CPC 887
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: All
- Measures: Federal Law on electricity supply (SR 734.7), Article  
18  
Cantonal and municipal legislations  
As qualified by the Description element
- Description: The Swiss electricity transmission network is owned  
and operated by the national electricity distribution  
network company owned by at least 50 percent by the  
cantons and municipalities (SR 734.7).  
Qualification: Switzerland reserves the right for the  
cantons and municipalities to maintain, modify or  
adopt any measures restricting market access and  
national treatment with respect to services as indicated  
in the Industry Classification element above.

72. Sector: Community and Social Services
- Sub-Sector: Public Administration and Other Services to the Community as a Whole
- Industry Classification: CPC 91260 Police and fire protection services
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: All
- Measures: Federal, cantonal and municipal legislations  
As qualified by the Description element
- Description: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to police and fire protection services.

73. Sector: Community and Social Services
- Sub-Sector: Public Administration and Other Services to the Community as a Whole
- Industry Classification: CPC 91270 Law courts related administrative services  
CPC 91280 Administrative services related to detention or rehabilitation of criminals
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: All
- Measures: Federal, cantonal and municipal legislations
- Description: Administrative services relating to courts of law and relating to detention or rehabilitation of criminals are reserved to the Confederation, the cantons and the municipalities.

74. Sector:	Community and Social Services
Sub-Sector:	Education Services
Industry Classification:	CPC 921 Primary education services (limited to public services)
	CPC 922 Secondary education services (limited to public services)
	CPC 923 Higher education services (limited to public services)
	CPC 924 Adult education services n.e.c. (limited to public services)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	All
Measures:	Federal Constitution (SR 101), Articles 62 and 63a Federal Law on federal institutes (SR 414.110), all Articles Cantonal and municipal legislations As qualified by the Description element
Description:	<b>FEDERAL LEVEL:</b> Operation of the Federal Institutes of Technology (Eidgenössische Technische Hochschulen (ETH); écoles polytechniques fédérales (EPF); politecnici federali (PF)) is reserved to the Confederation (SR 101, Article 63a; SR 414.110). <u>Note for transparency:</u> The Confederation applies no restrictions on market access or national treatment for universities of applied sciences (Fachhochschulen; hautes écoles spécialisées; scuole universitarie professionali) (see Federal Law on the universities of applied sciences, SR 414.71).  <b>CANTONAL LEVEL:</b> Public education falls within the competence of the cantons (SR 101, Articles 62 and 63a). <u>Qualification:</u> Switzerland reserves the right for the cantons and municipalities to maintain, modify or adopt any measures restricting market access and national treatment with respect to public education services. <u>Note for transparency:</u> Public education services are understood as education services where: (a) the Government or an agency mandated by



governmental authorities issues a title or a curriculum or other form of specification of the education service indicating that this education service forms an integral part of the greater system of public education;

- (b) there is a public mandate corresponding to the overall education policy of the canton or the Confederation and enshrined in a legal act. The provision of a subsidy or the permission by governmental authorities to deliver a certain type of education service is not sufficient in itself to determine that a mandate exists; and
- (c) public education services correspond to a public need for the supply of the service. This need is to be understood in the sense that there is a political will to achieve certain goals by means of particular education services. This may or may not be reflected in any laws. The relevant criterion is whether public action to supply such a service would be required if it did not already exist. The third criterion is unrelated to market access.

75. Sector:	Community and Social Services
Sub-Sector:	Education Services
Industry Classification:	CPC 921 Primary education services (limited to private services) CPC 922 Secondary education services (limited to private services)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	All
Measures:	Federal Constitution (SR 101), Article 62 Cantonal and municipal legislations As qualified by the Description element
Description:	Compulsory education may only be attended in the territory of Switzerland in schools established in a given canton (prohibition of consumption abroad). <u>Qualification:</u> Switzerland reserves the right for the cantons and municipalities to maintain, modify or adopt any measures restricting market access and national treatment with respect to private education services as indicated in the Industry Classification element above under the modes of supply “cross-border supply” and “consumption abroad”.

