

ANNEX 4-II(A)

AUSTRALIA'S RESERVATIONS TO CHAPTER 7 (CROSS-BORDER TRADE IN SERVICES) AND CHAPTER 8 (INVESTMENT)

INTRODUCTORY NOTES

1. For the avoidance of doubt, in relation to education services, nothing in Chapter 7 (Cross-Border Trade in Services) or Chapter 8 (Investment) shall interfere with:
 - (a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content;
 - (b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programmes, including the standards that must be met;
 - (c) government funding, subsidies or grants, such as land grants, preferential tax treatment and other public benefits, provided to education and training institutions; or
 - (d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.

2. For greater certainty, where Australia has more than one entry in its Schedule to Annex II that could apply to a measure, each entry is to be read independently, and is without prejudice to the application of any other entry to the measure.

1.

Sector: All

Obligations Concerned: Market Access

Description: Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure with respect to the supply of a service by the presence of natural persons, subject to the provisions of Chapter 11 (Movement of Business Persons), that is not inconsistent with Australia's obligations under Article XVI of GATS.

Existing Measures:

2.

Sector:	All
Obligations Concerned:	Market Access National Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Senior Management and Boards of Directors Local Presence
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain any measure according preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation in relation to acquisition, establishment or operation of any commercial or industrial undertaking in the service sector. Australia reserves the right to adopt or maintain any measure with respect to investment that accords preferences to any Indigenous person or organisation or providing for the favourable treatment of any Indigenous person or organisation. For the purpose of this reservation, an Indigenous person means a person of the Aboriginal and Torres Strait Islander peoples.
Existing Measures:	Legislation and ministerial statements at all levels of government including Australia's foreign investment policy, and the <i>Native Title Act</i> (Cth).

3.

Sector: All

Obligations Concerned: Market Access

Description: Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure at the regional level of government that is not inconsistent with Australia's obligations under Article XVI of GATS.

For the purposes of this entry, Australia's Schedule of Specific Commitments is modified as set out in Appendix A.

For the purposes of this entry, the reference to Australia's commitments under Article XVI of GATS includes commitments made under that Article after the date of entry into force of this Agreement.

Existing Measures:

4.

Sector: All

Obligations Concerned: National Treatment (Investment)
Prohibition of Performance Requirements

Description: Investment

Australia reserves the right to adopt or maintain any measure with respect to proposals by foreign persons¹ and foreign government investors to invest in Australian urban land² (including interests that arise via leases, financing and profit sharing arrangements, and the acquisition of interests in urban land corporations and trusts), other than developed non-residential commercial real estate.

Existing Measures: Australia's foreign investment framework, which comprises Australia's Foreign Investment Policy, the *Foreign Acquisitions and Takeovers Act 1975* (Cth) (FATA); Foreign Acquisitions and Takeovers Regulations 2015 (Cth); *Foreign Acquisitions Fees Imposition Act 2015* (Cth); Foreign Acquisitions Fees Imposition Regulation 2015 (Cth); *Financial Sector (Shareholdings) Act 1998* (Cth); and Ministerial Statements

¹ For the purposes of this entry, a "foreign person" means:

- (a) a natural person not ordinarily resident in Australia;
- (b) a corporation in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest;
- (c) a corporation in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate controlling interest;
- (d) the trustee of a trust estate in which a natural person not ordinarily resident in Australia or a foreign corporation holds a substantial interest; or
- (e) the trustee of a trust estate in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate substantial interest.

² For the purposes of this entry, the term "Australian urban land" means land that is situated in Australia that is not land used wholly and exclusively for carrying on a business of primary production and, for greater certainty, a mining or production tenement is Australian urban land.

5.

Sector: All

Obligations Concerned: National Treatment (Investment)
Prohibition of Performance Requirements
Most-Favoured-Nation Treatment (Investment)
Senior Management and Board of Directors

Description: Investment

Australia reserves the right to adopt or maintain any measure to allow the screening of proposals, by foreign persons³, to invest 15 million⁴ Australian dollars or more in Australian agricultural land and 55 million⁵ Australian dollars or more in Australian agribusinesses.

