

Section 2: Schedule of Costa Rica

Modes of supply: (1) Cross-border supply (2) Consumption abroad (3) Commercial presence (4) Presence of natural persons			
Sector or subsector	Limitations on market access	Limitations on national treatment	Additional commitments
I. HORIZONTAL COMMITMENTS			
ALL SECTORS AND SUBSECTORS INCLUDED IN THIS SCHEDULE			
<p>1. Treatment accorded to subsidiaries of juridical persons of China constituted in accordance with the Costa Rican legislation and having their registered office, central administration or principal place of business within the territory of Costa Rica is not extended to branches, agencies or representative offices established in the territory of Costa Rica by a juridical person of China.</p> <p>Treatment less favorable may be accorded to subsidiaries of a juridical person of China constituted in accordance with the Costa Rican legislation, which have only their registered office or central administration in the territory of Costa Rica; unless it can be proved that they maintain substantive business operations in the territory of Costa Rica.</p>			
<p>2. The associations located abroad that would like to act in Costa Rica and the foreign juridical persons that have or want to open branches in the territory of Costa Rica, are obliged to constitute and maintain in the country a power of attorney for the branch's business.</p>			
<p>3. For concessions of public works contracts and the concessions of public works with public services contracts defined in accordance with the Costa Rican legislation, in case of a tie in the selection parameters in conformity with the notice rules, the Costa Rican tenderer shall be awarded the contract over the foreigner. The adjudicatory stays obliged to constitute a national anonymous society with which the concession's contract shall be done. Also, he shall be jointly responsible with this anonymous society.</p>			
<p>4. In the maritime-terrestrial zone defined in accordance with the Costa Rican legislation shall not be developed any activity in the public zone. Concessions shall be granted only in the restricted zone, nevertheless concessions shall not be granted to:</p>			

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	<p>(a) foreigners that have not resided in the country for at least 5 years; (b) enterprises with bearer shares; (c) enterprises domiciled abroad; (d) enterprises incorporated in the country solely by foreigners; and (e) enterprises where more than 50 percent of the capital shares or stocks are owned by foreigners.</p> <p>The entities or its partners that have concessions shall not yield or transfer quotas or shares to foreigners.</p> <p>Only Costa Rican natural or juridical persons that may have concessions shall intervene in touristic developments in the maritime-terrestrial zone or with access to it. Likewise, foreign entities shall intervene as long as they are tourism enterprises, whose development capital belongs in more than 50 percent to Costa Ricans.</p>		
	<p>5. An enterprise under a free zone regime in Costa Rica shall not introduce more than a 25 percent of its total products sells, or more than 50 percent of its total sells of services to the Costa Rican customs territory. An enterprise under the free zone regime in Costa Rica, that only manipulates, re-packs or re-distributes merchandise, shall not introduce such products to the Costa Rican customs territory.</p>		
	<p>6. Presence of natural persons: unbound except for measures concerning the temporary entry of business persons under one of the following categories:</p> <p>(a) intra-corporate transferees of managers, executives and specialists, as defined in Article 108 (Definitions) of Section C, shall be permitted temporary entry for a period of up to 2 years; and (b) business agents, as defined in Article 108 (Definitions) of Section C, shall be permitted temporary entry for a period of 1 year.</p> <p>Numerical quotas and economic needs tests are required for paragraphs (a) and (b).</p>		
	<p>7. In accordance with the Costa Rican legislation, the investment of private capital in services reserved to the State is forbidden. If that legislation is modified to allow the investment of private capital in such services, Costa Rica</p>		

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			reserves the right to adopt or maintain limitations on national treatment or market access with respect to foreign investment participation.
			8. Shall not be permanently removed from State ownership any power that may be obtained from public waters within the national territory; deposits of coal, wells and deposits of oil and any other hydrocarbons, as well as any deposits of radioactive minerals existing within the national territory; and wireless services. They may be exploited only by the public administration or by private parties, in accordance with the law or under a special concession granted for a limited time and on the basis of conditions and stipulations to be established by the Legislative Assembly.
			9. National railroads, docks, and airports – the latter while in use – may not be sold, leased or encumbered, directly or indirectly, or be otherwise removed from State ownership and control. The railroads, railways, docks and international airports, new or existing, as well as the services there supplied, shall only be granted in concession through the stipulated proceedings in the national legislation. In the case of Limón, Moín, Caldera and Puntarenas docks, shall only be given in concession the new works or the additions that are being done, not the existing ones. All enterprises holding railroads, docks or airports concessions must be constituted under Costa Rican legislation and domiciled in Costa Rica.
			10. Services considered as public services may be subject to a public monopoly or to exclusive rights granted to natural persons or juridical persons, public or private. ¹
			To be a public service supplier the respective concession or permit shall be obtained from the competent public entity. Are excluded from this obligation the institutions and public enterprises that, as a legal mandate, supply any of