76.	Sector:	Community and Social Services
	Sub-Sector:	Education Services
	Industry Classification:	CPC 929 Other education services (excluding private foreign language teaching services and private cooking teaching services)
	Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
	Level of Government:	All
	Measures:	As qualified by the Description element
	Description:	Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to education services as indicated in the Industry Classification element above.

77. Sector: Community and Social Services
- Sub-Sector: Health and Social Services
- Industry Classification: CPC 93199 Other human health services n.e.c.  
(limited to blood collection and storage services)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: Federal Law on medicinal products and medical devices (Law on therapeutic products) (SR 812.21), Articles 2, 10 and 34  
Cantonal legislations
- Description: FEDERAL LEVEL:  
Collecting human blood from donors for transfusion, for the manufacture of therapeutic products, or for supply to a third party, including the import of blood products, is subject to authorisation. Only juridical persons domiciled in Switzerland and registered in a cantonal Commercial Register as well as natural persons residing in Switzerland may be granted such authorisation (SR 812.21).
- CANTONAL LEVEL:  
Authorisation issued by the cantons is required for operating establishments such as hospitals which do not collect, but stock blood or blood products (SR 812.21, Article 34). Cantons have and may maintain measures restricting market access and national treatment.

78. Sector:	Trade Services; Community and Social Services
Sub-Sector:	Retail Trade Services; Health and Social Services
Industry Classification:	CPC 63211 Non-food retailing services (limited to pharmacists and opticians <sup>7</sup> ) CPC 931 Human health services CPC 932 Veterinary Services
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal and cantonal
Measures:	Federal Law on medical professions requiring a university degree (SR 811.11), Articles 2, 12, 15, 34 and 36 Federal Ordinance on diplomas, university education, post-graduate education and the exercise of medical professions requiring a university degree (SR 811.112.0), Article 14 Federal Law on health insurance (SR 832.10), Articles 34 and 55a Federal Ordinance on health insurance (SR 832.102), Articles 36, 44, 45, 46, 47, 48, 49, 50, 50a, and 54 Federal Ordinance on the limitation of the admission of service suppliers practicing on account of the compulsory medical and health insurance (SR 832.103), all Articles Federal Ordinance on the components of the compulsory health care insurance (SR 832.112.31), Articles 5, 6, 9b, 9c, 11 and 40 Federal Law on accident insurance (SR 832.20), Article 10 Federal Ordinance on accident insurance (SR 832.202), Article 17 Cantonal legislations
Description:	The number of service suppliers admitted to practice on account of the compulsory medical and health insurance is limited per canton and per occupation (quantitative ceiling). Cantons may exclude any further admission if the density of service suppliers in the canton is above the regional or the national average

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Persons qualified to examine the eyes and prescribe glasses. Limited to cases where the examination is prescribed by a doctor.

(SR 832.10, Article 55a; SR 832.103).

Swiss nationality is required to practice a medical profession independently. However, a foreign natural person may exercise the medical profession in a practice provided the practice is located in a region where the number of professionals is proven to be insufficient (economic needs test), and if its diploma is recognised as equivalent and the foreign natural person speaks a national language. Moreover, a foreign natural person may be allowed to practice independently a medical profession in a specific hospital in the case where that person is allowed to teach within accredited course programmes in that hospital, and if his or her diploma is recognised as equivalent. (SR 811.11; SR 811.112.0).

Chiropractors are required to pass the federal examination for chiropractors (diploma and postgraduate title). Applicants are requested to have successfully completed professional training in one of the institutions listed in paragraph 1 of Article 40 of SR 832.112.31 (see also SR 832.102, Article 44). Cantons may, on a case-by-case and discretionary basis, admit institutions additional to those listed in paragraph 1 of Article 40 of SR 832.112.31. Osteopaths are required to pass the intercantal examination for osteopaths.