Existing Measures: Australia's foreign investment framework, which comprises Australia's Foreign Investment Policy, the *Foreign Acquisitions and Takeovers Act 1975* (Cth) (FATA); Foreign Acquisitions and Takeovers Regulations 2015 (Cth); *Foreign Acquisitions Fees Imposition Act 2015* (Cth); Foreign Acquisitions Fees Imposition Regulation 2015 (Cth); *Financial Sector (Shareholdings) Act 1998* (Cth); and Ministerial Statements

³ For the purposes of this entry, a "foreign person" means:

- (a) a natural person not ordinarily resident in Australia;
- (b) a corporation in which a natural person not ordinarily resident in Australia or a foreign corporation holds a controlling interest;
- (c) a corporation in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate controlling interest;
- (d) the trustee of a trust estate in which a natural person not ordinarily resident in Australia or a foreign corporation holds a substantial interest; or
- (e) the trustee of a trust estate in which two or more persons, each of whom is either a natural person not ordinarily resident in Australia or a foreign corporation, hold an aggregate substantial interest.

⁴ For greater certainty, this refers to the total, cumulative value of agricultural land in Australia in which a foreign person has invested or intends to invest.

⁵ For greater certainty, this refers to the total, cumulative value of agribusinesses in Australia in which a foreign person has invested or intends to invest.

6.

Sector:	All
Obligations Concerned:	Market Access National Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Senior Management and Boards of Directors

Description: Cross-Border Trade in Services and Investment

At the central level of government, Australia reserves the right to limit the initial transfer or disposal of government owned entities or assets, or a portion or percentage of the initial transfer, to Australian persons. For greater certainty, if Australia transfers or disposes of a government owned entity or asset in multiple phases, this right shall apply separately to each phase.

At the remaining levels of government, Australia reserves the right to adopt or maintain any measure with respect to:

- (a) the devolution to the private sector of services provided in the exercise of governmental authority at the date of entry into force of this Agreement; and
- (b) the privatisation of government owned entities or assets.

For the purposes of this entry, any measure adopted after the date of entry into force of this Agreement in relation to subparagraph (a) or (b) shall be deemed an existing non-conforming measure subject to Article 11.1 (Reservations) of Chapter 8 (Investment) and Article 7.1 (Reservations) of Chapter 7 (Cross-Border Trade in Services).

Existing Measures:

7.

Sector:	All
Obligations Concerned:	Market Access National Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Local Presence Senior Management and Boards of Directors Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure⁶ with respect to the provision of public law enforcement and correctional services, and the following services⁷ to the extent that they are social services established for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public utilities⁸ and public transport.

Existing Measures:

⁶ For greater certainty, measures adopted or maintained with respect to the provision of services covered by this entry include measures for the protection of personal information relating to health and children.

⁷ This includes any measure with respect to: the collection of blood and its components; the distribution of blood and blood-related products, including plasma derived products; plasma fractionation services; and the procurement of blood and blood-related products and services.

⁸ With respect to the central level of government, applies only with respect to Article 3 (Market Access) of Chapter 7 (Cross-Border Trade in Services).

8.

Sector: Recreational, Cultural and Sporting Services (other than audio-visual services)

Obligations Concerned: Market Access
National Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Local Presence
Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)
Senior Management and Board of Directors

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure with respect to the creative arts,^{9, 10} Indigenous traditional cultural expressions and other cultural heritage.¹¹

Existing Measures:

⁹ For the purposes of this entry, “creative arts” means: the performing arts (including live theatre, dance and music); visual arts and craft; literature (other than literary works transmitted electronically); and hybrid art works, including those which use new technologies to transcend discrete art form divisions. For live performances of the “creative arts”, as defined, this entry does not extend beyond subsidies and grants for investment in Australian cultural activity.

¹⁰ Notwithstanding this, such measures shall be implemented in a manner that is consistent with Australia’s commitments under Article XVI and Article XVII of GATS, as applicable.

