

Appendix 9-E-1

SCHEDULE OF THE EUROPEAN UNION

HEADNOTES

1. Articles 9.21 (Intra-corporate transferees, investors and business visitors for establishment purposes) and 9.22 (Business visitors and installers and servicers) do not apply to any existing non-conforming measure listed in this Annex, to the extent of the non-conformity of such measure.
2. A measure listed in this Annex may be maintained, continued, promptly renewed, or amended, provided that the amendment does not decrease the conformity of the measure with Articles 9.21 (Intra-corporate transferees, investors and business visitors for establishment purposes) and 9.22 (Business visitors and installers and servicers), as it existed immediately before the amendment.
3. In addition to the list of commitments in this Annex, each Party may adopt or maintain a measure relating to qualification requirements and procedures, technical standards and licensing requirements and procedures where they do not constitute a limitation within the meaning of Articles 9.21 (Intra-corporate transferees, investors and business visitors for establishment purposes) and 9.22 (Business visitors and installers and servicers). Such measures may include, in particular, the need to obtain a licence, to have recognised qualifications in regulated sectors, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, or may include any other non-discriminatory requirements that certain activities may not be carried out in protected zones or areas. While not listed, such measures continue to apply.
4. For greater certainty, for the Union, the obligation to grant national treatment does not entail the requirement to extend to persons of Australia the treatment granted in a Member State, in application of the TFEU, or of any measure adopted pursuant to that Treaty, including their implementation in the Member States, to:
 - (a) natural persons or residents of another Member State; or
 - (b) juridical persons constituted or organised under the law of another Member State or of the Union and having their registered office, central administration or principal place of business in the Union.
5. Commitments for intra-corporate transferees, business visitors for establishment purposes and short-term business visitors do not apply in cases where the intent or effect of their temporary presence is to interfere with, or otherwise affect the outcome of, any labour or management dispute or negotiations.
6. All other requirements of the laws and regulations of the Union and its Member States regarding entry, stay, work and social security measures shall continue to apply, including regulations concerning period of stay, minimum wages as well as collective wage agreements, even if not listed below.

7. The permissible length of stay shall be for a period of up to three years for managers and specialists, up to one year for trainee employees,¹ up to one year for investors, up to 90 days within any six-month period for business visitors for establishment purposes and up to 90 days within any six-month period for business visitors.

8. The following abbreviations are used in the paragraphs below:

AT Austria

BE Belgium

BG Bulgaria

CY Cyprus

CZ Czech Republic

DE Germany

DK Denmark

EE Estonia

EL Greece

ES Spain

EU Union, including all its Member States

FI Finland

FR France

HR Croatia

HU Hungary

¹ The permissible length of stay for managers, specialists and trainee employees may be extended for up to two additional years, subject to domestic law.

IE Ireland

IT Italy

LT Lithuania

LU Luxembourg

LV Latvia

MT Malta

NL The Netherlands

PL Poland

PT Portugal

RO Romania

SE Sweden

SI Slovenia

SK Slovak Republic

1. Business visitors for establishment purposes

All sectors	AT, CZ: A business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound. SK: A business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound. Work permit required, including economic needs test. CY: Permissible length of stay: up to 90 days in any 12-month period. A business visitor for establishment purposes needs to work for an enterprise other than a non-profit organisation, otherwise: Unbound.
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2. Intra-corporate transferees

All sectors	EU: Managers and specialists may be required to demonstrate they possess the professional qualifications and experience needed in the juridical person to which they are transferred. AT, CZ, SK: Intra-corporate transferees need to be employed by an enterprise other than a non-profit organisation, otherwise: Unbound. FI: Senior personnel needs to be employed by an enterprise other than a non-profit organisation. HU: Natural persons who have been a partner in an enterprise do not qualify to be transferred as intra-corporate transferees.
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3. Business visitors

All activities	CY, DK, HR: Work permit, including economic needs test, required in case the short-term business visitor supplies a service. LV: Work permit required for operations/activities to be performed on the basis of a contract. MT: Work permit required. No economic needs tests performed. SI: A single residency and work permit is required for the supply of services exceeding 14 days at a time and for certain activities (research and design; training seminars; purchasing; commercial transactions; translation and interpretation). An economic needs test is not required. SK: In case of supplying a service in the territory of Slovakia, a work permit, including economic needs test, is required beyond seven days in a month or 30 days in calendar year.
Research and design	AT: Work permit, including economic needs test, required, except for research activities of scientific and statistical researchers.
Marketing research	AT: Work permit required, including economic needs test. Economic needs test is waived for research and analysis activities for up to seven days in a month or 30 days in a calendar year. University degree required. CY: Work permit required, including economic needs test.
Trade fairs and exhibitions	AT, CY: Work permit, including economic needs test, required for activities beyond seven days in a month or 30 days in a calendar year.