For reimbursement by compulsory (and additional) health and medical insurance, certain occupations (CPC 93191, nursing services, physiotherapeutic and para-medical services) require registration at the cantonal level (SR 811.11, Articles 2 and 15; SR 832.112.31, Articles 5, 6, 9b, 9c and 11).

Medical services supplied abroad are covered by compulsory health insurance or by accident and occupational disease insurance in emergency cases only if the treatment cannot be provided in Switzerland (SR 832.10, Article 34; SR 832.102, Article 36; SR 832.20; SR 832.202).

Medical laboratories may be subject to an exclusive service suppliers scheme (SR 832.102, Article 54).

Note for transparency: Reimbursement is capped at twice the amount of the costs that would be reimbursed in Switzerland.

Note for transparency: Medical services supplied in adjacent countries may be covered by compulsory health insurance under specific conditions as defined by the Federal Council.

79. Sector:	Trade Services; Community and Social Services
Sub-Sector:	Retail Trade Services; Health and Social Services
Industry Classification:	CPC 63211 Non-food retailing services (limited to pharmacists and opticians <sup>8</sup> ) CPC 931 Human health services CPC 932 Veterinary services CPC 933 Social services Intermediation of social services
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	All
Measures:	Federal, cantonal and municipal legislations As qualified by the Description element
Description:	Switzerland reserves the right for the cantons to maintain, modify or adopt any measures restricting market access and national treatment with respect to human health, veterinary and non-food retailing services (limited to pharmacists and opticians).  Switzerland reserves the right for the Confederation, cantons and municipalities to maintain, modify or adopt any measures restricting market access and national treatment with respect to social services or intermediation services relating to social services.

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Persons qualified to examine the eyes and prescribe glasses.

80. Sector:	Community and Social Services
Sub-Sector:	Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services
Industry Classification:	CPC 9401 Sewage services (limited to public utilities) CPC 9402 Refuse disposal services (limited to public utilities) CPC 9403 Sanitation and similar services (limited to public utilities) CPC 9404 Cleaning services of exhaust gases (limited to public utilities) CPC 9405 Noise abatement services (limited to public utilities) CPC 9406 Nature and landscape protection services (limited to public utilities) CPC 9409 Other environmental protection services n.e.c. (limited to public utilities)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Cantonal and municipal
Measures:	Cantonal and municipal legislations As qualified by the Description element
Description:	Public utilities in the environmental services sector, whether owned and operated by cantons or municipalities or contracted out by them to third parties, are subject to monopolies or exclusive service suppliers rights at the cantonal or municipal level.  Exclusive rights to operate public utilities in the environmental sector are not necessarily granted on a national treatment basis.  <u>Qualification:</u> Switzerland reserves the right to maintain, modify or adopt any measures of the type described above.



81. Sector: Community and Social Services
- Sub-Sector: Sewage and Refuse Disposal, Sanitation and other Environmental Protection Services
- Industry Classification: CPC 9409 Other environmental protection services n.e.c. (limited to radiation surveillance)
- Type of Reservation: National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Radiation protection Law (SR 814.50), Article 17
- Description: The Federal Council designates institutions responsible for radiation surveillance services for official purposes. The designation of responsible institutions is not necessarily on a national treatment basis.

