

EC-CARIFORUM ECONOMIC PARTNERSHIP AGREEMENT

SERVICES AND INVESTMENT COMMITMENTS



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SERVICES AND INVESTMENT COMMITMENTS

ABSTRACT FOR TRADE INFORMATION SERVICES

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Business guide focusing on the key features of the services and investment commitments within EC-CARIFORUM Economic Partnership Agreement – part 1 deals with services and investment commitments made by the European Community (EC) granting market access for Caribbean businesses; describes commitments on a sector-by-sector basis, identifying new investment and export opportunities, and the applicable limitations; part 2 outlines trade in services and investment opportunities available, and limitations applicable, to European businesses for each sector in individual Caribbean countries.

Descriptors: **Economic Partnership Agreements (EPAs), Services, Trade in Services, Market Access, Caribbean, European Union.**

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Preface

The EC–CARIFORUM Economic Partnership Agreement (the Agreement) is the first comprehensive and reciprocal trade agreement the European Communities has concluded with the ACP (African, Caribbean, and Pacific) nations. The comprehensive Agreement includes full commitments from both Parties on trade in services and investment.

The International Trade Centre (ITC) has prepared a two-part Business Guide to inform the business community of the key features of the services and investment commitments within the Agreement. Volume I covers the European market access openings for Caribbean business on a sector-by-sector basis. Volume II covers the CARIFORUM commitments on a country-by-country basis.

The Guide is addressed primarily to business enterprises, particularly small and medium-sized enterprises (SMEs), in the Caribbean and to European businesses seeking trade in services or investment opportunities in the Caribbean. It is user-friendly and assumes no prior knowledge of the Agreement on the part of reader. However, while the trade commitments have been explained in a manner that is easy to understand, care has been taken to ensure that the Guide accurately reflects the commitments in the Agreement.

The Guide will assist businesses to identify new export and investment opportunities for services on a practical business level, thereby maximizing the benefits that businesses can derive from the Economic Partnership Agreement.

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Introduction

The EC–CARIFORUM Economic Partnership Agreement (the Agreement) is the first of the European Communities’ comprehensive and reciprocal trade agreements to be concluded with the ACP (African, Caribbean and Pacific) nations. The Agreement has been provisionally in force since 29 December 2008, allowing the signatory States to already benefit from the terms of the Agreement. Entry into force will become official when all parties have completed the ratification process.

This Guide focuses on the services and investment commitments within the Agreement and is intended to help businessmen in the Caribbean identify new investment and export opportunities for the services sectors. In this vein, the Guide simplifies the technical trade jargon into commonly understood language and outlines what new opportunities are available to Caribbean business and, where relevant, the limitations that will apply to those opportunities.

The Guide should be read in two parts. First, this introduction explains how the Guide should be used, and includes important information that applies across all the service sectors.

Second, the commitments made by the European Community (EC) granting market access for Caribbean businesses are outlined. The commitments are described in separate chapters for each of the services sectors. Each chapter gives a comprehensive outline of what new business opportunities will be made available and the applicable limitations.

Two types of limitations are listed. The reservations and exceptions that have been specified by EC countries for each service sector are clearly outlined. The second type of limitation is referred to as ‘general reservations’ that apply across all service sectors. For example, each of the EC countries may have different legislative requirements for foreign investors to purchase land. These general reservations are also outlined in this introduction and listed in the footnotes of each sector they apply to.

Along with this introduction, each of the services chapters is self-contained and can be read in isolation of the other chapters.

The section below explains the mechanisms that the Agreement uses to facilitate trade in services, in particular to make it easier for business travel and staff transfers. It outlines the terms and conditions of business travel and includes the general reservations that apply across all the service sectors.

Business facilitation mechanisms

The commitments for services include a number of tools to facilitate trade, in particular to make it easier for business travel and staff transfers. These options are outlined below, including the conditions that need to be satisfied for each. Permissions for short-term visits are available for business travel in all the services sectors. Where relevant, intra-corporate transfers, contractual service suppliers and independent professionals are included as they apply in each of the services chapters.

Short-term visits for business purposes

Permission for short visits can be obtained for business purposes such as negotiating sales agreements, conducting market research, attending training seminars, trade fairs and exhibitions, undertaking research and design activities, and company sales or purchasing. Businesses in all service sectors can take advantage of these permissions.

The permission is for temporary entry and stay up to 90 days in any 12-month period. This does not permit the supply of goods or services or allow the person to be remunerated from a source within the country during their stay.

Intra-corporate transfers

Businesses that establish a commercial presence in Europe, for example by opening a new office, can transfer staff from the Caribbean to work in the business in Europe. Three types of personnel can transfer:

- ❑ Senior staff responsible for establishing a commercial presence in Europe can obtain permission for up to 90 days in any 12-month period.
- ❑ Key personnel (such as managers and specialists) and graduate trainees can obtain permission to work in the European-based business for a period of up to three years.
- ❑ New graduate trainees can obtain permission for up to one year.

Opportunities for intra-corporate transfers are subject to reservations. Where EC countries have identified reservations specific to a service sector, these have been listed in the relevant chapter. In addition, some EC countries have identified general reservations that apply for all service sectors. These are:

- ❑ **Austria:** managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- ❑ **Bulgaria:** applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- ❑ **Finland:** imposes nationality conditions and residency requirements for the managing director of a limited company.
- ❑ **France:** the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.

- ❑ **Hungary:** applies economic needs test for graduate trainees.
- ❑ **Romania:** requires a company's auditors and their deputies to be Romanian.
- ❑ **Sweden:** requires the managing director of a company to reside in Sweden.

Contractual service suppliers

A Caribbean business that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country can send employees to Europe to provide the service. Certain conditions must be satisfied to obtain permission. These are:

- ❑ The person applying for temporary entry must be an employee of a business, which has obtained a service contract in Europe. The employee must have:
 - Been employed by the business for one year.
 - A university degree or equivalent qualification.
 - Professional qualifications where required.
 - At least three years professional experience in the relevant sector.
- ❑ The temporary entry will be for a cumulative period not exceeding six months (or 25 weeks in Luxembourg) during a 12-month period or for the duration of the contract (whichever is less).
- ❑ Only the contracted service activity is permitted; no other business activities. The person shall not receive remuneration during their stay other than that paid by their employer.
- ❑ The number of persons covered by the services contract shall not be larger than necessary to fulfil the contract.

The opportunities for contractual service suppliers are subject to general reservations that apply across all service sectors. These are:

- ❑ Transitional periods apply for some EC countries. These commitments come into force 1 January 2011 for Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia; and 1 January 2014 for Bulgaria and Romania.
- ❑ The right to practise a regulated professional service in one EC country does not grant automatic right to practise in another.

Independent professionals

A self-employed professional who does not have a commercial presence in Europe but who does have a contract to supply services in an EC country can travel to Europe to provide the service. Certain conditions must be satisfied to obtain permission. These are:

- ❑ The person applying for temporary entry must be self-employed and have:
 - Obtained a contract to supply services for a period not exceeding 12 months.
 - A university degree or equivalent qualification.
 - Professional qualifications where required.
 - At least six years professional experience in the relevant sector.

- ❑ The temporary entry will be for a cumulative period not exceeding six months (or 25 weeks in Luxembourg) during a 12-month period or for the duration of the contract (whichever is less).
- ❑ Only the contracted service activity is permitted; no other business activities.

The opportunities for independent professionals are subject to general reservations that apply across all service sectors. These are:

- ❑ Transitional periods apply for some EC countries. These commitments come into force 1 January 2011 for Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia; and 1 January 2014 for Bulgaria and Romania.
- ❑ The right to practise a regulated professional service in one EC country does not grant automatic right to practise in another.

Mutual Recognition Agreements

To provide services in Europe, Caribbean qualifications and licences may have to be recognized in EC countries. The Agreement encourages the relevant professional bodies to negotiate the terms of mutual recognition with their counterparts. A process has been established for the professional bodies to make recommendations to the CARIFORUM–EC Trade and Development Committee, which will then commence negotiations for a Mutual Recognition Agreement at government level.

These will be important for all professional services and other regulated service sectors identified by the EC.

General reservations for investment

Caribbean businesses interested in establishing a commercial presence in Europe will need to be aware of the various licensing requirements and restrictions that apply in each EC country. The following list gives a general indication of some of the requirements that will apply across all service sectors:

- ❑ Limitations on the acquisition of land and real estate apply in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain.
- ❑ Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- ❑ Limitations on the type of business, e.g. limited liability company and limited partnership, apply in Poland.
- ❑ Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights, apply in Bulgaria, Finland, France and Italy.
- ❑ Registration, licensing and qualification requirements apply in all EC countries.
- ❑ The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office in Bulgaria and Poland.

Subsidies

In addition to the market access openings, the EC has committed to treat Caribbean investors and service providers like their European counterparts. However, this favourable treatment is subject to certain reservations. For example, both the EC and CARIFORUM have reserved the right to maintain all forms of subsidies, such as investment grants or consumer support. This reservation is more broadly phrased than in the EC's schedule of specific commitments under the General Agreement on Trade in Services (GATS). Thus, there might be cases where EC subsidy schemes are consistent with the Agreement, but not with its GATS schedule which continues to apply.

If there are doubts over EC subsidy schemes, Caribbean businesses might want to contact their respective governments for advice.

Part one

**OPPORTUNITIES FOR CARIBBEAN
BUSINESSES IN THE EUROPEAN UNION –
MARKET ACCESS AND INVESTMENT**

Chapter 1

Business services

Professional services

Legal services¹

1. A Caribbean business can establish a legal practice in any EC country.

These opportunities are subject to:

- ❑ **All EC countries:** Provision of legal services is only authorized in respect of public international law, EC law and the law of any jurisdiction where the investor or its personnel is qualified to practise as a lawyer, and like the provision of other services, is subject to licensing requirements and procedures applicable in EC countries.
- ❑ **All EC countries:** For lawyers providing legal services in respect of public international law, and foreign law, these may take inter alia the form of compliance with local codes of ethics, use of home title (unless recognition with the host title has been obtained), insurance requirements, simple registration with the host country Bar or a simplified admission to the host country Bar through an aptitude test and a legal or professional domicile in the host country.

¹ Includes: legal advisory, legal representational, legal arbitration and conciliation/mediation, and legal documentation and certification services.
Legal services excludes legal advisory and legal documentation and certification services provided by legal professionals entrusted with public functions, such as notaries, *huissiers de justice*, or other *officiers publics et ministériels*.

- ❑ **All EC countries:** Legal services in respect of EC law shall in principle be carried out by or through a fully qualified lawyer admitted to the Bar in Europe acting personally. Full admission to the Bar in the relevant EC country might therefore be necessary for representation before courts and other competent authorities in the EC since it involves practice of EC and national procedural law. However, in some Member States, foreign lawyers not fully admitted to the Bar are allowed to represent in civil proceedings a party being a national or belonging to the Member State in which the lawyer is entitled to practise.
- ❑ General reservations.²

Country-specific reservations:

- ❑ **Austria:** Requires that foreign lawyers' (who must be fully qualified in their home country) equity participation and shares in the operating result of any law firm must not exceed 25%. In addition, they may not have decisive influence in decision-making.
- ❑ **Belgium:** Applies quotas for appearing before the '*Cour de cassation*' in non-criminal cases.
- ❑ **Bulgaria:** The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office.
- ❑ **Denmark:** Requires only lawyers with a Danish licence to practise and law firms registered in Denmark may own shares in a Danish law firm. Only lawyers with a Danish licence to practise may sit on the board or be part of the management of a Danish law firm. There are requirements of a Danish legal examination to obtain a Danish licence.
- ❑ **France:** Applies quotas for lawyers' access to the professions of '*avocat auprès de la Cour de cassation*' and '*avocat auprès du Conseil d'État*'. Some types of legal form ('*association d'avocats*' and '*société en participation d'avocat*') are reserved to lawyers fully admitted to the Bar in France. In a law firm providing services in respect of French or EC law, at least 75% of the partners holding 75% of the shares shall be lawyers fully admitted to the Bar in France.
- ❑ **Hungary:** Requires that commercial presence should take the form of partnership with a Hungarian barrister, or a barrister's office, or representative office.
- ❑ **Poland:** Stipulates that while other types of legal form are available for European lawyers, foreign lawyers only have access to the legal forms of registered partnership and limited partnership. The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office.

2 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).

2. A Caribbean business can secure permission for Caribbean staff to work in the legal practice (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

Country-specific reservations:

- ❑ **Austria:** Requires full admission to the Bar for the practice of domestic (EC and national) law and is subject to a nationality condition. Managing directors of the firm have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- ❑ **Belgium:** Requires full admission to the Bar for legal representation services and is subject to a nationality condition and residency requirements. In Belgium, quotas apply for appearing before the 'Cour de cassation' in non-criminal cases.
- ❑ **Bulgaria:** Foreign lawyers can only provide legal representation services of a national of their home country and subject to reciprocity and cooperation with a Bulgarian lawyer. For legal mediation services, permanent residence is required. Applies economic needs test³ for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- ❑ **Cyprus:** Requires full admission to the Bar for the practice of domestic (EC and national) law and is subject to a nationality condition.
- ❑ **Denmark:** Marketing of legal advice activities is restricted to lawyers with a Danish licence to practise. Requirement of a Danish legal examination to obtain a Danish licence.
- ❑ **Finland:** Requires full admission to the Bar for legal representation services and is subject to a nationality condition and residency requirements. Imposes nationality condition and residency requirements for the managing director of a limited company.
- ❑ **France:** Lawyers' access to the profession of '*avocat auprès de la Cour de cassation*' and '*avocat auprès du Conseil d'État*' is subject to quotas and to a nationality condition.
- ❑ **Greece:** Requires full admission to the Bar for the practice of domestic (EC and national) law and is subject to a nationality condition.
- ❑ **Hungary:** Full admission to the Bar is subject to a nationality condition, coupled with residency requirements. For foreign lawyers the scope of legal activities is limited to the provision of legal advice, which has to take place on the basis of a collaboration contract concluded with a Hungarian attorney or law firm. Applies economic needs test for graduate trainees.
- ❑ **Latvia:** Nationality requirement for sworn solicitors, to whom legal representation in criminal proceedings is reserved.

³ An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking into account the existing local capacity.

- ❑ **Lithuania:** Requires full admission to the Bar for the practice of domestic (EC and national) law and is subject to a nationality condition.
- ❑ **Luxembourg:** Nationality condition for the supply of legal services in respect of Luxembourg and EC law.
- ❑ **Malta:** Requires full admission to the Bar for the practice of domestic (EC and national) law and is subject to a nationality condition.
- ❑ **Romania:** Requires full admission to the Bar for the practice of domestic (EC and national) law and is subject to a nationality condition. Requires the company's auditors and their deputies to be Romanian.
- ❑ **Slovakia:** Requires full admission to the Bar for the practice of domestic (EC and national) law and is subject to a nationality condition.
- ❑ **Spain:** Requires full admission to the Bar for the practice of domestic (EC and national) law and is subject to a nationality condition. The competent authorities may grant waivers.
- ❑ **Sweden:** Admission to the Bar, necessary only for the use of the Swedish title 'advokat' is subject to a residency requirement. The managing director of the company must reside in Sweden.

3. Contractual service suppliers⁴ and independent professionals⁵ can travel to Europe to provide legal advisory services in respect of international public law and foreign law (non-EC law) in all EC countries.

These opportunities are subject to:

- ❑ The terms and conditions as outlined in the introduction to this Guide.

Country-specific reservations:

- ❑ Economic needs test applies in:
 - Bulgaria, Czech Republic, Denmark, Finland, Hungary, Lithuania, Malta, Romania, Slovakia and Slovenia.
 - Spain, Italy, Greece and Poland for independent professionals.
 - Latvia for contractual service suppliers.
 - Belgium, except when contractual service suppliers annual wage is above the amount defined by relevant laws and regulations.
- ❑ **Denmark:** Marketing of legal advice activities is restricted to lawyers with a Danish licence to practise. Requirement of a Danish legal examination to obtain a Danish licence.
- ❑ **France:** Full (simplified) admission to the Bar through an aptitude test is required.

⁴ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

⁵ A self-employed professional who has no commercial presence in Europe but who has a contract to supply services in an EC country.

Mutual recognition of licensing and qualifications:

To provide services in Europe, Caribbean qualifications and licences may have to be recognized in EC countries. The Agreement encourages the relevant professional bodies to negotiate the terms of mutual recognition with their counterparts in Europe.

The Agreement calls for the relevant professional bodies for the professional services sector to begin negotiations within three years. The professional bodies can make recommendations to the CARIFORUM–EC Trade and Development Committee, who will then commence negotiations for a Mutual Recognition Agreement.

4. A Caribbean business can provide legal advisory services from its home country to clients in Europe.

These opportunities are subject to:

- Austria:** Requires full admission to the Bar for the practice of domestic (EC and national) law, and is subject to a nationality condition.
- Belgium:** Requires full admission to the Bar for legal representation services, subject to a nationality condition and residency requirements. In Belgium quotas apply for appearing before the ‘Cour de cassation’ in non-criminal cases.
- Bulgaria:** Foreign lawyers can only provide legal representation services of a national of their home country and subject to reciprocity and cooperation with a Bulgarian lawyer. For legal mediation services, permanent residency is required.
- Cyprus:** Requires full admission to the Bar for the practice of domestic (EC and national) law, and is subject to a nationality condition.
- Denmark:** Marketing of legal advice activities is restricted to lawyers with a Danish licence to practise and law firms registered in Denmark. Requirement of a Danish legal examination to obtain a Danish licence.
- Finland:** Requires full admission to the Bar for legal representation services, subject to a nationality condition and residency requirements. In Belgium quotas apply for appearing before the ‘Cour de cassation’ in non-criminal cases.
- France:** Lawyers’ access to the profession of ‘*avocat auprès de la Cour de Cassation*’ and ‘*avocat auprès du Conseil d’État*’ is subject to quotas and a nationality condition.
- Greece:** Requires full admission to the Bar for the practice of domestic (EC and national) law, and is subject to a nationality condition.
- Hungary:** Full admission to the Bar is subject to a nationality condition and residency requirements. For foreign lawyers the scope of legal activities is limited to the provision of legal advice.
- Latvia:** Nationality requirement for sworn solicitors, to whom legal representation in criminal proceedings is reserved.
- Lithuania:** Requires full admission to the Bar for the practice of domestic (EC and national) law, and is subject to a nationality condition.

- ❑ **Malta:** Requires full admission to the Bar for the practice of domestic (EC and national) law, and is subject to a nationality condition.
- ❑ **Slovakia:** Requires full admission to the Bar for the practice of domestic (EC and national) law, and is subject to a nationality condition.
- ❑ **Spain:** Requires full admission to the Bar for the practice of domestic (EC and national) law, and is subject to a nationality condition.
- ❑ **Sweden:** Admission to the Bar, necessary only for the use of the Swedish title '*advokat*', is subject to a residency requirement.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the legal services sector in the following countries:

- ❑ Antigua and Barbuda, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, and Trinidad and Tobago.

Accounting, auditing, and taxation services

1. A Caribbean business can establish a practice in any EC country to provide the following:

- ❑ Accounting and bookkeeping services
- ❑ Auditing services
- ❑ Taxation advisory services

These opportunities are subject to:

- ❑ General reservations.⁶

⁶ General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

Country-specific reservations:

- ❑ **Austria:** Foreign accountants', auditors' and taxation advisors' equity participation and shares in any Austrian legal entity may not exceed 25% if they are not members of the Austrian Professional Body. Foreign accountants must be authorized according to the law of their home country.
- ❑ **Cyprus:** Economic needs test applies. Main criterion is the employment situation.

Accounting and bookkeeping services

- ❑ **Denmark:** To enter into partnerships with Danish authorized accountants, foreign accountants have to obtain permission from the Danish Commerce and Companies Agency.

Auditing services

- ❑ **Denmark:** To enter into partnerships with Danish authorized accountants, foreign accountants have to obtain permission from the Danish Commerce and Companies Agency.
- ❑ **Czech Republic:** At least 60% of capital share or voting rights are reserved for nationals.
- ❑ **Finland:** Residency required for at least one of the auditors of a Finnish liability company.
- ❑ **Latvia:** In a commercial company of sworn auditors more than 50% of the voting capital shares shall be owned by sworn auditors or commercial companies of sworn auditors of the EC.
- ❑ **Lithuania:** Not less than 75% of shares should belong to European auditors or auditing companies.
- ❑ **Slovakia:** At least 60% of capital share or voting rights are reserved for nationals.
- ❑ **Slovenia:** The share of foreign persons in auditing companies may not exceed 49% of the equity.
- ❑ **Sweden:** Only auditors approved in Sweden may perform legal auditing services in certain legal entities (e.g. in all limited companies). Only such persons may be shareowners or form partnerships in companies that practise qualified auditing for official purposes. Residency required for approval.

2. A Caribbean business can secure permission for Caribbean staff to work in the accounting, auditing, or taxation advisory practice (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- General reservations.⁷

Country-specific reservations:

- Austria:** Nationality condition applies for representation before competent authorities and for performing audits provided for in specific Austrian laws (e.g. joint stock companies law, stock exchange law, banking law). Managing directors of the firm have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.

Accounting and bookkeeping services

- France:** Provision of accounting and bookkeeping services is conditional on a decision of the Minister of Economics, Finance and Industry, in agreement with the Minister of Foreign Affairs. The residency required cannot exceed five years.

Auditing services

- Finland:** Residency required for at least one of the auditors of a Finnish liability company.
- Denmark:** Residency required.
- Greece:** Nationality condition applies for statutory auditors.
- Italy:** Nationality condition applies for administrators, directors and partners of companies other than those covered by the 8th EEC directive on company law. Residence required for individual auditors.
- Spain:** Nationality condition applies for statutory auditors and for administrators, directors, and partners of companies other than those covered by the 8th EEC directive on company law.
- Sweden:** Only auditors approved in Sweden may perform legal auditing services in certain legal entities (e.g. all limited companies). Residency required for approval.

Taxation advisory services

- Bulgaria:** Nationality condition applies for specialists.
- Hungary:** Residency required.
- Slovenia:** Nationality condition applies for specialists.

⁷ General reservations:

- (i) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (ii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iii) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (iv) Hungary: applies economic needs test for graduate trainees.
- (v) Romania: requires a company's auditors and their deputies to be Romanian.
- (vi) Sweden: requires the managing director of a company to reside in Sweden.

3. Contractual service suppliers⁸ can travel to Europe to provide accounting, bookkeeping and taxation advisory services in all EC countries (except Portugal for taxation advisory services).

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.
- Economic needs test applies in: Bulgaria, Czech Republic, Denmark, Finland, Greece, Hungary, Latvia, Lithuania, Malta, Romania, Slovakia. Also applies in Belgium except when the annual wage is above the amount defined by the relevant laws and regulations.
- Austria:** The employer must be a member of the relevant professional body in the home country where such body exists.

Accounting and bookkeeping services

- France:** Authorization is required.

Taxation advisory services

- Austria:** Nationality condition applies for representation before competent authorities.
- Hungary:** Residency required.

Mutual recognition of licensing and qualifications:

To provide services in Europe, Caribbean qualifications and licences may have to be recognized in EC countries. The Agreement encourages the relevant professional bodies to negotiate the terms of mutual recognition with their counterparts in Europe.

The Agreement calls for the relevant professional bodies for the professional services sector to begin negotiations within three years. The professional bodies can make recommendations to the CARIFORUM–EC Trade and Development Committee, which will then commence negotiations for a Mutual Recognition Agreement.

⁸ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

4. A Caribbean business can provide the following services from its home country to clients in Europe:

- ❑ *Accounting and bookkeeping services* in Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain, Sweden and the United Kingdom.
- ❑ *Auditing services* in Austria, Czech Republic, Denmark, Estonia, Latvia, Lithuania, Poland, Slovakia and Sweden.
- ❑ *Taxation advisory services* in Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain, Sweden and the United Kingdom.

These opportunities are subject to:

- ❑ **Austria:** Nationality condition applies for representation before competent authorities and for performing audits provided for in specific Austrian laws (e.g. joint stock companies law, stock exchange law and banking law).

Auditing services

- ❑ **Lithuania:** Auditor's report must be prepared in conjunction with an auditor accredited to practise in Lithuania.
- ❑ **Sweden:** Only auditors approved in Sweden may perform legal auditing services in certain legal entities (e.g. all limited companies). Only such persons may be shareowners or form partnerships in companies that practise qualified auditing for official purposes. Residency is required for approval.

Taxation advisory services

- ❑ **Cyprus:** Tax agents must be duly authorized by the Minister of Finance. Authorization is subject to an economic needs test. The main criterion is the employment situation.

5. A Caribbean business can also provide accounting, bookkeeping, auditing or taxation advisory services to European clients receiving those services within the Caribbean.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the accounting, auditing, and taxation services sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Medical services

I. A Caribbean business can establish a practice to provide:

- Medical (including psychologists) and dental services* in all EC countries (except Finland and Slovenia).
- Midwives services* in all EC countries (except Bulgaria, Finland, Malta and Slovenia).
- Nursing services* in all EC countries (except Bulgaria and Malta).
- Physiotherapeutic and paramedical services* in all EC countries (except Bulgaria, Malta, Finland and Slovenia).
- Retail sales of pharmaceuticals, medical and orthopaedic goods, and other pharmacist services* in Belgium, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Spain and the United Kingdom.

These opportunities are subject to:

- General reservations.⁹

Country-specific reservations:

Medical (including psychologists) and dental services

- Austria:** Liberalizes market access only for dental services, psychologists, and psychotherapists.
- Bulgaria:** Subject to authorization based on a health services plan, taking into account the population and existing medical and dental services.
- France:** Foreign investors only have access to the legal forms of '*société d'exercice libéral*' and '*société civile professionnelle*'.

⁹ General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

- ❑ **Germany:** Economic needs test applies when doctors and dentists are authorized to treat members of public insurance schemes. Main criterion is shortage of doctors or dentists in the region.
- ❑ **Latvia:** Economic needs test applies. Main criterion is shortage of doctors or dentists in the region.
- ❑ **Lithuania:** Subject to authorization based on a health services plan, taking into account the population and existing medical and dental services.
- ❑ **United Kingdom:** Establishment of doctors under the National Health Service is subject to medical manpower planning.

Midwives services

- ❑ **France:** Foreign investors only have access to the legal forms of '*société d'exercice libéral*' and '*société civile professionnelle*'.
- ❑ **Lithuania:** Economic needs test applies. Main criterion is employment situation in the region.

Nursing, physiotherapeutic, and paramedical services

- ❑ **Austria:** Foreign investment allowed only for nurses, physiotherapists, occupational therapists, logotherapists, dieticians, and nutritionists.
- ❑ **France:** Foreign investors only have access to the legal forms of '*société d'exercice libéral*' and '*société civile professionnelle*'.
- ❑ **Latvia:** Economic needs test applies. Main criterion is employment situation in the region.

Retail sales of pharmaceuticals, medical and orthopaedic goods, and other pharmacist services

- ❑ **All EC countries:** The supply of pharmaceuticals is subject to licensing and qualification requirements and procedures.
- ❑ **Economic needs test** applies in: Belgium, Germany, Denmark, Estonia, France, Italy, Hungary, Ireland, Latvia, Portugal, Slovakia and Spain. Main criteria are population and geographical density of existing pharmacies.

2. A Caribbean business can secure permission for Caribbean staff to work in the medical practice (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.¹⁰

Country-specific reservations:

Medical (including psychologists) and dental services

- Belgium:** Authorization required for graduate trainees.
- Bulgaria:** Nationality condition applies.
- Cyprus:** Nationality condition applies.
- Czech Republic:** Authorization and residency required.
- Denmark:** Limited authorization can be given to fulfil a specific function for a maximum of 18 months and requires residency.
- Estonia:** Authorization required.
- France:** Annually established quotas apply. Otherwise nationality condition applies.
- Germany:** Nationality condition applies, which can be waived on an exceptional basis in cases of public health interest.
- Italy:** Residency required.
- Latvia:** Permission from local health authority required based on economic needs test.
- Luxembourg:** Authorization required for graduate trainees.
- Malta:** Nationality condition applies.
- Poland:** Permission required. Foreign medical doctors have limited election rights within the professional chambers.

10 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

- ❑ **Portugal:** Residency required for psyc, andhologists.
- ❑ **Romania:** Authorization required.
- ❑ **Slovakia:** Authorization and residency required.

Midwives services

- ❑ **Austria:** A person establishing a practice must have practised that profession for at least three years prior.
- ❑ **Belgium:** Authorization required for graduate trainees.
- ❑ **Bulgaria:** Nationality condition applies.
- ❑ **Cyprus:** Nationality condition applies and authorization required.
- ❑ **Czech Republic:** Authorization required.
- ❑ **Estonia:** Authorization required.
- ❑ **Latvia:** Permission from local health authority required, based on economic needs test.
- ❑ **Luxembourg:** Authorization required for graduate trainees.
- ❑ **France:** Annually established quotas apply. Otherwise nationality condition applies.
- ❑ **Hungary:** Nationality condition applies.
- ❑ **Italy:** Residency required.
- ❑ **Malta:** Nationality condition applies.
- ❑ **Poland:** Nationality condition applies and permission required.
- ❑ **Romania:** Authorization required.
- ❑ **Slovakia:** Authorization required.

Nursing, physiotherapeutic, and paramedical services

- ❑ **Austria:** Foreign investment allowed only for nurses, physiotherapists, occupational therapists, logotherapists, dieticians, and nutritionists. A person establishing a practice must have practised that profession for at least three years prior.
- ❑ **Belgium:** Authorization required for graduate trainees.
- ❑ **Cyprus:** Authorization required. Economic needs test applies. Main criteria are regional vacancies and shortages.
- ❑ **Czech Republic:** Authorization required. Economic needs test applies. Main criteria are regional vacancies and shortages.
- ❑ **Denmark:** Limited authorization can be given to fulfil a specific function for a maximum of 18 months and requires residency.
- ❑ **Estonia:** Authorization required.
- ❑ **France:** Authorization required for graduate trainees.
- ❑ **Greece:** Economic needs test applies. Main criteria are regional vacancies and shortages.
- ❑ **Hungary:** Condition of nationality.

- Italy:** Economic needs test applies. Main criteria are regional vacancies and shortages.
- Latvia:** Permission from local health authority required, based on economic needs test.
- Luxembourg:** Authorization required for graduate trainees.
- Romania:** Authorization required.
- Slovakia:** Authorization required.

Retail sales of pharmaceuticals, medical and orthopaedic goods, and other pharmacist services

- France:** Nationality condition applies. Within established quotas, access for third country nationals is possible provided the service provider holds a French degree in pharmacy.
- Germany:** Nationality condition applies.
- Greece:** Nationality condition applies.
- Hungary:** Nationality condition applies for other pharmacist services.
- Italy:** Residency required.
- Portugal:** Residency required.
- Slovakia:** Nationality condition applies.

3. Contractual service suppliers¹¹ can travel to Europe to provide:

- Medical and dental services* in Belgium, Cyprus, Czech Republic, Denmark, Germany, Estonia, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden, the United Kingdom; and in Austria (psychologist and dental only).
- Midwives services* in all EC countries (except Bulgaria, Finland, France, Hungary or Slovakia).
- Nursing, physiotherapeutic, and paramedical services* in all EC countries (except Bulgaria, Finland, France, Hungary, or Slovakia).

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.

Medical (including psychologists) and dental services

- Economic needs test** applies in: Belgium, Cyprus, Czech Republic, Denmark, Estonia, Germany, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain and the United Kingdom. Also applies in Austria for psychologists and dental services.

¹¹ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

Midwives services

- ❑ Economic needs test applies in: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain and the United Kingdom.

Services provided by nurses, physiotherapists, and paramedical personnel

- ❑ Economic needs test applies in: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom.

Mutual recognition of licensing and qualifications:

To provide services in Europe, Caribbean qualifications and licences may have to be recognized in EC countries. The Agreement encourages the relevant professional bodies to negotiate the terms of mutual recognition with their counterparts in Europe.

The Agreement calls for the relevant professional bodies for the professional services sector to begin negotiations within three years. The professional bodies can make recommendations to the CARIFORUM–EC Trade and Development Committee, which will then commence negotiations for a Mutual Recognition Agreement.

4. A Caribbean business can provide the following medical services from its home country to patients in Europe:

- ❑ *Medical and dental services* in Czech Republic, Hungary, Latvia, Lithuania, Poland, Slovenia and Sweden.
- ❑ *Nursing services* in Finland, Poland and Sweden.
- ❑ *Midwives, physiotherapeutic, and paramedical services* in Sweden.

These opportunities are subject to:

Medical (including psychologists) and dental services

- ❑ **Slovenia:** does not include social medicine, sanitary, epidemiological, medical/ecological services, the supply of blood, blood preparations and transplants, and autopsy.

5. A Caribbean business can provide medical services to European patients receiving those services within the Caribbean.**6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the medical services sector in the following countries:**

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Veterinary services

1. A Caribbean business can establish a veterinary practice in any EC country (except Austria).

These opportunities are subject to:

General reservations.¹²

Country-specific reservations:

Economic needs test applies in:

- **Bulgaria.** The main criteria are population and density of existing businesses.
- **Hungary.** The main criteria are labour market conditions in the sector.

2. A Caribbean business can secure permission for Caribbean staff to work in the veterinary practice (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- Austria:** Requires managing directors of a company to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- Bulgaria:** Nationality condition applies. Economic needs test applies for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- Cyprus:** Nationality condition applies.

12 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

- Czech Republic:** Nationality condition applies and residency required.
- Denmark:** Nationality condition applies.
- Estonia:** Nationality condition applies.
- Finland:** Imposes nationality and residency requirements for the managing director of a company.
- France:** Nationality condition applies.
- Greece:** Nationality condition applies.
- Hungary:** Nationality condition applies. Economic needs test applies for graduate trainees.
- Italy:** Residency required.
- Malta:** Nationality condition applies.
- Poland:** Nationality condition applies. Foreigners may apply for permission to practise.
- Romania:** Requires a company's auditors and their deputies to be Romanian.
- Slovakia:** Nationality condition applies and residency required.
- Slovenia:** Nationality condition applies.
- Sweden:** Requires the managing director of a company to reside in Sweden.

3. Contractual service suppliers¹³ can travel to Europe to provide veterinary services in Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom.

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.
- Economic needs test applies in: Belgium, Cyprus, Czech Republic, Denmark, Estonia, Germany, Greece, Finland, Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom.

4. A Caribbean business can provide veterinary services from its home country to consumers in Finland, Luxembourg, Poland, Sweden and the United Kingdom.

These opportunities are subject to:

- United Kingdom only includes veterinary laboratory and technical services supplied to veterinary surgeons, general advice, guidance and information (e.g. nutrition, behaviour and pet care).

