

# WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/NPL/16/Add.2

28 August 2003

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**Working Party on the  
Accession of Nepal**

## **REPORT OF THE WORKING PARTY ON THE ACCESSION OF THE KINGDOM OF NEPAL**

### Addendum

#### *Part II - Schedule of Specific Commitments in Services List of Article II MFN Exemptions*

As indicated in paragraph 154 of the Report of the Working Party on the Accession of the Kingdom of Nepal (WT/ACC/NPL/16), the Schedule of Specific Commitments on Services resulting from the negotiations between the Kingdom of Nepal and WTO Members is annexed to the draft Protocol of Accession of Nepal and is reproduced hereunder.

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Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<b>I. HORIZONTAL COMMITMENTS</b>			
All Sectors included in this Schedule	(2) None, except convertible currency limit of USD 2,000 applies to Nepalese citizens on personal travel.	(1) None, except with respect to foreign exchange provided to foreigners (excluding those categories of persons covered by commitments in this agreement) to pay for any cross-border services (2) None	
	(3) None  The conditions of ownership, operation and juridical form and scope of activity as set out in a license or other form of approval establishing or authorizing the operation and supply of services by an existing foreign service supplier, will not be made more restrictive than they exist as of the date of Nepal's accession to WTO.  (4) Unbound, except for temporary entry and stay of natural persons of another Member in the following categories:  <u>Service sales persons</u>  Persons not based in the territory of Nepal and receiving no remuneration from a source located within Nepal, who are engaged in activities related to representing a service supplier for the purpose of negotiating for the sale of services of that supplier where:  a. such sales are not directly made to the general public, and	(3) None, except  - A foreign investor reinvesting earnings is required to obtain the permission of the Department of Industry. - All foreign investments except for Financial Services require approval by the Department of Industry. - Incentives and subsidies are available only to enterprises wholly owned by Nepalese nationals.  (4) Unbound except for measures concerning the categories of natural persons referred to in the market access column  Selling and buying real estate is the constitutional right of every Nepalese citizen. The Civil Code prohibits anyone from selling, mortgaging, gifting or endowing or disposing any real property to a foreign individual.	Except where an environmental impact assessment is required, decisions of the Department are normally provided within 30 days of the date of application.  Approval of an investment will not normally be withheld except for failure to meet environmental standards.  A foreign investor making an investment in foreign currency shall be entitled to repatriate the following amount outside Nepal:  a) The amount received by the sale, in whole or part, of the investors share of equity; b) The amount received as profit or dividend as a result of an equity investment; c) The amount received as the payment of the principal of and interest on any foreign loan; and d) The amount received under an agreement to transfer technology approved by the Department of Industries or the Department of Cottage and Small Industries.

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
	<p>b. the sales person is not engaged in supplying the service.</p> <p>Entry for persons named in these two categories is limited to a ninety-day period, which may be renewed.</p> <p><u>Persons responsible for setting up a commercial presence</u></p> <p>Persons who are employees of an enterprise not having commercial presence in Nepal and who stay temporarily in Nepal for the purpose of setting up a commercial presence of that enterprise in Nepal. Personnel engaged in setting up commercial presence shall present proof of the commencement of business operation within one year of the date of entry of that person.</p> <p>Entry for the above-listed persons is limited to one year period, which may be renewed.</p> <p><u>Intra-corporate transferees</u></p> <p>Managers, executives and specialists as defined below who are employees of firms that provide services in Nepal through a branch, subsidiary or affiliate established in Nepal and who have been in the prior employment of their firm outside Nepal for a period of not less than one year immediately preceding the date of their application for admission and who fall with one of the following categories:</p>		

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
	<p>(A) Executives and Managers : persons within an organization who primarily direct the organization or a department or sub-division of the organization, supervise or control the work of their supervisory, professional or managerial employees, have the authority to hire and fire or recommend hiring, firing or other personnel actions (such as promotion, or leave authorization) and exercise discretionary authority over day-to-day operations.</p> <p>(B) Specialists: persons within an organization who possess technical knowledge at an advanced level of continued expertise and who possess propriety knowledge of the organization's services, research techniques or management techniques. (Specialists may include but are not limited to members of licensed professions.)</p> <p>Entry for the above-listed categories of intra-corporate transferees is limited to a 3 years initial period that may be extended for up to 7 years for a total period not to exceed 10 years.</p> <p>Temporary entry and stay of natural persons considered to be intra-corporate transferees may be limited to 15 percent of local employees. This commitment shall be further liberalized after five years from the date of accession.</p>		