¹¹ For the purposes of this entry, “cultural heritage” means: ethnological, archaeological, historical, literary, artistic, scientific or technological moveable or built heritage, including the collections which are documented, preserved and exhibited by museums, galleries, libraries, archives and other heritage collecting institutions.

9.

Sector:	Broadcasting and Audio-visual Services Advertising Services Live Performance ¹²
Obligations Concerned:	Market Access National Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Local Presence ¹³ Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) ¹⁴
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain any measure ¹⁵ with respect to: <ul style="list-style-type: none">(a) Transmission quotas for local content on free-to-air commercial television broadcasting services.(b) Non-discriminatory expenditure requirements for Australian production on subscription television broadcasting services.(c) Transmission quotas for local content on free-to-air radio broadcasting services.(d) Other audio-visual services transmitted electronically, in order to make Australian audio-visual content reasonably available to Australian consumers.¹⁶

¹² Applies only in respect of subparagraph (f).

¹³ Applies only in respect of subparagraph (e) and in respect of the licensing of services covered by subparagraph (d).

¹⁴ Applies only to the treatment as local content of New Zealand programmes or productions.

¹⁵ For greater certainty, this includes the right to adopt or maintain measures under subparagraphs (a) through (f) with respect to the services supplied by the Australian Broadcasting Corporation and the Special Broadcasting Service Corporation.

¹⁶ Any such measure will be implemented in a manner that is consistent with Australia's commitments under Article XVI and Article XVII of GATS.

- (e) Spectrum management and licensing of broadcasting services.¹⁷
- (f) Subsidies or grants for investment in Australian cultural activity.

This entry does not apply to foreign investment restrictions in the broadcasting and audio-visual services sector.

Existing Measures:

Broadcasting Services Act 1992 (Cth)
Radiocommunications Act 1992 (Cth)
Income Tax Assessment Act 1936 (Cth)
Income Tax Assessment Act 1997 (Cth)
Screen Australia Act 2008 (Cth)
Broadcasting Services (Australian Content) Standard 2005
Children's Television Standards 2009
Television Program Standard 23 – Australian Content in Advertising
Commercial Radio Codes of Practice and Guidelines
Community Broadcasting Codes of Practice

¹⁷ In respect of subparagraph (e), Australia's reservation applies only in respect of Article 3 (Market Access) and Article 6 (Local Presence) of Chapter 7 (Cross-Border Trade in Services).

10.

Sector:	Broadcasting and Audio-visual Services
Obligations Concerned:	Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment) Prohibition on Performance Requirements
Description:	<u>Cross-Border Trade in Services and Investment</u> Australia reserves the right to adopt or maintain, under the International Co-production Program, preferential co-production arrangements for film and television productions. Official co-production status, which may be granted to a co-production produced under these co-production arrangements, confers national treatment on works covered by these arrangements.
Existing Measures:	International Co-production Program

11.

Sector: Distribution Services

Obligations Concerned: Market Access

Description: Cross-Border Trade in Services

Australia reserves the right to adopt or maintain any measure with respect to wholesale and retail trade services of tobacco products, alcoholic beverages or firearms.

Existing Measures:

12.

Sector: Education services

Obligations Concerned: Cross-Border Trade in Services and Investment

Market Access

National Treatment (Cross-Border Trade in Services and Investment)

Prohibition of Performance Requirements

Local Presence

Senior Management and Boards of Directors

Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Description: Australia reserves the right to adopt or maintain any measure with respect to primary education.

Existing Measures:

13.

Sector:	Gambling and Betting
Obligations Concerned:	<u>Cross-Border Trade in Services and Investment</u> Market Access National Treatment (Cross-Border Trade in Services and Investment) Prohibition of Performance Requirements Local Presence Senior Management and Boards of Directors
Description:	Australia reserves the right to adopt or maintain any measure with respect to gambling and betting.
Existing Measures:	Legislation and ministerial statements including the <i>Interactive Gambling Act 2001</i> (Cth).

14.