82. Sector:	Communications Services
Sub-Sector:	Audiovisual Services
Industry Classification:	CPC 96112 Motion picture or video tape production services
	CPC 96113 Motion picture or video tape distribution services
	CPC 9612 Motion picture projection services
Type of Reservation:	Most-Favoured-Nation Treatment (Article 3.4) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	International agreements on cinematographic and audiovisual relationships with third countries or within the Council of Europe, existing (SR 0.443.913.6, SR 0.443.916.3, SR 0.443.917.2, SR 0.443.923.2, SR 0.443.934.9 and SR 0.443.945.4) or future European Convention of 2 October 1992 on cinematographic co-production (SR 0.443.2), as may be amended in the future Agreement of 11 October 2007 between the European Community and the Swiss Confederation in the audiovisual field, establishing the terms and conditions for the participation of the Swiss Confederation in the Community programmes MEDIA 2007 (SR 0.784.405.226.8), including future MEDIA programmes or programmes of a similar kind European Convention of 5 May 1989 on transfrontier television (SR 0.784.405), as may be amended in the future
Description:	Switzerland confers national treatment to audiovisual works covered by bilateral or plurilateral agreements on co-production in the field of audiovisual works, in particular in relation to access, funding and distribution. Co-productions with other countries are treated the same as Swiss films when Swiss involvement is at least equivalent to foreign involvement or, when Swiss involvement is less substantial, subject to reciprocity or a co-production agreement between Switzerland and the country concerned. Measures granting benefits under support programmes, such as MEDIA and EURIMAGES. Measures relating to the allocation of screen time which implement arrangements such as the Council of Europe Convention on transfrontier television and confer national treatment to audiovisual works and/or

to suppliers of audiovisual services meeting specific European origin criteria.

83. Sector: Communications Services
- Sub-Sector: Audiovisual Services
- Industry Classification: CPC 96113 Motion picture or video tape distribution services
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on the film industry (SR 443.1), Article 19
- Description: In order to guarantee linguistic diversity, the Law stipulates that a same film may only be distributed by a film distribution enterprise once it possesses the rights for all language versions of the film for the entire territory of Switzerland.

84. Sector:	Communications Services
Sub-Sector:	Audiovisual Services
Industry Classification:	CPC 96113 Motion picture or video tape distribution services CPC 9612 Motion picture projection services
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Federal
Measures:	Federal Constitution (SR 101), Article 71 Federal Law on the film industry (SR 443.1), Articles 21 and 23 As qualified by the Description element
Description:	<p>If the cinematic offerings in a given region are not sufficiently diverse, the Confederation may levy incentive fees in order to promote the diversity of the cinematic offerings (Article 21).</p> <p>Only natural persons domiciled in Switzerland or juridical persons established in Switzerland may show or distribute films intended for public exhibition or projection. All members of the board of a juridical person must be domiciled in Switzerland (Article 23).</p> <p><u>Note for transparency:</u> The public exhibition or projection of films or the distribution of films for public exhibition or projection requires registration of the distributor and the exhibitor in a public register.</p> <p><u>Qualification:</u> Switzerland reserves the right to adopt any measures restricting market access and national treatment with respect to motion picture distribution and exhibition or projection services, in order to encourage the diversity as well as the quality of the cinematic offerings pursuant to paragraph 2 of Article 71 of the Federal Constitution (SR 101).</p>

85. Sector: Communications Services  
Sub-Sector: Audiovisual Services  
Industry Classification: CPC 9612 Motion picture projection services  
Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)  
Level of Government: Cantonal and municipal  
Measures: Cantonal and municipal legislations  
Description: The exhibition or projection of films in cafés, restaurants, discotheques, nightclubs and similar premises may be prohibited or subject to authorisation.  
Cantons and municipalities may restrict the number of licences per natural or juridical person for projection services.

86. Sector:	Recreational, Cultural and Sporting Services
Sub-Sector:	Cultural Services
Industry Classification:	CPC 963 Library, archive, museum and other cultural services (excluding archive services (CPC 96312))
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	All
Measures:	Federal Constitution (SR 101), Article 69 Cantonal and municipal legislations As qualified by the Description element
Description:	Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to cultural services.

87. Sector: Recreational, Cultural and Sporting Services
- Sub-Sector: Cultural Services
- Industry Classification: CPC 96312 Archive services
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: All
- Measures: Federal Law on archiving (SR 152.1), Article 4  
Cantonal and municipal legislations
- Description: Documents of the Confederation are archived by the Federal Archives (Das Schweizerische Bundesarchiv (BAR); Les Archives fédérales suisses (AFS); L'Archivio federale svizzero (AFS)).
- Documents of cantons and municipalities are archived by the cantons' and municipalities' archives. Cantons maintain measures regarding archiving of specific sources that are considered public functions, such as notary sources or churches.