¹³ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

5. A Caribbean business can provide veterinary services to European consumers receiving those services within the Caribbean.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the veterinary services sector in the following countries:

- Antigua and Barbuda, Dominica, Dominican Republic, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Engineering and architectural services

1. A Caribbean business can establish a practice in any EC country to provide the following:

- Engineering services*
- Integrated engineering services**
- Architectural services***
- Urban planning and landscape architectural services

* Includes: (a) advisory and consultative engineering services; (b) engineering design services for the construction of foundations and building structures, mechanical and electrical installations for buildings, the construction of civil engineering works and for industrial processes and production; (c) other engineering services during the construction and installation phase; and (d) other engineering services.

** Includes integrated engineering services: (a) for transportation infrastructure turnkey projects; (b) for project management services for water supply and sanitation works turnkey projects; (c) for the construction of manufacturing turnkey projects; and (d) for other turnkey projects.

*** Includes: (a) advisory and pre-design architectural services; (b) architectural design services; (c) contract administration services; (d) combined architectural design and contract administration services; and (e) other architectural services.

These opportunities are subject to:

- General reservations.¹⁴

14 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

Country-specific reservations:

- ❑ **Bulgaria:** For projects of national or regional significance, foreign investors have to act in partnership with or as subcontractors of local investors.
- ❑ **Latvia:** For architectural services, three years projecting experience in Latvia and university degree are required to obtain a licence for business activities with full range of legal responsibility and rights to sign a project.

2. A Caribbean business can secure permission for Caribbean staff to work in the practice (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.¹⁵

Country-specific reservations

- ❑ **Bulgaria:** Foreign specialists must have experience in the field of construction of at least two years. Applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- ❑ **Estonia:** At least one responsible person (project manager or consultant) must be resident in Estonia.
- ❑ **Greece, Hungary, Slovakia:** Residency required.

¹⁵ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iii) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (iv) Hungary: applies economic needs test for graduate trainees.
- (v) Romania: requires a company's auditors and their deputies to be Romanian.
- (vi) Sweden: requires the managing director of a company to reside in Sweden.

3. Contractual service suppliers¹⁶ and independent professionals¹⁷ can travel to Europe to provide engineering and architectural services in all EC countries.

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.
- Economic needs test applies in:
 - Bulgaria, Czech Republic, Germany, Finland, Hungary, Lithuania, Romania and Slovakia.
 - Spain, Italy and Poland for independent professionals.
 - Latvia for contractual service suppliers.
 - Belgium, except when contractual service suppliers annual wage is above the amount defined by relevant laws and regulations.
 - Denmark for contractual service suppliers who stay up to three months.
 - Austria for contractual service suppliers and independent professionals providing planning services.
 - Finland: The person must demonstrate that (s)he possesses special knowledge relevant to the service being supplied.
 - Hungary: Residency required.

Mutual recognition of licensing and qualifications

To provide services in Europe, Caribbean qualifications and licences may have to be recognized in EC countries. The Agreement encourages the relevant professional bodies to negotiate the terms of mutual recognition with their counterparts in Europe.

The Agreement calls for the relevant professional bodies for the professional services sector to begin negotiations within three years. The professional bodies can make recommendations to the CARIFORUM–EC Trade and Development Committee, which will then commence negotiations for a Mutual Recognition Agreement.

¹⁶ Employees of a Caribbean company that does not have a commercial presence in Europe, but which does have a contract to supply services in an EC country.

¹⁷ A self-employed professional who has no commercial presence in Europe but who has a contract to supply services in an EC country.

4. A Caribbean business can provide the following services from its home country to consumers in Europe:

- ❑ *Engineering and integrated engineering services* in Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Romania, Slovakia, Spain, Sweden and the United Kingdom.
- ❑ *Architectural and urban planning services* in Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Slovakia, Spain, Sweden and the United Kingdom.
- ❑ *Landscape architecture services* in Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Romania, Slovakia, Spain, Sweden and the United Kingdom.

These opportunities are subject to:

- ❑ Architectural services and urban planning and landscape architectural Services:
 - Germany: Application of the national rules of fees and emoluments for all services that are performed from abroad.

5. A Caribbean business can also provide engineering, integrated engineering, architectural, urban planning and landscape architecture services to European consumers within the Caribbean.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the engineering and architectural services sectors in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago.

Other business services

Computer and related services

1. A Caribbean business can establish a company in any EC country to provide computer and related services.*

* Includes: (a) computer programmes defined as the sets of instructions required to make computers work and communicate; (b) consulting, strategy, analysis, planning, specification, design, development, installation, implementation, integration, testing, debugging, updating, support, technical assistance, adaptation, maintenance, management or use of computers, computer systems, and computer programmes; (c) data processing, data storage, data hosting or database services; (d) maintenance and repair services for office machinery and equipment, including computers; and (e) training service for staff of clients related to computer programmes, computers or computer systems.

These opportunities are subject to:

- ❑ General reservations.¹⁸

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.¹⁹

18 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

19 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

3. Contractual service suppliers²⁰ and independent professionals²¹ can travel to Europe to provide computer and related services in all EC countries.

These opportunities are subject to:

- ❑ The terms and conditions as outlined in the introduction to this Guide.
- ❑ Economic needs test applies in:
 - Austria, Bulgaria, Czech Republic, Finland, Hungary, Lithuania, Romania, Slovakia and the United Kingdom.
 - Belgium, except when contractual service suppliers annual wage is above the amount defined by relevant laws and regulations.
 - Spain, Italy and Poland for independent professionals.
 - Latvia for contractual service suppliers.
 - Denmark for contractual service suppliers who stay up to three months.

4. A Caribbean business can provide computer and related services to European consumers receiving those services either within Europe or within the Caribbean.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the computer and related services sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

²⁰ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

²¹ A self-employed professional who has no commercial presence in Europe but who has a contract to supply services in an EC country.

Advertising, market research and management consulting services

1. A Caribbean business can establish a company in any EC country to provide:

- Advertising services*
- Market research and opinion polling services
- Management consulting services**
- Services related to management consulting***

* Includes: (a) sale or leasing services of advertising space or time; (b) planning, creating and placement advertising services; and (c) other advertising services.

** Includes: (a) general management; (b) financial management (excluding business tax); (c) marketing management; (d) human resources management; (e) production management; (f) public relations; and (g) other management consulting services.

*** Includes: (a) project management services other than for construction; (b) arbitration and conciliation services; and (c) other services related to management consulting.

These opportunities are subject to:

- General reservations.²²

Country-specific reservations:

- Hungary:** Does not include arbitration and conciliation services.

22 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.²³

3. Contractual service suppliers²⁴ can travel to Europe to provide advertising services in all EC countries.

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.
- Economic needs test applies in:
 - Austria, Bulgaria, Czech Republic, Denmark, Finland, Greece, Hungary, Latvia, Lithuania, Malta, Romania and Slovakia.
 - Belgium, except for contractual service suppliers when the annual wage is above the amount defined by the relevant laws and regulations.

23 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

24 Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

4. Contractual service suppliers and independent professionals²⁵ can travel to Europe to provide:

- Market research* in all EC countries.
- Opinion polling services* in all EC countries (except for Lithuania, Hungary and Poland).
- Management consulting services* in all EC countries.
- Services related to management consulting* in all EC countries (except for Hungary).

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.
- Economic needs test applies in Belgium, except for contractual service suppliers when the annual wage is above the amount defined by the relevant laws and regulations.

Market research and opinion polling services

- Economic needs test applies in: Austria, Bulgaria, Czech Republic, Denmark, Finland, Greece, Hungary, Latvia, Lithuania, Malta, Romania, Slovakia and Slovenia. The economic needs test also applies in Spain, Italy and Poland for independent professionals.

Management consulting services

- Economic needs test applies in: Austria, Bulgaria, Czech Republic, Finland, Hungary, Lithuania, Romania and Slovakia. Also applies in Spain, Italy and Poland for independent professionals; and in Denmark except for contractual service suppliers who stay up to three months.

Services related to management consulting

- Economic needs test applies in: Austria, Bulgaria, Czech Republic, Finland, Hungary, Lithuania, Romania and Slovakia. Also applies in Spain, Italy and Poland for independent professionals; and in Denmark except for contractual service suppliers who stay up to three months.

5. A Caribbean business can provide advertising, market research, opinion polling, management consulting and related management consulting services to European consumers either receiving those services within Europe or within the Caribbean.

These opportunities are subject to:

- Hungary:** Does not include arbitration and conciliation services.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the advertising, market research, and management consulting services sectors in the following countries:

- Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

²⁵ A self-employed professional who has no commercial presence in Europe but who has a contract to supply services in an EC country.

Convention services and translation and interpretation services

1. A Caribbean business can establish a company in any EC country to provide:

- Convention services
- Translation and interpretation services

These opportunities are subject to:

- General reservations.²⁶

Country-specific reservations:

- Bulgaria:** Does not include official translation and interpretation.
- Denmark:** Authorization for authorized public translators and interpreters may limit the scope of activity.
- Hungary:** Does not include official translation and interpretation.
- Poland:** Does not include sworn interpretation services.
- Slovakia:** Does not include official translation and interpretation.

²⁶ General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.²⁷

Country-specific reservations:

- Denmark:** Residency required for authorized public translators and interpreters, unless waived by the Danish Commerce and Companies Agency.
- France:** Residency required for certified translators.
- Slovenia:** Nationality condition applies for staff providing convention services.

3. Contractual service suppliers²⁸ and independent professionals²⁹ can travel to Europe to provide translation and interpretation services in all EC countries.

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.

²⁷ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

²⁸ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

²⁹ A self-employed professional who has no commercial presence in Europe but who has a contract to supply services in an EC country.

- Economic needs test applies in:
 - Austria, Bulgaria, Czech Republic, Denmark, Finland, Hungary, Ireland, Lithuania, Romania and Slovakia.
 - Spain, Italy, Greece and Poland for independent professionals.
 - Latvia for contractual service suppliers.
 - Belgium, except when contractual service suppliers' annual wage is above the amount defined by relevant laws and regulations.

4. A Caribbean business can provide convention, interpretation and translation services from its home country to consumers all EC countries.

These opportunities are subject to:

- **Hungary:** Does not include official translation and interpretation.
- **Poland:** Does not include sworn interpretation services.
- **Slovakia:** Does not include official translation and interpretation.

5. A Caribbean business can provide convention, interpretation, and translation services to European consumers receiving those services within the Caribbean.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for convention, translation, and interpretation services in the following countries:

- Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Placement and supply services of personnel

1. A Caribbean business can establish a company in Europe to provide the following personnel services:

- *Executive search* in Austria, Belgium, Denmark, France, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Spain, Sweden and the United Kingdom.
- *Placement search* in Denmark, Germany, Greece, Hungary, Ireland, Luxembourg, the Netherlands, Slovenia, Spain, Sweden and the United Kingdom.
- *Supply services* of office support personnel in Belgium, Denmark, France, Greece, Hungary, Ireland, Luxembourg, the Netherlands, Spain, Sweden and the United Kingdom.

These opportunities are subject to:

- General reservations.³⁰

Country-specific reservations:

- Germany:** Economic needs test applies for placement search services. Main criteria are situation and development of the labour market.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.³¹

30 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

31 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

3. Contractual service suppliers³² can travel to Europe to provide fashion model services in all EC countries.

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.
- All EC countries:** Economic needs test applies and technical qualifications³³ required.

4. A Caribbean business can provide the following personnel services from its home country to clients in Europe:

- Executive search* in Belgium, Denmark, France, Greece, Hungary, Italy, Luxembourg, the Netherlands and the United Kingdom.
- Placement search* in Hungary.
- Supply services of office support personnel* in Belgium, Denmark, Greece, Hungary, Luxembourg and the United Kingdom.

5. A Caribbean business can provide the following personnel services for European clients receiving those services within the Caribbean:

- Executive search* for clients from Belgium, Denmark, France, Greece, Hungary, Italy, Luxembourg, the Netherlands, Sweden and the United Kingdom.
- Placement search* for clients from Belgium, Hungary and Sweden.
- Supply services of office support personnel* for clients from Belgium, Denmark, Greece, Hungary, Luxembourg, Sweden and the United Kingdom.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the placement and supply of personnel services sector in the following countries:

- Barbados, Dominican Republic, Guyana, Saint Kitts and Nevis and Suriname.

³² Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

³³ Where the qualification has not been obtained in Europe, the EC country concerned may evaluate whether the contractual service supplier's qualification is equivalent to the qualification required in its territory.

Real estate services

1. A Caribbean business can establish a real estate agency in any EC country to provide services:

- Involving own or leased property
- On a fee or contract basis

These opportunities are subject to:

- General reservations.³⁴

2. A Caribbean business can secure permission for Caribbean staff to work in the real estate agency (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.³⁵

Country-specific reservations:

- Residency required in:
 - Hungary, Italy and Portugal.
 - Austria requires managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.

34 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

35 General reservations:

- (i) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (ii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iii) Hungary: applies economic needs test for graduate trainees.
- (iv) Romania: requires a company's auditors and their deputies to be Romanian.

- Denmark requires residency for real estate services on a fee or contract basis, unless waived by the Danish Commerce and Companies Agency.
 - France requires the managing director be resident or obtain specific authorization.
 - Sweden requires the managing director of a company to reside in Sweden.
- Nationality condition applies in: Latvia, Malta and Slovenia.

3. A Caribbean business can provide real estate services from its home country to clients in Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom.

4. A Caribbean business can provide real estate services to European clients receiving those services within the Caribbean.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the real estate services sector in the following countries:

- Dominican Republic, Jamaica, Saint Lucia, Suriname, and Trinidad and Tobago.

Rental/leasing services with operators

1. A Caribbean business can establish rental/leasing services (without operator) in any EC country for the following:

- Ships
- Aircraft
- Transport equipment*
- Machinery and equipment**
- Personal and household goods***
- Telecommunications equipment

* Includes: private cars; goods transport vehicles; and other land transport equipment.

** Includes: agriculture machinery and equipment; construction machinery and equipment; office machinery and equipment; and other machinery and equipment.

*** Includes: televisions, radios, videocassette recorders, related equipment and accessories; videotapes; furniture and other household appliances; pleasure and leisure equipment; and other personal or household goods. Does not include videotapes.

These opportunities are subject to:

- All EC countries:** Aircraft used by European carriers have to be registered in the EC country licensing the carrier or elsewhere in Europe. The aircraft must be owned by persons meeting specific nationality criteria or by

companies meeting specific criteria regarding ownership of capital and control (including nationality of directors). Waivers can be granted for short-term lease contracts or under exceptional circumstances.

- General reservations.³⁶

Country-specific reservations:

- Lithuania:** Ships must be owned by Lithuanian nationals or companies established in Lithuania.
- Sweden:** To fly the Swedish flag, foreign owned ships must show proof of a dominant Swedish operating influence.

2. A Caribbean business can secure permission for Caribbean staff to work in the rental business (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.³⁷

Country-specific reservations:

Personal and household goods

- Nationality condition applies for:

36 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

37 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

- Graduate trainees in all EC countries.
- Specialists in Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Germany, Denmark, Spain, Finland, France, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden and the United Kingdom.

Telecommunications equipment

- Nationality condition applies for specialists and graduate trainees in all EC countries.

3. A Caribbean business can provide rental/leasing services (without operator) for ships, aircraft, transport equipment, machinery, personal and household goods, and telecommunications equipment to European consumers receiving those services within the Caribbean.

4. A Caribbean business can provide rental/leasing services (without operator) from its home country to consumers in Europe for:

- *Ships* in Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.
- *Aircraft* in Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Portugal, Slovenia, Spain, Sweden and the United Kingdom.
- *Transport equipment* in Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Spain, Sweden and the United Kingdom.
- *Machinery and equipment* in Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Slovenia, Spain, Sweden and the United Kingdom.
- *Personal and household goods* in Latvia, Lithuania (and in Estonia for pre-recorded videocassettes only).
- *Telecommunications equipment* in all EC countries.

These opportunities are subject to:

- **All EC countries:** Aircraft used by European air carriers have to be registered in the EC country licensing the air carrier or elsewhere in Europe. Waivers can be granted for short-term lease contracts or under exceptional circumstances.

5. Caribbean business may have new opportunities where foreign investment has been liberalized for the rental/leasing services sector in the following countries:

- Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Maintenance and repair services

1. A Caribbean business can establish a company in any EC country to provide maintenance and repair services for:

- Vessels
- Rail transport equipment
- Motor vehicles, motorcycles, snowmobiles and road transport equipment
- Aircraft and parts
- Metal products (non-office), machinery (non-office/transport), equipment, personal and household goods

These opportunities are subject to:

- General reservations.³⁸

Country-specific reservations:

Rail transport equipment

- Latvia:** Has a State monopoly.
- Sweden:** Economic needs test³⁹ applies when an investor intends to establish its own terminal infrastructure facilities. The main criteria are space and capacity constraints.

Motor vehicles, motorcycles, snowmobiles and road transport equipment

- Sweden:** Economic needs test applies when an investor intends to establish its own terminal infrastructure facilities. The main criteria are space and capacity constraints.

³⁸ General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

³⁹ An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking into account the existing local capacity.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.⁴⁰

Country-specific reservations:

Vessels

- Malta:** Nationality condition applies.

Rail transport equipment

- Latvia:** Nationality condition applies.

Motor vehicles, motorcycles, snowmobiles and road transport equipment

- All EC countries:** Nationality condition applies for specialists and graduate trainees.

Metal products (non-office), machinery (non-office/transport), equipment, personal and household goods

- All EC countries:** Nationality condition applies for specialists and graduate trainees.

⁴⁰ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

3. Contractual service suppliers⁴¹ can travel to Europe to provide maintenance and repair services in all EC countries.

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.
- Economic needs test applies in: Austria, Bulgaria, Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Lithuania and Romania. Also applies in Belgium, except when contractual service suppliers annual wage is above the amount defined by relevant laws and regulations.

Vessels

- Economic needs test applies in: Malta and the United Kingdom.

Rail transport equipment

- Economic needs test applies in: Slovakia.

Motor vehicles, motorcycles, snowmobiles and road transport equipment

- Economic needs test applies in: Malta, Slovakia; and in the United Kingdom for motor vehicles, motorcycles, and snowmobiles.

Aircraft and parts

- Economic needs test applies in: Slovakia.

Metal products (non-office), machinery (non-office/transport), equipment, personal and household goods

- Economic needs test applies in: Slovakia.

4. A Caribbean business can provide maintenance and repair services from its home country to European consumers for:

- Vessels* in Austria, Czech Republic, Estonia, Hungary, Latvia, Luxembourg and Slovakia.
- Rail transport equipment* in Estonia and Hungary.
- Motor vehicles, motorcycles, snowmobiles and road transport equipment* in all EC countries.
- Aircraft and parts* in Austria, Estonia, Hungary, Latvia and Poland.
- Metal products (non-office), machinery (non-office/transport), equipment, personal and household goods* in all EC countries.

These opportunities are subject to:

- All EC countries:** Does not apply to internal waterways transport vessels.

⁴¹ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

5. A Caribbean business can provide maintenance and repair services to European consumers receiving those services within the Caribbean.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the maintenance and repair services sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Suriname, and Trinidad and Tobago.

Research and development services

1. A Caribbean business can establish a company in any EC country to provide the following:

- ❑ Research and development services on natural sciences*
- ❑ Research and development services on social sciences and humanities**
- ❑ Interdisciplinary research and development services

* Includes research and experimental development services on (a) natural sciences and engineering; (b) physical sciences; (c) chemistry and biology; (d) engineering and technology; (e) agriculture sciences; (f) medical sciences and pharmacy; and (g) other natural sciences.

** Includes research and experimental development services on (a) cultural sciences, sociology, and psychology; (b) economics; (c) law; (d) linguistics and languages; and (e) other social sciences and humanities. Excludes psychologist services.

These opportunities are subject to:

- ❑ **All EC countries:** For publicly funded research and development services, exclusive rights and/or authorization can only be granted to European nationals and to European companies having their headquarters in Europe.
- ❑ General reservations.⁴²

⁴² General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.⁴³

3. Contractual service suppliers⁴⁴ and independent professionals⁴⁵ can travel to Europe to provide research and development services in all EC countries.

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.
- All EC countries:** A hosting agreement with an approved research organization is required.
- Economic needs test applies in: Czech Republic, Denmark and Slovakia.

43 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

44 Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

45 A self-employed professional who has no commercial presence in Europe but who has a contract to supply services in an EC country.

4. A Caribbean business can provide research and development services to European consumers receiving those services either within Europe or within the Caribbean.

These opportunities are subject to:

- ❑ **All EC countries:** For publicly funded research and development services, exclusive rights and/or authorization can only be granted to European nationals and to European companies having their headquarters in Europe.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the research and development services sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Scientific and technical testing, advisory and consulting services

1. A Caribbean business can establish a company in any EC country to provide:

- ❑ Technical testing and analysis services*
- ❑ Engineering related scientific and technical consulting services**
- ❑ Advisory and consulting services incidental to agriculture, hunting, forestry, fishing, and manufacturing

* Includes: (a) composition and purity testing and analysis services; (b) testing and analysis services of physical properties; (c) testing and analysis services of integrated mechanical and electrical systems; (d) technical inspection services; and (e) other technical testing and analysis service.

** Includes: (a) geological, geophysical and other scientific prospecting services; (b) subsurface surveying services; (c) surface surveying services; and (d) map-making services.

These opportunities are subject to:

- ❑ General reservations.⁴⁶

46 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

Country-specific reservations:

- ❑ **France:** Foreign investors require a specific authorization for exploration and prospecting services.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.⁴⁷

Country-specific reservations:

Technical testing and analysis services

- ❑ **Italy, Portugal:** Residency required for biologists and chemical analysts.

Engineering related scientific and technical consulting services

- ❑ **Belgium:** Nationality condition applies for specialists.
- ❑ **France:** Nationality condition applies for surveying operators relating to the establishment of property rights and to land law.
- ❑ **Germany:** Nationality condition applies for publicly appointed surveyors.
- ❑ **Italy:** Residency required.
- ❑ **Portugal:** Residency required.

Advisory and consulting services incidental to agriculture, hunting and forestry

- ❑ **Italy:** Residency required for agronomists and *periti agrari*.

⁴⁷ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

3. Contractual service suppliers⁴⁸ can travel to Europe to provide technical testing and analysis services, and engineering related scientific and technical consulting services in all EC countries (except for surveyors in Germany and France).

These opportunities are subject to:

- ❑ The terms and conditions as outlined in the introduction to this Guide.

Technical testing and analysis services

- ❑ Economic needs test applies in:
 - Austria, Bulgaria, Czech Republic, Finland, Hungary, Latvia, Lithuania, Malta, Portugal, Romania and Slovakia.
 - Belgium, except when contractual service suppliers annual wage is above the amount defined by relevant laws and regulations.
 - Denmark, except for contractual service suppliers who stay up to three months.

Engineering related scientific and technical consulting services

- ❑ Economic needs test applies in:
 - Austria, Bulgaria, Czech Republic, Denmark, Finland, Germany, Hungary, Latvia, Lithuania, Malta, Portugal, Romania and Slovakia.
 - Belgium, except when contractual service suppliers annual wage is above the amount defined by relevant laws and regulations.

4. A Caribbean business can provide the following services from its home country to consumers in Europe:

- ❑ *Technical testing and analysis services* in Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Slovenia, Spain and the United Kingdom.
- ❑ *Engineering-related scientific and technical consulting services* in all EC countries.
- ❑ *Advisory and consulting services incidental to agriculture, hunting and forestry* in all EC countries (except Estonia, Malta, Romania and Slovenia).
- ❑ *Advisory and consulting services incidental to fishing* in all EC countries (except Latvia, Malta, Romania and Slovenia).

These opportunities are subject to:

Technical testing and analysis services

- ❑ **Italy:** Does not include biologists and chemical analysts.

⁴⁸ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

Engineering related scientific and technical consulting services

- ❑ Does not include exploration services in Belgium, Bulgaria, Cyprus, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain and the United Kingdom.

Advisory and consulting services incidental to agriculture, hunting and forestry

- ❑ **Italy:** Does not include activities reserved to agronomists and ‘*periti agrari*’.

5. A Caribbean business can provide the following services to European consumers receiving those services within the Caribbean:

- ❑ *Technical testing and analysis services* for consumers from Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Slovenia, Spain and the United Kingdom.
- ❑ *Engineering-related scientific and technical consulting services* for consumers from all EC countries.
- ❑ *Advisory and consulting services incidental to agriculture, hunting, forestry and fishing* for consumers from all EC countries.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the scientific and technical testing, and advisory and consulting services sectors in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Photographic, packaging, printing and publishing, duplication, and telephone answering services**1. A Caribbean business can establish a company in any EC country to provide:**

- ❑ Photographic services
- ❑ Packaging services
- ❑ Printing and publishing services
- ❑ Duplicating services
- ❑ Telephone answering services

These opportunities are subject to:

- ❑ General reservations.⁴⁹

Country-specific reservations:

Printing and publishing services

- ❑ **Latvia, Lithuania:** Establishment rights in the publishing sector are granted only to nationally incorporated companies (no branches).
- ❑ **Poland:** Nationality condition for the editor-in-chief of newspapers and journals.
- ❑ **Sweden:** Residency required for publisher and owner of a publishing and printing company.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.⁵⁰

49 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

50 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

Country-specific reservations:

Photographic services

- Latvia:** Nationality condition applies for specialty photography services.
- Poland:** Nationality condition applies for supply of aerial photographic services.

Printing and publishing

- Sweden:** Residency required for publisher and owner of a publishing and printing company.

Duplicating services

- Nationality condition applies for specialists and graduate trainees in: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.
- Latvia:** Economic needs test applies for specialists, and nationality condition for graduate trainees.

3. A Caribbean business can provide photographic, printing and publishing, duplicating, and telephone answering services from its home country to consumers in all EC countries.

These opportunities are subject to:

Photographic services

- Does not include aerial photographic services in Bulgaria, Estonia, Malta and Poland; or speciality photographic services in Latvia.

4. A Caribbean business can provide photographic, packaging, printing and publishing, duplicating, and telephone answering services to European consumers receiving those services within the Caribbean.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the photographic, packaging, printing and publishing, duplicating and telephone answering services sectors in the following countries:

- Barbados, Dominica, Dominican Republic, Grenada, Guyana, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines and Suriname.

Investigation and security, collection agency, and credit reporting services

1. A Caribbean business can establish a company in Europe to provide:

- Investigation services* in Austria, Denmark, Finland, Sweden and the United Kingdom.
- Security services* in all EC countries.
- Collection agency services* in all EC countries.
- Credit reporting services* in all EC countries.

These opportunities are subject to:

- General reservations.⁵¹

Country-specific reservations:

Security services

- Nationality condition applies for licences in: Bulgaria, Cyprus, Czech Republic, Estonia, Finland, Latvia, Lithuania, Malta, Poland, Romania, Slovenia and Slovakia.
- Denmark:** Nationality and residency required for members of the board. No commitments undertaken for the supply of airport guard services.
- Spain:** Companies must incorporate (no direct branching). Access is subject to prior authorization.

Collection agency services

- Nationality condition applies for investors in Italy and Poland.

Credit reporting services

- Nationality condition applies for investors in Belgium, Italy and Poland (for Belgium: investors in consumer credit databanks only).

51 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.⁵²

Country-specific reservations:

Security services

- Nationality condition applies:
 - With residency requirement in Bulgaria, Cyprus, Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland, Romania, Slovenia and Slovakia.
 - With residency requirement in Belgium for management personnel.
 - With residency requirement in Denmark for managers and for airport guard services.
 - With residency requirement in Italy to obtain authorization for security guard services and the transport of valuables.
 - In Spain and Portugal for specialized personnel.
 - In France for managing directors and directors.

Collection agency services and credit reporting services

- Nationality condition applies: in Belgium, Greece and Italy.

3. A Caribbean business can provide the following services from its home country to consumers in Europe:

- Investigation services for consumers* in Austria and Sweden.
- Security services for consumers* in Austria, Denmark, Germany, Greece, Ireland, Luxembourg, the Netherlands, Sweden and the United Kingdom.
- Collection agency services for consumers* in Austria and Latvia.
- Credit reporting services for consumers* in Austria and Latvia.

⁵² General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

4. A Caribbean business may have new opportunities where foreign investment has been liberalized for the investigation and security, collection agency, and credit reporting services sectors in the following countries:

- ❑ Barbados, Dominican Republic, Guyana, Saint Lucia and Suriname.

Building cleaning, interior and specialty design, and telecommunications consulting services

1. A Caribbean business can establish a company in any EC country to provide:

- ❑ Building cleaning services
- ❑ Interior design and other specialty design services
- ❑ Telecommunications consulting services

These opportunities are subject to:

- ❑ General reservations.⁵³

53 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.⁵⁴

Country-specific reservations:

Building cleaning services

- Nationality condition applies for specialists in: Cyprus, Estonia, Malta, Poland, Romania and Slovenia.

3. A Caribbean business can provide interior design services and telecommunications consulting services from its home country to consumers all EC countries.

These opportunities are subject to:

Interior design and other specialty design services

- Germany:** National rules on fees and emoluments apply for all services that are performed from abroad.

⁵⁴ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

4. A Caribbean business can provide building cleaning, convention, interpretation and translation, interior design, and telecommunications consulting services to European consumers receiving those services within the Caribbean.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the building-cleaning, convention, translation and interpretation, interior and specialty design, and telecommunications consulting services sectors in the following countries:

- Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Chapter 2

Communication services

1. A Caribbean business can establish a company to provide communication services in any EC country:

- Postal and courier services*
- Telecommunications services**

* Includes services relating to the handling, clearance, sorting, transport and delivery of postal items, for domestic or foreign destinations, for the following:

- (i) Handling of addressed written communications on any kind of physical medium including hybrid mail service and direct mail.
- (ii) Handling of addressed parcels and packages.
- (iii) Handling of addressed press products.
- (iv) Handling of items referred to in (i), (ii) and (iii) above as registered or insured mail.
- (v) Express delivery services for items referred to in (i), (ii) and (iii) above. Express delivery services can include, in addition to greater speed and reliability, value added elements such as collection from point of origin, personal delivery to addressee, tracing and tracking, possibility of changing the destination and addressee in transit, confirmation of receipt.
- (vi) Handling of non-addressed items.
- (vii) Document exchange. Sub-sectors (i), (iv) and (v) are excluded for items of correspondence the price of which is less than 2.5 times the public basic tariff, provided that they weigh less than 50 grams; and for the registered mail service used in the course of judicial or administrative procedures. Document exchange is the provision of means, including the supply of ad hoc premises as well as transportation by a third party, allowing self-delivery by mutual exchange of postal items between users subscribing to the service.

** Includes: (a) all services consisting of the transmission and reception of signals by any electromagnetic means but excludes online information, data or transaction processing (covered under Business – Computer services); and (b) satellite broadcast transmission services but excludes the selling of television programme packages to households.

These opportunities are subject to:

- General reservations.⁵⁵

55 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- i(ii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

Satellite broadcast transmission services

Country-specific reservations:

- ❑ **All EC countries:** Service suppliers may be subject to obligations to safeguard general interest objectives related to the conveyance of content through their network in line with the EC regulatory framework for electronic communications.
- ❑ **Belgium:** Does not include satellite broadcast transmission services.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.⁵⁶

3. A Caribbean business can provide communications services from their home country to consumers in Europe.

These opportunities are subject to:

Satellite broadcast transmission services

- ❑ **All EC countries:** Service providers may be subject to obligations to safeguard general interest objectives related to the conveyance of content through their network in line with the EC regulatory framework for electronic communications.
- ❑ **Belgium:** Does not include satellite broadcast transmission services.

⁵⁶ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

4. A Caribbean business may have new opportunities where foreign investment has been liberalized for the communication services sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Universal service⁵⁷ and individual licences for courier services

EC countries can determine the kind of universal service that operates in their Member State so long as it is administered in a transparent, non-discriminatory and competitively neutral manner.

An individual licence may be required for services within the scope of universal services. For individual licences, the criteria, decision-making period, terms and conditions must be made publicly available. Businesses also have procedural rights to request the reason for a denial of an individual licence, and to appeal the decision.

Regulatory framework for telecommunications

Regulatory authority. Regulatory authorities for telecommunications must be legally distinct and functionally independent from any supplier of telecommunications services, and their roles and responsibilities must be publicly available. Decisions and procedures must be impartial and suppliers have the right to appeal any decision by a regulatory authority.

Licensing. Provision of services shall, as much as possible, be authorized on mere notification. Where a licence is required (for example, to address issues of attributions of numbers and frequencies) the licensing criteria and decision-making period must be made publicly available. Businesses also have procedural rights to request in writing the reasons for denial of licence, and to appeal the decision. Licensing fees shall not exceed the administrative costs incurred in the management, control and enforcement of the licences.

Competitive safeguards. Governments must maintain measures to prevent anti-competitive practices including:

- ❑ Engaging in anti-competitive cross-subsidization.
- ❑ Using information obtained from competitors with anti-competitive results.
- ❑ Not making available to other service suppliers, on a timely basis, technical information about essential facilities and commercially relevant information, which are necessary for them to provide services.

Interconnection. Suppliers authorized to provide telecommunications services have the right to negotiate interconnection with other providers of publicly available telecommunications networks and services. This should be agreed on the basis of a commercial negotiation.

Regulatory authorities will ensure that suppliers respect the confidentiality of information acquired from another supplier during the interconnection negotiations, and that the information is not used for any other purpose.

⁵⁷ A universal service is the permanent provision of a postal service that covers all areas of a territory at affordable prices for all users.

Interconnection with a major supplier will be ensured at any technically feasible point in the network and shall be provided:

- ❑ Under non-discriminatory terms, conditions and rates, and of a quality no less favourable than that provided for its own like services.
- ❑ In a timely fashion on terms, conditions and rates that are transparent, reasonable, and sufficiently unbundled so that the supplier does not pay for network components or facilities it does not require.
- ❑ Upon request, at points in addition to the network termination points offered to the majority of users, subject to charges for the cost of necessary additional facilities.

The procedures for interconnection, and major suppliers' interconnection agreements or reference interconnection offers must be made publicly available. Services suppliers can have recourse to an independent domestic body to resolve disputes regarding appropriate terms, conditions, and rates for interconnection.

Scarce resources. The procedures for allocating scarce resources such as frequencies, numbers and rights of way must be carried out in an objective, timely, transparent and non-discriminatory manner.

The allocation of frequency bands must be made publicly available (excluding government used frequencies).

Universal service. All suppliers should be eligible to provide a universal service (the services that must be made available to all users in the country). The designation will be made through an efficient, transparent and non-discriminatory process. Where justified, regulatory authorities may compensate the supplier or share costs of the universal service obligations.

Disputes. Suppliers can request the national regulatory authority help resolve disputes between suppliers by issuing binding decisions.

Chapter 3

Construction and related engineering services

1. A Caribbean business can establish a company to provide construction and related engineering services in any EC country.