Sector: Maritime Transport

Obligations Concerned: Cross-Border Trade in Services and Investment

Market Access
National Treatment (Cross-Border Trade in Services and Investment)
Prohibition of Performance Requirements
Local Presence
Senior Management and Boards of Directors

Description: Australia reserves the right to maintain or adopt any measure with respect to maritime cabotage services and offshore transport services.

For the purposes of this reservation, cabotage is defined as the transportation of passengers or goods between a port located in Australia and another port located in Australia and traffic originating and terminating in the same port located in Australia.

Offshore transport refers to shipping services involving the transportation of passengers or goods between a port located in Australia and any location associated with or incidental to the exploration or exploitation of natural resources of the continental shelf of Australia, the seabed of the Australian coastal sea and the subsoil of that seabed.

Existing Measures: *Customs Act 1901 (Cth)*
Fair Work Act 2009 (Cth)
Seafarers' Compensation and Rehabilitation Act 1992 (Cth)
Occupational Health and Safety (Maritime Industry) Act 1993 (Cth)
Income Tax Assessment Act 1936 (Cth)
Coastal Trading (Revitalising Australian Shipping) Act 2012 (Cth)
Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Act 2012 (Cth)
Shipping Reform (Tax Incentives) Act 2012 (Cth)

15.

Sector: Transport

Obligations Concerned: National Treatment (Investment)
Senior Management and Boards of Directors

Description: Investment

Australia reserves the right to maintain or adopt any measure with respect to investment in federal leased airports.

Existing Measures: *Airports Act 1996 (Cth)*
Airports (Ownership-Interests in Shares) Regulations 1996 (Cth)
Airports Regulations 1997 (Cth)

16.

Sector: All

Obligations Concerned: Most-Favoured-Nation Treatment (Cross-Border Trade in Services and Investment)

Description: Cross-Border Trade in Services and Investment

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to the service suppliers or investors of non-Parties under any bilateral or multilateral international agreement in force on, or signed prior to, the date of entry into force of this Agreement.¹⁸

Australia reserves the right to adopt or maintain any measure that accords more favourable treatment to the service suppliers or investors of non-Parties under any bilateral or multilateral international agreement in force or signed after the date of entry into force of this Agreement involving:

- (a) aviation;
- (b) fisheries; or
- (c) maritime matters, including salvage.

Existing Measures:

¹⁸ For greater certainty, this right extends to any differential treatment accorded pursuant to a subsequent review or amendment of the relevant bilateral or multilateral international agreement. For the avoidance of doubt, this includes measures adopted or maintained under any existing or future protocol to the Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA) done at Canberra on March 28, 1983.

Appendix A

For the following sectors, Australia’s commitments under Article XVI of GATS as set out in Australia’s Schedule of Specific Commitments under the GATS (GATS/SC/6, GATS/SC/6/Suppl.1, GATS/SC/6/Suppl.1/Rev.1, GATS/SC/6/Suppl.2, GATS/SC/6/Suppl.3 and GATS/SC/6/Suppl.4) are improved as described below.

Sector/subsector	Market Access Improvement
BUSINESS SERVICES	
Professional Services	
Legal services¹⁹	

¹⁹ For the purposes of this entry:

“legal advisory services” – includes provision of advice to and consultation with clients in matters, including transactions, relationships and disputes, involving the application or interpretation of law; participation with or on behalf of clients in negotiations and other dealings with third parties in such matters; and preparation of documents governed in whole or in part by law, and the verification of documents of any kind for purposes of and in accordance with the requirements of law. Does not include advice, consultation and documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade mark attorneys.

“legal representational services” – includes preparation of documents intended to be submitted to courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of law; and appearance before courts, administrative agencies, and other duly constituted official tribunals in matters involving the application and interpretation of the specified body of law. (Note: The inclusion of representational services before administrative agencies and other duly constituted official tribunals within the context of legal services does not necessarily mean that a licensed lawyer must supply such services in all cases. The precise scope of services subject to licensing requirements is subject to the discretion of the relevant regulatory authority.) Does not include documentation services performed by service suppliers entrusted with public functions, such as notary services, or services provided by patent or trade mark attorneys.