88. Sector: Recreational, Cultural and Sporting Services
- Sub-Sector: Recreational Services
- Industry Classification: CPC 96331 Botanical and zoological garden services  
CPC 96332 Nature reserve services including  
wildlife preservation services
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Cantonal
- Measures: Cantonal legislations  
As qualified by the Description element
- Description: Cantons may maintain any measures relating to botanical and zoological garden services, including monopolies and exclusive service suppliers rights.  
Nature reserve services, including wildlife preservation services, are normally reserved to cantons.  
Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to nature reserve services, including wildlife preservation services.

89. Sector: Recreational, Cultural and Sporting Services  
Sub-Sector: Sporting Services  
Industry Classification: CPC 9641 Sporting services (limited to circuit races)  
Type of Reservation: Market Access (Article 3.5)  
Level of Government: Federal  
Measures: Federal Law on road traffic (SR 741.01), Article 52  
Description: Circuit races are prohibited.

90. Sector: Recreational, Cultural and Sporting Services
- Sub-Sector: Recreational Services
- Industry Classification: CPC 96492 Gambling and betting services
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: All
- Measures: Federal Constitution (SR 101), Article 106  
Federal Law on games of chance and casinos (SR 935.52), Articles 4, 5, 10, 11 and 13  
As qualified by the Description element
- Description: Concessions are required for both the establishment and the operation of casinos. Gambling services other than gambling services supplied in a casino are prohibited (SR 101; SR 935.52, Articles 4 and 10).  
Concessions may be granted only to:
- (a) juridical persons established under Swiss public law;
  - (b) joint-stock companies established under Swiss law whose joint-stock capital is issued in the form of registered shares, and whose members of the board of directors have their residence in Switzerland; and
  - (c) co-operative societies established under Swiss law whose members of the board of directors have their residence in Switzerland (SR 935.52, Article 11).
- The establishment of a casino is subject to cantonal approval. Cantons and municipalities may approve casinos on a case-by-case and discretionary basis (SR 935.52, Article 13).
- Dexterity games fall within the competence of the cantons (SR 101).
- The supply of any gambling service through any means of telecommunication, including the Internet, is prohibited (SR 935.52, Article 5).
- Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to gambling.

91. Sector: Recreational, Cultural and Sporting Services;  
Business Services
- Sub-Sector: Recreational Services;  
Advertising Services
- Industry Classification: CPC 871 Advertising services (limited to advertising services for commercial betting)  
CPC 96492 Gambling and betting services (limited to lotteries, mixed lotteries or premium bonds and commercial betting)
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: Federal Constitution (SR 101), Article 106  
Federal Law on lotteries and commercial betting (SR 935.51), Articles 1, 2, 5, 6, 15, 16, 33, 34 and 35  
Federal Ordinance to the federal lotteries and commercial betting (SR 935.511), Articles 43 and 44  
Cantonal legislations  
As qualified by the Description element
- Description: FEDERAL LEVEL:  
Lotteries and commercial betting services and similar services are prohibited (SR 935.51, Articles 1, 2 and 33; SR 935.511, Article 43).  
Advertising services, including through mailing, for commercial betting (“gewerbsmässiges Wetten”; “paris professionnels”; “scommesse professionalmente organizzate”) are prohibited (SR 935.51, Article 33).  
The sender of lots, coupons, drawing lists, and other lottery related mail by post or by courier must prove that authorisation for the lottery in question has been granted. Otherwise, such mail, including incoming mail from abroad, is not delivered, but returned to the sender. Post and courier services suppliers must ensure that such mail is not delivered to the addressee (SR 935.51, Article 35; SR 935.511, Article 44).
- CANTONAL LEVEL:  
Authorisation by the competent canton is required for public welfare lotteries (“gemeinnützige Lotterien nach Bundesrecht”; “loteries d’utilité publique selon la législation fédérale”; “lotterie di utilità pubblica secondo la legislazione federale”) (SR 935.51, Article

5). Only natural persons having their residence in Switzerland and associations having their domicile in Switzerland may seek such authorisation (SR 935.51, Article 6). Welfare lottery procedures may be regulated in greater detail by the cantons (SR 935.51, Article 15). The latter may restrict or prohibit public welfare lotteries (SR 935.51, Article 16).