These opportunities are subject to:

- ❑ General reservations.⁵⁸

Country-specific reservations:

- ❑ **Bulgaria:** For projects of national or regional significance, foreign investors have to act in partnership with, or as subcontractors of, local investors.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

58 General reservations:

- Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- Registration, licensing and qualification requirements apply in all EC countries.
- The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

These opportunities are subject to:

- ❑ General reservations.⁵⁹

Country-specific reservations:

- ❑ **Bulgaria:** Foreign specialists must have at least two years experience in the field of construction.
- ❑ **Malta:** Nationality condition applies.

3. Contractual service suppliers⁶⁰ can travel to Europe to provide site investigation work in all EC countries.

These opportunities are subject to:

- ❑ The terms and conditions as outlined in the introduction to this Guide.
- ❑ Economic needs test⁶¹ applies in:
 - Austria, Bulgaria, Czech Republic, Finland, Hungary, Latvia, Lithuania, Romania and Slovakia.
 - Belgium, except when contractual service suppliers annual wage is above the amount defined by the relevant laws and regulations.
 - Denmark, except when contractual service suppliers stay up to three months.

⁵⁹ General reservations:

(i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.

(ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.

(iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.

(iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.

(v) Hungary: applies economic needs test for graduate trainees.

(vi) Romania: requires a company's auditors and their deputies to be Romanian.

(vii) Sweden: requires the managing director of a company to reside in Sweden.

⁶⁰ Employees of a Caribbean company that does not have a commercial presence in Europe, but which does have a contract to supply services in an EC country.

⁶¹ An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market taking into account the existing capacity.

4. A Caribbean business can provide construction and related engineering services from its home country to consumers in Europe.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for construction and related engineering services sector in the following countries:

- Antigua and Barbuda, Barbados, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Suriname, and Trinidad and Tobago.

Chapter 4

Distribution services

1. A Caribbean business can establish a company in any EC country to provide:

- Commission agents' services*
- Wholesale trade services**
- Retailing services***
- Franchising

The Agreement excludes the distribution of arms, munitions, explosives and other war material.

* Includes: commission agents' services of motor vehicles, motorcycles and snowmobiles and parts and accessories, and other commission agents' services.

** Includes: (a) wholesale trade services of motor vehicles, motorcycles and snowmobiles, and parts and accessories; (b) wholesale trade services of telecommunication terminal equipment; and (c) other wholesale trade services (excluding energy products).

*** Includes retailing services of: (a) motor vehicles, motorcycles and snowmobiles, and parts and accessories; (b) telecommunications terminal equipment; (c) food; (d) other goods (excluding energy products, pharmaceutical, medical and orthopaedic goods).

These opportunities are subject to:

- Some economic activities may be subject to public monopolies or to exclusive rights granted to private operators, such as the distribution of chemical products, pharmaceuticals, products for medical use, military equipment, precious metals (and stones), tobacco and tobacco products, and alcoholic beverages.
- General reservations.⁶²

Country-specific reservations:

- Austria:** Does not include distribution of pyrotechnical goods, ignitable articles and blasting devices, and toxic substances. Exclusive rights and/or

⁶² General reservations:

(i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).

(ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).

(iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.

(iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).

(v) Registration, licensing and qualification requirements apply in all EC countries.

(vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

authorization to distribute pharmaceutical and tobacco products are granted to European nationals and European companies with their headquarters in Europe.

- Finland:** Does not include distribution of alcoholic beverages.

Wholesale trade services

- France:** State monopoly on tobacco. Economic needs test⁶³ applies to wholesale pharmacies. The main criteria are population and geographical density of existing pharmacies.
- Italy:** State monopoly on tobacco.

Retailing services

- Economic needs test applies in: Belgium, Bulgaria, Denmark, France, Italy, Malta and Portugal for authorization for department stores (in France, only for large stores). The main criteria are number of and impact on existing stores, population density, geographic spread, impact on traffic conditions, and creation of new employment. Also in Sweden for temporary trade in clothing, shoes, and foodstuffs that are not consumed at the point of sale. The main criterion is impact on existing stores.
- Ireland, Sweden:** Does not include retail sale of alcoholic beverages.
- Italy, Spain:** Does not include tobacco.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) providing food retailing services in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.⁶⁴

⁶³ An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market taking into account existing local capacity.

⁶⁴ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

Country-specific reservations:

- France:** Nationality condition applies for tobacconists (i.e. buraliste).

3. A Caribbean business can provide distribution services from its home country to consumers in all EC countries.

These opportunities do not include:

- Chemical products, precious metals, and stones in all EC countries.
- Pyrotechnical goods, ignitable articles and blasting devices, and toxic substances in Austria.
- Products for medical use (such as medical and surgical devices, medical substances, objects for medical use) in Austria or Bulgaria.
- Tobacco in Austria, Bulgaria, Italy, Poland and Romania.
- Alcoholic beverages in Bulgaria, Finland, Poland and Romania; and in Sweden for retail distribution.
- Pharmaceuticals in Austria, Bulgaria, Czech Republic, Finland, Romania, Slovakia and Slovenia.
- Commodity brokers' services in Bulgaria, Hungary, Poland.
- Commission agents' services for traders and brokers working in 17 markets of national interest on fresh food products; and wholesale of pharmaceuticals in France.
- Commission agents' services in Malta.
- Retailing services (except mail order) in Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Spain and the United Kingdom.

4. A Caribbean business can provide distribution services to European consumers receiving those services within the Caribbean.

These opportunities do not include:

- Chemical products, precious metals, and stones in all EC countries.
- Pyrotechnical goods, ignitable articles and blasting devices, and toxic substances in Austria.
- Products for medical use (such as medical and surgical devices, medical substances, and objects for medical use) in Austria or Bulgaria.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the distribution services sector in the following countries:

- Barbados, Dominican Republic, Guyana, Suriname, and Trinidad and Tobago.

Chapter 5

Education services

1. A Caribbean business can establish the following education services (privately-funded only) in Europe:

- ❑ *Primary education services* in Austria, Belgium, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain and the United Kingdom.
- ❑ *Secondary education services* in Austria, Belgium, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and the United Kingdom.
- ❑ *Higher education services* in Belgium, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovenia, Spain and the United Kingdom.
- ❑ *Adult education services* in Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and the United Kingdom.
- ❑ *Other education services* in Czech Republic and Slovakia.

These opportunities are subject to:

- ❑ General reservations.⁶⁵

Country-specific reservations:

Primary, secondary, higher and adult education services

- ❑ **All EC countries:** Participation of private operators in the education network is subject to concession.

65 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

- ❑ Nationality condition applies in:
 - Czech Republic and Slovakia for majority of board members.
 - Greece for majority of board members in primary and secondary schools.
 - Slovenia for majority of board members in secondary and high schools.
- ❑ Economic needs test⁶⁶ applies in: Spain and Italy for opening private universities authorized to issue recognized diplomas or degrees (procedure involved advice of Parliament). Main criteria are population and density of existing establishments.
- ❑ **Austria:** Does not include adult education services by radio or television broadcasting.
- ❑ **Latvia:** Does not include services relating to technical and vocational secondary school-type education services for students with disabilities.
- ❑ **Hungary, Slovakia:** The number of schools being established may be limited by local or central authorities in charge of granting licences.

Other education services

- ❑ Czech Republic, Slovakia: Participation of private operators is subject to concession. Nationality condition applies of majority of board members.

2. A Caribbean business can secure permission for Caribbean staff to work in the education service (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.⁶⁷

⁶⁶ An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking into account existing local capacity.

⁶⁷ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

Country-specific reservations:

Primary education services

- ❑ **France:** Nationality condition applies however foreigners may obtain authorization from competent authorities to establish and direct an education institution and to teach; and in Italy for service providers who are authorized to issue State recognized diplomas.
- ❑ **Greece:** Nationality condition applies for teachers.

Secondary education services

- ❑ **France:** Nationality condition applies; however, foreigners may obtain authorization from competent authorities to establish and direct an education institution and to teach; and in Italy for service providers who are authorized to issue State recognized diplomas.
- ❑ **Greece:** Nationality condition applies for teachers.
- ❑ **Latvia:** Nationality condition applies for technical and vocational secondary school-type education services for students with disabilities.

Higher education services

- ❑ **Denmark:** Nationality condition applies for professors.
- ❑ **France:** Nationality condition applies however foreigners may obtain authorization from competent authorities to establish and direct an education institution and to teach; and in Italy for service providers who are authorized to issue State recognized diplomas.
- ❑ **Czech Republic, Slovakia:** Nationality condition applies for higher education services, except for post-secondary technical and vocational services.

3. University professors that qualify as contractual service suppliers⁶⁸ and have a contract in France or Luxembourg can travel to these countries to work as professors.

These opportunities are subject to:

- ❑ The terms and conditions as outlined in the introduction to this Guide.
- ❑ The temporary entry will be for a cumulative period not exceeding nine months in France and 25 weeks in Luxembourg during a 12-month period or for the duration of the contract (whichever is less).
- ❑ **France:** The professors must have obtained an employment contract from a university or other higher education institution. Economic needs test applies unless those professors are designated directly by the Minister in charge of higher education. The work permit is delivered for a period not exceeding nine months, renewable for the duration of the contract. The recruiting institution must pay a tax to the International Migration Office.

⁶⁸ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

4. A Caribbean business can provide the following education services from its home country to students in Europe:

- ❑ *Primary education services* in Austria, Belgium, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain and the United Kingdom.
- ❑ *Secondary education services* in Austria, Belgium, Czech Republic, Denmark, Estonia, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and the United Kingdom.
- ❑ *Higher education services* in Belgium, Denmark, Estonia, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovenia, Spain and the United Kingdom.
- ❑ *Adult education services* in Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and the United Kingdom.
- ❑ *Other education services* in Czech Republic and Slovakia.

These opportunities are subject to:

Secondary education services

- ❑ **Latvia:** Does not include services relating to technical vocational secondary school-type services for students with disabilities.

Adult education services

- ❑ **Austria:** Does not include adult education services provided by radio or television broadcasting.

5. A Caribbean business can provide the following education services for European students receiving those services within the Caribbean:

- ❑ *Primary education services* for students from Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain and the United Kingdom.
- ❑ *Secondary education services* for students from Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and the United Kingdom.
- ❑ *Higher education services* for students from Belgium, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovenia, Spain and the United Kingdom.
- ❑ *Adult education services* for students from Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and the United Kingdom.
- ❑ *Other education services* for students from Bulgaria, Czech Republic, France, Italy and Slovakia.

These opportunities are subject to:

Secondary education services

- ❑ **Latvia:** does not include education services relating to technical vocational secondary school-type services for students with disabilities.

Adult education services

- ❑ **Austria:** does not include adult education services provided by radio or television broadcasting.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the education services sector in the following countries:

- ❑ Antigua and Barbuda, Dominica, Dominican Republic, Guyana, Jamaica, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Chapter 6

Environmental services

1. A Caribbean business can establish a company to provide environmental services in any EC country.

Environmental services include:

- Wastewater services;
- Solid/hazardous waste management, excluding cross-border transport of hazardous waste; refuse disposal services; sanitation and similar services;
- Protection of ambient air and climate;
- Remediation and clean up of soil and waters;
- Noise and vibration abatement;
- Protection of biodiversity and landscape; nature and landscape protection services; and
- Other environmental and ancillary services.

These opportunities are subject to:

- General reservations.⁶⁹

⁶⁹ General reservations:

(i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).

(ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).

(iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.

(iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).

(v) Registration, licensing and qualification requirements apply in all EC countries.

(vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.⁷⁰

3. Contractual service suppliers⁷¹ can travel to Europe to provide environmental services in all EC countries.

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.
- Economic needs test⁷² applies in:
 - Austria, Bulgaria, Czech Republic, Germany, Denmark, Greece, Finland, Hungary, Latvia, Lithuania, Romania and Slovakia;
 - Belgium, except when contractual service suppliers annual wage is above the amount defined by relevant laws and regulations.

4. A Caribbean business can provide environmental consulting services from its home country to clients in Europe.

⁷⁰ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

⁷¹ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

⁷² An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking into account the existing local capacity.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the environmental services sector in the following countries:

- Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Chapter 7

Financial services

1. A Caribbean business can establish a company to provide financial services in any EC country.

- Insurance and insurance related services*
- Banking and other financial services**

* Includes: (a) direct insurance (including co-insurance) for life and non-life; (b) reinsurance and retrocession; (c) insurance intermediation, such as brokerage and agency; and (d) services auxiliary to insurance such as consultancy, actuarial, risk assessment and claim settlement services.

**Includes: (a) acceptance of deposits and other repayable funds from the public; (b) ending of all types, including consumer credit, mortgage credit, factoring and financing of commercial transaction; (c) financial leasing; (d) all payment and money transmission services, including credit, charge and debit cards, travellers cheques and bankers drafts; (e) guarantees and commitments; (f) trading for own account or for account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:

(i) money market instruments (including cheques, bills, certificates of deposits); (ii) foreign exchange; (iii) derivative products including, but not limited to, futures and options; (iv) exchange rate and interest rate instruments, including products such as swaps, forward rate agreements; (v) transferable securities; (vi) other negotiable instruments and financial assets, including bullion; (g) participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues; (h) money broking; (i) asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial, depository and trust services; (j) settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments; (k) provision and transfer of financial information, and financial data processing and related software; and (l) advisory, intermediation and other auxiliary financial services on all the activities listed in (a) to (k), including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

These opportunities are subject to:

- General reservations.⁷³

73 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

Country-specific reservations:

Insurance and insurance related services

- ❑ **Austria:** Licences for branch offices will be denied if the insurer in its home country does not have a legal form corresponding or comparable to a joint stock company or a mutual insurance association.
- ❑ **Bulgaria:** Local incorporation (no branches) required for insurance intermediaries. Before establishing a branch or agency to provide certain classes of insurance, a foreign insurer must have been authorized to operate in the same classes of insurance in its home country for at least five years.
- ❑ **Finland:** At least one half of the promoters and members of the board of directors and the supervisory board of an insurance company shall have their place of residence in Europe, unless the competent authorities have granted an exemption. Foreign insurers cannot get a licence in Finland as a branch to carry on statutory pension insurance.
- ❑ **Greece:** The right of establishment does not cover the creation of representative offices or other permanent presence of insurance companies, except where such offices are established as agencies, branches or head offices.
- ❑ **Italy:** The authorization of the establishment of branches is ultimately subject to the evaluation of supervisory authorities.
- ❑ **Poland:** Local incorporation (no branches) required for insurance intermediaries.
- ❑ **Portugal:** To establish a branch, foreign insurance companies need to demonstrate prior operational experience of at least five years. Direct branching is not permitted for insurance intermediation, which is reserved to companies formed in accordance with the law of an EC country.
- ❑ **Slovakia:** A foreign national may establish an insurance company in the form of a joint stock company or may conduct insurance business through their subsidiaries with a registered office in the Slovakia (no branches).
- ❑ **Slovenia:** Foreign investors cannot participate in insurance companies under privatization. Membership of the mutual insurance institution is limited to companies established in the Republic of Slovenia (no branches) and domestic persons. For providing consultancy and claim settlement services, incorporation is required as a legal entity (no branches). For sole proprietors, residency is required.
- ❑ **Spain:** Before establishing a branch or agency to provide certain classes of insurance, a foreign insurer must have been authorized to operate in the same classes of insurance in its home country for at least five years.
- ❑ **Sweden:** Insurance broking undertakings not incorporated in Sweden may only be established through a branch.

Banking and other financial services

- ❑ **All EC countries:** Only firms having their registered office in Europe can act as depositories of the assets of investment funds. The establishment of a specialized management company, having its head office and registered office in the same Member State, is required to perform the activities of management of unit trusts and investment companies.

- ❑ **Bulgaria:** Pension insurance shall be implemented through participation in incorporated pension insurance companies (no branches). Permanent residence is required for the chairperson of the management board and the chairperson of the board of directors.
- ❑ **Cyprus:** Only members (brokers) of the Cyprus Stock Exchange can undertake business pertaining to securities brokerage in Cyprus. A brokerage firm may only be registered as a member of the Cyprus Stock Exchange if it has been established and registered in accordance with the Companies Law of Cyprus (no branches).
- ❑ **Finland:** At least one half of the founders, the members of the board of directors, at least one ordinary and one deputy member of the supervisory board, and the person entitled to sign in the name of the credit institution shall have their permanent residence in Europe. Exemption from these requirements may be granted by the competent authorities.
- ❑ **Hungary:** Branches of foreign institutions are not allowed to provide asset management services for private pension funds or management of venture capital. The board of a financial institution should include at least two members who are Hungarian citizens, residents in the meaning of the relevant foreign exchange regulations and have permanent residency in Hungary for at least one year.
- ❑ **Ireland:** In the case of collective investment schemes constituted as unit trusts and variable capital companies (other than Undertakings for Collective Investment in Transferable Securities, UCITS), the trustee/depository and management company is required to be incorporated in Ireland or in another EC country (no branches). In the case of an investment limited partnership of a stock exchange in Ireland, an entity must either i) be authorized in Ireland, which required that it be incorporated or be a partnership with a head/registered office in Ireland, or ii) be authorized in another EC country in accordance with the EC Investment Services Directive.
- ❑ **Italy:** To be authorized to manage the securities settlement system with an establishment in Italy, a company is required to be incorporated in Italy (no branches). To be authorized to manage central securities depository services with an establishment in Italy, companies are required to be incorporated in Italy (no branches). In the case of collective investment schemes other than UCITS harmonized under EC legislation, the trustee/depository is required to be incorporated in Italy or in another EC country and established through a branch in Italy. Management companies of UCITS not harmonized under EC legislation are also required to be incorporated in Italy (no branches). Only banks, insurance companies, investment firms and companies managing UCITS harmonized under EC legislation having their legal head office in Europe, as well as UCITS incorporated in Italy may carry out activity of pension fund resources management. In providing the activity of door-to-door selling, intermediaries must utilize authorized financial salesmen resident within the territory of an EC country. Representative offices of foreign intermediaries cannot carry out activities aimed at providing investment services.
- ❑ **Lithuania:** For the purpose of asset management, incorporation as a specialized management company (no branches) is required. Only firms having their registered office in Lithuania can act as the depositories of the assets.
- ❑ **Portugal:** Pension fund management may be provided only by specialized companies incorporated in Portugal for that purpose and by insurance

companies established in Portugal and authorized to take up the life insurance business or by entities authorized to pension fund management in other EC country. No direct branching from non-EC countries.

- ❑ **Romania:** Branches of foreign institutions are not allowed to provide asset management services.
- ❑ **Slovakia:** Investment services can be provided by banks, investment companies, investment funds and security dealers that have the legal form of a joint stock company with equity capital according to the law (no branches).
- ❑ **Slovenia:** does not include participation in banks under privatization and for private (non-compulsory) pension funds.
- ❑ **Sweden:** A founder of a savings bank shall be a natural person resident in Europe.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.⁷⁴

Country-specific reservations:

Insurance and insurance related services

- ❑ **Austria:** The management of a branch office must consist of two natural persons resident in Austria.
- ❑ **Estonia:** For direct insurance, the management body of an insurance joint stock company with foreign capital participation may include citizens of non-EC countries only in proportion to the foreign participation, and not more than half of the members of the management group. The head of the management of a subsidiary or an independent company must permanently reside in Estonia.

⁷⁴ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

- ❑ **Finland:** The managing directors and at least one auditor of an insurance company shall have residence within Europe, unless the competent authorities grant an exemption. The general agent of the foreign insurance company shall have residence in Finland, unless the company has its head office in Europe.
- ❑ **Italy:** Residency required for the actuarial profession.
- ❑ **Spain:** Residency and three years experience is required for the actuarial profession.

Banking and other financial services

- ❑ **Bulgaria:** Permanent residence is required for the executive directors and the managerial agent.
- ❑ **Finland:** The managing directors and at least one auditor of credit institutions shall have residence within Europe, unless the Financial Supervision Authority grants an exemption. The broker (individual person) on derivative exchange shall have residence within Europe.
- ❑ **Italy:** Condition of residence within the territory of an EC country for '*promotori di servizi finanziari*' (financial salesmen).
- ❑ **Lithuania:** At least one manager must be a European citizen.
- ❑ **Poland:** Nationality requirement for at least one of the bank executives.

3. A Caribbean business can provide financial services from its home country to clients in all EC countries.

These opportunities are subject to:

Insurance and insurance related services

- ❑ For Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Romania, Slovakia, Slovenia, Sweden, Spain and the United Kingdom, does not include:

Direct insurance services and direct insurance intermediation services, except for insurance of risks relating to:

- Maritime shipping and commercial aviation and space launching and freight (including satellites) with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability arising therefrom.
- Goods in international transit (for Lithuania: except related to land transport where the risk is located in Lithuania).
- ❑ **Cyprus, Latvia, Lithuania, Malta and Poland** also does not include direct insurance services, except for insurance of risks relating to (i) and (ii) above.
- ❑ For **Bulgaria, Latvia, Lithuania and Poland** does not include insurance intermediation.
- ❑ **Austria:** Promotional activity and intermediation on behalf of a subsidiary not established in Europe or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited. Compulsory air insurance,

except for insurance of international commercial air transport, can be underwritten only by a subsidiary established in Europe or by a branch established in Austria. Higher premium tax is due for insurance contracts (except for contracts on reinsurance and retrocession) that are written by a subsidiary not established in Europe or by a branch not established in Austria. Exception from the higher tax can be granted.

- ❑ **Bulgaria:** Does not include direct insurance, except for services supplied by foreign suppliers to foreign persons in the territory of the Republic of Bulgaria. Transport insurance covering goods, insurance of vehicles, and liability insurance regarding risks located in the Republic of Bulgaria may not be underwritten directly by foreign insurance companies. A foreign insurance company may conclude insurance contracts only through a branch. No commitments undertaken for deposit insurance and similar compensation schemes, as well as mandatory insurance schemes.
- ❑ **Denmark:** Compulsory air transport insurance can only be underwritten by firms established in Europe. No person or companies (including insurance companies) may for business purposes assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities.
- ❑ **Germany:** Compulsory air insurance policies can only be underwritten by a subsidiary established in Europe or by a branch established in Germany. If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany.
- ❑ **Finland:** Only insurers having their head office in Europe or having their branch in Finland may offer direct insurance (including co-insurance) services. The supply of insurance broker services is subject to a permanent place of business in Europe.
- ❑ **France:** Insurance of risks relating to ground transport may be carried out only by insurance firms established in Europe.
- ❑ **Hungary:** The supply of direct insurance services by insurance companies not established in Europe is allowed only through a branch office registered in Hungary.
- ❑ **Italy:** Does not include the actuarial profession. Transport insurance of goods, insurance of vehicles, and liability insurance regarding risks located in Italy may only be underwritten by insurance companies established in Europe. This reservation does not apply for international transport involving imports into Italy.
- ❑ **Poland:** Does not include reinsurance and retrocession except for risks relating to goods in international trade.
- ❑ **Portugal:** Air and maritime transport insurance, covering goods, aircraft, hull and liability can only be underwritten by firms established in Europe. Only persons or companies established in Europe may act as intermediaries for such air and maritime transport insurance.
- ❑ **Romania:** Reinsurance on the international market is allowed only if the reinsured risk cannot be placed on the domestic market.
- ❑ **Spain:** For actuarial services, residence and three years experience is required.

- ❑ **Sweden:** The supply of direct insurance is allowed only through an insurance service supplier authorized in Sweden, provided that the foreign services supplier and the Swedish insurance company belong to the same group of companies or have an agreement of cooperation between them.

Banking and other financial services

- ❑ Does not include: provision of financial information and financial data processing, and for advisory and other auxiliary services excluding intermediation for: Austria, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain, Sweden and the United Kingdom.
- ❑ **Belgium:** Establishment in Belgium is required for the provision of investment advisory services.
- ❑ **Bulgaria:** Limitations and conditions relating to the use of telecommunications network may apply.
- ❑ **Cyprus:** Includes only trading of transferable securities, for provision of financial information, financial data processing, and for advisory and other auxiliary services excluding intermediation.
- ❑ **Estonia:** For acceptance of deposits, authorization by Estonian financial supervision authority and registration under Estonian law as a joint stock company, a subsidiary or a branch is required. The establishment of a specialized management company is required to perform the activities of management investment funds, and only firms having their registered office in Europe can act as depositories of the assets of investment funds.
- ❑ **Ireland:** The provision of investment services or investment advice requires either:
 - Authorization in Ireland, which normally requires that the entity be incorporated or be a partnership or a sole trader, in each case with a head/registered office in Ireland (authorization may not be required in certain cases e.g. where a third country service provider has no commercial presence in Ireland and the service is not provided to private individuals).
 - Authorization in another EC country in accordance with the EC Investment Services Directive.
- ❑ **Italy:** Does not include '*promotori di servizi finanziari*' (financial salesmen).
- ❑ **Latvia:** Includes only participation in issues of all kinds of securities, for provision of financial information and financial data processing, and for advisory and other auxiliary services, excluding intermediation.
- ❑ **Lithuania:** The establishment of a specialized management company is required to perform the activities of management of unit trusts and investment companies, and only firms having their registered office in Europe can act as depositories of the assets of investment funds. Commercial presence is required for pension fund management.
- ❑ **Malta:** Includes only acceptance of deposits, for lending of all types, for provision of financial information and financial data processing, and for advisory and other auxiliary services, excluding intermediation.
- ❑ **Poland:** For the provision and transfer of financial information, and financial data processing and related software, use of the public telecommunication network or the network of other authorized operators is required.

- ❑ **Romania:** Does not include financial leasing, trading of money market instruments, foreign exchange, derivative products, exchange rate and interest rate instruments, transferable securities and other negotiable instruments and financial assets, for participation in issues of all kinds of securities, for asset management, and settlement and clearing services for financial assets. Payments and money transmission services are allowed only through a resident bank.
- ❑ **Slovenia:** Does not include participation in issues of Treasury bonds, or pension fund management. Does not include all other sub-sectors (other than provision and transfer of financial information, and advisory and other auxiliary financial services), except for accepting credits (borrowing of all types), and accepting guarantees and commitments from foreign credit institutions by domestic legal entities and sole proprietors. Foreign persons can only offer foreign securities through domestic banks and stock broking companies. Members of the Slovenian Stock Exchange must be incorporated in the Republic of Slovenia or be branches of foreign investment firms or banks.

4. A Caribbean business can provide financial services to European clients receiving those services within the Caribbean.

These opportunities are subject to:

Insurance and insurance related services

- ❑ For Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Spain and the United Kingdom, does not include:

Direct insurance services, except for insurance of risks relating to:

- Maritime shipping and commercial aviation and space launching and freight (including satellites) with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability arising therefrom.
- Goods in international transit.
- ❑ Does not include intermediation for Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.
- ❑ **Austria:** Promotional activity and intermediation on behalf of a subsidiary not established in Europe or of a branch not established in Austria (except for reinsurance and retrocession) are prohibited. Compulsory air insurance, except for insurance of international commercial air transport, can be underwritten only by a subsidiary established in Europe or by a branch established in Austria. Higher premium tax is due for insurance contracts (except for contracts on reinsurance and retrocession) that are written by a subsidiary not established in Europe or by a branch not establish in Austria. Exception from the higher tax can be granted.
- ❑ **Bulgaria:** For direct insurance, Bulgarian nationals and companies, as well as foreign persons who conduct business activity in the territory of the Republic of Bulgaria, can conclude insurance contracts with respect to their

activity in Bulgaria, only with suppliers licensed to conduct insurance activity in Bulgaria. Insurance compensation resulting from these contracts shall be paid in Bulgaria. Does not include deposit insurance and similar compensation schemes, as well as mandatory insurance schemes.

- ❑ **Denmark:** Compulsory air transport insurance can only be underwritten by firms established in Europe. No person or companies (including insurance companies) may for business purposes assist in effecting direct insurance for persons resident in Denmark, for Danish ships or for property in Denmark, other than insurance companies licensed by Danish law or by Danish competent authorities.
- ❑ **France:** Insurance of risks relating to ground transport may be carried out only by insurance firms established in Europe.
- ❑ **Germany:** Compulsory air insurance policies can only be underwritten by a subsidiary established in Europe or by a branch established in Germany. If a foreign insurance company has established a branch in Germany, it may conclude insurance contracts in Germany relating to international transport only through the branch established in Germany.
- ❑ **Italy:** Transport insurance of goods, insurance of vehicles, and liability insurance regarding risks located in Italy may only be underwritten by insurance companies established in Europe. This reservation does not apply for international transport involving imports into Italy.
- ❑ **Poland:** Does not include reinsurance and retrocession except for risks relating to goods in international trade.
- ❑ **Portugal:** Air and maritime transport insurance, covering goods, aircraft, hull and liability can only be underwritten by firms established in Europe. Only persons or companies established in Europe may act as intermediaries for such insurance business.
- ❑ **Romania:** Reinsurance on international market is allowed only if the reinsured risk cannot be placed on the domestic market.
- ❑ **Spain:** For actuarial services, residence and three years experience is required.

Banking and other financial services

- ❑ **Bulgaria:** Limitations and conditions relating to the use of telecommunications network may apply.
- ❑ **Poland:** For the provision and transfer of financial information, and financial data processing and related software, use of the public telecommunications network or the network of another authorized operator is required.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the financial services sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Chapter 8

Health and social services

Examples of new opportunities for health services

Caribbean healthcare providers will be able to attract European clients to receive treatment within the Caribbean. A Caribbean business will also be able to attract European investors to develop healthcare facilities. Caribbean doctors, nurses and other healthcare professionals can receive training in Europe and European healthcare professionals can work in the Caribbean.

1. A Caribbean business can establish the following facilities in Europe:

- ❑ *Hospital services* in Austria, Belgium, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain and the United Kingdom.
- ❑ *Ambulance services* in Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Romania and Spain.
- ❑ *Residential health facilities* in Austria, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Romania, Slovenia and Spain.
- ❑ *Social services** in Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Romania, Spain and the United Kingdom.

* Includes (a) welfare services delivered through residential institutions to elderly persons, people with disabilities, children and other clients; (b) other social services with accommodation; (c) child daycare services including daycare services for people with disabilities; (d) guidance and counselling services related to children; (e) welfare services not delivered through residential institutions; (f) vocational rehabilitation services; and (g) other social services without accommodation.

These opportunities are subject to:

- ❑ **All EC countries:** Commitments apply only for privately funded services. Concessions are required. Economic needs test⁷⁵ may apply. The main criteria are number of and impacts on existing establishments, transport infrastructure, population density, geographic spread, and creation of new employment.

⁷⁵ An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking into account the existing local capacity.

- ❑ General reservations.⁷⁶

Country-specific reservations:

- ❑ Does not include convalescent and rest houses, and homes for the elderly for Belgium, the United Kingdom, or Cyprus.

2. A Caribbean business can secure permission for Caribbean staff to work in the hospital, ambulance service, residential health facility or social service (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.⁷⁷

Country-specific reservations:

- ❑ **Latvia:** Economic needs test applies for doctors, dentists, midwives, nurses, physiotherapists, and paramedical personnel.
- ❑ **Poland:** Permission required. Foreign medical doctors have limited election rights within the professional chambers.

76 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

77 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

3. A Caribbean business can provide hospital services, health facility services, and social services to all European patients receiving those services within the Caribbean.

4. A Caribbean business can provide hospital services or residential health facility services from its home country to patients in Hungary.

5. A Caribbean business can provide social services from its home country to consumers in Latvia and Lithuania.

This opportunity is subject to:

- ❑ **Belgium:** Does not include social services except for convalescent and rest houses, and homes for the elderly.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the health and social services sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines and Suriname.

Chapter 9

Tourism and travel related services

Examples of new opportunities for tourism

Caribbean tour operators can now establish a business or contract their services in Europe. Caribbean businesses will also be able to establish a hotel in Europe or a travel agency to attract European tourists to the Caribbean. A Caribbean business can transfer their Caribbean staff to work in the Europe-based business.

Caribbean businesses will also be able to attend tourism conventions and exhibitions held in Europe to promote their business.

In addition, Caribbean businesses can attract European investors to develop hotels and resorts at home.

1. A Caribbean business can invest in establishing the following in any EC country:

- Hotel, restaurant, catering and beverage services
- Travel/tour operator agency
- Tourist guide agency
- Spa services*

* Includes non-therapeutic massages, to the extent that they are provided as relaxation physical well-being services and not for medical or rehabilitation purposes (included within business-professional-medical services).

These opportunities are subject to:

- General reservations.⁷⁸

78 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

Country-specific reservations:

Hotel, restaurant, catering and beverage services

- ❑ **Bulgaria:** The business must be incorporated under Bulgarian law.
- ❑ **Italy:** Economic needs test⁷⁹ applies.

Travel agency and tour operator services

- ❑ **Bulgaria, Portugal:** The business must be incorporated under national laws.

2. A Caribbean business can secure permission for Caribbean staff to work in the company hotel, restaurant, agency or spa (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.⁸⁰

Country-specific reservations:

- ❑ **Nationality condition:** applies for tourist guide services in Bulgaria, Cyprus, Spain, France, Greece, Hungary, Italy, Lithuania, Malta, Poland, Portugal and Slovakia. Nationality condition also applies for specialists and graduate trainees providing spa services in all EC countries.
- ❑ **Bulgaria:** Applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization. In companies where the public share in equity capital exceeds 50%, the number of foreign managers is not to exceed the number of Bulgarian managers.

⁷⁹ An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking into account the existing local capacity.

⁸⁰ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iii) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (iv) Hungary: applies economic needs test for graduate trainees.
- (v) Romania: requires a company's auditors and their deputies to be Romanian.
- (vi) Sweden: requires the managing director of a company to reside in Sweden.

3. Contractual service suppliers⁸¹ can travel to Europe to provide:

- Travel agency and tour operator services* in all EC countries (for Ireland applies to Tour Managers only).
- Tourist guide services* in all EC countries (except France, Lithuania, Poland, Portugal or Spain).
- Chef de cuisine services* in all EC countries.

These opportunities are subject to:

- The terms and conditions as outlined in the introduction to this Guide.

Travel agency and tour operator services

- Economic needs test applies in:
 - Bulgaria, Finland, Greece, Hungary, Latvia, Lithuania, Malta, Portugal, Romania and Slovakia.
 - Belgium, except when contractual service suppliers annual wage is above the amount defined by relevant laws and regulations.
 - Denmark (except when the person is staying less than three months).

Tourist guide services

- Economic needs test applies in: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Romania, Slovakia, Slovenia and the United Kingdom.

Chef de cuisine

- All EC countries:** Advanced technical qualifications⁸² and at least six years of demonstrable work experience at the level of chef de cuisine may be required. Economic needs test applies.