¹ Public services include: electric energy supply, including generation, transmission, distribution and commercialization; supply of sewage and water services which includes drinkable water, collection, treatment and evacuation of sewage, residual and pluvial waters, as well as the installation, operation, and maintenance of hydrant services; fuel supply derivatives from hydrocarbons, including petroleum, asphalts, gas and naphthas, destined to supply national demand in distribution stations, as well as the derivatives from petroleum, asphalts, gas and naphthas destined to the final consumer; irrigation and drainage; remunerated public transport of persons, except for the air transportation; maritime and air services in national ports; freight transport by railroad; recollection and treatment of solid and industrial wastes; social services of postal communication; and any other services that, given their importance for the sustainable development of the country, are qualified and regulated as such by the Legislative Assembly.

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	<p>these services. The suppliers shall not have any monopolistic right over a public service that they exploit and shall be subject to the limitations and changes imposed by the legislation. New concessions, permits or authorizations shall be granted as long as the demand of services justifies it, or that those services could be offered in better conditions for the user. Priority shall be given to the concessionaires that are supplying the service. State monopolies created by law or granted in administration, are excluded from the above mentioned.</p>		
	<p>11. Only the professional services suppliers duly incorporated to the respective professional association in Costa Rica are authorized to practice the profession in the Costa Rican territory, including advisory and consulting. The foreign professional services suppliers shall incorporate to the respective professional association in Costa Rica and fulfill, among others, with requirements of nationality, residence, incorporation exams, accreditations, experience, social service or evaluations. Priority shall be given to Costa Rican professional services suppliers for the social service requirement. To be incorporated in some of the professional associations in Costa Rica, the foreign professional services suppliers shall demonstrate that in their country of origin, where they are authorized to practice their profession, the Costa Rican professional services suppliers can practice the profession under like circumstances. In some cases, the hiring of foreign professional services suppliers on behalf of State or private institutions can only happen when there are no Costa Rican professional services suppliers willing to supply the service in the required conditions, or under the declaration of <i>inopia</i>.</p>		
	<p>12. Costa Rica reserves the right to adopt or maintain any measure:</p> <ul style="list-style-type: none"> (a) that grants rights or preferences to social or economic groups under disadvantage or to native groups; (b) with respect to the provision of law enforcement and correctional services, and the following services to the extent they are social services established or maintained for a public purpose: income security or insurance, social security or insurance, social welfare, public education, public training, health, child care, public sewage services, and water supply services; and (c) relating to land planning and development, including land zoning, land use and urban planning. 		
	<p>13. In services included in this Schedule, any market access and national treatment limitations maintained at local governments' level are consolidated; nevertheless such limitations are not scheduled.</p>		

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14. The senior management, boards of directors and other related positions within public institutions and public enterprises are reserved to Costa Rican nationals.			
II. SPECIFIC COMMITMENTS			
<u>1. BUSINESS SERVICES:</u>			
A. Professional services			
(a) Legal services (CPC 861, excluding Costa Rican law practice, legal advisory and legal documentation and certification services supplied by legal professionals entrusted with public functions, such as notaries)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
(b) Accounting, auditing and bookkeeping services (CPC 862)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
(c) Taxation services (CPC 8630)	(1) Unbound. (2) None.	(1) Unbound. (2) None.	

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	(3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
(d) Architectural services (CPC 8671)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
(e) Engineering services (CPC 8672)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
(f) Integrated engineering services (CPC 8673)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
(g) Urban planning services (except general urban planning) (CPC 8674)	(1) Unbound. (2) None. (3) Unbound.	(1) Unbound. (2) None. (3) Unbound.	