“legal arbitration, conciliation and mediation services” – preparation of documents to be submitted to, preparation for and appearance before, an arbitrator, conciliator or mediator in any dispute involving the application and interpretation of law. Does not include arbitration, conciliation and mediation services in disputes for which the law has no bearing which fall under services incidental to management consulting. As a sub-category, international legal arbitration, conciliation and mediation services refer to the same services when the dispute involves parties from two or more countries.

“domestic law (host country law)” – the law of Australia.

“foreign law” – the law of the territories of WTO Members and other countries other than the law of Australia.

“international law” – includes law established by international treaties and conventions, as well as customary law.

Sector/subsector	Market Access Improvement
Legal advisory and representational services in domestic law (host-country law)	Replace existing commitments with no limitations for modes 1-3. Mode 4 is unbound except as indicated in the horizontal section.
Legal advisory services in foreign law and international law and (in relation to foreign and international law only) legal arbitration and conciliation/mediation services.	<p>Replace existing commitments with no limitations for modes 1 and 2, mode 3 is limited as follows:</p> <p style="padding-left: 40px;">In South Australia, natural persons practising foreign law may only join a local law firm as a consultant and may not enter into partnership with or employ local lawyers.</p> <p>Mode 4 is unbound except as indicated in the horizontal section.</p>
Research and Development Services	
Research and Development (R&D) services on natural sciences and engineering (CPC 851)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Interdisciplinary research and development (R&D) services (CPC 853)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Other Business Services	
Landscape architectural services (CPC 86742)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Technical testing and analysis services (CPC 8676)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Site preparation work for mining (CPC 5115)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.

For the purposes of these definitions:

“arbitration” is taken to mean a process in which the parties to a dispute present arguments and evidence to a dispute resolution practitioner (the arbitrator) who makes a determination.

“mediation” is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

“conciliation” is taken to mean a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (the conciliator), identify the issues in dispute, develop options, consider alternatives and endeavour to reach an agreement. The conciliator may have an advisory role on the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on or determine the process of conciliation whereby resolution is attempted, and may make suggestions for terms of settlement, give expert advice on likely settlement terms, and may actively encourage the participants to reach an agreement.

Sector/subsector	Market Access Improvement
Services incidental to manufacturing (CPC 884 and 885, except for 88442).	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Related scientific and technical consulting services (CPC 8675)	
- Geological, geophysical and other scientific prospecting services (CPC 86751)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
- Subsurface surveying services (CPC 86752)	Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section, for the whole sector.
- Map-making services (CPC 86754)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Maintenance and repair of equipment (not including maritime vessels, aircraft or other transport equipment) (CPC 633 and 8861-8866).	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Packaging services (CPC 8760)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Specialty design services (CPC 87907)	Replace existing commitments on Interior Design with no limitations for modes 1-3, mode 4 is unbound as indicated in the horizontal section.

Sector/subsector	Market Access Improvement
COMMUNICATION SERVICES	
<p>This covers the following sub-sectors from the Services Sectoral Classification List (W/120) and related CPC numbers 7521,7522,7523, 7529**</p> <ul style="list-style-type: none"> (a) Voice telephone services (b) Packet-switched data transmission services (c) Circuit-switched data transmission services (d) Telex services (e) Telegraph services (f) Facsimile services (g) Private leased circuit services (o) Other: <ul style="list-style-type: none"> Digital cellular services Paging services Personal communications services Trunked radio system services Mobile data services Services covered by the <i>Broadcasting Services Act 1992</i> (Cth) are excluded from the basic telecommunications sector. 	<p>Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.</p>
CONSTRUCTION AND RELATED ENGINEERING SERVICES	
Other	
<p>Other general construction work for civil engineering (CPC 511, 515 and 518)</p>	<p>Insert new commitments with no limitations for modes 2 and 3, mode 1 unbound*, mode 4 is unbound except as indicated in the horizontal section.</p>
DISTRIBUTION SERVICES	