4. A Caribbean business can provide the following tourism services from its home country to consumers in Europe:

- Hotel, restaurant and beverage services* in Estonia, Finland and Hungary.
- Catering services* in all EC countries.
- Travel agency and tour operator services* in all EC countries except Bulgaria and Hungary).
- Tourist guide services* in Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Latvia, Luxembourg, the Netherlands, Portugal, Romania, Spain, Sweden and the United Kingdom.

⁸¹ Employees of a Caribbean company that does not have a commercial presence in Europe but which does have a contract to supply services in an EC country.

⁸² Where the qualification has not been obtained in Europe, the EC country concerned may evaluate whether the contractual service supplier's qualification is equivalent to the qualification required in its territory.

5. A Caribbean business can provide all tourism services to European consumers while in the Caribbean.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the tourism and travel related services sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

7. Opportunities for public-private collaboration in seeking development assistance

The Agreement provides for development assistance in the following areas:

- ❑ The upgrading of national accounting systems with a view to facilitating the introduction of Tourism Satellite Accounts.
- ❑ Capacity building for environmental management in tourism areas.
- ❑ The development of Internet marketing strategies for SMEs in the tourism sector.
- ❑ Mechanisms to ensure the effective participation of CARIFORUM States in international sustainable tourism standard setting bodies; programmes to achieve and ensure equivalency between national, regional and international standards for sustainable tourism; and programmes aimed at increasing the level of compliance with sustainable tourism standards.
- ❑ Tourism exchange programmes and training, including language training for tourism service providers.

In addition, governments have a duty to facilitate the transfer of technology on a commercial basis to commercial presences in the CARIFORUM States; and facilitate the participation of SMEs in the tourism sector.

Chapter 10

Recreational, cultural, and sporting services

Examples of new opportunities for entertainment

Caribbean musicians, artists, actors and entertainment providers will have more opportunities to perform or provide entertainment services in Europe. Entertainment providers can also obtain permission for short stays in Europe for the purposes of participating in festivals, recording music, shooting films, and study visits.

There are new opportunities for Caribbean business to work European partners to produce audiovisual works that can qualify as European work and enjoy preferential market access in Europe.

As part of the development assistance programme implemented by the EC and CARIFORUM governments there will also be the opportunity to participate in cultural exchanges, training programmes, etc.

1. A Caribbean business can establish an agency or facility to provide the following services in Europe:

- ❑ *Entertainment services** in Austria, Belgium, Bulgaria, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom.
- ❑ *News and press agency services* in all EC countries.
- ❑ *Sporting services*** in Austria, Belgium, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Portugal, Slovenia, Spain, Sweden and the United Kingdom.

* Includes: (a) theatrical producer, singer, group, band, and orchestra entertainment services; (b) services provided by authors, composers, sculptors, entertainers and other individual artists; (c) ancillary theatrical services; (d) circus, amusement park and similar attraction services; (e) ballroom, discotheque and dance instructor services; and (f) other entertainment services. Entertainment services do not include audiovisual services.⁸³

** Includes: (a) sports event promotion services; (b) sports event organization services; (c) sports facility operation services; and (d) other sporting services.

83 Specific provision for audiovisual services is included within the Protocol on Cultural Cooperation (paragraph 8).

These opportunities are subject to:

- General reservations.⁸⁴

Country-specific reservations:

Entertainment services

- **Bulgaria:** Does not include activities (d), (e) or (f) of the definition.

News and press agency services

- **France:** Foreign participation must not exceed 20% of the capital or of voting rights in French-language publications. Establishment of press agencies by Caribbean investors is subject to reciprocity.

Sporting services

- **Austria, Slovenia:** Some limitations apply for ski school services and mountain guide services.⁸⁵

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) providing entertainment services in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

⁸⁴ General reservations:

(i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).

(ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).

(iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.

(iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).

(v) Registration, licensing and qualification requirements apply in all EC countries.

(vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

⁸⁵ Further work will need to be done to understand what the business opportunities and limitations are.

These opportunities are subject to:

- ❑ General reservations.⁸⁶

Country-specific reservations:

- ❑ **France:** Nationality condition applies when the authorization sought for access to management functions is longer than two years.

3. Caribbean entertainment providers who are registered as a company⁸⁷ and who have a contract to provide services in Europe can travel to all EC countries (except Belgium) to provide those services.

These opportunities are subject to:

- ❑ The terms and conditions as outlined in the introduction to this guide.
- ❑ Qualifications⁸⁸ and economic needs tests⁸⁹ are required in: Austria, Bulgaria, Cyprus, Czech Republic, Germany, Denmark, Estonia, Greece, Spain, Finland, France, Hungary, Ireland, Italy, Lithuania, Luxembourg, Latvia, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Sweden and the United Kingdom. The main criteria for the economic needs test will be the market conditions in the Member State including the number of, and impact on, existing service suppliers.
- ❑ **Slovenia:** Limits the length of stay to seven days per event. For circus and amusement park services, duration of stay is limited to 30 days per calendar year.

86 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

87 Caribbean artists, musicians and other cultural practitioners will need to register as a company and list themselves as an employee to qualify as a contractual service supplier to receive the market access benefits.

88 Professional bodies will need to work together to get artists, musicians and cultural practitioners registered to make a case for satisfying the EC qualification requirement.

89 An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market taking into account the existing local capacity.

4. A Caribbean business may have new opportunities where foreign investment has been liberalized for the recreational, cultural and sporting services sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

5. Caribbean artists, musicians and entertainers may be granted permission for short visits up to 90 days in any 12-month period provided they are not selling their services or being remunerated from a source within the EC country they are staying in, for the following: (these are non-exhaustive lists)**

- ❑ Artists, actors and other professionals involved in shooting cinematographic films or television programmes.
- ❑ Artists, composers, authors, instructors, and other professionals for cultural activities such as the recording of music, participation in literary fairs, festivals etc.

6. Audio-visual productions that are co-produced by Caribbean and European partners, with at least 20% and a maximum of 80% respective financial contributions, will qualify as European domestic productions for the purposes of the regional content promotion scheme in place in Europe, and thus benefit from preferential market access in Europe.**

7. Opportunities for public-private collaboration in seeking development assistance:**

- ❑ Technical assistance programmes will be implemented to provide new opportunities for training, exchange of information, expertise and experiences, and transfer of technology and know-how.

** These provisions are contained within the Protocol on Cultural Cooperation.

Chapter 11

Transport services

1. A Caribbean business can establish a company in any EC country to provide:

- Maritime transport*
- Internal waterways transport*
- Rail transport*
- Road transport*
- Pipeline transport (non-fuel)

* Includes passenger and freight transportation.

These opportunities are subject to:

- General reservations.⁹⁰

Country-specific reservations:

Maritime transport

- Does not include the establishment of a registered company for the purpose of operating a fleet under the national flag of the Member State of establishment in: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, or the United Kingdom.

90 General reservations:

- (i) Economic activities considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.
- (ii) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (iii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iv) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (v) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (vi) Registration, licensing and qualification requirements apply in all EC countries.
- (vii) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

- ❑ Authorization required: for feeding services in Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovenia, Spain and Sweden.
- ❑ **Bulgaria:** Companies must incorporate (no direct branching).

Internal waterways transport

- ❑ **All EC countries:** Measures based upon existing or future agreements on access to inland waterways (including agreements following the Rhine–Main–Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping apply.
- ❑ Does not include the establishment of a registered company for the purpose of operating a fleet under the national flag of the Member State of establishment: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.
- ❑ **Austria:** Nationality condition applies to set up a shipping company by natural persons. In the case of establishment as a company, there is a nationality condition for the managing board and the supervisory board. Registered company or permanent establishment in Austria is required. In addition, the majority of the business shares must be held by European citizens.
- ❑ **Bulgaria:** The business must be incorporated under Bulgarian laws.
- ❑ **Finland:** Services can only be provided by ships operating under the Finnish flag.

Rail transport

- ❑ **Bulgaria:** The business must be incorporated under Bulgarian laws.

Road transport – passenger transportation

- ❑ **All EC countries:** Foreign investors cannot provide transport services within a Member State, except for rental of non-scheduled services of buses with operator.
- ❑ Economic needs test⁹¹ applies in:
 - All EC countries for taxi services. The main criteria are number of and impact on existing establishments, population density, geographic spread, impact on traffic conditions, and creation of new employment.
 - Spain for non-scheduled passenger transportation. The main criterion is local demand.
 - Italy, Portugal for limousine services. The main criteria are number of and impact on existing establishments, population density, geographic spread, impact on traffic conditions, and creation of new employment.

⁹¹ An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking into account the existing local capacity.

- Ireland, Italy, Spain for intercity bussing services. The main criteria are number of and impact on existing establishments, population density, geographic spread, impact on traffic conditions, and creation of new employment.
- Austria:** Exclusive rights and/or authorization can only be granted to European nationals and to European companies having their headquarters in Europe.
- Bulgaria:** The business must be incorporated under Bulgarian laws. Exclusive rights and/or authorization can only be granted to European nationals and to European companies having their headquarters in Europe.
- Finland:** Authorization is required, not extended to foreign registered vehicles.
- France:** Does not include intercity bussing services.
- Latvia:** Authorization is required, not extended to foreign registered vehicles. Requirement to use vehicles with national registration.
- Sweden:** Requirement to use vehicles with national registration.

Road transport – freight transportation

- Austria:** Exclusive rights and/or authorization can only be granted to European nationals and to European companies having their headquarters in Europe.
- Bulgaria:** Exclusive rights and/or authorization can only be granted to European nationals and to European companies having their headquarters in Europe. The business must be incorporated under Bulgarian laws.
- Finland:** Authorization is required, not extended to foreign registered vehicles.
- Italy:** Economic needs test applies. The main criterion is local demand.
- Latvia:** Authorization is required, not extended to foreign registered vehicles. Requirement to use vehicles with national registration.
- Slovakia:** Economic needs test applies. The main criterion is local demand.
- Sweden:** Requirement to use vehicles with national registration.

Pipeline transport of goods other than fuel

- Austria:** Exclusive rights and/or authorization can only be granted to European nationals and to European companies having their headquarters in Europe.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.⁹²

Country-specific reservations:

Maritime transport

- ❑ **Nationality condition** applies: in all EC countries for ships' crews; and in Austria for the majority of managing directors.

Road transport – passenger transportation

- ❑ **Nationality condition** applies:
 - In Bulgaria and Malta.
 - In Austria for persons and shareholders entitled to represent a company or partnership.
 - In Denmark with residence requirement for managers.

Road transport – freight transportation

- ❑ **Nationality condition** applies: in Bulgaria and Malta; and in Austria for persons and shareholders entitled to represent a company or partnership.

Pipeline transportation of goods other than fuel

- ❑ **Nationality condition** applies: in Austria for managing directors.

3. A Caribbean business can provide the following transport services from its home country to consumers in Europe:

- ❑ *Maritime transport services* in all EC countries.
- ❑ *Internal waterways transport services* in Austria, Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Poland, Portugal, Spain and the United Kingdom.

These opportunities are subject to:

Maritime transport

- ❑ Authorization required for feedering services in: Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovenia, Spain and Sweden.

⁹² General reservations:

- (i) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (ii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iii) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (iv) Hungary: applies economic needs test for graduate trainees.
- (v) Romania: requires a company's auditors and their deputies to be Romanian.
- (vi) Sweden: requires the managing director of a company to reside in Sweden.

Internal waterways transport

- ❑ **All EC countries:** Measures based upon existing or future agreements on access to inland waterways (including agreements following the Rhine–Main–Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping apply.
- ❑ **Austria:** Nationality condition applies to set up a shipping company by natural persons. In the case of establishment as a company, nationality condition for the majority of managing directors, the managing board and the supervisory board. Registered company or permanent establishment in Austria is required. In addition, the majority of the business shares must be held by European citizens.

4. A Caribbean business can provide the following transport services to European consumers receiving those services within the Caribbean:

- ❑ *Maritime transport services* for consumers from all EC countries.
- ❑ *Internal waterways transport services* for consumers from Austria, Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Poland, Portugal, Spain and the United Kingdom.
- ❑ *Rail transport services* for consumers from all EC countries.
- ❑ *Road transport services* for consumers from all EC countries.
- ❑ *Pipeline transport (non-fuel) services* for consumers from Hungary and Lithuania.

These opportunities are subject to:

Maritime transport

- ❑ **Authorization required** for feeding services in: Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovenia, Spain and Sweden.

Internal waterways transport:

- ❑ **All EC countries:** Measures based upon existing or future agreements on access to inland waterways (including agreements following the Rhine–Main–Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping apply.
- ❑ **Austria:** Nationality condition applies to set up a shipping company by natural persons. In the case of establishment as a company, nationality condition for the majority of managing directors, the managing board and the supervisory board. Registered company or permanent establishment in Austria is required. In addition, the majority of the business shares must be held by European citizens.

5. In addition, Caribbean business providing international maritime transport services are entitled to the following:

- ❑ To be treated the same (or equivalent) as European domestic ships. This includes access to ports, use of infrastructure and auxiliary maritime services of the ports, as well as related fees and charges, customs facilities and the assignment of berths and facilities for loading and unloading.
- ❑ To establish a commercial presence in an EC country under conditions similar (or equivalent) to domestic suppliers or suppliers from a third country – whichever are better.
- ❑ To the following services on reasonable and non-discriminatory terms: pilotage; towing and tug assistance; provisioning, fuelling and watering; garbage collecting and ballast waste disposal; port captain's services; navigation aids; shore-based operational services essential to ship operations; including communications, water and electrical supplies; emergency repair facilities; and anchorage, berth and berthing services.

6. A Caribbean business may have new opportunities where foreign investment has been liberalized for the transport services sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

The Parties agree not to enter into future cargo-sharing arrangements with third countries, and to terminate existing arrangements. The Parties will abolish and refrain from introducing any administrative, technical and other obstacles that could be a disguised restriction on trade.

Chapter 12

Services auxiliary to transport

1. A Caribbean business can establish a company in any EC country to provide the following services auxiliary to transport:

- Maritime*
- Internal waterways**
- Rail***
- Road****
- Air*****
- Pipeline (non-fuel)*****

* Includes: (a) maritime cargo handling services; (b) storage and warehousing services; (c) customs clearance services; (d) container station and depot services; (e) maritime agency services; (f) maritime freight forwarding services; (g) rental of vessels with crew; (h) pushing and towing services; (i) supporting services for maritime transport; and (j) other supporting and auxiliary services (including catering).

** Includes: (a) cargo handling services; (b) storage and warehousing services; (c) freight transport agency services; (d) rental of vessels with crew; (e) pushing and towing services; (f) supporting services for internal waterway transport; and (g) other supporting and auxiliary services.

***Includes: (a) cargo handling services; (b) storage and warehousing services; (c) freight transport agency services; (d) pushing and towing services; (e) supporting services for internal waterway transport; and (f) other supporting and auxiliary services.

****Includes: (a) cargo handling services; (b) storage and warehousing services; (c) freight transport agency services; (d) rental of commercial road vehicle with operators; (e) supporting services for road transport equipment; and (f) other supporting and auxiliary services.

***** Includes: (a) ground handling services (including catering); (b) storage and warehousing services; (c) freight transport agency services; (d) rental of aircraft with crew; (e) sales and marketing; (f) computer reservation systems; and (g) airport management.

*****Includes: (a) storage and warehousing services of goods, other than fuel, transported by pipelines.

These opportunities are subject to:

- ❑ General reservations.⁹³

Country-specific reservations:

- ❑ **Bulgaria:** The business must be incorporated under Bulgarian law.

Services auxiliary to maritime transport

- ❑ For pushing and towing, and supporting services for maritime transport:

Does not include the establishment of a registered company for the purpose of operating a fleet under the national flag of the Member State of establishment in: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

- ❑ **Bulgaria:** Participation in Bulgarian companies is limited to 49%.
- ❑ **Finland:** Pushing and towing services can only be provided by ships operating under the Finnish flag.
- ❑ **Italy:** Economic needs test⁹⁴ applies for maritime cargo handling services. The main criteria are number of and impact on existing establishments, population density, geographic spread and creation of new employment.
- ❑ **Slovenia:** Only companies established in the Republic of Slovenia (no branches) can perform customs clearance.

Services auxiliary to internal waterways transport

- ❑ **All EC countries:** Measures based upon existing or future agreements on access to inland waterways (including agreements following the Rhine–Main–Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping apply.
- ❑ Does not include pushing and towing services and supporting services for internal waterways transport in: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary,

93 General reservations:

(i) Economic activities considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.

(ii) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).

(iii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy, and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).

(iv) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.

(v) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France, and Italy).

(vi) Registration, licensing and qualification requirements apply in all EC countries.

(vii) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

94 An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking into account the existing local capacity.

Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

- ❑ **Austria:** Nationality condition applies to set up a shipping company by natural persons. In the case of establishment as a company, nationality condition for the managing board and the supervisory board. Registered company or permanent establishment in Austria is required. In addition, the majority of the business shares must be held by European citizens.
- ❑ **Bulgaria:** Participation in Bulgarian companies is limited to 49%.
- ❑ **Finland:** Pushing and towing services can only be provided by ships operating under the Finnish flag.
- ❑ **Hungary:** Participation of the State may be required in an establishment.
- ❑ **Slovenia:** Only companies established in the Republic of Slovenia (no branches) can perform customs clearance.

Services auxiliary to rail transport

- ❑ **Bulgaria:** Participation in Bulgarian companies is limited to 49%.
- ❑ **Slovenia:** Only companies established in the Republic of Slovenia (no branches) can perform customs clearance.

Services auxiliary to road transport

- ❑ **Austria:** For rental of commercial road vehicles with operators, authorization can only be granted to European nationals and to European companies having their headquarters in Europe.
- ❑ **Bulgaria:** Participation in Bulgarian companies is limited to 49%.
- ❑ **Finland:** For rental of commercial road vehicles with operators, authorization required, not extended to foreign registered vehicles.
- ❑ **Slovenia:** Only companies established in the Republic of Slovenia (no branches) can perform customs clearance.

Services auxiliary to air transport

For ground handling services (including catering):

- ❑ **All EC countries:** Categories of activities depend on size of airport. The number of providers in each airport can be limited due to available space constraints and to not less than two suppliers for other reasons.
- ❑ **Bulgaria:** The business must be incorporated under Bulgarian law.

For storage and warehousing services:

- ❑ **Poland:** For storage services of frozen or refrigerated goods and bulk storage of liquids or gases, categories of activities depend on the size of the airport. The number of providers in each airport can be limited due to available space constraints and to not less than two suppliers for other reasons.

For freight transport agency services:

- ❑ **Slovenia:** Only companies established in the Republic of Slovenia (no branches) can perform customs clearance.

For rental of aircraft with crew:

- ❑ **All EC countries:** Aircraft used by European carriers have to be registered in the EC country licensing the carrier or elsewhere in Europe. The aircraft must be owned either by natural persons meeting specific nationality criteria or by companies meeting specific criteria regarding ownership of capital and control (including nationality of directors). Waivers can be granted for short-term lease contracts or under exceptional circumstances.

For sales and marketing, and computer reservation system services:

- ❑ **All EC countries:** Specific obligations exist for investors operating computer reservation systems that are owned or controlled by air carriers.

For airport management services:

- ❑ **Poland:** Foreign participation is limited to 49%.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.⁹⁵

Country-specific reservations:

Services auxiliary to maritime transport

- ❑ Nationality condition applies:
 - In Bulgaria and Malta.
 - In all EC countries for crews for pushing, towing and supporting service.
 - In Austria for the majority of managing directors.
 - In Greece for customs clearance services.
- ❑ Residency requirement applies: in Denmark for customs clearance services; and in Italy for '*raccomandatario marittimo*'.

⁹⁵ General reservations:

(i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
 (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
 (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
 (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
 (v) Hungary: applies economic needs test for graduate trainees.
 (vi) Romania: requires a company's auditors and their deputies to be Romanian.
 (vii) Sweden: requires the managing director of a company to reside in Sweden.

Services auxiliary to internal waterways transport

- ❑ Nationality condition applies for crew in all EC countries.

Services auxiliary to road transport

For rental of commercial road vehicles with operators:

- ❑ Nationality condition applies: in Bulgaria and Malta; and in Austria for persons and shareholders entitled to represent a company or partnership.

Services auxiliary to pipeline transportation of goods other than fuel

- ❑ Nationality condition applies for managing directors in Austria.

3. A Caribbean business can provide services auxiliary to transport (except pipeline transport of goods) from its home country to consumers in Europe.

These opportunities are subject to:

Services auxiliary to maritime transport

- ❑ Does not include:
 - Customs clearance services and container station and depot services in all EC countries.
 - Maritime cargo handling services in: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.
 - Storage and warehousing services in: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.
 - Pushing and towing services in: Austria, Belgium, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Malta, the Netherlands, Poland, Portugal, Slovenia, Spain, Sweden and the United Kingdom.
 - Rental of vessels with crew in: Austria, Bulgaria, Cyprus, Czech Republic, Estonia, Germany, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Sweden.

Services auxiliary to internal waterways transport

- ❑ **All EC countries:** Measures based upon existing or future agreements on access to inland waterways (including agreements following the Rhine–Main–Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping apply.

- ❑ Does not include:
 - Pushing and towing services in all EC countries.
 - Rental of vessels with crew in: Austria, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, Germany, Hungary, Latvia, Lithuania, Malta, Romania, Slovakia, Slovenia and Sweden.

Services auxiliary to rail transport

- ❑ Does not include pushing and towing services in all EC countries.

Services auxiliary to road transport

- ❑ Does not include rental of commercial road vehicles in all EC countries.

Services auxiliary to air transport

For ground-handling services:

- ❑ Only includes catering services in all EC countries.

For rental of aircraft with crew:

- ❑ **All EC countries:** Aircraft used by European carriers have to be registered in the EC country licensing the carrier or elsewhere in Europe. Waivers can be granted for short-term lease contracts or under exceptional circumstances.

For sales and marketing, and computer reservations system services:

- ❑ **All EC countries:** Specific obligations exist for service suppliers operating computer reservation systems that are owned or controlled by air carriers.
- ❑ Does not include airport management in all EC countries.

4. A Caribbean business can provide services auxiliary to transport to European consumers receiving those services within the Caribbean.

These opportunities are subject to:

Services auxiliary to internal waterways transport

- ❑ **All EC countries:** Measures based upon existing or future agreements on access to inland waterways (including agreements following the Rhine–Main–Danube link) reserve some traffic rights for operators based in the countries concerned and meeting nationality criteria regarding ownership. Regulations implementing the Mannheim Convention on Rhine Shipping apply.
- ❑ Does not include pushing and towing services in all EC countries.

Services auxiliary to air transport

For ground-handling services:

- ❑ Only includes catering services in all EC countries.

For rental of aircraft with crew:

- ❑ **All EC countries:** Aircraft used by European carriers have to be registered in the EC country licensing the carrier or elsewhere in Europe. Waivers can be granted for short-term lease contracts or under exceptional circumstances.

For sales and marketing, and computer reservations system services:

- ❑ **All EC countries:** Specific obligation for service suppliers operating computer reservation systems that are owned or controlled by air carriers.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the services auxiliary to transport sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Chapter 13

Energy services

1. A Caribbean business can establish a company to provide the following energy services in Europe:

- Services incidental to mining** in all EC countries.
- Pipeline transportation of fuels* in Hungary and Lithuania.
- Storage and warehouse services of fuels transported through pipelines* in all EC countries.
- Wholesale trade services of energy* in all EC countries.
- Retail sales of energy*** in all EC countries.
- Consultancy services incidental to energy distribution* in all EC countries.

* Includes advisory and consulting services relating to mining, on land site preparation, on land rig installation, drilling, drilling bits services, casing and tubular services, mud engineering and supply, solids control, fishing and downhole special operations, wellsite geology and drilling control, core taking, well testing, wireline services, supply and operation of completion fluids (brines), supply and installation of completion devices, cementing (pressure pumping), stimulation services (fracturing, acidizing and pressure pumping), workover and well repair services, and plugging and abandoning of wells. Does not include exploitation of natural resources.

** Includes fuel oil, bottled gas, coal and wood; electricity, (non-bottled) gas, steam, and hot water.

These opportunities are subject to:

- General reservations.⁹⁶

96 General reservations:

- (i) Economic activities considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.
- (ii) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (iii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iv) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (v) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (vi) Registration, licensing and qualification requirements apply in all EC countries.
- (vii) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

Country-specific reservations:

Storage and warehouse services of fuels transported through pipelines

- ❑ **Poland:** Investors from countries that are energy suppliers may be prohibited from obtaining control of the activity. No commitments undertaken for direct branching (incorporation is required).

Wholesale trade services of energy

- ❑ **All EC countries:** Does not include wholesale trade services of electricity, steam, and hot water.

Retail sales of energy

- ❑ Economic needs test⁹⁷ applies for retail sales of fuel oil, bottled gas, coal and wood in department stores (in France for only large stores) in: Belgium, Bulgaria, Denmark, France, Italy, Malta and Portugal. The main criteria are number of and impact on existing stores, population density, geographic spread, impact on traffic conditions, and creation of new employment.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.⁹⁸

Country-specific reservations:

- ❑ **Slovakia:** Residency required for services incidental to mining.

⁹⁷ An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market taking into account the existing local capacity.

⁹⁸ General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

3. A Caribbean business can provide the following energy services from its home country to consumers in Europe:

- Services incidental to mining* in all EC countries.
- Wholesale trade services of energy* in all EC countries.
- Retail sales of energy* in all EC countries.
- Consultancy services incidental to energy distribution* in all EC countries.

These opportunities are subject to:

Wholesale trade services of energy

- All EC countries:** Does not include wholesale trade services of electricity, steam, and hot water.

Retail sales of energy

- Does not include:
 - Retailing services of electricity, (non-bottled) gas, steam, and hot water in all EC countries.
 - Retail sales of fuel oil, bottled gas, coal and wood (except for mail order) in: Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Spain and the United Kingdom.

4. A Caribbean business can provide energy services (except pipeline transportation of fuels) to European consumers receiving those services within the Caribbean.

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for the energy services sector in the following countries:

- Dominican Republic, Grenada, Guyana, Jamaica, and Saint Kitts and Nevis.

Chapter 14

Other services

1. A Caribbean business can establish a company to provide the following services in any EC country:

- Washing, cleaning, and dyeing services
- Hairdressing services
- Cosmetic treatment, manicure and pedicure services
- Other beauty treatment services
- Telecommunication services

These opportunities are subject to:

- General reservations.⁹⁹

Country-specific reservations:

Hairdressing, cosmetic treatment, manicure and pedicure, and other beauty treatment services

- Italy:** Economic needs test¹⁰⁰ applies to set a limit on the number of enterprises. The main criteria are population and density of existing business.

99 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

100 An economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking into account the existing local capacity.

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.¹⁰¹

Country-specific reservations:

Washing, cleaning, and dyeing services

- ❑ **All EC countries:** Nationality condition applies for specialists and graduate trainees.

Hairdressing, cosmetic treatment, manicure and pedicure, and other beauty treatment services

- ❑ Nationality condition applies for specialists and graduate trainees in: Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. Nationality condition also applies for graduate trainees in Austria.

101 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (iv) Hungary: applies economic needs test for graduate trainees.
- (v) Romania: requires a company's auditors and their deputies to be Romanian.
- (vi) Sweden: requires the managing director of a company to reside in Sweden.

3. A Caribbean business can provide telecommunications connection services from its home country to consumers in any EC country.

4. A Caribbean business can provide the following services to European consumers receiving those services within the Caribbean:

- Washing, cleaning, and dyeing services
- Hairdressing services
- Cosmetic treatment, manicure and pedicure services
- Other beauty treatment services
- Telecommunication services

5. A Caribbean business may have new opportunities where foreign investment has been liberalized for other service sectors in the following countries:

- Barbados, Belize, Suriname, and Trinidad and Tobago.

Chapter 15

Investment

Manufacturing

1. A Caribbean business can establish a company to invest in manufacturing* in any EC country.

* Includes manufacture of: (a) food products and beverages; (b) tobacco products; (c) textiles; (d) wearing apparel, dressing and dyeing of fur; (e) luggage, handbags, saddlery, harness and footwear; tanning and dressing of leather; (f) wood and wood/cork products (excludes furniture), articles of straw and plaiting materials; (g) paper and paper products; (h) publishing, printing, and reproduction of recorded media (excludes activities which are audiovisual related or present cultural content; and publishing and printing on a fee/contract basis which is included within business services); (i) coke oven products; (j) refined petroleum products; (k) chemicals and chemical products (excludes explosives); (l) rubber and plastic products; (m) other non-metallic mineral products; (n) basic metals; (o) fabricated metal products (excludes machinery and equipment); (p) general purpose machinery, special purpose machinery (excludes weapons and munitions), domestic appliances, office accounting and computing machinery, electrical machinery and apparatus, radio, television and communication equipment and apparatus; (q) medical, precision and optical instruments, watches and clocks; (r) motor vehicles, trailers and semi-trailers; (s) other (non-military) transport equipment; (t) furniture; and (u) recycling.

These opportunities are subject to:

- General reservations.¹⁰²

102 General reservations:

- (i) Economic activities considered as public utilities (e.g. manufacture of refined petroleum) at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.
- (ii) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (iii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iv) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (v) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (vi) Registration, licensing and qualification requirements apply in all EC countries.
- (vii) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

Country-specific reservations:

Publishing, printing, and reproduction of recorded media

- ❑ **Italy:** Nationality condition applies for the owner of a publishing and printing company.

Manufacture of refined petroleum products

- ❑ **All EC countries:** Investors from countries that are energy suppliers may be prohibited to obtain control of the activity. Companies must incorporate in an EC country (no direct branching).

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.¹⁰³

Country-specific reservations:

Publishing, printing, and reproduction of recorded media

- ❑ **Italy:** Nationality condition applies for the publisher.
- ❑ **Poland:** Nationality condition applies for the editor-in-chief of newspapers and journals.
- ❑ **Sweden:** Residency required for publisher and owner of publishing and printing company.

103 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.

3. Caribbean business may have new opportunities where foreign investment has been liberalized for the manufacturing sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Agriculture, hunting, and forestry

1. A Caribbean business can establish a company to invest in:

- ❑ *Agriculture and hunting* in all EC countries (except Austria, Hungary, Malta and Romania).
- ❑ *Forestry* in all EC countries.
- ❑ *Logging** in all EC countries (except Bulgaria).

* Excludes advisory and consulting services (included within business services).

These opportunities are subject to:

- ❑ General reservations.¹⁰⁴

Country-specific reservations:

Agriculture and hunting

- ❑ **Cyprus:** Non-European participation is allowed only up to 49%.
- ❑ **France:** The establishment of agricultural enterprises by non-European nationals and the acquisition of vineyards by non-European nationals are subject to authorization.
- ❑ **Ireland:** Establishment by non-European residents in flour milling activities is subject to authorization.

104 General reservations:

- (i) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (ii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iii) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (iv) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (v) Registration, licensing and qualification requirements apply in all EC countries.
- (vi) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe:

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

These opportunities are subject to:

- General reservations.¹⁰⁵

3. A Caribbean business may have new opportunities where foreign investment has been liberalized for the agriculture, hunting, forestry and logging sector in the following countries:

- Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Mining and quarrying

1. A Caribbean business can establish a company to invest in mining and quarrying in any EC country.

These opportunities are subject to:

- All EC countries:** Investors from countries that are energy suppliers may be prohibited from obtaining control of the activity. Companies must incorporate in an EC country (no direct branching).

105 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

- ❑ Does not include: extraction of crude oil and natural gas.
- ❑ General reservations.¹⁰⁶

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe.

- ❑ Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- ❑ Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- ❑ New graduate trainees for one year.

These opportunities are subject to:

- ❑ General reservations.¹⁰⁷

3. A Caribbean business may have new opportunities where foreign investment has been liberalized for the mining and quarrying sector in the following countries:

- ❑ Antigua and Barbuda, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

106 General reservations:

- (i) Economic activities considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.
- (ii) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (iii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iv) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (v) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (vi) Registration, licensing and qualification requirements apply in all EC countries.
- (vii) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

107 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

Production, transmission and distribution on own account of electricity, gas, steam, and hot water

1. A Caribbean business can establish a company to invest in the production, transmission and distribution on own account of electricity*, gas, steam, and hot water in any EC country.

* Excludes nuclear-based electricity generation.

These opportunities are subject to:

- All EC countries:** Investors from countries that are energy suppliers may be prohibited from obtaining control of the activity. Companies must incorporate in an EC country (no direct branching).
- General reservations.¹⁰⁸

2. A Caribbean business can secure permission for Caribbean staff to work in the company (their commercial presence) in Europe.

- Key personnel (e.g. managers and specialists) and graduate trainees on intra-corporate transfers for a period of up to three years.
- Senior staff responsible for establishing a commercial presence for 90 days in any 12-month period.
- New graduate trainees for one year.

108 General reservations:

- (i) Economic activities considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.
- (ii) Limitations on the acquisition of land and real estate (in Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Greece, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Spain).
- (iii) Limitations requiring local citizenship (Romania) or residency of senior management or Board of Directors (in Estonia, Finland, Italy and Sweden), or persons authorized to act on behalf of the entrepreneur (Slovakia).
- (iv) Limitations on the type of business, e.g. limited liability company and limited partnership in Poland.
- (v) Limitations on the type of investment, e.g. a maximum percentage for foreign shareholding or voting rights (in Bulgaria, Finland, France and Italy).
- (vi) Registration, licensing and qualification requirements apply in all EC countries.
- (vii) The scope of operations of a representative office may only encompass advertising and promotion of the foreign mother company represented by the office (in Bulgaria and Poland).

These opportunities are subject to:

- General reservations.¹⁰⁹

3. A Caribbean business may have new opportunities where foreign investment has been liberalized for this sector in the following countries:

- Dominican Republic.

109 General reservations:

- (i) Austria: managing directors of a company have to be resident in Austria. The person responsible for compliance with the Austrian Trade Act must be resident in Austria.
- (ii) Bulgaria: applies economic needs test for graduate trainees. The number of transferred staff is not to exceed 10% of the average annual number of the European citizens employed. If the company has less than 100 employees, the number of transferred staff may exceed 10% with authorization.
- (iii) Finland: imposes nationality condition and residency requirements for the managing director of a limited company.
- (iv) France: the managing director of an industrial, commercial or artisanal activity, if not holder of a residence permit, needs a specific authorization.
- (v) Hungary: applies economic needs test for graduate trainees.
- (vi) Romania: requires a company's auditors and their deputies to be Romanian.
- (vii) Sweden: requires the managing director of a company to reside in Sweden.

Part II

**CARIFORUM SERVICES AND INVESTMENT
COMMITMENTS –**

**OPPORTUNITIES FOR EUROPEAN
BUSINESSES IN THE CARIBBEAN**

Introduction

Part II contains the commitments of the 13 Caribbean countries¹¹⁰ granting market access for European businesses. These commitments are important for Caribbean businesses for two reasons. First, it indicates the sectors in which domestic firms may be subject to more competition from European service providers. Second, the commitments improve the business environment to attract European investment to the Caribbean, which in turn may provide further trade opportunities for Caribbean businesses.