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	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(h) Medical and dental services (CPC 9312)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
B. Computer and related services (CPC 84)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
D. Real estate services			
(a) Real estate services involving own or leased property (CPC 821) (b) Real estate services on a fee or contract basis (CPC 822)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	

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F. Other business services			
(a) Advertising services (CPC 871 except for CPC 8719)	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) Incorporation and specific types of legal entity are required. Anonymous societies and foreign natural or juridical persons shall be subject to limitations for the encumbrance of shares or quotas.</p> <p>Broadcasting in radio, television and cinema of foreign commercials and jingles shall be subject to limitations. Preferential treatment shall be granted to commercials from Central American countries.</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	<p>(1) Unbound.</p> <p>(2) None.</p> <p>(3) Broadcasters of radio, television and cinema commercials shall be subject to nationality, residency and registration requirements.</p> <p>Commercial breaks, spots and commercials sponsored by the State, any other institution of the State or other entities supported by the State shall be subject to nationality requirements.</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	
(b) Market research services and opinion polling (CPC 864)	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	<p>(1) None.</p> <p>(2) None.</p> <p>(3) None.</p>	

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	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(c) Management consulting services (CPC 865)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
(d) Services related to management consulting (CPC 866)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
(e) Technical testing and analysis services (CPC 8676)	(1) Unbound. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
(f) Advisory and consulting services incidental to agriculture, hunting, forestry, and fishing (part of	(1) Unbound. (2) None. (3) None.	(1) Unbound. (2) None. (3) None.	

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CPC 881 and part of CPC 882)	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(g) Services incidental to mining (CPC 883)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
(h) Related scientific and technical consulting services (CPC 8675 except for CPC 86751)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
(i) Rental and leasing services (CPC 83101, 83102, 83103, 83104 and 83105)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
(j) Rental and leasing services relating to other machinery and equipment (CPC 83106, 83107, 83108)	(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	

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and 83109)	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(k) Rental and leasing services relating to personal and household goods (CPC 832 except for CPC 83202)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
(l) Photographic services (CPC 875 except for CPC 87504)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
(m) Packaging services (CPC 876)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
(n) Convention services (CPC 87909)	(1) None. (2) None. (3) None.	(1) None. (2) None. (3) None.	

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	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
(o) Translation and interpretation services (CPC 87905, except for official translation and interpretation)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
(p) Maintenance and repair services (CPC 633, 6112 and 6122)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
(q) Maintenance and repair services of office machinery and equipment (CPC 886 except for CPC 8863 and 8868)	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
<u>2. COMMUNICATION SERVICES:</u>			
B. Courier services (CPC 75121, except for the	(1) None. (2) None.	(1) None. (2) None.	

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services reserved to the State and its enterprises in accordance with the national legislation)	(3) None. (4) Unbound except as indicated in horizontal commitments.	(3) None. (4) Unbound except as indicated in horizontal commitments.	
C. Telecommunications services all services consisting entirely or mainly of signal transportation through telecommunications networks, excluding broadcasting ²	(1) Unbound. (2) None. (3) Concessions, authorizations and permits shall be required to supply telecommunications services in Costa Rica. Economic needs tests are required to grant such concessions, authorizations and permits. A special concession granted by the Legislative Assembly shall be required to supply traditional basic telephone services. Participation of capital in enterprises constituted or acquired by the Costa Rican Electricity Institute (<i>Instituto</i>	(1) Unbound. (2) None. (3) Trust agreements of the National Telecommunication Fund (<i>Fondo Nacional de Telecomunicaciones</i>) shall be signed with public banks of the National Banking System.	

² Telecommunications services do not cover the economic activity consisting of the provision of content which require telecommunications networks or services for its transport.

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	<p><i>Costarricense de Electricidad</i>) shall be limited to 49%. Participation of foreign capital in joint ventures with the Public Services Company of Heredia (<i>Empresa de Servicios Públicos de Heredia</i>) shall be limited to 49%.</p> <p>(4) Unbound except as indicated in horizontal commitments.</p>	<p>(4) Unbound except as indicated in horizontal commitments.</p>	
<p><u>3. CONSTRUCTION AND RELATED ENGINEERING SERVICES:</u> (CPC 511, 512, 513, 514, 515, 516, 517 and 518³)</p>	<p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.</p>	<p>(1) None. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.</p>	
<p><u>4. DISTRIBUTION SERVICES:</u> (excluding distribution of arms, munitions, explosives and other war material)</p>			
<p>A. Commission agents' services (CPC 621 except</p>	<p>(1) Unbound. (2) None.</p>	<p>(1) Unbound. (2) None.</p>	

³ Coverage of CPC 518 is limited only to the rental and leasing services of construction and/or demolition machines with operator which are owned and used by foreign construction enterprises in their supply of services.