Cantons may allow certain commercial betting services with variable quotes, *e.g.* in respect of horse and boat races, football matches and similar events (SR 935.51, Article 34).

Tombolas fall within the competence of the cantons. Cantons may allow, restrict or prohibit tombolas (SR 935.51, Article 2).

Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to public welfare lotteries, commercial betting and tombolas.

92. Sector:	Other Services
Sub-Sector:	Other Services
Industry Classification:	CPC 9703 Funeral, cremation and undertaking services
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	Cantonal
Measures:	Cantonal legislations
Description:	Cantons maintain a monopoly or an exclusive service suppliers scheme or require authorisations for funeral, cremation and undertaking services, including the carriage of corpses.

93. Sector:
- Sub-Sector: Services Related to Nuclear Energy
- Industry Classification:
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Law on nuclear energy (SR 732.1), Articles 12, 13, 19 and 20  
As qualified by the Description element
- Description: Authorisations are required to construct and/or operate a nuclear plant. Such authorisations are granted or rejected on a case-by-case and discretionary basis (Articles 12 and 19).
- Only joint-stock companies (Aktiengesellschaft; société anonyme; società anonima), co-operative societies (Genossenschaft; société cooperative; società cooperativa) or public entities may obtain such authorisation (Article 13).
- A foreign enterprise must have a subsidiary in Switzerland that is registered in a cantonal Commercial Register (Article 13).
- Only the owner of a nuclear plant may be authorised to operate the nuclear plant (Article 20).
- Qualification: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to the construction or operation of nuclear plants.

94. Sector:
- Sub-Sector: Services Related to Hydropower
- Industry Classification:
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: All
- Measures: Federal Law on the use of hydropower (SR 721.80),  
Article 38  
Cantonal and municipal legislations  
As qualified by the Description element
- Description: Concession or authorisation is required for the use of water. Such concession or authorisation may be granted or rejected on a case-by-case and discretionary basis.
- The attribution of rights for the use of water falls within the competence of the cantons (SR 721.80).
- Qualification: Switzerland reserves the right to maintain, modify or adopt discriminatory measures such as nationality, residence or domicile requirements.



95. Sector:
- Sub-Sector: Specialty Air Services: Airborne search and rescue services
- Industry Classification:
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal
- Measures: Federal Ordinance on search and rescuing by civil aviation (SR 748.126.1), Articles 1 and 2
- Description: National monopoly for airborne search and rescue services, including coordination of such services as defined in the Law (Article 1).
- The Federal Office of Civil Aviation (Bundesamt für Zivilluftfahrt (BAZL); Office fédéral de l'aviation civile (OFAC); Ufficio federale dell'aviazione civile (UFAC)) may on a case-by-case and discretionary basis, mandate private enterprises to supply such services (Article 2).