After-sales or after-lease service	AT: Work permit required, including economic needs test. Economic needs test is waived for natural persons training workers to supply services and possessing specialised knowledge. CY: Work permit is required beyond seven days in a month or 30 days in calendar year. CZ: Work permit is required if work exceeds seven consecutive calendar days or a total of 30 days in calendar year. ES: Work permit required. Installers, repair and maintainers should be employed as such by the legal person supplying the good or service or by an enterprise which is a member of the same group as the originating legal person for at least three months immediately preceding the date of submission of an application for entry and they should possess at least three years of relevant professional experience, where applicable, obtained after the age of majority. FI: Depending on the activity, a residence permit may be required. SE: Work permit required, except for (i) natural persons who participate in training, testing, preparation or completion of deliveries, or similar activities within the framework of a business transaction, or (ii) fitters or technical instructors in connection with urgent installation or repair of machinery for up to two months, in the context of an emergency. No economic needs test required.
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Commercial transactions	AT, CY: Work permit, including economic needs test, required for activities beyond seven days in a month or 30 days in a calendar year. FI: The natural person needs to be supplying services as an employee of a legal person of the other Party.
Tourism personnel	CY, ES, PL: Unbound. FI: The natural person needs to be supplying services as an employee of a legal person of the other Party. SE: Work permit required, except for drivers and staff of tourist buses. No economic needs test required.
Translation and interpretation	AT: Work permit required, including economic needs test. CY, PL: Unbound.

4. Investors

All sectors:	AT: Economic needs test. CY: Maximum stay of 90 days within any six-month period. CZ, SK: Work permit, including economic needs test, required in case of investors employed by an enterprise. DK: Maximum stay of 90 days within any six-month period. If investors wish to establish a business in Denmark as self-employed, a work permit is required. FI: Investors need to be employed by an enterprise other than a non-profit organisation, in a position of middle or top management. HU: Maximum length of stay 90 days if the investor is not employed by an enterprise in Hungary. Economic needs test required if the investor is employed by an enterprise in Hungary. IT: Economic needs test required if the investor is not employed by an enterprise. LT, NL, PL: The category of investors is not recognised with regard to natural persons representing the investor. LV: For pre-investment phase maximum length of stay is limited to 90 days within any six-month period. Extension in post-investment phase to one year, subject to criteria in national legislation such as field and amount of investment made. SE: Work permit required if investor considered to be employed.
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5. The activities business visitors are permitted to engage in are:

- (a) meetings and consultations: natural persons attending meetings or conferences, or engaged in consultations with business associates;
- (b) research and design: technical, scientific and statistical researchers conducting independent research or research for an enterprise located in Australia;

- (c) marketing research: market researchers and analysts conducting research or analysis for an enterprise located in Australia;
- (d) training seminars: personnel of an enterprise who enter the Union to receive training in techniques and work practices which are utilised by companies or organisations in the Union, provided that the training received is confined to observation, familiarisation and classroom instruction only;
- (e) trade fairs and exhibitions: personnel attending a trade fair for the purpose of promoting their company or its products or services;
- (f) sales: representatives of a supplier of services or goods taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves. Business visitors do not engage in making direct sales to the general public;
- (g) purchasing: buyers purchasing goods or services for an enterprise, or management and supervisory personnel, engaging in a commercial transaction carried out in Australia;
- (h) after-sales or after-lease service: installers, repair and maintenance personnel and supervisors, possessing specialised knowledge essential to a seller's contractual obligation, performing services or training workers to perform services pursuant to a warranty or other service contract incidental to the sale or lease of commercial or industrial equipment or machinery, or computer software, purchased or leased from an enterprise located outside the Union into which temporary entry is sought, throughout the duration of the warranty or other service contract;
- (i) commercial transactions: management and supervisory personnel and financial services personnel (including insurers, bankers and investment brokers) engaging in a commercial transaction for an enterprise located in Australia;
- (j) tourism personnel: tour and travel agents, tour guides or tour operators attending or participating in conventions or accompanying a tour that has begun in Australia; and
- (k) translation and interpretation: translators or interpreters performing services as employees of an enterprise located in Australia.