This Guide outlines all of the trade in services and investment opportunities available to European businesses for each sector in each Caribbean country. It also includes the relevant limitations that apply to these opportunities.

The section below explains some important terms that are used throughout this Guide.

Important definitions

European businesses have new opportunities to provide services in the Caribbean, for example by sending contractual service suppliers to complete contracts. However, Caribbean authorities can use mechanisms such as economic needs tests to manage the number of new service suppliers entering the market. These mechanisms, which are referenced throughout the Guide, are described below.

Economic needs test is a measure used by regulatory authorities to limit the new entry of service suppliers into a market by taking into account the existing local capacity.

Contractual service suppliers

Opportunities for contractual service suppliers only apply where clearly identified for the relevant sectors and are subject to the reservations listed in those sectors.

A European business that does not have a commercial presence in the Caribbean, but which does have a contract to supply services, may be able to send employees to the Caribbean to provide the service. Certain conditions must be satisfied to obtain the temporary entry visa. These are:

- The person applying for temporary entry must be an employee of a business that has obtained a service contract in the Caribbean. The employee must have:
 - Been employed by the business for one year.

¹¹⁰ The commitments outlined in this guide exclude the Bahamas and Haiti, which at the time of publication had not yet submitted their commitments on investment and services.

- A university degree or equivalent qualification.
 - Professional qualifications where required.
 - At least three years professional experience in the relevant sector.
- ❑ The temporary entry will be for a cumulative period not exceeding six months during a 12-month period or for the duration of the contract (whichever is less).
 - ❑ The visa permits only the contracted service activity, no other business activities. The person shall not receive remuneration during their stay other than that paid by their employer.
 - ❑ The number of persons covered by the services contract shall not be larger than necessary to fulfil the contract.

Independent professionals

Opportunities for independent professionals only apply where clearly identified for the relevant sectors and are subject to the reservations listed in those sectors.

A self-employed professional who does not have a commercial presence in the Caribbean, but who does have a contract to supply services, may be able to travel to the Caribbean to provide the service. Certain conditions must be satisfied in order to obtain the temporary entry visa. These are:

- ❑ The person applying for temporary entry must be self-employed and have:
 - Obtained a contract to supply services for a period not exceeding 12 months.
 - A university degree or equivalent qualification.
 - Professional qualifications where required.
 - At least six years professional experience in the relevant sector.
- ❑ The temporary entry will be for a cumulative period not exceeding six months during a 12-month period or for the duration of the contract (whichever is less).
- ❑ The visa permits only the contracted service activity, no other business activities.

Intra-corporate transfers

There are more opportunities for European businesses to take advantage of intra-corporate transfers when the business invests in establishing a commercial presence in the Caribbean. Some reservations apply and these are listed for each Caribbean country.

European businesses that establish a commercial presence in the Caribbean, for example by opening a new office, can transfer staff from their European business to work in the Caribbean. This includes:

- ❑ Senior staff responsible for establishing a commercial presence in Europe can obtain a visa for up to 90 days in any 12-month period.
- ❑ Intra-corporate transfers for key personnel (such as managers and specialists) and graduate trainees. Employees that fall within these categories can be transferred to the Caribbean for a period of up to three years.
- ❑ New graduate trainees can obtain a visa for up to one year.

Chapter 16

Antigua and Barbuda

General reservations that apply to investment

- Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.
- Requirement to obtain a licence to own or rent land. Companies that own or rent more than five acres of land may be restricted in the issue/transfer of shares to non-citizens.
- Requirement to incorporate or register business locally.

Agriculture, hunting, forestry, and logging

- European businesses can invest in agriculture, hunting, forestry, and logging activities subject to the general reservations.

Fishing

- European businesses can invest in fishing activities.

Subject to:

- The State reserves the right to adopt or maintain measures on investment in this sector.

Mining and quarrying

- European businesses can invest in mining and quarrying activities.

Subject to:

- Certain activities in small-scale mining may be reserved for nationals.
- The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.

Manufacturing

- European businesses can invest in manufacturing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- ❑ The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition.

General reservations that apply to all services sectors

- ❑ Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can apply for visas to work in the local company, subject to an economic needs test.
- ❑ Requirement to obtain a work permit.

Business: Professional

Legal services

- ❑ European businesses can establish a practice to provide legal services in the following areas: consultancy in international law, legal consultancy services in that business's home law, and legal advisory and information services. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain visas to provide the legal services listed above.

Subject to:

- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Accounting services

- ❑ European businesses can establish a practice to provide accounting, auditing, and taxation services. European business can also provide these services from Europe.

Subject to:

- ❑ A practicing certificate from the Institute of Chartered Accountants is necessary to provide accounting and auditing services.

Medical services

- ❑ European businesses can establish a practice to provide specialized medical services, neurosurgery, epidemiological, and CATSCAN services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Requirement to be registered by the Medical Board and licensed by the Medical Council.

Veterinary services

- ❑ European businesses can establish a practice to provide veterinary services. European businesses can also provide these services from Europe or to Caribbean clients that receive the service within Europe.

Engineering and architectural services

- ❑ European businesses can establish a practice to provide engineering and architecture services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Engineers must have a practical knowledge of the local conditions and be registered by the Engineers' Association Board.
- ❑ Architects must obtain residency and permission from the Board of Architects to practise.

Other business services

- ❑ European businesses can establish a company to provide technical testing and analysis services, and services incidental to manufacturing (except publishing and printing). European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain visas to provide technical testing and analysis services.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide advertising, market research and public opinion polling, management consulting services, and services related to management consulting. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities, and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain visas to provide research and development services.
- ❑ European businesses can establish a company to provide consulting services related to the installation of computer hardware, software implementation, data processing, and database services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Economic needs test applied for contractual service suppliers and independent professionals. Economic needs test also applies for software implementation services to limit the number of non-nationals in managerial positions. Main criterion is availability of persons with the requisite skills in the local labour market.

- ❑ European businesses can establish a company to provide rental/leasing services (without operator) for ships, aircraft, transport equipment, and machinery and equipment. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair services of vessels for maritime transport and rail transport equipment. European business can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.
- ❑ European businesses can establish a company to provide convention, translation and interpretation services. European businesses can also provide these services from Europe.
- ❑ There are no new European business opportunities for real estate services; photographic, packaging, printing and publishing, duplicating or telephone answering services; investigation and security services; credit reporting services or collection agency services; or for placement and supply services of personnel.

Communication services

- ❑ European businesses can provide courier services from Europe.
- ❑ From 1 January 2012, European businesses can establish a company to provide the following services or provide those services from Europe:
Voice telephone services, packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.
European businesses can also provide these services to Caribbean consumers who receive the service within Europe.
- ❑ European businesses can establish a company to provide the following services:
Electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services, including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access (except voice) services; telecommunications equipment sales, rental, maintenance, connection, repair and consulting services; trunked radio system services; paging services; teleconferencing services; and mobile services (terrestrial based).
European businesses can also provide these services from Europe or to Caribbean consumers who receive the services within Europe.
- ❑ European businesses can establish a company to provide personal communication services.
- ❑ European businesses can provide mobile services (satellite based) and fixed satellite services from Europe or to Caribbean consumers who receive these services within Europe.
- ❑ From 1 January 2012, there are no reservations for European businesses to obtain visas for key personnel, contractual service suppliers, or independent professionals who provide the following services: packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.

Subject to:

- Bypass of exclusive operators is not permitted until 2012.
- Supply of the following services is reserved for exclusive suppliers until 1 January 2012:
Voice telephone services, packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.
- Internet and Internet access (except voice) services and teleconferencing services must be provided using network facilities supplied by the exclusive operator.
- Foreign investment in companies providing mobile services (terrestrial based) are only permitted if capital invested is greater than US\$ 500,000. Capital investments of less than that amount are reserved for nationals.
- Mobile services (satellite based) and fixed satellite services must be delivered through arrangements between satellite transport service suppliers and an exclusive international operator, which is under an obligation not to limit the number of suppliers with whom such arrangements will be entered into.

Construction services

- European businesses can establish a company to provide services related to general construction work for hotels, restaurants, and similar buildings. European businesses can also provide these services from Europe.

Subject to:

- Joint venture is required to establish a company.

Distribution services

- There are no new European business opportunities.

Education services

- European businesses can also establish an institution to provide higher education services.
- European businesses can provide higher and adult education services from Europe or to Caribbean consumers who travel to Europe to receive those services.

Subject to:

- Scholarships and grants may be limited to citizens or residents. Measures relating to the supply of education and training may result in different treatment in terms of benefits or prices.

Environmental services

- European businesses can establish a company to provide hazardous waste treatment and disposal services, waste and wastewater management services, and cleaning services of exhaust gases. European businesses can also provide these services from Europe.
- European businesses can establish a company to provide noise abatement services and services related to closed loop pollution control systems for factories.

- ❑ European businesses can provide hazardous waste collection services and glass recycling services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain visas to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories.

Subject to:

- ❑ Hazardous waste treatment and disposal services are subject to the development of relevant regulations.
- ❑ Economic needs test applies for contractual service suppliers, and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ European businesses can establish a company to provide life, accident and health insurance services, and reinsurance and retrocession services. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.
- ❑ European businesses can establish a company to provide payment and money transmission services.

Health and social services

- ❑ European businesses can establish a hospital service. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Tourism services

- ❑ European businesses can open a hotel or restaurant or provide hotel management services.
- ❑ European businesses can provide marinas with more than 100 slips for vessels 30-100 feet; and for marinas with less than 100 slips for vessels over 100 feet.
- ❑ European businesses can establish a company to provide spa services. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Subject to:

- ❑ Government subsidies for marinas may be limited to nationals.
- ❑ Joint venture is required to establish a company providing spa services.

Recreational, cultural, and sporting services

- ❑ European businesses can establish an entertainment business, press agency, or sporting or other recreational services agency or facilities.
- ❑ European businesses can establish a yacht rental and leasing business.
- ❑ European businesses can provide entertainment, press agency, or sporting and recreational services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain visas to provide entertainment services.

Subject to:

- Joint ventures or economic needs tests may be required to open a press agency. Main criteria for the economic needs test are number of and impact on existing service suppliers.
- Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Transport services

- European businesses can establish a company for the supply of international maritime transport services for passengers (but not for the purpose of operating a fleet under the national flag of Antigua and Barbuda).
- European businesses can establish a company to provide internal waterways transport services for freight, and rail transport services for passengers and freight. European businesses can also provide those services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.
- European businesses can provide liner shipping services and bulk tramp and other international shipping services (including passenger transportation), and air transport services for freight from Europe to the Caribbean. European businesses can also provide international maritime transport services for passengers and freight, and air transport services for freight to Caribbean consumers who receive that service within Europe.
- Contractual service suppliers and independent professionals can obtain visas to provide maritime transport services for freight.

Subject to:

- Economic needs test applies to key personnel, contractual service suppliers, and independent professionals providing maritime transport services for freight. Main criterion is availability of persons with the requisite skills in the local labour market.

Services auxiliary to transport

- European businesses can establish a company to provide the following services auxiliary to transport:
 - Maritime transport rental services of vessel with crew, maritime vessel salvaging and refloating services, rental services of aircraft with crew, computer reservations system services for air transport, pushing and towing services for rail transport, and supporting services for rail transport.

European businesses can provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

- European businesses can establish a company to provide storage and warehousing services for all modes of transport. European businesses can also provide these services to Caribbean consumers who receive the service within Europe.
- European businesses can provide ship registration services, and selling and marketing of air transport services from Europe to the Caribbean or to Caribbean consumers who receive those services within Europe.

Subject to:

- Joint venture is required to establish a company providing rental services of aircraft with crew.

Energy services

- There are no new European business opportunities.

Chapter 17

Barbados

General reservations that apply to investment

- ❑ Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- ❑ All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.

Agriculture, hunting, forestry, and logging

- ❑ European businesses can invest in agriculture, hunting, forestry, and logging activities subject to the general reservations.

Fishing

- ❑ European businesses can invest in fishing activities.

Subject to:

- ❑ A fishing vessel must be either totally owned by Barbadians or the ownership must be deemed as having substantial economic connection with Barbados. Foreign fishing vessels are required to have a foreign fishing vessel licence subject to the Fishers Act and regulations.

Mining and quarrying

- ❑ European businesses can invest in mining and quarrying activities.

Subject to:

- ❑ Certain activities in small-scale mining may be reserved for nationals.
- ❑ The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.
- ❑ The property of petroleum existing in its natural condition in strata within the submarine area and Barbados is vested in the Crown. The State reserves the right to adopt or maintain measures concerning the activities of onshore and offshore drilling of petroleum.

Manufacturing

- ❑ European businesses can invest in manufacturing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- ❑ The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition.

General reservations that apply to all services sectors

- ❑ Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- ❑ Requirement to obtain a work permit. Labour market tests are conducted.

Business: Professional

Legal services

- ❑ European businesses can provide legal consultancy services in that business's home law from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain visas to provide legal services.

Subject to:

- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market. Only a natural person can practise law.

Accounting services

- ❑ European businesses can establish a practice to provide accounting, auditing, or taxation services. European businesses can also provide taxation services from Europe.

Medical services

- ❑ European businesses can establish a practice to provide neurosurgery, epidemiological, or CATSCAN services.
- ❑ European businesses can provide midwives and nursing services, physiotherapeutic, and paramedical services from Europe.

Engineering and architectural services

- ❑ European businesses can provide engineering, architectural, urban planning, and landscape architectural services from Europe.

- ❑ European businesses can establish a practice to provide integrated engineering services for transportation infrastructure turnkey projects, the construction of manufacturing turnkey projects, and for other turnkey projects. European businesses can also provide these services from Europe.

Other business services

- ❑ European businesses can establish a company to provide technical testing and analysis services, services incidental to fishing, and services incidental to manufacturing (except publishing and printing). European businesses can also provide these services from Europe.
- ❑ European businesses can provide services incidental to agriculture, hunting and forestry, and surface surveying services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain visas to provide technical testing and analysis services.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide advertising, market research and public opinion polling, management consulting services, and services related to management consulting. European businesses can also provide these services from Europe.
- ❑ Independent professionals can obtain a visa to provide management consulting services, and services related to management consulting.

Subject to:

- ❑ Economic needs test applies for independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities (except for cultural sciences), and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide consulting services related to the installation of computer hardware, software implementation, data processing, database services, maintenance and repair services of office machinery and equipment including computers, data preparation, and other computer services. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide natural sciences, interdisciplinary research and development services, consulting services related to the installation of computer hardware, data processing, database, and other computer services.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide rental/leasing services (without operator) for aircraft, goods transport vehicles, and machinery and equipment. European businesses can also provide these services from Europe.

- ❑ European businesses can provide specialty photographic services (photomicrography only) from Europe.
- ❑ European businesses can establish a company to provide packaging, printing, and publishing services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair of equipment services (except repair services of motor vehicles, trailers and semi-trailers). European businesses can also provide those services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair services of vessels for maritime transport, aircraft, and rail transport equipment. European businesses can also provide those services from Europe to the Caribbean or to Caribbean consumers who receive those services in Europe.
- ❑ European businesses can also provide maintenance and repair services of vessels for internal waterways transport from Europe to the Caribbean or to Caribbean consumers who receive those services in Europe.
- ❑ European businesses can establish a company to provide investigation and security services, and credit reporting services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide placement and supply services of personnel. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide convention and specialty design services. European businesses can also provide these services from Europe.
- ❑ There are no new European business opportunities for veterinary services or real estate services.

Communication services

- ❑ European businesses can establish a courier service in Barbados. European businesses can also provide courier services from Europe.
- ❑ Contractual service suppliers can obtain visas to provide courier services.
- ❑ European businesses can establish a company to provide the following services:

Voice telephone services; packet-switched data transmission services; circuit-switched data transmission services; telex services; telegraph services; facsimile services; private leased circuit services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access (except voice) services; telecommunications equipment sales, rental, maintenance, connection, repair and consulting services; trunked radio system services; paging service; mobile services (terrestrial and satellite based); fixed satellite services (VSAT for non-public use); connection and interconnection services; and mobile maritime and air-to-ground telecommunication services.

European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

- European businesses can provide teleconferencing services from Europe.
- European businesses can provide the following services either from Europe or to Caribbean consumers who use these services within Europe: international voice, data, and video transmission services supplied to firms involved in information processing located within free zones.

Subject to:

- Two-ended breakout for non-public use is not permitted.
- Economic needs test applies to contractual service suppliers providing courier services. Main criterion is availability of persons with the requisite skills in the local labour market.

Construction services

- European businesses can establish a company to provide services related to construction work for long distance pipelines, communication and power lines (cables); local pipelines, cables and ancillary works; mining and manufacturing; stadiums and sports grounds; other sport and recreation installations (e.g. swimming pools, tennis courts, golf courses); and for engineering works. European businesses can also provide these services from Europe.

Distribution services

- European businesses can establish a company to provide the following distribution services:

Commission agents' services; wholesale trade services (except fresh fruit and vegetables, dairy products, eggs, edible oils and fats, poultry and poultry products); retail sales of motor vehicles, parts and accessories; sale, maintenance and repair services of motorcycles and snowmobiles (except maintenance and repair of motorcycles), and sales of parts and accessories; retail sales of motor fuel; and franchising services.

European businesses can also provide these services from Europe or to Caribbean consumers who receive those services within Europe.

Education services

- There are no new European business opportunities.

Environmental services

- European businesses can establish a company to provide sewage services. European businesses can also provide sewage services, hazardous waste collection, treatment and disposal services, and cleaning services of exhaust gases from Europe.
- European businesses can establish a company to provide noise abatement services and services related to closed loop pollution control systems for factories.
- Contractual service suppliers and independent professionals can obtain visas to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ European businesses can establish a company to provide non-life insurance services, reinsurance and retrocession services, services auxiliary to insurance (broking, agency), actuarial services, consultancy, risk assessment, and claim settlement services. European businesses can also provide these services for Caribbean consumers to receive within Europe.
- ❑ European businesses can provide reinsurance and retrocession services, and actuarial services to Caribbean consumers from Europe.
- ❑ No reservations for European businesses to obtain visas for key personnel, contractual service suppliers, or independent professionals providing reinsurance services.
- ❑ European businesses can establish a company to provide lending services of all types (including consumer credit, mortgage credit, factoring, and financing of commercial transactions); payment and money transmission services; and advisory and other auxiliary financial services (including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring).
- ❑ European businesses can also provide lending services and payment and money transmission services for Caribbean consumers to receive within Europe.

Subject to:

- ❑ Where a foreign bank that is a licensee (a) makes any alteration in its structure, the Articles of incorporation or in any other instrument under which it is incorporated or organized; (b) reorganize its business or makes an arrangement; or (c) enters into an agreement for (i) either the sale or other disposal of its business by amalgamation or otherwise, or (ii) for the purchase or other acquisition of the business of any other licensee, the bank shall within 30 days of the event give notice in writing of the occurrence of the event and also submit full particulars of the event to the Minister of Finance. Particulars furnished above shall be verified by affidavit or declaration sworn to or, as the case may be, made by a senior officer of the licensee. A foreign bank that is a licensee shall not without the written approval of the Minister of Finance: (a) reduce or impair its assigned capital; or (b) transfer out the whole or a substantial part of its assets or liabilities in Barbados.
- ❑ Nationality or residency is required to obtain a licence to provide services auxiliary to insurance.

Health and social services

- ❑ European businesses can establish a hospital or ambulance service in Barbados. European businesses can also provide hospital and ambulance services from Europe or to Caribbean consumers who travel to Europe.

Tourism services

- ❑ European businesses can open a hotel or provide marinas.

- ❑ European businesses can establish a company to provide spa services. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the services.

Recreational, cultural, and sporting services

- ❑ European businesses can open an agency to provide theatrical producer, singer, group, band, and orchestra entertainment services, and circus, amusement park and similar attraction services. European businesses can also provide these services from Europe.
- ❑ European businesses can open a news agency or provide news agency services to newspapers and periodicals from Europe.
- ❑ European businesses can establish a sports event promotion, organization or other sports service agency or facility.

Transport services

- ❑ European businesses can establish a company to provide the following transport services:

International maritime transport services for freight, internal waterways transport services for freight, rail transport services for passengers and freight, and road transport services for freight (excluding mail).

European businesses can also provide those services from the European to the Caribbean or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can provide air transport services for freight (excluding mail) from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.
- ❑ European businesses can establish a company to provide passenger transportation by man- or animal-drawn vehicles.
- ❑ Contractual service suppliers and independent professionals can obtain visas to provide maritime transport services for freight.

Subject to:

- ❑ Economic needs test applies to key personnel, contractual service suppliers and independent professionals providing maritime transport services for freight. Main criterion is availability of persons with the requisite skills in the local labour market.

Services auxiliary to transport

- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Rental services of aircraft with crew, computer reservation system services for air transport, pushing and towing services for rail transport, supporting services for rail transport, rental services of commercial vehicles with operator, supporting services for road transport (except parking services), and storage and warehousing services for all modes of transport.

European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

Energy services

- ❑ There are no new European business opportunities.

Other services

- ❑ European businesses can establish a company to provide funeral, cremation and undertaking services; as well as dyeing and colouring services. European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

Chapter 18

Belize

General reservations that apply to investment

- Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test. No limitations for managerial personnel and technical experts.
- All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.
- Requirement to obtain a licence to own or rent land. Companies that own or rent more than five acres of land may be restricted in the issue/transfer of shares to non-citizens.

Agriculture, hunting, forestry, and logging

- European businesses can invest in agriculture, hunting, forestry, and logging.

Subject to:

- The State reserves the right to adopt or maintain measures on investment in agriculture and hunting.

Fishing

- European businesses can invest in fishing activities.

Subject to:

- The State reserves the right to adopt or maintain measures on investment in this sector.

Mining and quarrying

- European businesses can invest in mining and quarrying activities.

Subject to:

- Certain activities in small-scale mining may be reserved for nationals.
- The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.

- ❑ A mineral or prospecting right shall be subject to nationality and residency requirements and the holder of these rights shall also be subjected to performance requirements.

Manufacturing

- ❑ European businesses can invest in manufacturing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- ❑ The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition.
- ❑ The State reserves the right to adopt or maintain measures on investment in the manufacture of food products and beverages, and furniture.

General reservations that apply to all services sectors

- ❑ Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test. No limitations for managerial personnel and technical experts.
- ❑ Requirements to register a company or incorporate locally, in accordance with the relevant national laws.
- ❑ Requirement to obtain a work permit.
- ❑ Eligibility for government funding or subsidies is limited to nationals, or for services considered in the public interest to citizens or persons resident in the country.

Business: Professional

Legal services

- ❑ European businesses can provide legal documentation and certification services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide legal services.

Subject to:

- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market. Only a natural person can practise law.

Accounting services

- ❑ European businesses can establish a practice to provide financial auditing services, accounting review services, compilation of financial statements services, and bookkeeping services. European businesses can also provide these services from Europe.
- ❑ European businesses can provide business tax planning and consulting services, business tax preparation and review services, and individual tax preparation and planning services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide accounting, auditing, and bookkeeping services.

Subject to:

- ❑ Requirements for joint ventures, and transfer of knowledge and technology to be phased in five years after entry into force of this Agreement.
- ❑ Economic needs tests applied for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Medical services

- ❑ European businesses can establish a practice to provide general and specialized medical services, neurosurgery, epidemiological, and CATSCAN services. European businesses can also provide these services from Europe.

Engineering and architectural services

- ❑ European businesses can establish a practice to provide engineering and architectural services. European businesses can also provide these services from Europe.
- ❑ From 1 January 2013, European businesses can establish a practice to provide urban planning and landscape architectural services.

Subject to:

- ❑ Joint venture, transfer of knowledge and technology is required to establish a practice providing engineering and architectural services.

Other business services

- ❑ European businesses can establish a company to provide technical testing and analysis services, geological, geophysical and other scientific prospecting services, and subsurface surveying services. European businesses can establish a company to provide services incidental to manufacture of textiles, wearing apparel, leather products, chemicals and chemical products, rubber and plastic products, non-metallic mineral products, metal products, machinery, and equipment. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide technical testing and analysis services, prospecting and surveying services, and services incidental to manufacturing.

Subject to:

- Transfer of knowledge and technology is required to establish a company providing technical testing and analysis services, prospecting and surveying services, or services incidental to manufacturing. Publicly funded services may be limited to citizens and/or residents.
- Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is the availability of local skills in the sub-sector.
- European businesses can establish a company to provide advertising, market research and public opinion polling, and other management services. European businesses can also provide these services from Europe.
- European businesses can provide management consulting services from Europe.
- Contractual service suppliers and independent professionals can obtain a visa to provide market research and opinion polling services, management consulting services, and services related to management consulting.

Subject to:

- Joint venture with minimum local participation of 50% is required for establishing a company providing advertising or market research and opinion polling services.
- Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities, and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- European businesses can establish a company to provide consulting services related to the installation of computer hardware, software implementation, data processing, and database services. European businesses can also provide these services from Europe.
- Contractual service suppliers and independent professionals can obtain a visa to provide social sciences and humanities, interdisciplinary research and development services, computer and related services.

Subject to:

- Publicly funded research and development services may be limited to citizens or residents.
- Investment in computer and related services requires a minimum local participation of 50% and transfer of technology.
- Applies economic needs test for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- European businesses can provide rental/leasing services (without operator) for ships, aircraft, private cars, goods transport vehicles, and machinery and equipment from Europe.
- European businesses can provide specialty photographic services (photomicrography only) and packaging services from Europe.

- ❑ European businesses can provide maintenance and repair of equipment services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair services of aircraft, and rail transport equipment. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive that service within Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide maintenance and repair services of aircraft.

Subject to:

- ❑ Transfer of knowledge and technology is required to establish a company providing maintenance and repair services of aircraft.
- ❑ Economic needs test applies to contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can provide placement and supply services of personnel (except nursing personnel) from Europe.
- ❑ European businesses can establish a company to provide convention services. European businesses can also provide these services from Europe.
- ❑ There are no new European business opportunities for veterinary services, real estate services, investigation and security services, credit reporting services, or collection agency services.

Communication services

- ❑ European businesses can provide courier services from Europe.
- ❑ European businesses can establish a company to provide the following services:

Voice telephone services; electronic data interchange services; Internet and Internet access (except voice) services; trunked radio system services; paging services; and teleconferencing services.

European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can provide the following services from Europe or to Caribbean consumers who use the services within Europe:

Packet-switched data transmission services; circuit-switched data transmission services; telex services; telegraph services; facsimile services; private leased circuit services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; and online information and/or data processing (including transaction processing).

Subject to:

- ❑ For telecommunications services, callback and refile are not permitted.
- ❑ Economic needs test applies to establish a company providing voice telephone services. The main criterion is the number of licensed providers operating in the market.
- ❑ The following services can only be provided through network facilities supplied by licensed operators:

Voice telephone services; packet-switched data transmission services; circuit-switched data transmission services; telex services; telegraph services; facsimile services; private leased circuit services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access services; and teleconferencing services.

- ❑ Joint venture with Belizean nationals is required to establish a company providing trunked radio system services or paging services.

Construction services

- ❑ There are no new European business opportunities.

Distribution services

- ❑ European businesses can provide non-food retailing services from Europe or to Caribbean consumers who receive those services within Europe.

Education services

- ❑ European businesses can provide adult education services from Europe or to Caribbean consumers who travel to Europe to receive those services.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide adult education services.

Subject to:

- ❑ Scholarships and grants may be limited to citizens or residents. Measures relating to the supply of education and training may result in different treatment in terms of benefits or prices.
- ❑ Economic needs tests apply to contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Environmental services

- ❑ European businesses can establish a company to provide hazardous waste collection, treatment and disposal services, noise abatement services, waste and wastewater management services, and cleaning services of exhaust gases. European businesses can also provide these services from Europe.
- ❑ European businesses can also establish a company to provide services related to closed loop pollution control systems for factories.
- ❑ European can provide sewage services and recycling services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories.

Subject to:

- ❑ Transfer of knowledge and technology is required for hazardous waste collection, treatment and disposal services, noise abatement services, and waste and wastewater management services.

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ European businesses can provide actuarial services from Europe to the Caribbean or to Caribbean consumers who receive those services within Europe.

Health and social services

- ❑ European businesses can establish a hospital service in Belize. European businesses can also provide hospital, ambulance, and residential health facility services from Europe or to Caribbean consumers who travel to Europe to receive the service.
- ❑ European businesses can provide welfare services delivered through residential institutions to elderly persons, people with disabilities, children, and other clients; welfare services not delivered through residential institutions; and vocational rehabilitation services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Tourism services

- ❑ European businesses can establish a hotel or company to provide letting services of furnished accommodation, camping, and caravanning site services.
- ❑ European businesses can establish a company to provide spa services. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the services.

Subject to:

- ❑ Economic needs tests may apply for hotels of less than 50 rooms other accommodation services. Main criteria are the number of and impact on existing service suppliers.
- ❑ Joint venture partnerships are also required for furnished accommodation, camping, and caravanning services.
- ❑ Belize has not liberalized market access for opening restaurant services but does agree to treat foreign and domestic suppliers equally.

Recreational, cultural, and sporting services

- ❑ European businesses can open an agency to provide circus, amusement park and similar attraction services, and ballroom, discotheque and dance instructor services. European businesses can also provide these services from Europe.
- ❑ European businesses can open a news agency or provide news agency services to newspapers, periodicals, and television stations from Europe.
- ❑ European businesses can establish a yacht rental and leasing business for yachts without operators limited to Class 1, under 12 passengers, with or without crew, and with multiple days on itinerary.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide entertainment services, news agency services, libraries, archives, museums, and other cultural services.

Subject to:

- ❑ Establishment of press agencies by foreign investors is subject to reciprocity and transfer of technology and knowledge is required.
- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Transport services

- ❑ European businesses can establish a company to provide the following transport services:

International maritime transport services for freight, air transport services for passengers (excluding the carriage of passengers within the domain of Belize), and rail transport services for passengers and freight.

European businesses can also provide those services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can provide maritime transport services for passengers and air transport services for freight from Europe to the Caribbean or for Caribbean consumers receiving the services within Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide maritime transport services for freight.

Subject to:

- ❑ Economic needs test applies to key personnel, contractual service suppliers, and independent professionals providing maritime transport services for freight. Main criterion is availability of persons with the requisite skills in the local labour market.

Services auxiliary to transport

- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Maritime transport rental services of vessel with crew, pushing and towing services for maritime transport, rental services of aircraft with crew, pushing and towing services for rail transport, and supporting services for rail transport.

European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

- ❑ European businesses can establish a company to provide maritime vessel salvaging and refloating services.
- ❑ European businesses can provide navigation aid, communications and meteorological services for maritime transport; and computer reservation system, and selling and marketing of air transport services from Europe to the Caribbean or to Caribbean consumers who receive those services within Europe.
- ❑ European businesses can provide freight transport agency services for all modes of transport to Caribbean consumers who receive the service within Europe.

Subject to:

- For rental services of vessels with crew, passenger transportation for abroad is limited to Class 2 boats under 100 passengers but with multiple days on the itinerary.
- Joint venture is required to establish a company providing pushing and towing services for maritime transport and rental services of aircraft with crew.

Energy services

- There are no new European business opportunities.

Other services

- European businesses can provide services of membership organizations from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

Chapter 19

Dominica

General reservations that apply to investment

- ❑ Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test. No limitations for managerial personnel and technical experts.
- ❑ All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.
- ❑ Requirement to obtain a licence to own or rent land. Companies that own or rent any land may be restricted in the issue/transfer of shares to non-citizens.
- ❑ Requirement to incorporate or register business locally.
- ❑ Economic needs tests are applied in small businesses. The main criteria are number of and impact on existing service suppliers.

Agriculture, hunting, forestry, and logging

- ❑ European businesses can invest in agriculture, hunting, forestry, and logging activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain measures on investment in this sector.

Fishing

- ❑ European businesses can invest in fishing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain measures on investment in this sector.

Mining and quarrying

- ❑ European businesses can invest in mining and quarrying activities.

Subject to:

- ❑ Certain activities in small-scale mining may be reserved for nationals.

- The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.
- The Inspector shall not issue a non-exclusive prospecting licence to (i) an individual unless he is a citizen of Dominica; (ii) a company unless it is a company whose entire share capital is beneficially owned by citizens of Dominica or by a corporation which in the opinion of the Minister has been established for a public purpose or partly by such citizens and partly by such a corporation; (iii) a corporation unless it is a corporation incorporated in Dominica. The Inspector may grant a non-citizen a non-exclusive prospecting licence if that person was ordinarily resident in Dominica during the period of seven years immediately preceding the date of his/her application.

Manufacturing

- European businesses can invest in manufacturing activities.

Subject to:

- The State reserves the right to adopt or maintain restrictions on investment (including small-scale investment) in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition, food products, and beverages.

General reservations that apply to all services sectors

- Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test. No limitations for managerial personnel and technical experts.
- Requirements to register a company or incorporate locally, in accordance with the relevant national laws.
- Licensing requirements to hold land.
- Small business service investments may be reserved for nationals.
- Requirement to obtain a work permit.
- Eligibility for government funding or subsidies is limited to nationals, or for services considered in the public interest to citizens or persons resident in the country.

Business: Professional

Legal services

- From 1 January 2018, European businesses can establish a practice to provide legal services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Non-CARICOM Commonwealth nationals are required to have their qualifications reviewed by the Council of Legal Education and also undergo a six-month period of training at one of the law schools. Non-Commonwealth nationals are required to have their qualifications reviewed by the Council of Legal Education to determine the amount of retraining required.

Accounting services

- ❑ From 1 January 2018, European businesses can establish a practice to provide accounting and auditing services. European businesses can also provide these services from Europe.
- ❑ From 1 January 2022, European businesses can establish a practice to provide taxation services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Professional service suppliers may be required to register with the appropriate professional or governmental bodies and pay higher fees than nationals.

Medical services

- ❑ From 1 January 2018, European businesses can establish a practice to provide specialized medical services. European businesses can also provide these services from Europe.
- ❑ From 1 January 2018, European businesses can establish a practice to provide midwives and nursing services, physiotherapeutic and paramedical services.

Veterinary services

- ❑ From 1 January 2018, European businesses can establish a practice to provide veterinary services. European businesses can also provide veterinary services from Europe or to Caribbean clients that travel to Europe to receive services.

Engineering and architectural services

- ❑ From 1 January 2018, European businesses can establish a practice to provide engineering and architectural services.
- ❑ From 1 January 2022, European businesses can establish a practice to provide integrated engineering, urban planning, and landscape architectural services.
- ❑ European businesses can provide engineering, integrated engineering, architectural, urban planning, and landscape architectural services from Europe.