96. Sector:
- Sub-Sector: Official homologation, verification, control and official punching
- Industry Classification:
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: Federal Law on metrology (SR 941.20), Articles 13, 15 and 16  
Federal Ordinance on measuring instruments (941.210), Articles 16, 17, 18 and 19  
Federal Ordinance on the tasks and competences of the Cantons in the field of metrology (SR 941.292), Articles 2, 3 and 7  
Federal Ordinance on verification laboratories (SR 941.293), Articles 2, 3 and 4  
Federal Law on precious metal control (SR 941.31), Articles 36, 37, 38 and 41  
Cantonal legislations
- Description: FEDERAL LEVEL:  
Services in these sub-sectors are currently supplied by the competent governmental authorities (SR 941.20; SR 941.31).  
Competences for official verification are split between the federal and cantonal authorities (SR 941.20, Articles 13 and 15; SR 941.292, Articles 3 and 7). Activities falling within federal competence may be delegated to the private sector. For this purpose, the competent authorities recognise private laboratories (SR 941.293, Articles 2 and 3; SR 941.210, Article 19). The cantonal authorities apply an economic needs test (SR 941.293, Article 4). Legal domicile in Switzerland and facilities in Switzerland to supply the service in Switzerland are required. The federal authorities may authorise exceptions to the latter obligation (SR 941.293, Article 3).  
The exercise of the profession of a commercial assayer requires the authorisation of the competent federal authorities, a relevant federal diploma (“Eidgenössisches Diplom für Edelmetallprüfer”; “diplôme fédéral d’essayeur-juré”; “diploma federale di saggatore”) as well as residence in Switzerland. Legal domicile and service supply in Switzerland are required. Commercial assayers are not allowed to supply official control or punching services for

precious metals (SR 941.31).

Note for transparency: For all these services the federal authorities fix the fees to be charged to consumers for the service supplied.

**CANTONAL LEVEL:**

The control of road vehicles is implemented by cantonal legislation and reserved to cantonal offices or delegated entities designated by them.

97. Sector:
- Sub-Sector: Official certification for construction authorisations
- Industry Classification:
- Type of Reservation: National Treatment (Article 3.6)
- Level of Government: Cantonal
- Measures: Cantonal legislations
- Description: Applications for construction authorisations may require the signature of a natural person registered in the Swiss Registers of Engineers, Architects and Technicians (REG) (Schweizerische Register für Ingenieure, Architekten und Techniker; Registres suisses des ingénieurs, des architectes et des techniciens; registri svizzeri degli ingegneri, degli architetti e dei tecnici). In general, foreign professionals may register after two years of practice in Switzerland.

98. Sector:
- Sub-Sector: Archaeology
- Industry Classification:
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: All
- Measures: As qualified by the Description element
- Description: Switzerland reserves the right to maintain, modify or adopt any measures with respect to the exploitation of archaeological digs and excavation of archaeological finds.

99. Sector:
- Sub-Sector: Services related to the sex trade and other activities involving moral or sexual integrity of individuals
- Industry Classification:
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: As qualified by the Description element
- Description: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to services such as, for example, so-called “escort” services, “hostess” services, dating or partnership services, prostitution and related activities, cabaret shows and cabaret personnel services, striptease services, entertainment services supplied by bars, clubs, discotheques and similar facilities (excluding beverage serving services *per se*, covered by CPC 6432), production of erotic and other sex-related material (images and videos), services via telecommunications (such as “phone sex” or Internet), or “massage services”. Switzerland reserves the right to maintain, modify or adopt any measures with respect to services such as search for, recruitment and transfer of persons with a view to involving them in the production or supply of the services described above. This reservation covers all modes of supply and covers direct supply of services as well as intermediation, soliciting of potential clients, promotion and marketing, and similar activities.

100. Sector:
- Sub-Sector: Internet-based services
- Industry Classification:
- Type of Reservation: Market Access (Article 3.5)  
National Treatment (Article 3.6)
- Level of Government: Federal and cantonal
- Measures: As qualified by the Description element
- Description: Switzerland reserves the right to maintain, modify or adopt any measures restricting market access and national treatment with respect to the protection of youth or to the prevention of addiction or compulsive behaviour and other mental health hazards.

101. Sector:

Sub-Sector: Services for indebted persons

Industry Classification:

Type of Reservation: Market Access (Article 3.5)

National Treatment (Article 3.6)

Level of Government: Cantonal

Measures: Cantonal legislations

As qualified by the Description element

Description: Advisory services to indebted persons, debt-reshuffling assistance to indebted persons or advice on debt for particular groups of natural persons (such as young persons) may be reserved to cantonal entities.