Sector/subsector	Market Access Improvement
<p>Commission agents' services (CPC 62111, 62112**, 62113-62118)</p> <p>Includes services by commission agents, commodity brokers, auctioneers and other wholesalers who trade on behalf of others, of food products, and non-alcoholic beverages. Excludes tobacco, alcoholic beverages, and firearms.</p>	
<p>Wholesale trade services (CPC 6221**, 6222**, 6223 - 6228**)</p> <p>Wholesale trade services of agricultural raw materials and live animals. Excludes wholesale trade services of unmanufactured tobacco, tobacco products, alcoholic beverages and firearms.</p>	<p>Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.</p>
<p>Retailing services (CPC 631**, 63211**, 63212, 6322, 6323, 6324, 6325, 6329**, 61112, 6113, 6121)</p> <p>Australia's commitments in relation to these services extend to cover the following services not listed in relevant CPC classifications: inventory management of goods, assembling, sorting and grading of goods, breaking bulk, re-distribution and delivery services for retailing. Does not cover dispensing of pharmaceuticals, retailing services of alcoholic beverages, tobacco products and firearms.</p>	<p>Replace existing commitments with no limitations for modes 2 and 3, mode 1 unbound except for mail order, mode 4 is unbound except as indicated in the horizontal section.</p>
ENVIRONMENTAL SERVICES ^{20, 21}	
<p>Wastewater management (CPC 9401)</p> <p>This covers removal, treatment and disposal of household, commercial and industrial sewage and other waste waters including tank emptying and cleaning, monitoring, removal and treatment of solid wastes.</p>	<p>Replace existing commitments on "Sewage services" with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.</p>
<p>Waste management (CPC 9402, 9403)</p> <p>This covers hazardous and non-hazardous waste collection, treatment and disposal (including incineration, composting and</p>	<p>Replace existing commitments on "Refuse disposal services" and "Sanitation and similar services" with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.</p>

²⁰ Australia's commitments on environmental services exclude the provision of water for human use, including water collection, purification and distribution through mains.

²¹ The classification scheme adopted on environmental services is largely based upon the scheme proposed by the European Communities (EC) in 2000 (see pages 6-7 of the EC paper "GATS 2000: Environmental Services", S/CSS/W/38), but see especially footnote 22 above.

Sector/subsector	Market Access Improvement
landfill); sweeping and snow removal, and other sanitation services	
Protection of ambient air and climate (CPC 9404) This covers services at power stations or industrial complexes to remove air pollutants; monitoring of mobile emissions and implementation of control systems or reduction programmes.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Remediation and clean-up of soil and water (CPC 9406**) ²² This covers cleaning-up systems in situ or mobile, emergency response, clean-up and longer term abatement of spills and natural disasters; and rehabilitation programmes (e.g. recovery of mining sites) including monitoring.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Noise and vibration abatement (CPC 9405) This covers monitoring programmes, and installation of noise reduction systems and screens.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Protection of biodiversity and landscape (CPC 9406**) ²³ This covers ecology and habitat protection and promotion of forests and promoting sustainable forestry.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Other environmental and ancillary services (CPC 9409) This covers other environment protection services, including services related to environmental impact assessment.	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
TOURISM AND TRAVEL RELATED SERVICES	
Travel agencies and tour operators services (CPC 7471)	Replace existing commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
TRANSPORT SERVICES	
Air Transport services	
Aircraft repair and maintenance services during which an aircraft is withdrawn from service, excluding so-called line maintenance (CPC 8868**) ²³	Replace existing commitment on “Maintenance and repair of aircraft” with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section.

²² This commitment and Australia’s commitment on protection of biodiversity and landscape combine to cover the entirety of CPC 9406 services.

²³ This commitment and Australia’s commitment on remediation and clean-up of soil and water combine to cover the entirety of CPC 9406 services.