Other business services

- ❑ From 1 January 2018, European businesses can establish a company to provide technical testing and analysis services. European businesses can also provide these services from Europe.

- ❑ From 1 January 2022, European businesses can establish a company to provide services incidental to agriculture, hunting and forestry; engineering related scientific and technical consulting services; and services incidental to the manufacture of food, beverages, tobacco, textiles, wearing apparel, leather products, paper and paper products, machinery and equipment, electrical machinery and apparatus, medical precision and optical instruments, watches and clocks. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide technical testing and analysis services.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ From 1 January 2018, European businesses can establish a company to provide advertising, market research and public opinion polling, and management consulting services. European businesses can also provide these services from Europe.
- ❑ From 1 January 2022, European businesses can establish a company to provide services related to management consulting. European businesses can also provide these services from Europe.
- ❑ From 1 January 2018, European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities, and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide research and development services.
- ❑ From 1 January 2018, European businesses can establish a company to provide consultancy services related to the installation of computer hardware.
- ❑ From 1 January 2018, European businesses can establish a company to provide software implementation, data processing and database services. European businesses can also provide these services from Europe to the Caribbean.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ Economic needs test also applies for software implementation and database services to limit the number of non-nationals in managerial positions. Main criterion is availability of persons with the requisite skills in the local labour market. Limitations apply to the number of non-nationals in managerial positions for consulting services related to the installation of computer hardware.
- ❑ Publicly funded research and development services may be limited to citizens or residents.
- ❑ From 1 January 2018, European businesses can establish a business to provide rental/leasing services (without operator) for ships, aircraft, transport equipment, and machinery and equipment. European businesses can also provide these services from Europe.

- ❑ European businesses can establish a company to provide packaging services or provide these services from Europe.
- ❑ From 1 January 2022, European businesses can establish a company to provide maintenance and repair of equipment services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair services of vessels for maritime transport and rail transport equipment. European businesses can also provide those services to Caribbean consumers who receive those services within Europe.
- ❑ European businesses can also provide maintenance and repair services of rail transport equipment to Caribbean consumers who receive the service within Europe.
- ❑ From 1 January 2018, European businesses can establish a company to provide convention services.
- ❑ There are no new European business opportunities for real estate services, investigation and security services, credit reporting services, collection agency services, or placement and supply services of personnel.

Communication services

- ❑ From 1 January 2018, European businesses can establish a courier service in Dominica.
- ❑ European businesses can establish a company to provide the following services for public and non-public use:

Packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.

European businesses can also provide these services for public use from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide the following services:

Voice telephone services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access (except voice) services; personal communication services; telecommunications equipment sales, rental, maintenance, connection, repair and consulting services; trunked radio system services; paging services; teleconferencing services; mobile services (terrestrial and satellite based); and fixed satellite services.

European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

Construction services

- ❑ From 1 January 2022, European businesses can establish a company to provide services related to general construction work for hotels and resorts in excess of 100 rooms, restaurants and similar buildings, and other civil engineering work.

Distribution services

- ❑ There are no new European business opportunities.

Education services

- ❑ From 1 January 2018, European businesses can establish an institution to provide post-secondary technical and vocational education services and adult education services.
- ❑ From 1 January 2022, European businesses can establish an institution to provide primary and secondary education services.
- ❑ European businesses can provide primary education services, post-secondary technical and vocational education services and adult education services to Caribbean consumers who travel to Europe to receive those services.
- ❑ European businesses can provide adult education services from Europe.

Subject to:

- ❑ Scholarships and grants may be limited to citizens or residents. Measures relating to the supply of education and training may result in different treatment in terms of benefits or prices.

Environmental services

- ❑ European businesses can establish a company to provide cleaning services of exhaust gases. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide noise abatement services and services related to closed loop pollution control systems for factories.
- ❑ Contractual services suppliers and independent professionals can obtain a visa to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ From 1 January 2018, European businesses can establish a company to provide life, accident and health, and non-life insurance services, reinsurance and retrocession services, and services auxiliary to insurance (broking, agency).
- ❑ European businesses can provide reinsurance and retrocession services, and services auxiliary to insurance (broking, agency) from Europe to the Caribbean or to Caribbean consumers who receive those services within Europe.
- ❑ European businesses can establish a company to provide advisory and other auxiliary financial services (including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring); and services for the registration of offshore companies and trusts (not including insurance companies and banks) to do

offshore business. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive those services within Europe.

- ❑ From 1 January 2018, European businesses can establish a company to provide the following services:

Services for the acceptance of deposits and other repayable funds; lending services of all types (including consumer credit, mortgage credit, factoring and financing of commercial transactions); trading services for own or customers account (whether on an exchange, in an over-the-counter market or otherwise); services related to the issuing of securities (including underwriting and placement as agents); and services for the provision of financial information, financial data processing and related software by providers of other financial services.

European businesses can also provide trading services for own or customers account and services related to the issuing of securities for Caribbean consumers to receive within Europe.

Health and social services

- ❑ From 1 January 2018, European businesses can establish a hospital service in Dominica. European businesses can also provide hospital services from Europe or to Caribbean consumers who travel to Europe to receive the service.
- ❑ From 1 January 2018, European businesses can establish an ambulance or residential health facility service in Dominica. European businesses can also provide ambulance, residential health facility, and other human health services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Tourism services

- ❑ European businesses can open a hotel or restaurant. Dominica allows foreign investment in hotels in excess of 50 rooms.
- ❑ European businesses can provide marinas with more than 100 slips for vessels 30-100 feet; and for marinas with less than 100 slips for vessels over 100 feet.
- ❑ European businesses can establish a company to provide spa services. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the services.

Subject to:

- ❑ Dominica stipulates that fiscal incentives under the Hotel Aid Act and the Fiscal Incentives Act may be limited to hotels of 10 rooms or more.
- ❑ Economic needs test applies to hotel development of less than 50 rooms. The main criteria are number of and impact on existing service suppliers.
- ❑ Government subsidies for marinas may be limited to nationals.

Recreational, cultural and sporting services

- ❑ European businesses can establish a yacht rental and leasing business.
- ❑ European businesses can establish an entertainment business, press agency, or sporting or other recreational services agency or facilities.

- ❑ European businesses can provide entertainment, press agency, or sporting and recreational services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide entertainment services.

Subject to:

- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Transport services

- ❑ European businesses can establish a company to provide the following transport services:

Maritime transport services for passengers and freight, air transport services for freight, and rail transport services for passengers and freight.

European businesses can also provide these services from Europe to the Caribbean or for Caribbean consumers receiving the services within Europe.

- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide maritime transport services for freight.

Subject to:

- ❑ Economic needs test applies to key personnel, contractual service suppliers, and independent professionals providing maritime transport services for freight. Main criterion is availability of persons with the requisite skills in the local labour market.

Services auxiliary to transport

- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Rental services of maritime vessel with crew, pushing and towing services for rail transport, supporting services for rail transport, storage and warehousing services for all modes of transport, and freight transport agency services for all modes of transport.

European businesses can also provide these services to Caribbean consumers who receive the service within Europe.

- ❑ From 1 January 2022, European businesses can establish a company to provide other supporting and auxiliary transportation services. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

Energy services

- ❑ There are no new European business opportunities.

Chapter 20

Dominican Republic

General reservations that apply to investment

- ❑ Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees can obtain visas to work in the local company, subject to an economic needs test.
- ❑ All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.
- ❑ Foreign investment is prohibited in: (a) disposal and storage of toxic, hazardous or radioactive waste not produced in the country; (b) activities liable to affect public health or the country's environmental equilibrium; and (c) production of materials and equipment directly related to national defence and security, without government authorization. For a foreign investment liable to affect the ecosystem, the investor must submit a project that includes remedying the ecological damage.
- ❑ The Dominican Republic reserves the right to own or control land within 20 km of the border.
- ❑ Cooperatives may accept foreign nationals residing in the Dominican Republic as associates in proportion not larger than 50% of total membership and shares.
- ❑ Requirement to employ 80% local employees.
- ❑ Limitations on the transfer or disposal of interest in State-owned enterprises and nationality requirements for senior management and board of directors.
- ❑ Rights and preferences may be accorded to socially or economically disadvantaged groups.

Agriculture, hunting, forestry, and logging

- ❑ European businesses can invest in agriculture, hunting, forestry, and logging activities.

Subject to:

- ❑ The superintendents, janitors/administrators/butlers, supervisors and any other employees that labour in agriculture tasks should be of Dominican nationality.

Fishing

- European businesses can invest in fishing activities.

Subject to:

- The legislation prescribes differential requirements for obtaining fishing permits, and the conditions to be met by foreign investors. Only Dominican nationals may engage in artisanal fishing within 54 nautical miles off the coast.

Mining and quarrying

- European businesses can invest in mining and quarrying activities.

Subject to:

- Certain activities in small-scale mining may be reserved for nationals.
- Mineral substances of every nature which are found in the soil of the national territory as well as in the underwater soil and subsoil of the territorial sea belong to the State and can only be exploited by individuals by virtue of the concessions or the contracts that are granted, and in the conditions that the Dominican legislation determines. Foreign companies that apply for concessions of exploitation and of processing plants and for concessions to explore, exploit or benefit from oil and other hydrocarbon substances are required to have a legal domicile in the Dominican Republic and be a stock company incorporated under the laws of the Dominican Republic.
- Mining concessions for coal, lignite, the extraction of peat, metal ores, or other minerals may not be granted to any foreign government either directly or through the intermediation of a natural person or company. In duly justified cases, and with the prior approval of the National Congress, the Executive Branch may enter into special agreements with foreign mining enterprises that are partially or wholly state-owned. The legislation prescribes the requirements for obtaining permits and the conditions to be met by foreign investors.
- No sovereign foreign government may be granted the right to explore, exploit or benefit from oil and other hydrocarbon substances, nor shall any natural person or company enjoying these rights allow a sovereign foreign government as a partner, associate, or shareholder. The legislation prescribes differential requirements for obtaining permits and the conditions to be met by foreign investors.

Manufacturing

- European businesses can invest in manufacturing activities.

Subject to:

- The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition, and the manufacture of refined petroleum products.
- Investment in production, transmission and distribution of electricity, gas, steam and hot water (excludes nuclear-based electricity).

- ❑ European businesses can invest in the production, transmission and distribution of electricity, gas, steam, and hot water.

Subject to:

- ❑ Economic activities considered as public utilities at a national or local level may be subject to public monopolies or to exclusive rights granted to private operators.

General reservations that apply to all services sectors

- ❑ Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees can obtain visas to work in the local company, subject to an economic needs test.
- ❑ Foreign investment is prohibited in: (a) disposal and storage of toxic, hazardous or radioactive waste not produced in the country; (b) activities liable to affect public health or the country's environmental equilibrium; and (c) production of materials and equipment directly related to national defence and security, without Government authorization. For a foreign investment liable to affect the ecosystem, the investor must submit a project that includes remedying the ecological damage.
- ❑ Requirements to register a company or incorporate locally, in accordance with the relevant national laws.
- ❑ Licensing requirements to hold land.
- ❑ Small business service investments may be reserved for nationals.
- ❑ Eligibility for government funding or subsidies is limited to nationals, or for services considered in the public interest to citizens or persons resident in the country.
- ❑ Requirements to employ minimum 80% of local employees.
- ❑ Requirement to obtain a work permit.
- ❑ Key personnel must contribute to the training of Dominican personnel in the areas of specialization.

Business: Professional

Legal services

- ❑ European businesses can establish a practice to provide legal services in the following areas: consultancy in international law, legal consultancy services in that business's home law, and legal advisory and information services. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide legal services.

Subject to:

- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Accounting services

- ❑ European businesses can establish a practice to provide accounting, auditing, and taxation services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Foreign public accountants, auditors, bookkeepers, or taxation service providers may practise their profession only in association with a Dominican accountant.

Medical services

- ❑ European businesses can establish a practice to provide specialized medical services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a practice to provide neurosurgery, epidemiological, CATSCAN, midwives, nursing, physiotherapeutic, or paramedical services.

Veterinary services

- ❑ European businesses can establish a practice to provide veterinary services. European businesses can also provide these services to Caribbean clients who travel to Europe to receive the service.

Engineering and architectural services

- ❑ European businesses can establish a practice to provide engineering, integrated engineering, architectural, urban planning, and landscape architectural services.
- ❑ European businesses can provide engineering, integrated engineering, and architectural services from Europe.

Subject to:

- ❑ Prior permit required for engineering and integrated engineering services. A foreign professional who meets the relevant qualifications may join CODIA as long as Dominican nationals are not prohibited from practicing in the jurisdiction in which the foreign professional is licensed. Chemical engineers must work in association with a national chemical engineer.
- ❑ Prior permit required for architectural, urban planning and landscape architectural services. Graduates of foreign universities who are not members of CODIA may practise in the Dominican Republic when (a) the Executive Branch in special and justified cases contracts their services to perform specialized jobs or technical consulting in those fields of the profession in which such services are necessary; or (b) an enterprise or institution contracts the professional to supply a specific service for a specified time. To provide architectural and engineering services related to construction, persons who are not members of the CODIA must associate with a CODIA member.

Other business services

- ❑ European businesses can establish a company to provide technical testing and analysis services, engineering related scientific and technical consulting

services, and services incidental to agriculture, hunting, forestry, fishing, and manufacturing (except publishing and printing). European businesses can also provide these services from Europe.

- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide technical testing and analysis services.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ Prior authorization is required to establish a company providing services incidental to fishing. Only Dominican nationals may engage in artisanal fishing within 54 nautical miles off the coast.

European businesses can establish a company to provide advertising, market research and public opinion polling, management consulting, and services related to management consulting. European businesses can also provide these services from Europe.

Subject to:

- ❑ 75% of all artists, announcers, singers, and other participants in the production of any jingle, video, tape, script, advertisement for use in cinemas, or commercial that is transmitted and presented on radio and television, must be Dominican nationals. If a commercial for Dominican goods and services to be sold in the Dominican Republic needs to be produced abroad, 25% of the artists and production personnel in charge of production must be Dominican nationals.
- ❑ European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities, and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide research and development services.
- ❑ European businesses can establish a company to provide consulting services related to the installation of computer hardware, software implementation, data processing and database services, maintenance and repair services of office machinery and equipment including computers, and other computer services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals (except for independent professional services related to natural sciences). Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ Economic needs test also applies for software implementation services to limit the number of non-nationals in managerial positions. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide rental/leasing services (without operator) for ships, aircraft, transport equipment, and machinery and equipment. European businesses can also provide these services from Europe.

- ❑ European businesses can establish a real estate agency. European businesses can also provide real estate services involving own or leased property, and real estate services on a fee or contract basis from Europe.
- ❑ European businesses can establish a company to provide photographic, packaging, publishing and printing, duplicating, and telephone answering services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair of equipment services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair services of vessels for maritime and internal waterways transport, aircraft, and rail and road transport equipment. European businesses can also provide those services from Europe to the Caribbean or to Caribbean consumers who receive those services in Europe.
- ❑ European businesses can establish a company to provide investigation and security services, credit reporting services, and collection agency services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide placement and supply services of personnel. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide building cleaning services.
- ❑ European businesses can establish a company to provide specialty design services, translation and interpretation, and convention services. European businesses can also provide these services from Europe.

Communication services

- ❑ European businesses can establish a courier service in Dominican Republic or provide courier services from Europe.
- ❑ European businesses can establish a company to provide the following services for public and non-public use:

Packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.
- ❑ European businesses can also establish a company to provide the following services:

Voice telephone services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access services; personal communication services; telecommunications equipment sales, rental, maintenance, connection, repair and consulting services; trunked radio system services; paging services; teleconferencing services; mobile data services; mobile services (terrestrial and satellite based); fixed satellite services; international voice, data, and video transmission services supplied to firms involved in information processing located within free zones; video transmission services (satellite based); connection and interconnection services; and mobile maritime and air-to-ground telecommunication services.

Construction services

- ❑ European businesses can establish a company to provide services related to general construction work for buildings and civil engineering, installation and assembly work, building completion and finishing work, and special trade construction.
- ❑ European businesses can provide services from Europe related to general construction work for buildings.

Distribution services

- ❑ European businesses can establish a company to provide the following distribution services:

Commission agents' services; wholesale trade services (including telecommunications terminal equipment); sale of motor vehicles, motorcycles and snowmobiles, and parts and accessories; sale, maintenance and repair services of motorcycles and snowmobiles (except maintenance and repair of motorcycles), and sales of parts and accessories; non-food retailing services; motor fuel; and franchising services.
- ❑ European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

Education services

- ❑ European businesses can establish an institution to provide higher education services.

Subject to:
 - ❑ Joint venture is required to establish an institution providing higher education services.

Environmental services

- ❑ European businesses can establish a company to provide the following services or provide the services from Europe:

Sewage services; refuse disposal services; hazardous waste collection, treatment and disposal services; cleaning services of exhaust gases; noise abatement services; remediation and clean-up of soil and water services; protection of biodiversity and landscape services; services related to closed loop pollution control systems for factories; waste and wastewater management services; and recycling services.

Contractual service suppliers and independent professionals can obtain a visa to provide cleaning services of exhaust gases.

Subject to:
 - ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ European businesses can establish an insurance company to provide life, accident and health, and non-life insurance services; services auxiliary to insurance (broking, agency); and reinsurance and retrocession services.

- ❑ European businesses can provide reinsurance and retrocession services, and direct insurance services relating to: (i) Maritime shipping and commercial aviation and space launching and freight (including satellites), with such insurance to cover any or all of the following: the goods being transported, the vehicle transporting the goods, and any liability arising therefrom; and (ii) goods in international transit. European businesses can provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.
- ❑ European businesses can establish a finance company to provide the following services:

Services for acceptance of deposits and other repayable funds; lending services of all types (including consumer credit, mortgage credit, factoring and financing of commercial transactions); financial leasing services; payment and money transmission services; services for guarantees and commitments; trading services for own or customers account (whether on an exchange, in an over-the-counter market, or otherwise); services related to the issuing of securities (including underwriting and placement as agents); advisory and other auxiliary financial services (including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring); services for the provision and transfer of financial information, financial data processing and related software by providers of other financial services; and financial leasing services with option to buy and factoring.

- ❑ European businesses can also provide the following services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe:

Advisory and other auxiliary financial services; and services for the provision and transfer of financial information, financial data processing and related software by providers of other financial services.

Subject to:

- ❑ Unless otherwise provided in a treaty, agreement, or international agreement to which the Dominican Republic is a party, personal life and health insurance contracts sold in the Dominican Republic, and all types of bonds on obligations in the Dominican Republic, must be underwritten either directly or through intermediaries with insurers authorized to operate in the Dominican Republic. Nationality or residency required for obtaining a licence.

Health and social services

- ❑ European businesses can establish a hospital, ambulance, residential health facility, or other human health service. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the service.
- ❑ European businesses can establish a social service in the Dominican Republic.

Tourism services

- ❑ European businesses can open a hotel, restaurant, travel agency, tour operator office, tourist guide agency, or provide marinas.
- ❑ European businesses can provide catering, travel agency, tour operator, tourist guide, or hotel management services from Europe.

- ❑ European businesses can establish a company to provide spa services. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Subject to:

- ❑ Tour guide licences may be granted to foreign nationals only in exceptional circumstances, such as when no Dominican tour guide can satisfy the needs of a particular tour group, including the need to speak a particular language. Drivers for land transport of tourists must be Dominican nationals or foreign nationals resident in the Dominican Republic.
- ❑ To operate in the Dominican Republic, foreign travel agencies must be duly authorized in their country and of origin and represented by a local agency.

Recreational, cultural, and sporting services

- ❑ European businesses can establish a yacht rental and leasing business.
- ❑ European businesses can establish an entertainment business, library, or sporting or other recreational services agency or facilities.
- ❑ European businesses can provide entertainment, press agency, library, or sporting and recreational services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide entertainment services.

Subject to:

- ❑ The senior manager of every newspaper or periodical must be a Dominican national.
- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Transport services

- ❑ European businesses can establish a company to provide the following transport services:

Maritime transport services for passengers and freight, provide internal waterways transport services for passengers and freight, rail transport services for passengers and freight, and road transport services for passengers and freight.

European businesses can also provide these services from Europe to the Caribbean or for Caribbean consumers receiving the service within Europe.

- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide maritime transport services for freight.

Subject to:

- ❑ When loading and unloading passengers or merchandise, Dominican Republic flag vessels pay 50% of the related fees and charges set for foreign flag vessels. The fees and charges related to loading and unloading paid by foreign flag vessels shall be elicited in a non-discriminatory manner in respect of the nationality of the flag that those foreign vessels fly.

- ❑ Economic needs test applies to key personnel, contractual service suppliers, and independent professionals providing maritime transport services for freight. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ Boats and ships of any class and gross ton destined for the transport of passengers or freight in the rivers of the Dominican Republic must be Dominican flagged vessels.

Services auxiliary to transport

- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Rental services of maritime vessel with crew, pushing and towing services for maritime transport, maritime vessel salvaging and refloating services, rental services of internal waterways vessel with crew, computer reservations system services for air transport, selling and marketing of air transport services, ground-handling services for air transport, pushing and towing services for rail transport, supporting services for rail transport, supporting services for road transport, cargo-handling services for all modes of transport, storage and warehousing services for all modes of transport, freight transport agency services for all modes of transport, trans-shipment services, and other supporting and auxiliary transportation services.

European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide pushing and towing services for internal waterways transport.

Subject to:

- ❑ Tugboats, boats, and ships of any class and gross ton destined for the operations of pushing and towing in Dominican ports or rivers must be Dominican flagged.

Energy services

- ❑ European businesses can establish a company to provide services incidental to mining. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.
- ❑ European businesses can establish a company to provide services incidental to energy distribution. European businesses can also provide these services from Europe to the Caribbean.

Chapter 21

Grenada

General reservations that apply to investment

- ❑ Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- ❑ All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.
- ❑ Requirement to obtain a licence to own or rent land. Companies that own or rent more than five acres of land may be restricted in the issue/transfer of shares to non-citizens.
- ❑ Requirement to incorporate or register business locally.
- ❑ A foreign investor purchasing or selling shares/stocks is subject to a specific tax.

Agriculture, hunting, forestry, and logging

- ❑ European businesses can invest in agriculture, hunting, forestry, and logging activities.

Subject to:

- ❑ Legislation reserves this sector to domestic producers but foreign investment may be allowed only for the production for export.

Fishing

- ❑ European businesses can invest in fishing activities.

Subject to:

- ❑ The legislation prescribes differential fees for non-nationals to obtain a licence to engage in fishing activities.

Mining and quarrying

- ❑ European businesses can invest in mining and quarrying activities.

Subject to:

- ❑ Certain activities in small-scale mining may be reserved for nationals.

- The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.

Manufacturing

- European businesses can invest in manufacturing activities.

Subject to:

- The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition.
- Regarding the manufacture of food and beverages (excluding dairy products) and of furniture, legislation reserves these sectors to domestic producers, but foreign investment may be allowed only for the production for export.

General reservations that apply to all services sectors

- Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- Requirements to register a company or incorporate locally, in accordance with the relevant national laws.
- Licensing requirements to hold land.
- Small business service investments may be reserved for nationals.
- Eligibility for government funding or subsidies is limited to nationals, or for services considered in the public interest to citizens or residents.
- Requirement to obtain a work permit. Permits may be issued only to people with managerial or technical skills that are in short supply or not available in Grenada.
- Key personnel must contribute to the training of Grenadian personnel in the areas of specialization.

Business: Professional

Legal services

- European businesses can establish a practice to provide legal consultancy services in international law. European businesses can also provide these services from Europe.
- Contractual service suppliers and independent professionals can obtain a visa to provide legal services.

Subject to:

- Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Accounting services

- ❑ European businesses can establish a practice to provide accounting and auditing services.

Medical services

- ❑ European businesses can establish a practice to provide specialized medical services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a practice to provide neurosurgery, epidemiological, or CATSCAN services.

Veterinary services

- ❑ European businesses can provide veterinary services to Caribbean clients that travel to Europe to receive the service.

Engineering and architectural services

- ❑ European businesses can establish a practice to provide engineering design services for the construction of civil engineering works, and for industrial processes and production. European businesses can also establish a practice to provide integrated engineering services for transportation infrastructure turnkey projects, integrated engineering and project management services for water supply and sanitation works turnkey projects, and for other turnkey projects. European businesses can provide these services from Europe.
- ❑ European businesses can establish a practice to provide architectural and landscape architectural services. European businesses can also provide landscape architectural services from Europe.

Subject to.

- ❑ Joint venture is required to establish a practice providing architectural services.

Other business services

- ❑ European businesses can establish a company to provide services incidental to the manufacture of food, beverages, tobacco, textiles, wearing apparel, leather products, paper and paper products, machinery and equipment, electrical machinery and apparatus, medical precision and optical instruments, watches and clocks; and services providing agricultural machinery, promoting propagation, growth and output of animals. European businesses can also provide these services from Europe.
- ❑ European businesses can provide technical testing and analysis services, geological, geophysical and other scientific prospecting services, subsurface and surface surveying services, and map-making surfaces from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide technical testing and analysis services.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

- European businesses can establish a company to provide advertising services (except sale/leasing of advertising space), market research and public opinion polling services, and services related to management consulting (except arbitration and conciliation services). European businesses can also provide these services from Europe.

Subject to:

- Joint venture with minimum local participation of 40% is required for establishing a company providing advertising services.
- European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities, and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- Contractual service suppliers and independent professionals can obtain a visa to provide social sciences and humanities, and interdisciplinary research and development services.
- European businesses can establish a company to provide consulting services related to the installation of computer hardware, software implementation, data processing and database services. European businesses can also provide these services from Europe.

Subject to.

- Publicly funded research and development services may be limited to citizens or residents. Subsidies may be limited to citizens or residents.
- Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- Economic needs test may apply for consultancy services related to installation of computer hardware. Main criteria are location of business and employment situation in the subsector.
- Economic needs test also applies for software implementation and database services to limit the number of non-nationals in managerial positions. Main criterion is availability of persons with the requisite skills in the local labour market. Requirement to employ a minimum percentage of local employees.
- European businesses can establish a company to provide rental/leasing services (without operator) for ships, aircraft, transport equipment, and machinery and equipment. European businesses can also provide these services from Europe.

Subject to:

- Enterprises with initial investment of less than US\$ 1,000,000 may be reserved for nationals.
- European businesses can establish a company to provide packaging services. European businesses can also provide these services from Europe.
- European businesses can establish a company to provide convention services.
- European businesses can provide maintenance and repair of equipment services from Europe.

- ❑ European businesses can establish a company to provide maintenance and repair services of vessels for maritime transport and rail transport equipment. European businesses can also provide those services to Caribbean consumers who receive those services in Europe.

Subject to:

- ❑ Joint venture is required to establish a company providing maintenance and repair services of vessels for maritime transport.
- ❑ There are no new European businesses opportunities for real estate services, for investigation and security services, credit reporting services, collection agency services, or placement and supply services of personnel.

Communication services

- ❑ European businesses can provide courier services from Europe.
- ❑ European businesses can establish a company to provide the following services for public and non-public use:

Packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.

European businesses can also provide these services for public use from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide the following services:

Voice telephone services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access services on leased lines; telecommunications equipment sales, rental, maintenance, connection, repair and consulting services; paging services; teleconferencing services; mobile services (terrestrial and satellite based); and fixed satellite services.

European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide video transmission services (satellite based) and connection and interconnection services.
- ❑ European businesses can provide trunked radio system services from Europe or to Caribbean consumers who use those services within Europe.

Subject to:

- ❑ Foreign ownership of companies providing trunked radio system services is limited to 49%.

Construction services

- ❑ European businesses can establish a company to provide services related to general construction work for civil engineering.

Distribution services

- ❑ There are no new European business opportunities.

Education services

- ❑ European businesses can provide higher and adult education services to Caribbean consumers who travel to Europe to receive those services.
- ❑ European businesses can provide adult education services from Europe.

Subject to:

- ❑ Scholarships and grants may be limited to citizens or residents. Measures relating to the supply of education and training may result in different treatment in terms of benefits or prices.

Environmental services

- ❑ European businesses can establish a company to provide hazardous waste collection services, noise abatement services, waste and wastewater management services, and services related to closed loop pollution control systems for factories. European businesses can also provide hazardous waste collection services and recycling services from Europe.
- ❑ European businesses can establish a company to provide hazardous waste treatment and disposal services, and cleaning services of exhaust gases. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories.

Subject to:

- ❑ Hazardous waste collection, treatment and disposal services are subject to the development of relevant regulations.
- ❑ Joint venture is required to establish a company providing waste and wastewater management services.
- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ European businesses can establish an insurance company to provide reinsurance and retrocession services. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.
- ❑ European businesses can establish a finance company to provide the following services:

Credit card and other credit services; trading services for own or customers account (whether on an exchange, in an over-the-counter market or otherwise); services related to the issuing of securities (including underwriting and placement as agents); asset management services (such as cash or portfolio management, all forms of collective investment management); investment and property unit trust services; and mutual funds and venture capital services.

- ❑ From 1 January 2018, European businesses can establish a company to provide services for the provision of financial information, financial data processing and related software by providers of other financial services.

- ❑ European businesses can also provide investment and property unit trust services, advisory and other auxiliary financial services (including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring) from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

Health and social services

- ❑ European businesses can establish a hospital, ambulance, residential health facility, or other human health service. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Subject to:

- ❑ Limit on the number of foreign professionals that can work in the hospital service.

Tourism services

- ❑ European businesses can open a hotel or ethnic/speciality restaurant only. Grenada allows foreign investment in hotels in excess of 100 rooms.
- ❑ European businesses can establish a company to provide spa services. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the services.

Subject to:

- ❑ Economic needs test applies to hotel development of less than 100 rooms. The main criteria are location and the number of national operators.

Recreational, cultural, and sporting services

- ❑ European businesses can open a press agency or an agency to provide theatre, musical ensembles, bands, and dance troupe services.
- ❑ European businesses can provide entertainment or press agency services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide entertainment services.

Subject to:

- ❑ European businesses may be required to employ national artists and entertainers.
- ❑ Economic needs tests may be required to open a press agency. The main criteria are number of and impact on existing service suppliers.
- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ Joint ventures are required to open a press agency or sports and recreation agency/facility.

Transport services

- ❑ European businesses can establish a company to provide the following services:

Maritime transport services for passengers and freight, internal waterways transport services for freight, rail transport services for passengers and freight, and passenger transportation by man- or animal-drawn vehicles.

European businesses can also provide these services from Europe to the Caribbean or for Caribbean consumers who receive the service within Europe.

- European businesses can provide air transport services for freight from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.
- Contractual service suppliers and independent professionals can obtain a visa to provide maritime transport services for freight.

Subject to:

- Joint venture may be required to establish a company providing maritime transport services for passengers.
- Economic needs test applies to key personnel, contractual service suppliers, and independent professionals providing maritime transport services for freight. Main criterion is availability of persons with the requisite skills in the local labour market.

Services auxiliary to transport

- European businesses can establish a company to provide the following services:

Rental services of maritime vessel with crew, pushing and towing services for rail transport, supporting services for rail transport, and storage and warehousing services for all modes of transport.

European businesses can also provide these services to Caribbean consumers who receive the service within Europe.

Subject to:

- Joint venture is required to establish a company providing rental services of maritime vessel with crew.

Energy services

- From 1 January 2012, European businesses can establish a company to provide services incidental to energy distribution, transmission and generation of electricity (except transmission, generation and distribution services of gaseous fuels, steam and hot water). European businesses can also provide these services to Caribbean consumers who receive the service within Europe.

Subject to:

- Companies providing services incidental to energy distribution, transmission and generation of electricity are reserved for exclusive supply until 2012.

Chapter 22

Guyana

General reservations that apply to investment

- ❑ Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- ❑ All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.

Agriculture, hunting, forestry, and logging

- ❑ European businesses can invest in agriculture, hunting, forestry, and logging activities subject to the general reservations.

Fishing

- ❑ European businesses can invest in fishing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain measures on investment in this sector.

Mining and quarrying

- ❑ European businesses can invest in mining and quarrying activities.

Subject to:

- ❑ Certain activities in small-scale mining may be reserved for nationals.
- ❑ The State reserves the right to minerals on all lands. In small and medium scale mining a prospecting permit shall be issued only to the following persons: (a) an individual who is a citizen of Guyana and an adult; (b) a partnership consisting of two or more citizens of Guyana; and (c) a company whose entire issued share capital is beneficially owned by citizens of Guyana or by a corporation which has been established by or under a written law in operation in Guyana, or partly by such citizens and partly by such a corporation.

Manufacturing

- ❑ European businesses can invest in manufacturing activities.

Subject to:

- The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition.

General reservations that apply to all services sectors

- Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.

Business: Professional

Legal services

- European businesses can establish a practice to provide legal services. European businesses can also provide these services from Europe.

Subject to:

- Non-CARICOM Commonwealth Nationals are required to have their qualifications reviewed by the Council of Legal Education and also undergo a six-month period of training at one of the law schools. Non-Commonwealth nationals are required to have their qualifications reviewed by the Council of Legal Education to determine the amount of retraining required.

Accounting services

- European businesses can establish a practice to provide accounting and auditing services. European businesses can also provide these services from Europe.

Medical services

- European businesses can establish a practice to provide specialized medical services. European businesses can also provide these services from Europe.

Engineering and architectural services

- European businesses can establish a practice to provide engineering and architectural services. European businesses can also provide these services from Europe.

Other business services

- European businesses can establish a company to provide technical testing and analysis services, engineering related scientific and technical consulting services, and services incidental to forestry, fishing, and manufacturing (except publishing and printing). European businesses can also provide these services from Europe.

- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide technical testing and analysis services.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide market research and public opinion polling, and management consulting services. European businesses can also provide these services from Europe.
- ❑ European businesses can provide services related to management consulting from Europe.
- ❑ European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities, and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide social sciences and humanities, and interdisciplinary research and development services.
- ❑ European businesses can establish a company to provide consulting services related to the installation of computer hardware, software implementation, data processing, and database services, maintenance and repair services of office machinery and equipment including computers. European businesses can also provide these services from Europe.

Subject to:

- ❑ Publicly funded research and development services may be limited to citizens or residents.
- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide rental/leasing services (without operator) for ships and aircraft. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide duplicating and telephone answering services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair of equipment services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair services of vessels for maritime transport and rail transport equipment. European businesses can also provide those services from Europe to the Caribbean or to Caribbean consumers who receive those services in Europe.
- ❑ European businesses can provide maintenance and repair services of aircraft from Europe to the Caribbean or to Caribbean consumers who receive that service within Europe.

- ❑ European businesses can establish a company to provide investigation and security services, credit reporting services, and collection agency services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide placement and supply services of personnel. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide specialty design services, translation and interpretation, and convention services. European businesses can also provide these services from Europe.
- ❑ There are no new European business opportunities for real estate services.