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for CPC 62112, 62113 and 62117)	(3) None. (4) Unbound except as indicated in horizontal commitments.	(3) None. (4) Unbound except as indicated in horizontal commitments.	
B. Wholesale trade services (CPC 622 except for CPC 6222, 6225 and 6227)	(1) Unbound. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
C. Food retailing services (CPC 631)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
D. Non-food retailing services (CPC 632 except for CPC 63211 and 63297)	(1) Unbound. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
E. Franchising (CPC 8929)	(1) Unbound. (2) None. (3) None.	(1) Unbound. (2) None. (3) None.	

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	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
5. EDUCATIONAL SERVICES: (only privately funded services)			
A. Primary education services (CPC 921)	(1) Unbound. (2) None. (3) Unbound.	(1) Unbound. (2) None. (3) Unbound.	
B. Secondary education services (CPC 922)	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
C. Higher education services (CPC 923)			
D. Adult education services (CPC 924)			
E. Other education services (CPC 929)			
6. ENVIRONMENTAL SERVICES: (excluding environmental quality monitoring and pollution source inspection)			
A. Sewage services (CPC 9401)	(1) Unbound, except for consulting services. (2) None.	(1) Unbound, except for consulting services. (2) None.	
B. Refuse disposal	(3) Unbound.	(3) Unbound.	

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services (CPC 9402) C. Sanitation and similar services (CPC 9403) D. Cleaning services of exhaust gases (CPC 9404) E. Noise abatement services (CPC 9405) F. Nature and landscape protection services (CPC 9406) G. Other environmental protection services (CPC 9409)	(4) Unbound except as indicated in horizontal commitments.	(4) Unbound except as indicated in horizontal commitments.	
<u>9. TOURISM AND TRAVEL RELATED SERVICES:</u>			
A. Hotel and other lodging services (CPC 641) B. Food serving services (CPC 642): as per Costa Rica's commitments under GATS.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	

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C. Travel agencies and tour operators services (CPC 7471)	(1) Unbound. (2) None. (3) The number of travel agencies authorized to operate in Costa Rica shall be subject to economic needs test. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	
D. Tourist guides services (CPC 7472)	(1) Unbound. (2) None. (3) None. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Only Costa Rican nationals or residents shall apply for tourist guides licenses. (4) Unbound except as indicated in horizontal commitments.	
<u>10. RECREATIONAL, CULTURAL AND SPORTING SERVICES:</u> (other than audio-visual services)			
D. Sporting and other recreational services	(1) None. (2) None.	(1) None. (2) None.	

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(CPC 9641)	(3) None. (4) Unbound except as indicated in horizontal commitments.	(3) None. (4) Unbound except as indicated in horizontal commitments.	
<u>11. TRANSPORT SERVICES:</u>			
A. Maritime transport services International transport (freight and passengers) (CPC 7211 and 7212, less cabotage transport services)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
B. Internal waterways transport Freight transportation (CPC 7222)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
C. Air transport services			
(a) Maintenance and repair of aircraft (part of CPC 8868)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as	(1) Unbound. (2) None. (3) None. (4) Unbound except as	

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	indicated in horizontal commitments.	indicated in horizontal commitments.	
(b) Computer reservation system (CRS) services	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
E. Rail transport services Freight transportation (CPC 7112)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
F. Road transport services Freight transportation (CPC 7123)	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	
H. Services auxiliary to all modes of transport except for air and maritime transport services	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal	

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(a) Storage and warehousing services (CPC 742) (b) Freight transport agency services (CPC 748 and 749 excluding freight inspection)	commitments.	commitments.	
I. Services auxiliary to maritime transport services (a) Maritime cargo handling services (CPC 741) (b) Customs clearance services (c) Container station and depot services (d) Maritime agency services	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	(1) Unbound. (2) None. (3) Unbound. (4) Unbound except as indicated in horizontal commitments.	