Sector/subsector	Market Access Improvement
<p>This covers establishments mainly engaged in periodic maintenance and repair (routine and emergency) of airframes (including wings, doors, control surfaces) avionics, engines and engine components, hydraulics, pressurisation and electrical systems and landing gear. Includes painting, other fuselage surface treatments and repair of flight-deck (and other) transparencies. Further includes rotary and glider aircraft.</p>	
<p>This commitment confirms, without extending, the application to air transport services of the following:</p> <ul style="list-style-type: none"> <li data-bbox="328 748 746 853">(a) Travel agencies and tour operator services (CPC 7471), <li data-bbox="328 898 775 1003">(b) Market research and public opinion polling services (CPC 864), <li data-bbox="328 1048 807 1697">(c) Advertising services (CPC 87110, 87120**, 87190), Covers services by advertising agencies in creating and placing advertising in periodicals, newspapers, radio and television for clients; outdoor advertising, media representation i.e. sale of time and space for various media; distribution and delivery of advertising material or samples. Does not include production or broadcast/screening of advertisements for radio, television or cinema. <li data-bbox="328 1742 799 1989">(d) Distribution: Commission agents' services (CPC 62113-62118); Wholesale trade services (CPC 6223-6228); Retailing services (as described in this Appendix); and Franchising (CPC 8929). 	<p>Insert new commitments with no limitations on mode 1 except that Retailing services (CPC 631**, 63211**, 63212, 61112, 6113, 6121, 6322, 6323, 6324, 6325, 6329**) are unbound except for mail order, no limitations on modes 2 and 3. Mode 4 is unbound except as indicated in the horizontal section.</p>

Sector/subsector	Market Access Improvement
Excludes unmanufactured tobacco, tobacco products, alcoholic beverages and firearms.	
Rail Transportation services	
Freight transportation (CPC 7112); Pushing and towing services (CPC 7113); and Supporting services for rail transport services (CPC 743).	<p>Insert new commitments with no limitations for modes 1 and 2. Mode 3 is limited as follows:</p> <p>(a) Below track: Most rail-track networks in Australia are government owned although much is leased to private operators. There are no restrictions on the right to establish new networks but access to public land may not be guaranteed.</p> <p>(b) Above track (rail transport services (such as trains) that operate over the rail-track infrastructure): none except that access to rail infrastructure is allocated under pro-competitive principles for safety, efficiency and the long term interests of users.</p> <p>Mode 4 is unbound except as indicated in the horizontal section.</p>
Road transportation services	
Freight transportation (CPC 7123)	
- Transportation of frozen or refrigerated goods (CPC 71231)	Insert new commitments with no limitations for mode 1.
- Transportation of bulk liquids or gases (CPC 71232)	Insert new commitments with no limitations for mode 1.
- Transportation of containerized freight (CPC 71233)	Insert new commitments with no limitations for mode 1.
- Transportation of furniture (CPC 71234)	Insert new commitments with no limitations for mode 1.
- Mail transportation (CPC 71235)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
- Freight transportation by man- or animal-drawn vehicles (CPC 71236)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.

Sector/subsector	Market Access Improvement
- Transportation of other freight (CPC 71239)	Insert new commitments with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Rental of commercial vehicles with operator (CPC 7124)	Insert new commitments with no limitations on modes 1-3, mode 4 is unbound except as indicated in the horizontal section
Services auxiliary to all modes of transport	
Storage and warehouse services (CPC 742 excluding maritime) Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 742: distribution centre services and materials handling and equipment services such as container station and depot services (excluding maritime).	Replace existing commitments with no limitations for modes 2 and 3, mode 1 is unbound*, mode 4 is unbound except as indicated in the horizontal section.
Freight transport agency services (CPC 748 excluding maritime) Australia's commitment in relation to these services extends to cover the following services in addition to those listed in CPC 748: customs agency services and load scheduling services (excluding maritime).	Replace existing commitments on "freight forwarding" with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.
Other supporting and auxiliary transport services (CPC 749 excluding maritime) Australia's commitment in relation to these services extends to cover the following services in addition to those listed under CPC 749: container leasing and rental services (excluding maritime).	Replace existing commitments on "pre-shipment inspections" with no limitations for modes 1-3, mode 4 is unbound except as indicated in the horizontal section.

* Unbound due to lack of technical feasibility.

** Indicates that the service specified constitutes only a part of the total range of activities covered by the CPC concordance.