Communication services

- ❑ European businesses can provide courier services and teleconferencing from Europe.
- ❑ European businesses can establish a company to provide telex, telegraph and facsimile services for public and non-public use. European businesses can also provide these services for public use from Europe or to Caribbean consumers who receive the services within Europe.
- ❑ European businesses can establish a company to provide the following services:

Voice telephone services (for non-public use only); electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access (except voice) services; telecommunications equipment sales, rental, maintenance, connection, repair and consulting services; trunked radio system services; paging services; mobile services (terrestrial based); fixed satellite services; connection and interconnection services; and mobile maritime and air-to-ground telecommunication services.

European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

Construction services

- ❑ European businesses can establish a company to provide services related to general construction work for hotels and resorts in excess of 100 rooms, restaurants and similar buildings, general construction work for civil engineering, installation and assembly work, building completion and finishing work, and special trade construction.
- ❑ European businesses can provide services from Europe related to general construction work for hotels and resorts in excess of 100 rooms, restaurants and similar buildings, and general construction work for civil engineering.

Distribution services

- ❑ European businesses can establish a company to provide the following distribution services:

Commission agents' services; sale of motor vehicles, motorcycles and snowmobiles, and parts and accessories; non-food retailing services; and franchising services.

European businesses can also provide these services from Europe or to Caribbean consumers who receive the service in Europe.

- ❑ European businesses can also establish a company to provide wholesale trade services in Guyana or provide wholesale trade services for Caribbean consumers to receive within Europe.

Education services

- ❑ European businesses can establish an institution to provide primary, secondary, and adult education services.
- ❑ European businesses can provide adult and other education services from Europe.
- ❑ European businesses can provide primary, secondary, higher, adult, and other education services to Caribbean consumers who travel to Europe to receive those services.

Subject to:

- ❑ Scholarships and grants may be limited to citizens or residents. Measures relating to the supply of education and training may result in different treatment in terms of benefits or prices.

Environmental services

- ❑ European businesses can establish a company to provide cleaning services of exhaust gases. European businesses can also provide these services from Europe.
- ❑ European businesses can also establish a company to provide noise abatement services and services related to closed loop pollution control systems for factories.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ European businesses can establish an insurance company to provide life and non-life insurance services, reinsurance and retrocession services, and services auxiliary to insurance (broking, agency). European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.
- ❑ European businesses can establish a finance company to provide the following services:

Services for acceptance of deposits and other repayable funds; lending services of all types (including consumer credit, mortgage credit, factoring and financing of commercial transactions); financial leasing services; payment and money transmission services; advisory and other auxiliary financial services (including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate

restructuring); and services for the provision and transfer of financial information, financial data processing and related software by providers of other financial services.

- ❑ European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

Health and social services

- ❑ European businesses can establish a hospital, ambulance, residential health facility, or other human health and social service. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Tourism services

- ❑ European businesses can open a hotel, restaurant, travel agency, tour operator office, or provide marinas.
- ❑ European businesses can provide travel agency or tour operator services from Europe.

Recreational, cultural, and sporting services

- ❑ European businesses can establish a yacht rental and leasing business.
- ❑ European businesses can establish an entertainment business, press agency, library, sporting, or other recreational services agency or facilities.
- ❑ European businesses can provide entertainment, press agency, library, or sporting and recreational services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide entertainment services.

Subject to:

- ❑ Joint ventures or economic needs tests may be required to open a press agency. The main criteria are number of and impact on existing service suppliers.
- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Transport services

- ❑ European businesses can establish a company to provide the following transport services:

Maritime transport services for passengers and freight, internal waterways transport services for passengers and freight, air transport services for passengers, rail transport services for passengers and freight, and road transport services for passengers and freight.

European businesses can also provide these services from Europe to the Caribbean or for Caribbean consumers receiving the services within Europe.

- ❑ European businesses can provide air transport services for freight from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide maritime transport services for freight.

Subject to:

- ❑ Economic needs test applies to key personnel, contractual service suppliers, and independent professionals providing maritime transport services for freight. Main criterion is availability of persons with the requisite skills in the local labour market.

Services auxiliary to transport

- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Maritime transport rental services of vessel with crew, pushing and towing services for maritime transport, maritime vessel salvaging and refloating services, rental services of internal waterways vessel with crew, rental services of aircraft with crew, computer reservations system services for air transport, pushing and towing services for rail transport, supporting services for rail transport, supporting services for road transport, container station and depot services, and maritime agency services.

European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Storage and warehousing services for all modes of transport, freight transport agency services for all modes of transport, and free zone operation services.

European businesses can also provide these services to Caribbean consumers who receive the service within Europe.

Energy services

- ❑ European businesses can establish a company to provide services incidental to mining, site preparation work for mining, and exploration and development of energy services. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.
- ❑ From 1 January 2012, European businesses can establish a company to provide services incidental to energy distribution. European businesses can also provide these services to Caribbean consumers who receive the service within Europe.
- ❑ European businesses can establish a company to provide energy marketing services and other services important to energy services. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

Subject to:

- ❑ Companies providing services incidental to energy distribution, transmission and generation of electricity are reserved for exclusive supply until 2012.

Chapter 23

Jamaica

General reservations that apply to investment

- Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.

Agriculture, hunting, forestry, and logging

- European businesses can invest in agriculture, hunting, forestry, and logging activities.

Subject to:

- Agriculture and hunting activities may be reserved for nationals, particularly the cultivation of sensitive products using high-level agricultural technology (e.g. hydroponics).

Fishing

- European businesses can invest in fishing activities.

Subject to:

- Investors must demonstrate that required competencies are not available locally before sourcing labour from overseas. Licence is required for right of access to conch and lobster. Capture fishing may be reserved for nationals.

Mining and quarrying

- European businesses can invest in mining and quarrying activities.

Subject to:

- Certain activities in small-scale mining may be reserved for nationals.
- The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.
- Ownership of mineral (coal, lignite, peat) bearing land is reserved for the State.

- ❑ The State reserves the right to adopt or maintain measures concerning the activities of onshore and offshore drilling of petroleum.
- ❑ Mining for extraction and size reduction may be reserved for nationals.

Manufacturing

- ❑ European businesses can invest in manufacturing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- ❑ The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition.
- ❑ Joint ventures are required for the manufacture of paints and varnishes, pharmaceuticals and neutraceuticals, and furniture.

General reservations that apply to all services sectors

- ❑ Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- ❑ Requirements to register a company or incorporate locally, in accordance with the relevant national laws.
- ❑ The purchase of land in large acreages should be for specific investment projects.
- ❑ Eligibility for government funding or subsidies is limited to nationals, or for services considered in the public interest to citizens or persons resident in the country.
- ❑ Requirement to obtain a work permit. Managers and executives are exempted from requiring a work permit for periods of no more than 30 days per visit or 180 days per year. Experts and specialists may be eligible for similar temporary entry grants.

Business: Professional

Legal services

- ❑ European businesses can establish a practice to provide legal services or legal consultancy services in that business's home law. European businesses can also provide legal services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide legal services.

Subject to:

- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

- ❑ Local certification is required. Attorneys from other jurisdictions cannot practise without acceptance by Jamaica General Legal Council.

Accounting services

- ❑ European businesses can establish a practice to provide accounting, auditing, and taxation services. European businesses can also provide these services from Europe.

Medical services

- ❑ European businesses can establish a practice to provide general and specialized medical services, neurosurgery, and CATSCAN services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a practice to provide midwives and nursing services, physiotherapeutic, and paramedical services.

Engineering and architectural services

- ❑ European businesses can establish a practice to provide engineering, architectural, urban planning and landscape architectural services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Joint ventures preferred to establish a practice providing engineering or architectural services.

Other business services

- ❑ European businesses can establish a company to provide technical testing and analysis services, engineering related scientific and technical consulting services, and services incidental to manufacturing. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide technical testing and analysis services.

Subject to:

- ❑ Joint venture is required for environmental, water, food, and medical testing.
- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide advertising, market research and public opinion polling, management consulting services, and services related to management consulting. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities, and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide consulting services related to the installation of computer hardware, software implementation, data processing, and database services. European businesses can also provide these services from Europe.

- ❑ Contractual services suppliers can obtain a visa to provide research and development services, and consulting services related to the installation of computer hardware.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide rental/leasing services (without operator) for ships, transport equipment, and machinery and equipment. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide rental/leasing services for ships, transport equipment, and machinery and equipment.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a real estate agency. European businesses can also provide real estate services involving own or leased property, and real estate services on a fee or contract basis from Europe.

Subject to:

- ❑ Joint venture is required to establish a real estate agency.
- ❑ European businesses can establish a company to provide maintenance and repair of equipment services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair services of vessels for maritime transport and rail and road transport equipment. European businesses can also provide those services from Europe to the Caribbean or to Caribbean consumers who receive those services in Europe.
- ❑ Contractual service suppliers can obtain a visa to provide maintenance and repair services of vessels for maritime transport.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide maintenance and repair services of rail transport equipment.

Subject to:

- ❑ Joint venture is required to establish a company providing maintenance and repair services of vessels for maritime transport.
- ❑ Economic needs test applies to contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide convention, translation, and interpretation services. European businesses can also provide these services from Europe.
- ❑ There are no new European businesses opportunities for veterinary services, photographic, packaging, printing and publishing, duplicating or telephone

answering services, investigation and security services, credit reporting services, collection agency services, or placement and supply services of personnel.

Communication services

- ❑ European businesses can establish a courier service (excluding hybrid mail services and intra island transshipment) in Jamaica. European businesses can also provide courier services from Europe.

- ❑ European businesses can establish a company to provide the following services for public and non-public use:

Packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.

European businesses can also provide these services for public use from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide the following services:

Voice telephone services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access (except voice) services; telecommunications equipment sales, rental, maintenance, connection, repair and consulting services; trunked radio system services; paging services; teleconferencing services; mobile services (terrestrial and satellite based); and fixed satellite services.

European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide satellite-based video transmission services (excludes video telephony until 1 September 2013). European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can provide the following services either from Europe or to Caribbean consumers who use those services within Europe:

International voice, data, and video transmission services supplied to firms involved in information processing located within free zones.

Subject to:

- ❑ Interconnection can only be done through commercial arrangements with a licensed carrier. For international voice, data, and video transmission services, interconnection with the local public switched networks is not permitted until 1 September 2013. Services to unauthorized parties are not permitted.

Construction services

- ❑ European businesses can establish a company to provide services related to general construction work for buildings, general construction work for civil engineering, installation and assembly work, building completion and finishing work, and special trade construction.

- ❑ European businesses can provide services from Europe related to general construction work for buildings, general construction work for civil engineering, and installation and assembly work.
- ❑ Contractual service suppliers can obtain a visa to provide construction services.

Subject to:

- ❑ Economic needs tests apply to contractual service suppliers to protect against temporary labour surges. Main criterion is availability of persons with the requisite skills in the local labour market. A company must provide evidence of local capacity at all levels of the organization.
- ❑ Build-own-operate-and-transfer type projects must provide evidence of local investment and should seek to ensure, as far as possible, structured technology transfer, training, and capacity building.

Distribution services

- ❑ There are no new European business opportunities.

Education services

- ❑ European businesses can establish an institution to provide primary, secondary, higher, and adult education services.
- ❑ European businesses can provide primary, secondary, higher and adult education services to Caribbean consumers who travel to Europe to receive those services.
- ❑ European businesses can provide higher and adult education services from Europe.

Environmental services

- ❑ European businesses can establish a company to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories. European businesses can also provide these services from Europe.
- ❑ European businesses can also establish a company to provide noise abatement services.
- ❑ Contractual service suppliers can obtain a visa to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ European businesses can also establish an insurance company to provide life, accident and health, and non-life insurance services, and services auxiliary to insurance (broking, agency). European businesses can also provide life, accident and health, and non-life insurance services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

- ❑ European businesses can establish a finance company to provide services for acceptance of deposits and other repayable funds; lending services of all types (including consumer credit, mortgage credit, factoring and financing of commercial transactions); and services for the provision and transfer of financial information, financial data processing and related software by providers of other financial services. European businesses can also provide services for the provision and transfer of financial information, financial data processing and related software by providers of other financial services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

Subject to:

- ❑ The Financial Services Commission must be satisfied that the covers being offered by foreign companies will be supplemental to the industry in situations where there is limited capacity in the market. In addition, the relevant authority must be satisfied that adequate funds will be deposited to cover the domestic liabilities of these companies.
- ❑ To establish a company providing services for the provision and transfer of financial information, financial data processing and related software by providers of other financial services, the database must be resident in Jamaica.

Health and social services

- ❑ European businesses can establish a hospital, ambulance, residential health facility, other human health service, social service with accommodation, or vocational rehabilitation service. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Tourism services

- ❑ European businesses can open a hotel, restaurant, travel agency, tour operator office, tourist guide agency, or provide marinas.
- ❑ European businesses can provide travel agency or tour operator services from Europe.
- ❑ European businesses can establish a company to provide spa services. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the services.

Recreational, cultural, and sporting services

- ❑ European businesses can establish a yacht rental and leasing business.
- ❑ European businesses can establish an entertainment business, library, archives, museum, or sporting or other recreational services agency or facilities.
- ❑ European businesses can provide entertainment, library, archive, or museum services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide entertainment services.

Subject to:

- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Transport services

- ❑ European businesses can establish a company to provide the following transport services:

Maritime transport services for passengers and freight, non-scheduled passenger transportation services by air, rail transport services for passengers and freight, and road transport services for passengers and freight.

European businesses can also provide these services from Europe to the Caribbean or for Caribbean consumers receiving the services within Europe.

- ❑ Contractual service suppliers can obtain a visa to provide maritime transport services for passengers and freight.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide rail and road transport services for passengers and freight.

Subject to:

- ❑ Economic needs test applies to contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Services auxiliary to transport

- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Rental services of maritime vessel with crew; maritime vessel salvaging and refloating services; home-porting, bunkering, short-sea and ship chandlery services; airport operation services (excluding cargo-handling); pushing and towing services for rail transport; supporting services for rail transport; rental services of commercial vehicles with operator; supporting services for road transport; storage and warehousing services for all modes of transport; container station and depot services; and maritime agency services.

European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

- ❑ European businesses can establish a company to provide freight transport agency services for maritime transport. European businesses can also provide these services to Caribbean consumers who receive the service within Europe.
- ❑ European businesses can provide pushing and towing services for maritime transport from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.
- ❑ Contractual service suppliers can obtain a visa to provide rental services of vessels with crew, pushing and towing services for maritime transport, maritime vessel salvaging and refloating services, and airport operation services.

- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide pushing and towing services, and supporting services for rail transport.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ Economic needs test applies to establish a company providing bunkering, short-sea and ship chandlery services. The main criteria are number of and impact on existing local service suppliers.

Energy services

- ❑ European businesses can establish a company to provide services incidental to mining, site preparation work for mining, and services incidental to energy distribution. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

Chapter 24

Saint Kitts and Nevis

General reservations that apply to investment

- ❑ Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- ❑ All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.
- ❑ Requirement to obtain a licence to own or rent land. Companies that own or rent more than five acres of land may be restricted in the issue/transfer of shares to non-citizens.
- ❑ Requirement to incorporate or register business locally.
- ❑ Economic needs tests are applied in small businesses. Main criteria are number of and impact on existing service suppliers.

Agriculture, hunting, forestry, and logging

- ❑ European businesses can invest in agriculture, hunting, forestry, and logging activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain measures on investment in agriculture and hunting.

Fishing

- ❑ European businesses can invest in fishing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain measures on investment in this sector.

Mining and quarrying

- ❑ European businesses can invest in mining and quarrying activities.

Subject to:

- ❑ Certain activities in small-scale mining may be reserved for nationals.

- The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.

Manufacturing

- European businesses can invest in manufacturing activities.

Subject to:

- The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition.

General reservations that apply to all services sectors

- Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- Requirements to register a company or incorporate locally, in accordance with the relevant national laws.
- Licensing requirements to hold land.
- Small business service investments may be reserved for nationals.
- Requirement to obtain a work permit.

Business: Professional

Legal services

- European businesses can establish a practice to provide legal consultancy services in that business's home law.
- Contractual service suppliers and independent professionals can obtain a visa to provide legal services.

Subject to:

- Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- Local certification is required. Attorneys from other jurisdictions cannot practise without acceptance by the local Bar Association.

Accounting services

- European businesses can establish a practice to provide taxation services. European businesses can also provide accounting, auditing, and taxation services from Europe.

Subject to:

- ❑ Economic needs test applies to the establishment of a practice providing taxation services. The main criterion is the number of operators in the market.

Medical services

- ❑ European businesses can establish a practice to provide epidemiological services.
- ❑ European businesses can provide specialized medical services, neurosurgery, and CATSCAN services from Europe.

Veterinary services

- ❑ European businesses can provide veterinary services to Caribbean clients that travel to Europe to receive services.

Engineering and architectural services

- ❑ European businesses can establish a practice to provide architectural services, advisory and consultative engineering services, engineering design services for industrial processes and production, and engineering design services. European businesses can establish a practice to provide integrated engineering services for the construction of manufacturing turnkey projects. European businesses can also provide these services from Europe.

Subject to:

- ❑ Joint venture, transfer of knowledge and technology is required to establish a practice providing engineering services. Joint venture is required to establish a practice providing integrated engineering or architectural services.

Other business services

- ❑ European businesses can establish a company to provide technical testing and analysis services, geological, geophysical and other scientific prospecting services, subsurface surveying services, and map-making services. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide technical testing and analysis services.
- ❑ European businesses can establish a company to provide services incidental to the manufacture of metal products, machinery, and equipment.

Subject to:

- ❑ Joint venture is required for environmental, water, food, and medical testing.
- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ Economic needs test required to establish a company providing services incidental to manufacturing. Main criteria are number of and impact on existing service suppliers.

- European businesses can establish a company to provide advertising, and market research and public opinion polling services. European businesses can also provide these services from Europe.

Subject to:

- Joint venture with minimum local participation of 40% is required for establishing a company providing advertising services.
- European businesses can establish a company to provide research and development services on natural sciences (except genetically modified agriculture and use of radioactive material and equipment); social sciences and humanities (except cultural, heritage and educational services); and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- Contractual service suppliers and independent professionals can obtain a visa to provide social sciences and humanities, and interdisciplinary research and development services.
- From 1 January 2014, European businesses can establish a company to provide consultancy services related to the installation of computer hardware.
- European businesses can establish a company to provide software implementation and database services. European businesses can also provide these services from Europe.
- European businesses can provide data processing services from Europe.

Subject to:

- Publicly funded research and development services may be limited to citizens or residents.
- Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- Economic needs test also applies for software implementation and database services to limit the number of non-nationals in managerial positions. Main criterion is availability of persons with the requisite skills in the local labour market. Requirement to employ a minimum percentage of local employees.
- European businesses can establish a company to provide rental/leasing services (without operator) for ships, aircraft, transport equipment, and machinery and equipment. European businesses can also provide these services from Europe.

Subject to:

- Enterprises with initial investment of less than US\$ 1,000,000 may be reserved for nationals.
- European businesses can establish a company to provide packaging, printing, and publishing services.

Subject to:

- Economic needs tests apply to companies providing packaging, printing, and publishing services. Main criteria are number of and impact on existing service suppliers.

- ❑ European businesses can establish a company to provide maintenance and repair services of aircraft; fabricated metal products; machinery and equipment; and medical, precision and optical instruments, watches, and clocks.
- ❑ European businesses can establish a company to provide maintenance and repair services of vessels for maritime transport. European businesses can also provide those services to Caribbean consumers who receive those services in Europe.
- ❑ European businesses can also provide maintenance and repair services of vessels for internal waterways transport from Europe to the Caribbean or to Caribbean consumers who receive those services in Europe.
- ❑ European businesses can provide maintenance and repair services of rail transport equipment to Caribbean consumers who receive that service within Europe.

Subject to:

- ❑ Joint venture is required to establish a company providing maintenance and repair services of vessels for maritime transport.
- ❑ European businesses can establish a company to provide placement and supply services of personnel.

Subject to:

- ❑ Economic needs test applies to companies providing placement and supply services of personnel. Main criteria are number of and impact on existing service suppliers.
- ❑ European businesses can establish a company to provide convention services.
- ❑ There are no new European business opportunities for real estate services, investigation and security services, credit reporting services or collection agency services.

Communication services

- ❑ European businesses can establish a courier service in Saint Kitts and Nevis. European businesses can also provide courier services from Europe.
- ❑ European businesses can establish a company to provide the following services for public use and non-public:

Packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.

European businesses can also provide those services for public use from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide the following services:

Voice telephone services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access services on leased lines; personal communication services; telecommunications

equipment sales, rental, maintenance, connection, repair and consulting services; trunked radio system services; paging services; teleconferencing services; mobile data services; and mobile services (terrestrial based).

European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

- European businesses can establish a company to provide video transmission services (satellite based) and connection and interconnection services.

Construction services

- European businesses can establish a company to provide services related to general construction work for hotels and resorts in excess of 100 rooms, restaurants and similar buildings, and civil engineering works.

Subject to:

- Joint venture is required to establish a construction company.

Distribution services

- There are no new European businesses opportunities.

Education services

- There are no new European businesses opportunities.

Environmental services

- European businesses can also establish a company to provide sewage services, hazardous waste collection and treatment services, noise abatement services, waste and wastewater management services, recycling services, and services related to closed loop pollution control systems for factories.

- European businesses can establish a company to provide cleaning services of exhaust gases. European businesses can also provide these services from Europe.

- Contractual service suppliers and independent professionals can obtain a visa to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories.

Subject to:

- Joint venture is required to establish a company providing sewage services.
- Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- European businesses can establish an insurance company to provide reinsurance and retrocession services. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

- European businesses can establish a finance company to provide services for the registration of offshore companies and trusts (not including insurance companies and banks) to do offshore business. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

Health and social services

- European businesses can establish a hospital, ambulance, residential health facility, or other human health service. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Subject to:

- Limitations on the number of foreign professionals that can work in the hospital service.

Tourism services

- European businesses can open a hotel or ethnic restaurant only. Foreign investment is allowed in hotels in excess of 75 rooms only.
- European businesses can provide marinas with more than 100 slips for vessels 30-100 feet; and for marinas with less than 100 slips for vessels over 100 feet.
- European businesses can establish a company to provide spa services. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the services.

Subject to:

- Government subsidies for marinas may be limited to nationals.
- Joint venture is required to establish a company providing spa services.

Recreational, cultural, and sporting services

- European businesses can establish a yacht rental and leasing business.
- European businesses can establish an entertainment business or press agency.
- European businesses can provide entertainment or press agency services from Europe.
- Contractual service suppliers and independent professionals can obtain a visa to provide entertainment services.

Subject to:

- Services suppliers may be required to employ national artists and entertainers.
- Joint venture is required to open a sports event organization agency or sports facility.
- Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Transport services

- European businesses can establish a company to provide the following transport services:

International maritime transport services for frozen and refrigerated goods, bulk liquids and gases, and containerized freight; and air transport services for freight.

European businesses can also provide those services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can provide maritime transport services for passengers from Europe to the Caribbean or for Caribbean consumers receiving the services within Europe.
- ❑ European businesses can provide rail transport services for passengers and freight for Caribbean consumers who receive the service within Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide maritime transport services for freight.

Subject to:

- ❑ Economic needs test applies to key personnel, contractual service suppliers, and independent professionals providing maritime transport services for freight. Main criterion is availability of persons with the requisite skills in the local labour market.

Services auxiliary to transport

- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Maritime vessel salvaging and refloating services, ship registration services, pushing and towing services for internal waterways transport, rental services of aircraft with crew, pushing and towing services for rail transport, and supporting services for rail transport.

European businesses can also provide rental services of aircraft with crew, towing services for rail transport, and supporting services for rail transport to Caribbean consumers who receive the services within Europe.

- ❑ European businesses can provide ship registration services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

Subject to:

- ❑ The Merchant Shipping Act 1985 facilitates the registration of ships. Registration is effected by the Director of Maritime Affairs who is the Registrar of ships. The registration requirements are (i) wholly owned by citizens of Saint Kitts and Nevis; (ii) bodies corporate established under the laws of Saint Kitts and Nevis; and (iii) any ship regardless of the nationality of her owners is a sea-going ship of 1,600 or more net registered tons and is engaged in foreign-going trade.
- ❑ European businesses may be required to employ some local personnel in a rental business for aircraft with crew.

Energy services

- ❑ European businesses can establish a company to provide services incidental to mining and site preparation work for mining.

Subject to:

- ❑ A joint venture is required to establish a company providing services incidental to mining and site preparation work for mining.

Chapter 25

Saint Lucia

General reservations that apply to investment

- ❑ Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- ❑ All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.
- ❑ Requirement to obtain a licence to own or rent land. Companies that own or rent more than five acres of land may be restricted in the issue/transfer of shares to non-citizens.
- ❑ Requirement to incorporate or register business locally.
- ❑ Economic needs tests are applied in small businesses. Main criteria are number of and impact on existing service suppliers.

Agriculture, hunting, forestry, and logging

- ❑ European businesses can invest in agriculture, hunting, forestry, and logging activities.

Subject to:

- ❑ Legislation prescribes agriculture production exclusively for the domestic market.

Fishing

- ❑ European businesses can invest in fishing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain measures on investment in this sector.

Mining and quarrying

- ❑ European businesses can invest in mining and quarrying activities.

Subject to:

- ❑ Certain activities in small-scale mining may be reserved for nationals.

- The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.

Manufacturing

- European businesses can invest in manufacturing activities.

Subject to:

- The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition.
- Regarding the processing and preserving of fish and fish products, the manufacture of bakery products, macaroni, noodles, couscous, other farinaceous products, and beverages, legislation prescribes requirements for the granting of a licence or production exclusively for the domestic market.
- Production of furniture for export market only.

General reservations that apply to all services sectors

- Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- Requirements to register a company or incorporate locally, in accordance with the relevant national laws.
- Licensing requirements to hold land.
- Small business service investments may be reserved for nationals.
- Requirement to obtain a work permit. Labour market tests may be conducted.

Business: Professional

- European businesses can establish a practice to provide legal consultancy services in that business's home law. European businesses can also provide legal documentation and certification services and legal consultancy services in that business's home law from Europe.
- Contractual service suppliers and independent professionals can obtain a visa to provide legal services.

Subject to:

- Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- Local certification is required. Attorneys from other jurisdictions cannot practise without acceptance by the local Bar Association.

Medical services

- ❑ European businesses can establish a practice to provide specialized medical services, neurosurgery, epidemiological, and CATSCAN services. European businesses can also provide these services from Europe.

Veterinary services

- ❑ European businesses can provide veterinary services to Caribbean clients that travel to Europe to receive the service.

Engineering and architectural services

- ❑ European businesses can establish a practice to provide architectural services.
- ❑ European businesses can provide engineering services from Europe.

Subject to:

- ❑ Joint venture is required to establish a practice providing architectural services.

Other business services

- ❑ European businesses can establish a company to provide technical testing and analysis services, geological, geophysical and other scientific prospecting services, and services incidental to the manufacture of machinery and equipment, electrical machinery and apparatus, medical precision and optical instruments, watches, and clocks. European businesses can also provide these services from Europe.
- ❑ European businesses can provide services incidental to hunting, forestry, and logging from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide technical testing and analysis services.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ Transfer of knowledge and technology is required to establish a company providing services incidental to manufacturing.
- ❑ Joint venture is required for environmental, water, food, and medical testing.
- ❑ European businesses can provide advertising services from Europe.
- ❑ European businesses can establish a company to provide market research and public opinion polling, and management consulting services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities (except cultural sciences), and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide consultancy services related to installation of computer hardware.

- European businesses can establish a company to provide software implementation services (except systems software consulting and systems analysis services) and database services. European businesses can also provide these services from Europe.
- European businesses can provide data processing services from Europe.
- No reservations for European businesses to get visas for key personnel, contractual service suppliers, and independent professionals providing software implementation services.
- Contractual service suppliers and independent professionals can obtain a visa to provide social sciences and humanities, and interdisciplinary research and development services.

Subject to:

- Publicly funded research and development services may be limited to citizens or residents.
- Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- Economic needs test may apply for consultancy services related to installation of computer hardware and database services. Main criteria are location of business and employment situation in the sub-sector.
- Requirement to employ a minimum percentage of local employees for data processing and database services.
- European businesses can establish a company to provide rental/leasing services (without operator) for ships, aircraft, transport equipment, and machinery and equipment. European businesses can also provide these services from Europe.

Subject to:

- For rental/leasing services of ships, aircraft, and transport equipment, enterprises with initial investment of less than US\$ 1,000,000 may be reserved for nationals.
- For rental/leasing services of machinery and equipment, enterprises with initial investment of less than US\$ 500,000 may be reserved for nationals.
- European businesses can establish a real estate agency. European businesses can also provide real estate services on a fee or contract basis from Europe.

Subject to:

- Joint venture is required to establish a real estate agency.
- European businesses can establish a company to provide packaging services. European businesses can also provide these services from Europe.
- European businesses can establish a company to provide maintenance and repair services.
- European businesses can establish a company to provide maintenance and repair services of vessels for maritime transport and rail transport equipment. European businesses can also provide those services to Caribbean consumers who receive those services in Europe.
- European businesses can provide maintenance and repair services of vessels for internal waterways transport and aircraft from Europe to the Caribbean or to Caribbean consumers who receive those services within Europe.

Subject to:

- ❑ Joint venture is required to establish a company providing maintenance and repair services of vessels for maritime transport.
- ❑ European businesses can establish a company to provide investigation services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide convention services.
- ❑ European businesses can establish a company to provide translation and interpretation services. European businesses can also provide these services from Europe.
- ❑ There are no new European business opportunities for accounting, auditing, and taxation services, or placement and supply services of personnel.

Communication services

- ❑ European businesses can provide courier services from Europe.
- ❑ European businesses can establish a company to provide the following services for public and non-public use:

Packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.

European businesses can also provide these services for public use from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide the following services:

Voice telephone services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access (except voice) services; paging services; mobile services (terrestrial based); and fixed satellite services.

European businesses can also provide these services from Europe or to Caribbean consumers who use the services within Europe.

- ❑ European businesses can establish a company to provide teleconferencing services. European businesses can also provide these services from Europe.
- ❑ No reservations for European businesses to get visas for key personnel, contractual service suppliers, or independent professionals who provide the following services:

Voice telephone services; packet-switched data transmission services; circuit-switched data transmission services; telex services; telegraph services; facsimile services; private leased circuit services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; and online information and/or data processing (including transaction processing).

Construction services

- ❑ European businesses can provide services from Europe related to general construction work for hotels and resorts in excess of 100 rooms, restaurants and similar buildings.

Distribution services

- ❑ There are no new European businesses opportunities.

Education services

- ❑ European businesses can provide secondary, higher and adult education services to Caribbean consumers who travel to Europe to receive those services.
- ❑ European businesses can provide adult education services from Europe.
- ❑ European businesses can provide training of air traffic controllers, pilots and seafarers from Europe or to Caribbean consumers who travel to Europe to receive those services.

Subject to:

- ❑ Scholarships and grants may be limited to citizens or residents. Measures relating to the supply of education and training may result in different treatment in terms of benefits or prices.

Environmental services

- ❑ European businesses can establish a company to provide cleaning services of exhaust gases. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide noise abatement services, waste and wastewater management services, and services related to closed loop pollution control systems for factories.
- ❑ European businesses can provide sewage and hazardous waste collection services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories.

Subject to:

- ❑ Joint venture is required to establish a company providing waste and wastewater management services.
- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ European businesses can establish an insurance company to provide reinsurance and retrocession services. European businesses can provide these services from Europe to the Caribbean or to Caribbean consumers who receive those services within Europe.

- ❑ European businesses can establish a finance company to provide investment and property unit trust services. European businesses can also provide these services from Europe to the Caribbean or for Caribbean consumers to receive in Europe.
- ❑ European businesses can provide payment and money transmission services from Europe to the Caribbean or to Caribbean consumers who receive those services within Europe.
- ❑ European businesses can provide advisory and other auxiliary financial services (including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring) to Caribbean consumers who receive those services within Europe.

Subject to:

- ❑ Only corporate entities are allowed to conduct insurance business in Saint Lucia. All such entities must first register with the Registrar of Insurance.

Health and social services

- ❑ European businesses can establish a hospital service in Saint Lucia. European businesses can also provide hospital and ambulance services from Europe or to Caribbean consumers who travel to Europe to receive the service.
- ❑ No reservations for European businesses to get visas for key personnel, contractual service suppliers, or independent professionals providing hospital services.

Tourism services

- ❑ European businesses can open a hotel or restaurant; or provide camping or caravanning site services. Foreign investment is allowed in hotels in excess of 100 rooms only.
- ❑ European businesses can provide marinas with more than 100 slips for vessels 30–100 feet; and for marinas with less than 100 slips for vessels over 100 feet.

Subject to:

- ❑ Government subsidies for marinas may be limited to nationals.

Recreational, cultural, and sporting services

- ❑ European businesses can establish a yacht rental and leasing business.
- ❑ European businesses can establish an entertainment business or press agency.
- ❑ European businesses can provide entertainment or press agency services from Europe.

Subject to:

- ❑ Joint venture required to open a sports or recreation agency or facility.

Transport services

- ❑ European businesses can establish a company to provide the following transport services:

Maritime transport services for passengers and freight, internal waterways transport services for freight, air transport services for freight (excluding mail), and rail transport services for passengers and freight.

European businesses can also provide these services from Europe to the Caribbean or for Caribbean consumers who receive the services within Europe.

- ❑ No reservations for European businesses to obtain a visa for key personnel, contractual service suppliers, and independent professionals providing maritime transport services for passengers or freight.

Services auxiliary to transport

- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Rental services of vessel with crew for maritime transport (except tugboats and fishing vessels), maritime vessel salvaging and refloating services, rental services of aircraft with crew, pushing and towing services for rail transport, supporting services for rail transport, parking services for road transport, cargo-handling services for all modes of transport; storage and warehousing services for all modes of transport, free zone operation services, and trans-shipment services.

European businesses can also provide these services to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can provide the following services from Europe to the Caribbean: rental services of aircraft with crew, pushing and towing services for rail transport, supporting services for rail transport, parking services for road transport, cargo-handling services for all modes of transport, free zone operation services, and trans-shipment services.
- ❑ No reservations for European businesses to obtain a visa for key personnel, contractual service suppliers, or independent professionals providing trans-shipment services.

Subject to:

- ❑ Joint venture is required to establish a company providing rental services of maritime vessels with crew, maritime vessel salvaging and refloating services, and rental services of aircraft with crew.

Energy services

- ❑ There are no new European business opportunities.