Qualification: Switzerland reserves the right to maintain, modify or adopt any such measures.



102. Sector:	Various Sectors
Sub-Sector:	Limited to activities that are not mentioned explicitly in the CPC classification
Industry Classification:	
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	All
Measures:	Federal, cantonal and municipal legislations As qualified by the Description element
Description:	Whenever a specific service activity within a sub-sector is not mentioned explicitly in the CPC classification but is deemed to be subsumed under “n.e.c.” or under any type of residual formulation, then possible measures may not necessarily appear in this Appendix. <u>Qualification:</u> Switzerland reserves the right to maintain, modify or adopt any such measures.

103. Sector:	Various Sectors
Sub-Sector:	New Services
Industry Classification:	CPC 7524 Programme transmission services (limited to new audiovisual services)
	CPC 75300 Radio and television cable services (limited to new audiovisual services)
	CPC 752 Telecommunications services (limited to new telecommunications services)
	CPC 8499 Other computer services n.e.c. (limited to new computer services)
	CPC 8719 Other advertising services (limited to new advertising services)
	CPC 87909 Other business services n.e.c. (limited to new auctioneering services)
	CPC 9611 Motion picture and video production and distribution services (limited to new audiovisual services)
	CPC 9612 Motion picture projection services (limited to new audiovisual services)
	CPC 9613 Radio and television services (limited to new audiovisual services)
	CPC 96199 Other entertainment services n.e.c. (limited to new entertainment services)
	CPC 96499 Other recreational services n.e.c. (limited to new recreational services)
	Internet-based services (limited to new services)
Type of Reservation:	Market Access (Article 3.5) National Treatment (Article 3.6)
Level of Government:	All
Measures:	As qualified by the Description element
Description:	Switzerland reserves the right to adopt any measures with respect to new services referred to in the Industry Classification element above.  In respect of commercial presence, such restrictive measures shall grant national treatment. As regards cross-border trade, Switzerland reserves the right to introduce any new discriminatory measures.  For the purpose of this reservation, the term “new services” means services that are not currently delivered on the Swiss market. It includes services

related to existing or new products or the manner in which a product or service is supplied.

**Attachment I**  
**ENGLISH TRANSLATIONS USED IN THIS APPENDIX**  
**(MODE 3 – FORMS OF LEGAL ENTITIES)**

The list below compiles the translations into English of forms of legal entities as, and to the extent that, they are used in this Appendix:<sup>9</sup>

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

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<sup>9</sup> These unofficial translations are based on the ones prevailing most widely in the literature.

## **Attachment II**

### **LIST OF SWISS CANTONS**

The list below contains all cantons forming the Swiss Confederation:

Kanton Zürich (ZH)  
Kanton Bern (BE); Canton de Berne  
Kanton Luzern (LU)  
Kanton Uri (UR)  
Kanton Schwyz (SZ)  
Kanton Obwalden (OW)  
Kanton Nidwalden (NW)  
Kanton Glarus (GL)  
Kanton Zug (ZG)  
Canton de Fribourg (FR); Kanton Freiburg  
Kanton Solothurn (SO)  
Kanton Basel-Stadt (BS)  
Kanton Basel-Landschaft (BL)  
Kanton Schaffhausen (SH)  
Kanton Appenzell Ausserrhoden (AR)  
Kanton Appenzell Innerrhoden (AI)  
Kanton St. Gallen (SG)  
Kanton Graubünden (GR); Cantone dei Grigioni  
Kanton Aargau (AR)  
Kanton Thurgau (TG)  
Cantone Ticino (TI)  
Canton de Vaud (VD)  
Canton du Valais (VS); Kanton Wallis  
Canton de Neuchâtel (NE)  
Canton de Genève (GE)  
Canton du Jura (JU)

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