Chapter 26

Saint Vincent and the Grenadines

General reservations that apply to investment

- ❑ Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- ❑ All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.
- ❑ Requirement to obtain a licence to own or rent land. Companies that own or rent any land may be restricted in the issue/transfer of shares to non-citizens.
- ❑ Requirement to incorporate or register business locally.
- ❑ Economic needs tests are applied in small businesses. Main criteria are number of and impact on existing service suppliers.
- ❑ Small business service investments may be reserved for nationals.

Agriculture, hunting, forestry, and logging

- ❑ European businesses can invest in agriculture, hunting, forestry, and logging activities.

Subject to:

- ❑ The State reserves the right to prohibit, control or restrict cultivation of certain crops and the import and export of certain crops.
- ❑ The State reserves the right to adopt or maintain measures on investment in forestry and logging.

Fishing

- ❑ European businesses can invest in fishing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain measures on investment in this sector.

Mining and quarrying

- ❑ European businesses can invest in mining and quarrying activities.

Subject to:

- Certain activities in small-scale mining may be reserved for nationals.
- The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.

Manufacturing

- European businesses can invest in manufacturing activities.

Subject to:

- The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition.

General reservations that apply to all services sectors

- Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- Requirements to register a company or incorporate locally, in accordance with the relevant national laws.
- Licensing requirements to hold land.
- Requirement to obtain a work permit.

Business: Professional

Accounting services

- European businesses can establish a practice to provide accounting, auditing, or taxation services. European businesses can also provide taxation services from Europe.

Subject to:

- Joint venture is required for the establishment of a practice to provide taxation services.

Medical services

- From 1 January 2020, European businesses can establish a practice to provide general and specialized medical services.
- European businesses can establish a practice to provide neurosurgery, epidemiological, and CATSCAN services. European businesses can also provide these services from Europe.
- From 1 January 2020, European businesses can establish a practice to provide midwives and nursing services, physiotherapeutic, or paramedical services.

Veterinary services

- ❑ From 1 January 2020, European businesses can establish a practice to provide veterinary services. European businesses can also provide veterinary services to Caribbean clients that travel to Europe to receive the service.

Engineering and architectural services

- ❑ From 1 January 2020, European businesses can establish a practice to provide engineering design services for the construction of civil engineering works, and for industrial processes and production. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a practice to provide integrated engineering, architectural, urban planning, and landscape architectural services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Joint venture is required to establish a practice providing integrated engineering, architectural, urban planning, or landscape architectural services.

Other business services

- ❑ European businesses can establish a company to provide technical testing and analysis services. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide technical testing and analysis services.
- ❑ From 1 January 2022, European businesses can establish a company to provide services incidental to the manufacture of food, beverages, tobacco, textiles, wearing apparel, leather products, paper and paper products, machinery and equipment, electrical machinery and apparatus, medical precision and optical instruments, watches and clocks; and services providing agricultural machinery, promoting propagation, growth and output of animals. European businesses can also provide these services from Europe.
- ❑ From 1 January 2020, European businesses can establish a company to provide engineering related scientific and technical consulting services.

Subject to:

- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can establish a company to provide advertising, and market research and public opinion polling services. European businesses can also provide these services from Europe.
- ❑ From 1 January 2020, European businesses can establish a company to provide management consulting services and services related to management consulting.

Subject to:

- ❑ Joint venture with minimum local participation of 40% is required for establishing a company providing advertising services.

- European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities, and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- Contractual service suppliers and independent professionals can obtain a visa to provide social sciences and humanities, and interdisciplinary research and development services.
- European businesses can establish a company to provide software implementation, database, and other computer services. European businesses can also provide these services from Europe.
- European businesses can provide consulting services related to the installation of computer hardware and data processing services from Europe.

Subject to:

- Publicly funded research and development services may be limited to citizens or residents.
- Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- Economic needs test also applies for software implementation services and database services to limit the number of non-nationals in managerial positions. Main criterion is availability of persons with the requisite skills in the local labour market. Requirement to employ a minimum percentage of local employees.
- European businesses can establish a company to provide rental/leasing services (without operator) for aircraft, transport equipment, and machinery and equipment. European businesses can also provide these services from Europe.

Subject to:

- Enterprises with initial investment of less than US\$ 1,000,000 may be reserved for nationals.
- European businesses can establish a company to provide packaging services. European businesses can also provide these services from Europe.
- European businesses can provide maintenance and repair of equipment services from Europe.
- European businesses can provide maintenance and repair services of rail transport equipment from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.
- European businesses can establish a company to provide convention services.
- There are no new European business opportunities for legal services, real estate services, investigation and security services, credit reporting services, collection agency services, or placement and supply services of personnel.

Communication services

- European businesses can establish a courier service in Saint Vincent and the Grenadines.

- ❑ European businesses can establish a company to provide the following services for public and non-public use:

Packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.

European businesses can also provide these services for public use from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide the following services:

Voice telephone services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access (except voice) services; personal communication services; telecommunications equipment sales, rental, maintenance, connection, repair and consulting services; trunked radio system services; paging services; teleconferencing services; mobile services (terrestrial and satellite based); and fixed satellite services.

European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

Construction services

- ❑ There are no new European business opportunities.

Distribution services

- ❑ There are no new European business opportunities.

Education services

- ❑ From 1 January 2020, European businesses can establish an institution to provide higher and adult education services.
- ❑ European businesses can provide higher and adult education services to Caribbean consumers who travel to Europe to receive those services.
- ❑ European businesses can provide adult education service from Europe.

Subject to:

- ❑ Scholarships and grants may be limited to citizens or residents. Measures relating to the supply of education and training may result in different treatment in terms of benefits or prices.

Environmental services

- ❑ European businesses can establish a company to provide sewage services, refuse disposal services, hazardous waste collection, treatment and disposal services, cleaning services of exhaust gases, and recycling services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide noise abatement services, waste and wastewater management services, and services related to closed loop pollution control systems for factories.

- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide cleaning services of exhaust gases and services related to closed loop pollution control systems for factories.

Subject to:

- ❑ Joint venture is required to establish a company providing sewage and refuse disposal services, waste and wastewater management services, and recycling services.
- ❑ Hazardous waste collection, treatment and disposal services are subject to the development of relevant regulations.
- ❑ Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ European businesses can also establish an insurance company to provide life, accident and health, and non-life insurance, reinsurance and retrocession services. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.
- ❑ European businesses can establish a finance company to provide payment and money transmission services. European businesses can also provide those services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.
- ❑ European businesses can provide advisory and other auxiliary financial services (including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring) to Caribbean consumers who receive those services within Europe.

Health and social services

- ❑ European businesses can establish a hospital in Saint Vincent and the Grenadines. European businesses can also provide hospital and residential health facility services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Tourism services

- ❑ European businesses can open a hotel or provide camping, and caravanning site services.
- ❑ European businesses can provide spa services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Subject to:

- ❑ Reserved the right to favour the domestic hotel industry over foreign suppliers.

Recreational, cultural, and sporting services

- ❑ European businesses can establish an entertainment business or press agency.
- ❑ European businesses can establish a sports event promotion agency, sports facility operation services, or other sporting services agency or facility.
- ❑ European businesses can provide entertainment services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide entertainment services.

Subject to:

- ❑ Joint ventures or economic needs tests may be required to open a press agency. Main criteria for the economic needs test are number of and impact on existing service suppliers.
- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Transport services

- ❑ European businesses can establish a company to provide international maritime transport services for passengers and freight. European businesses can also provide these services from Europe to the Caribbean or for Caribbean consumers receiving the services within Europe.
- ❑ European businesses can provide air transport services for freight (excluding mail), and rail transport services for passengers and freight from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide maritime transport services for freight.

Subject to:

- ❑ Economic needs test applies to key personnel, contractual service suppliers, and independent professionals providing maritime transport services for freight. Main criterion is availability of persons with the requisite skills in the local labour market.

Services auxiliary to transport

- ❑ European businesses can establish a company to provide rental services of maritime vessel with crew, and maritime vessel salvaging and refloating services. European businesses can also provide these services to Caribbean consumers who receive the services within Europe.
- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Cargo-handling services for all modes of transport, storage and warehousing services (except bulk storage for liquids and gases) for all modes of transport, free zone operation services, and trans-shipment services.

European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

- ❑ European businesses can provide pushing and towing services, and supporting services for rail transport from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

Subject to:

- ❑ Joint venture is required to establish a company providing rental services of maritime vessel with crew.

Energy services

- ❑ There are no new European business opportunities.

Chapter 27

Suriname

General reservations that apply to investment

- Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.
- Requirement to obtain a licence to own or rent land. Companies that own or rent more than five acres of land may be restricted in the issue/transfer of shares to non-citizens. Non-nationals need approval of the Council of Ministers to receive land within the State domain.
- Requirement to obtain a permit to acquire shares in a company.

Agriculture, hunting, forestry, and logging

- European businesses can invest in agriculture, hunting, forestry, and logging activities.

Subject to:

- Nationality and residency are required to conduct activities in forestry and logging.

Fishing

- European businesses can invest in fishing activities.

Subject to:

- The owner of a foreign vessel can only obtain a licence if a fishing treaty exists between the Republic of Suriname and the state of registration of the foreign fishing vessel.

Mining and quarrying

- European businesses can invest in mining and quarrying activities.

Subject to:

- Certain activities in small-scale mining may be reserved for nationals.

- ❑ The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.
- ❑ The State reserves the right to adopt or maintain measures concerning activities in this sector. The State reserves exclusive rights in the economic zone, continental plateau and the seabed for prospecting and exploration. Where a licence may be granted for these activities residency is required. All minerals within the territory of the State of Suriname, the territorial sea, its bottom and subsoil as defined in the law, are the property of the State.

Manufacturing

- ❑ European businesses can invest in manufacturing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- ❑ The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition.

General reservations that apply to all services sectors

- ❑ Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.

Business: Professional

Accounting services

- ❑ European businesses can establish a practice to provide accounting and auditing, financial auditing, accounting review, and compilation of financial statements services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a practice to provide business tax planning and consulting services, business tax preparation and review services, and individual tax preparation and planning services. European businesses can also provide these services from Europe.

Medical services

- ❑ European businesses can establish a practice to provide specialized medical services, neurosurgery, epidemiological, and CATSCAN services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a practice to provide midwives and nursing services.
- ❑ From 1 January 2015, European businesses can establish a practice to provide physiotherapeutic and paramedical services.

Veterinary services

- ❑ European businesses can establish a practice to provide veterinary services. European businesses can also provide veterinary services from Europe or to Caribbean clients that travel to Europe to receive the service.

Engineering and architectural services

- ❑ From 1 January 2013, European businesses can establish a practice to provide advisory and consultative engineering services, engineering design services for the construction of foundations and building structures, mechanical and electrical installations for buildings, the construction of civil engineering works, and for industrial processes and production. European businesses can also establish a practice to provide integrated engineering services for transportation infrastructure turnkey projects, the construction of manufacturing turnkey projects, and architectural and landscape architectural services. European businesses can provide these services from Europe.

Other business services

- ❑ From 1 January 2018, European businesses can establish a company to provide technical testing and analysis services (except 'other').
- ❑ European businesses can establish a company to provide services incidental to the manufacture of machinery and equipment, electrical machinery and apparatus, medical precision and optical instruments, watches and clocks, and subsurface and surface surveying services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide planning, creating and placement advertising services; market research and public opinion polling services; management consulting services (except 'other'); and project management services other than for construction. European businesses can also provide these services from Europe.
- ❑ From 1 January 2018, European businesses can establish a company to provide research and development services on natural sciences (except 'other' natural sciences), social sciences and humanities (except 'other'), and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide interdisciplinary research and development services.
- ❑ From 1 January 2016, European businesses can establish a company to provide consulting services related to the installation of computer hardware, software implementation, data processing services (except 'other'), and database services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Publicly funded research and development services may be limited to citizens or residents.
- ❑ Applies economic needs test for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ European businesses can provide rental/leasing services (without operator) for ships from Europe.

- ❑ European businesses can establish a company to provide rental/leasing services (without operator) for aircraft, transport equipment, and machinery and equipment. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a real estate agency. European businesses can also provide renting or leasing services involving own or leased residential or non-residential property; and residential and non-residential property management services on a fee or contract basis from Europe.
- ❑ European businesses can establish a company to provide photographic, packaging, publishing, and printing services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair of equipment services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide maintenance and repair services of aircraft, and rail and road transport equipment. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.
- ❑ European businesses can provide alarm-monitoring services from Europe or establish a company.
- ❑ European businesses can establish a company to provide placement and supply services of personnel. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a company to provide disinfecting and exterminating services, and convention services.
- ❑ There are no new European business opportunities for legal services.

Communication services

- ❑ European businesses can establish a courier service in Suriname or provide courier services from Europe.
- ❑ European businesses can establish a company to provide the following services:

Voice telephone services; packet-switched and circuit-switched data transmission services (leased lines only); electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access services; personal communication services; telecommunications equipment sales, rental, maintenance, connection, repair and consulting services; trunked radio system services (excluding phone patching); paging services; teleconferencing services on leased lines only; and mobile data services for public use.

European businesses can also provide those services from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide the following services for public use from Europe:

Telex services, telegraph services, facsimile services, and private leased circuit services. European businesses can also provide these services from Europe. European businesses can provide telegraph services to Caribbean consumers who use those services within Europe.

- ❑ European businesses can provide mobile services (terrestrial and satellite based), and fixed satellite services for public use from Europe or to Caribbean consumers who use those services within Europe.

Subject to:

- ❑ Bypass of the network facilities of the licensed operators is not permitted for voice telephone services, packet-switched and circuit-switched data transmission services, Internet and Internet access services, personal communication services, teleconferencing services, mobile services (terrestrial and satellite), and fixed satellite services. Long distance and international traffic must be routed through the operators that are licensed to supply such long distance and international transmission facilities. Deliberately reversing the real direction of this international traffic is not allowed.
- ❑ For new companies providing voice telephone services for public use, there is currently one fixed infrastructure operator and a second licence will be issued. Thereafter, a duopoly will be retained for an indefinite period. Any future new licences will be based on an economic needs test. Main criteria are number of and impact on existing service suppliers. Services must be provided on network facilities supplied by the exclusive operators. Bypass and resale of excess capacity are not permitted.
- ❑ Economic needs test applies to establish a company providing telex services, telegraph services, private leased circuit services or personal communication services. Main criteria are number of and impact on existing service suppliers.
- ❑ The market for mobile services providers is currently limited to a maximum of three operators. Any future licences will be based on an economic needs test. Main criteria are number of and impact on existing service suppliers.
- ❑ The market for fixed satellite service providers is currently limited to a maximum of two operators. Any future licences will be based on an economic needs test. Main criteria are number of and impact on existing local service suppliers.
- ❑ Foreign equity participation is limited to 40%.

Construction services

- ❑ From 1 January 2013, European businesses can establish a company to provide services related to general construction work for commercial buildings, hotels, restaurants and similar buildings; general construction work for highways, streets, roads, railways, airfield runways, bridges, elevated highways, tunnels and subways; fire alarm, burglar alarm system, lift and escalator construction work; glazing and glass installation work; and special trade construction for railways and tunnels. European businesses can also provide those services from Europe.

Distribution services

- ❑ European businesses can establish a company to provide commission agents' services for:

Sales on a fee or contract basis of machinery, industrial equipment and vehicles (other than motor vehicles, bicycles and motorcycles); furniture, household goods, hardware and ironmongery; and textiles, clothing, and footwear.

European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide wholesale trade services for the following:

Textiles; household linens; clothing; fur articles; footwear; clothing accessories; furniture; household appliances; cutlery, domestic metal ware and lighting articles and equipment; radio and television equipment, musical instruments, records, music scores and tapes; glassware, china and pottery; wallpaper and floor coverings; perfumery, cosmetics and soaps; paper and paperboard; books, magazines, newspapers and stationery; photographic and optical goods; games and toys; watches, clocks and jewellery; sports goods (including bicycles); leather goods and travel accessories; cleaning materials; textile fibres; agricultural machinery and equipment including tractors; transport equipment (other than motor vehicles, motorcycles and bicycles); mining, construction and civil engineering machinery and equipment; office machinery and equipment including office furniture; machinery and equipment for the textile industry; machinery and equipment for the wood and metal industries; machinery and equipment related supplies; other machinery and equipment for use in industry and commerce; and motor vehicles and sales of parts and accessories.

European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

Education services

- ❑ European businesses can establish an institution to provide primary education services.
- ❑ European businesses can provide primary, secondary, higher, adult, and other education services to Caribbean consumers who travel to Europe to receive those services.
- ❑ European businesses can provide adult and other education services from Europe.

Subject to:

- ❑ Scholarships and grants may be limited to citizens or residents. Measures relating to the supply of education and training may result in different treatment in terms of benefits or prices.

Environmental services

- ❑ From 1 January 2018, European businesses can establish a company to provide the following:

Sewage services; refuse disposal services; hazardous waste collection, disposal and treatment services; cleaning services of exhaust gases; noise

abatement services; recycling services; waste and wastewater management services; and services related to closed loop pollution control systems for factories.

Subject to:

- Transfer of technology is required for sewage services, refuse disposal services, hazardous waste collection, treatment and disposal services, noise abatement services, waste and wastewater management services, and recycling services.
- Hazardous waste collection, treatment and disposal services, waste and wastewater management and recycling services are subject to the development of relevant regulations.

Financial services

- European businesses can establish an insurance company to provide reinsurance and retrocession services. European businesses can also provide those services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

Subject to:

- Economic needs test applies to the establishment of a reinsurance company. Main criteria are number of and impact on existing service suppliers. All non-life reinsurance companies should have the legal form of a limited liability company according to Surinamese law. For life reinsurance companies there is a possibility for establishment as a limited liability company or as a branch office, but the legal form of the mother company should fit within the Surinamese legal system.
- Residency required for at least one of the executive directors of a company providing reinsurance or retrocession services. Residency required for the majority of the board members. Foreign reinsurance offices and foreign branch offices should submit certified annual reports over the past five years of the parent company.

Health and social services

- European businesses may be able to establish a hospital service.
- From 1 January 2015, European businesses can establish an ambulance service or residential health facility.
- European businesses can provide hospital, ambulance, and residential health facility services from Europe or to Caribbean consumers who travel to Europe.
- European businesses can provide welfare services delivered through residential institutions to the elderly, people with disabilities, children, and other clients from Europe or to Caribbean consumers who travel to Europe to receive the service.

Tourism services

- European businesses can open a hotel, restaurant, travel agency, tour operator office, or provide marinas.
- European businesses can provide travel agency or tour operator services from Europe.

- ❑ European businesses can establish a company to provide spa services. European businesses can also provide these services from Europe or to Caribbean consumers who travel to Europe to receive the service.

Recreational, cultural, and sporting services

- ❑ European businesses can open an agency to provide theatrical producer, singer, group, band, and orchestra entertainment services, circus, amusement park and similar attraction services, and ballroom, discotheque and dance instructor services. European businesses can also provide these services from Europe.
- ❑ European businesses can open a news agency or library. European businesses can also provide printed news and picture supply or library services from Europe.
- ❑ European businesses can establish a sports promotion agency or sports facility. European businesses can provide sports event promotion services and sports facility operation services from Europe.
- ❑ European businesses can establish a yacht rental and leasing business.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide entertainment services.

Subject to:

- ❑ Economic needs tests apply for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Transport services

- ❑ European businesses can establish a company to provide the following transport services:

Maritime transport services for passengers and freight; rail transport services for passengers and freight; and rental services of passenger cars, buses and coaches with operator.

European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive that service within Europe.

- ❑ European businesses can provide road transport services for freight from Europe or to Caribbean consumers who receive the service within Europe.

Subject to:

- ❑ Registration is required to establish a registered company for the purpose of operating a fleet under the national flag of Suriname. Registration in the Surinamese ship registry is only permitted to ships with an ownership structure of two-thirds nationality of a CARICOM country and one-third Surinamese residency. A local partner is required to establish a Surinamese company.

Services auxiliary to transport

- ❑ European businesses can establish a company to provide pushing and towing services for maritime transport. European businesses can also provide these services to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide the following services auxiliary to transport:

Computer reservations system services for air transport; selling and marketing of air transport services; pushing and towing services for rail transport; supporting services for rail transport; and highway, bridge, and tunnel operation services for road transport.

European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.

Subject to:

- ❑ Joint venture is required to establish a company providing pushing and towing services for maritime transport.

Energy services

- ❑ There are no new European business opportunities.

Other services

- ❑ European businesses can establish a company to provide funeral, cremation, and undertaking services.
- ❑ European businesses can establish a company to provide dry-cleaning services. European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.
- ❑ European businesses can establish a company to provide cosmetic treatment, manicure, and pedicure services. European businesses can also provide these services to Caribbean consumers who receive the service within Europe.

Chapter 28

Trinidad and Tobago

General reservations that apply to investment

- ❑ Where European businesses can invest, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- ❑ All CARIFORUM States prohibit the exploration, exploitation and processing of radioactive materials, the recycle of nuclear fuel, the generation of nuclear energy, the transportation and storage of nuclear waste, the use and processing of nuclear fuel, and regulation of its applications for other purposes, as well as the production of heavy water.
- ❑ Requirement to obtain a licence to acquire more than five acres of land for business or trade.
- ❑ Requirement to incorporate or register business locally.
- ❑ Licensing requirements to acquire shares in a public company where 30% or more of the total shareholding is held by foreign investors.

Agriculture, hunting, forestry, and logging

- ❑ European businesses can invest in agriculture, hunting, forestry, and logging activities subject to the general reservations.

Fishing

- ❑ European businesses can invest in fishing activities.

Subject to:

- ❑ The State reserves the right to adopt or maintain measures on investment in this sector.

Mining and quarrying

- ❑ European businesses can invest in mining and quarrying activities.

Subject to:

- ❑ Certain activities in small-scale mining may be reserved for nationals.
- ❑ The State reserves the right to grant approval for private or public exploration, mining, processing, importation, and exportation of minerals.

- No sovereign foreign government may be granted the right to explore, exploit or benefit from oil and other hydrocarbon substances; nor shall any natural person or company enjoying these rights allow a sovereign foreign government as a partner, associate, or shareholder. The State reserves the right to grant all mining concessions.

Manufacturing

- European businesses can invest in manufacturing activities.

Subject to:

- The State reserves the right to adopt or maintain restrictions on small-scale investment in the manufacture of furniture, wood, wood/cork products, and articles of straw and plaiting materials.
- The State reserves the right to adopt or maintain measures on investment in the production of weapons and ammunition, and the manufacture of refined petroleum products.

General reservations that apply to all services sectors

- Where European businesses can establish a commercial presence, key personnel (business visitors, managers, specialists) and graduate trainees, not available locally, can obtain visas to work in the local company, subject to an economic needs test.
- Requirements to register a company in accordance with the relevant national laws.
- Licensing requirements to hold land.
- Licensing requirements to acquire shares in a public company where 30% or more of the total shareholding is held by foreign investors.
- Requirement to obtain a work permit for employment in excess of 30 days.

Business: Professional

Legal services

- From 1 January 2010, European businesses can establish a practice to provide legal advisory and information services. European businesses can also establish a practice or provide legal services from Europe in the following areas:

Legal documentation and certification services, consultancy in international law, and legal consultancy services in that business's home law.

Contractual service suppliers and independent professionals can obtain a visa to provide legal services.

Subject to:

- Economic needs tests apply for contractual service suppliers. Main criterion is availability of persons with the requisite skills in the local labour market.

Patent agents

- ❑ European businesses can establish a practice to provide patent agent services. European businesses can also provide these services from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

Accounting services

- ❑ European businesses can establish a practice to provide financial auditing services, accounting review services, compilation of financial statements services, and bookkeeping services. European businesses can also provide these services from Europe.
- ❑ European businesses can establish a practice to provide business tax planning and consulting services, business tax preparation and review services, and individual tax preparation and planning services. European businesses can also provide these services from Europe.

Subject to:

- ❑ Economic needs test applies to the establishment of a practice providing taxation services. The main criterion is the number of operators in the market.

Medical services

- ❑ European businesses can establish a practice to provide specialized medical services, neurosurgery, and epidemiological services. European businesses can also provide these services from Europe.
- ❑ European businesses can provide CATSCAN services from Europe.

Veterinary services

- ❑ European businesses can establish a practice to provide veterinary services. European businesses can also provide veterinary services from Europe or to Caribbean clients that travel to Europe to receive the service.

Engineering and architectural services

- ❑ European businesses can establish a practice to provide advisory and consultative engineering services; engineering design services for the construction of foundations and building structures, mechanical and electrical installations for buildings, the construction of civil engineering works, and for industrial processes and production; and engineering design services, and architectural services. European businesses can also provide these services as well as urban planning and landscape architecture services from Europe.

Subject to:

- ❑ Joint venture is required to establish a practice providing engineering or architectural services.

Other business services

- ❑ European businesses can establish a company to provide services incidental to manufacturing (except printing and publishing). European businesses can also provide these services from Europe.

- European businesses can provide advertising services and services relating to management consulting from Europe.
- European businesses can establish a company to provide market research and public opinion polling, and marketing management consulting services. European businesses can also provide these services from Europe.
- European businesses can establish a company to provide research and development services on natural sciences, social sciences and humanities, and interdisciplinary research and development services. European businesses can also provide these services from Europe.
- European businesses can establish a company to provide consultancy services related to the installation of computer hardware.
- European businesses can establish a company to provide systems and software consulting services; information services (e.g. drafting and engineering services digitizing and vectoring, data entry, remote telemarketing); and database services. European businesses can also provide these services from Europe.
- Contractual service suppliers and independent professionals can obtain a visa to provide social sciences and humanities, interdisciplinary research and development services, and 'other' computer services.

Subject to:

- Publicly funded research and development services may be limited to citizens and/or residents.
- Economic needs test applies for contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.
- Economic needs test applies to consulting services related to the installation of computer hardware. Main criteria are number of and impact on existing service suppliers.
- European businesses can establish a company to provide rental/leasing services (without operator) for transport equipment, agriculture and construction machinery and equipment. European businesses can also provide these services from Europe.
- European businesses can establish a real estate agency. European businesses can also provide renting or leasing services involving own or leased residential or non-residential property; and residential and non-residential property management services on a fee or contract basis from Europe.

Subject to:

- Joint venture is required to establish a real estate agency.
- European businesses can provide specialty photographic services (photomicrography only), packaging, printing, and publishing services from Europe.
- European businesses can establish a company to provide maintenance and repair services of equipment.
- European businesses can establish a company to provide maintenance and repair services of vessels for maritime transport. European businesses can also provide those services from Europe to the Caribbean or to Caribbean consumers who receive those services in Europe.

- ❑ European businesses can also provide maintenance and repair services of vessels for internal waterways transport from Europe to the Caribbean or to Caribbean consumers who receive those services in Europe.
- ❑ No reservations for European businesses to obtain a visa for key personnel, contractual service suppliers, or independent professionals providing maintenance and repair services of vessels.
- ❑ European businesses can establish a company to provide building cleaning and convention services.
- ❑ European businesses can provide translation and interpretation services from Europe.

Subject to:

- ❑ Economic needs tests apply to companies providing building-cleaning services. Main criteria are number of and impact on existing service suppliers.
- ❑ There are no new European businesses opportunities for investigation and security services, credit reporting services, collection agency services, or placement and supply services of personnel.

Communication services

- ❑ European businesses can provide courier services from Europe.
- ❑ Contractual service suppliers can obtain a visa to provide courier services.
- ❑ European businesses can establish a company to provide the following services for public and non-public use:

Packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, and private leased circuit services.

European businesses can also provide these services for public use from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide the following services:

Voice telephone services; electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); electronic data interchange services; Internet and Internet access (except voice) services; personal communication services; telecommunications equipment sales, rental, maintenance, connection, repair and consulting services; trunked radio system services; paging services; teleconferencing services; mobile services (terrestrial based); and fixed satellite services.

European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.

- ❑ No reservations for European businesses to get visas for key personnel, contractual service suppliers, or independent professionals who provide the following services:

Electronic mail; voicemail; online information and database retrieval; enhanced/value-added facsimile services including store and forward, store

and retrieve; code and protocol conversion; online information and/or data processing (including transaction processing); trunked radio system services; paging services; and teleconferencing services.

Subject to:

- Economic needs test applies to contractual service suppliers. Main criterion is availability of persons with the requisite skills in the local labour market.

Construction services

- European businesses can establish a company to provide services related to general construction work for hotels, restaurants and similar buildings, and for civil engineering.
- European businesses can provide services from Europe related to general construction work for hotels, restaurants, and similar buildings.
- No reservations for European businesses to obtain visas for key personnel, contractual service suppliers, and independent professionals providing services related to the general construction of buildings.

Subject to:

- Establishment of a company providing services related to general construction work for civil engineering is subject to domestic capacity.

Distribution services

- European businesses can establish a company to provide the following distribution services:

Sale, maintenance and repair services of motorcycles and snowmobiles, and sales of parts and accessories (except maintenance and repair of motorcycles); and franchising services (except motorcycles).

European businesses can also provide those services from Europe or to Caribbean consumers who receive the service within Europe.

- European businesses can establish a company to provide wholesale trade services.

Subject to:

- Wholesale trade services excludes: agricultural raw materials and live animals; fruit and vegetables; dairy products, eggs and edible oils and fats; meat, poultry and game; fishery products; sugar, sugar and flour confectionery and bakery products; wickerwork, cork goods, cooper's ware and other wooden ware; solid, liquid and gaseous fuels and related products; wood in the rough and products of primary processing of wood; paints, varnishes and lacquers; and construction materials fittings, fixtures and flat glass.

Education services

- European businesses can provide higher and adult education services from Europe or to Caribbean consumers who travel to Europe to receive those services.
- European businesses can establish an institution to provide specialist teachers and training of seafarers. European businesses can also provide these services from Europe.

Subject to:

- ❑ Joint venture is required to establish an institution providing specialist teachers and training of seafarers.

Environmental services

- ❑ European businesses can establish a company to provide hazardous waste collection, treatment, and disposal services. European businesses can also provide these services from Europe.
- ❑ European businesses can also establish a company to provide cleaning services of exhaust gases, waste and wastewater management services, recycling services, noise abatement services, and services related to closed loop pollution control systems for factories.
- ❑ European businesses can provide sewage services and refuse disposal services from Europe.
- ❑ Contractual services suppliers can obtain a visa to provide cleaning services of exhaust gases and noise abatement services.

Subject to:

- ❑ Economic needs tests apply to companies providing hazardous waste collection services. Main criteria are number of and impact on existing service suppliers.
- ❑ Joint venture is required to establish a company providing hazardous waste treatment and disposal services, cleaning services of exhaust gases, and noise abatement services.
- ❑ Joint venture may be required to establish a company providing waste and wastewater collection services.
- ❑ Economic needs test applies for contractual service suppliers. Main criterion is availability of persons with the requisite skills in the local labour market.

Financial services

- ❑ European businesses can establish an insurance company to provide life, accident and health, and non-life insurance services; reinsurance and retrocession services; insurance broking and agency services; and consultancy, actuarial, risk assessment, and claim settlement services.
- ❑ European businesses can also provide reinsurance and retrocession services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.
- ❑ No reservations for European businesses to obtain visas for key personnel, contractual service suppliers, or independent professionals providing reinsurance services.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide retrocession services.
- ❑ European businesses can provide services for the provision of financial information, financial data processing and related software by providers of other financial services from Europe to the Caribbean or to Caribbean consumers who receive those services within Europe.

Subject to:

- Economic needs test applies to contractual service suppliers and independent professionals. Main criterion is availability of persons with the requisite skills in the local labour market.

Health and social services

- European businesses can provide hospital and social services from Europe or to Caribbean consumers who travel to Europe to receive the service.
- European businesses can provide ambulance, residential health facility, and other human health services to Caribbean consumers who travel to Europe to receive the service.

Tourism services

- European businesses can open a hotel or provide furnished accommodation, youth hostel and mountain shelter services, camping, and caravanning site services, and sleeping car (or other transport services).
- European businesses can open only an ethnic restaurant (does not impose restrictions on beverage serving).
- European businesses can open a travel agency or tour operator office for in-bound passengers only.
- European businesses can provide travel agency, tour operator, or hotel management services from Europe.
- European businesses can provide marinas with more than 100 slips for vessels 30–100 feet; and for marinas with less than 100 slips for vessels over 100 feet.
- European businesses can establish a company to provide spa services.

Subject to:

- Reserve the right to favour the domestic hotel industry over foreign suppliers.
- Hotels of less than 21 rooms are reserved for nationals only.
- Government subsidies for marinas may be limited to nationals.

Recreational, cultural, and sporting services

- European businesses can establish a press agency or yacht rental and leasing business.
- European businesses can provide entertainment or press agency services from Europe.

Subject to:

- Joint venture is required for the yacht rental and leasing business.

Transport services

- European businesses can establish a company to provide international maritime transport services for freight.
- European businesses can establish a company to provide air transport services for freight. European businesses can also provide those services to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can provide ferry transport services for passengers and road transport services for freight from Europe to the Caribbean or for Caribbean consumers receiving the services within Europe.
- ❑ Contractual service suppliers and independent professionals can obtain a visa to provide maritime transport services for freight.

Subject to:

- ❑ Joint venture is required to establish a company providing maritime transport services for freight.
- ❑ Economic needs test applies to key personnel, contractual service suppliers, and independent professionals providing maritime transport services for freight. Main criterion is availability of persons with the requisite skills in the local labour market.
- ❑ Economic needs test applies to establish a company providing international air transport services for freight. Main criteria are number of and impact on existing service suppliers.

Services auxiliary to transport

- ❑ European businesses can establish a business to provide the following services auxiliary to transport:

Pushing and towing services for maritime transport; maritime vessel salvaging and refloating services; navigation aid, communications and meteorological services for maritime transport; and storage and warehousing services for all modes of transport.

European businesses can also provide these services to Caribbean consumers who receive the service within Europe.

- ❑ European businesses can establish a company to provide ship surveys services, and other supporting and auxiliary transportation services.
- ❑ European businesses can provide trans-shipment services and other supporting and auxiliary transportation services from Europe to the Caribbean or to Caribbean consumers who receive the services within Europe.
- ❑ No reservations for European businesses to obtain a visa for key personnel, contractual service suppliers, or independent professionals to provide ship surveys services.
- ❑ European businesses can provide freight transport agency services for all modes of transport to Caribbean consumers who receive the service within Europe.

Subject to:

- ❑ Joint venture is required to establish a company providing pushing and towing services for maritime transport, and maritime vessel salvaging and refloating services.

Energy services

- ❑ There are no new European business opportunities.

Other services

- ❑ European businesses can establish a company to provide funeral, cremation and undertaking services. European businesses can also provide these services from Europe or to Caribbean consumers who receive the service within Europe.
- ❑ European businesses can provide services of membership organizations from Europe to the Caribbean or to Caribbean consumers who receive the service within Europe.

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