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<b>II. SECTOR SPECIFIC COMMITMENTS</b>			
<b>I. BUSINESS SERVICES</b>			
<b>1. Professional Services</b>			
(a) Legal Services	(1) None (2) None (3) None (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (2) None (4) Unbound, except as indicated in horizontal section	
i. home country law and or third country law (advisory and representation) ii. international law (advisory and representation)	Court appearance in Nepalese courts will be allowed with the permission of Supreme Court and membership in the Nepal Bar Association.		
(b) Accounting, auditing and book-keeping services	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	Nepal undertakes additional commitments to adopt WTO Accounting Disciplines within 5 years from the date of accession.
<u>Accounting and auditing services</u>  i. Financial auditing services (CPC 86211) ii. Accounting Review services (CPC 86212) iii. Compilation of financial statement services (CPC 86213)  <u>Bookkeeping services, except tax return (CPC 86220)</u>			
(d) Architectural Services (CPC 8671)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 66 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
(e) Engineering services (CPC 8672) - Engineering design services for the construction of civil engineering works (CPC 86724) - Engineering design services for industrial processes and production (CPC86725) - Other engineering services during the construction and installation phase (CPC 86727) - Other engineering services (CPC 86729)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 66 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
(f) Integrated engineering Services (CPC 8673)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 66 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
(g) Urban planning and landscape architectural services (CPC 8674)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 66 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
(i) Veterinary services (CPC 932)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<b>2. Computer and Related Services</b>			
(a) Consultation services related to the installation of computer hardware (CPC 841)	(1) None (2) None (3) None, except only through	(1) None (2) None (3) None	
(b) Software implementation services (CPC 842)	incorporation in Nepal and with maximum foreign equity capital of 80 per cent.		
(c) Data processing services (CPC 843)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as provided under horizontal section	
(d) Data base services (CPC 844)			
(e) Maintenance and repair service of office machinery and equipment including computers (CPC 845)			
(f) Other computer services			
- Data preparation services (8491)			
- Other computer services (CPC 8499)			
<b>3. Research and Development Services</b>			
(a) R&D services on natural science	(1) None (2) None (3) None, except only through	(1) None (2) None (3) None	
- Heat, light, electromagnetism, astronomy but excluding atomic energy and related matters (CPC 85101)	incorporation in Nepal and with maximum foreign equity capital of 51 per cent.		
- Engineering and technology, including applied science and technology for casting, metal, machinery, electricity, communications, vessels, aircrafts, civil engineering, construction, information etc. (CPC 85103)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<b>5. Rental/Leasing Services without Operators</b>			
(e) Other  Leasing and rental services concerning video tape (CPC83202)	(1) None (2) None (3) None except only through incorporation in Nepal and with maximum foreign equity of 51 percent. Foreign equity participation will be increased to 80 per cent after 5 years from the date of accession. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in the horizontal section.	
<b>6. Other Business Services</b>			
(a) Advertising services (CPC 871)	(1) None (2) None (3) Unbound until 31 December 2008. Thereafter none, except only through incorporation in Nepal and with maximum foreign equity capital of 67 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
(b) Market research and public opinion polling services (CPC 864)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
(c) Management consulting service (CPC 865)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
(e) Technical testing and analysis services (CPC 8676)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in horizontal section.	
(h) Services incidental to mining (CPC 883+5115)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in horizontal section.	
(m) Related scientific and technical consulting services (CPC 8675)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in horizontal section.	
(q) Packaging services (CPC 876)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in horizontal section.	
(r) Printing, publishing (CPC 88442)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None (4) Unbound, except as indicated in horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
(s) Convention Services (CPC 87909)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
<b>II. COMMUNICATION SERVICES</b>			
<b>2. Courier services</b>	(1) None (2) None (3) For courier services supplied from a foreign territory to Nepal or from Nepal to a foreign territory none except only through incorporation in Nepal and with maximum foreign equity capital of 80 per cent. (4) Unbound, except as indicated in horizontal section and in accordance with Nepal's mode3 commitments for courier services.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
- Multi-modal courier services (CPC 75121)			
<b>3. Telecommunication Services</b>			
Commitments are taken consistent with "Notes for Scheduling Basic Telecom Services Commitments" (S/GBT/W/2/Rev.1) and Market Access Limitations on Spectrum Availability" (S/GBT/W/3).			
<b>Basic Telecommunications</b>			
(a) Local telephone service	(1) None (2) None (3) None, except: No limitation on number of service providers will exist on January 2009. However, foreign participation permitted through a joint venture with up to 80% equity participation. (4) Unbound, except as indicated in the horizontal section. Consultants not available in Nepal may enter to work for 90 days.	(1) None (2) None (3) None, except the majority of the members of the Board of Directors of a joint venture should be Nepalese nationals.  (4) Unbound, except as indicated in horizontal section.	Nepal undertakes additional commitments as contained in the Telecommunication Reference Paper attached to this Schedule of specific Commitments
(b) Domestic telephone service			
(c) International telephone services			
(d) Telex service			
(e) Domestic and international telegraph service			



Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<b>Value-added telecommunications</b>			
(a) Internet including e-mail	(1) None	(1) None	
(b) E.mail	(2) None	(2) None	
(c) Voice mail	(3) None, except:	(3) None	
(d) Video text	Foreign participation permitted through a joint venture with up to 80% equity participation.		
(e) Fax mail	(4) Unbound, except as indicated in the horizontal section	(4) Unbound, except as indicated in horizontal section.	
(f) VSAT			
(g) Audio Conference			
(h) Pay phone			
(i) Pre-paid calling card			
(j) Local, long distance and international data communication			
(k) Radio paging			
(l) Trunked mobile			
<b>III. CONSTRUCTION AND RELATED ENGINEERING SERVICES</b>			
2. General construction work for civil engineering (CPC 513)	(1) None	(1) None	
	(2) None	(2) None	
	(3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. Foreign equity participation will be increased to 80 per cent after 5 years from the date of accession.	(3) None	
	(4) Unbound, except as indicated in horizontal section	(4) Unbound, except as indicated in horizontal section	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
5. Other (CPC 511+515+ 518)	(1) None (2) None (2) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
<b>IV. DISTRIBUTION SERVICES</b>			
1. Commission agent's services (CPC 621)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. Foreign equity participation will be increased to 80 per cent after 5 years from the date of accession. (4) Unbound, except as indicated in horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
2. Wholesale Services, except CPC 62244	1) 2) 3) and 4) Unbound except as indicated in the horizontal section. In addition, unbound except until such time that Nepal grants such rights to any WTO Member in any subsector, or until Nepal determines the types of foreign entities which may provide these services, or that Nepal authorizes such rights under its laws and regulations, the supply of these services; whichever is earlier.	1) 2) 3) and 4) Unbound except as indicated in the horizontal section. In addition, unbound except until such time that Nepal grants such rights to any WTO Member in any subsector, or until Nepal determines the types of foreign entities which may provide these services, or that Nepal authorizes such rights under its laws and regulations, the supply of these services; whichever is earlier.	
Wholesale trade services of radio and television equipment, musical instruments, and records, music scores and tapes. (CPC 62244)	(1) None (2) None (3) None except only through incorporation in Nepal and with maximum foreign equity of 80 percent (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in the horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
3. Retailing Services, except CPC 63234	1) 2) 3) and 4) Unbound except as indicated in the horizontal section. In addition, unbound except until such time that Nepal grants such rights to any WTO Member in any subsector, or until Nepal determines the types of foreign entities which may provide these services, or that Nepal authorizes such rights under its laws and regulations, the supply of these services; whichever is earlier.	1) 2) 3) and 4) Unbound except as indicated in the horizontal section. In addition, unbound except until such time that Nepal grants such rights to any WTO Member in any subsector, or until Nepal determines the types of foreign entities which may provide these services, or that Nepal authorizes such rights under its laws and regulations, the supply of these services; whichever is earlier.	
Retailing Services  Retail sales of radio and television equipment, musical instruments, and records, music scores and tapes. (CPC 63234)	(1) None (2) None (3) None except only through incorporation in Nepal and with maximum foreign equity of 80 percent (4) Unbound except as indicated in the horizontal section	(1) None (2) None (3) None  (4) Unbound except as indicated in the horizontal section.	
4. Franchising (CPC 8929)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in horizontal section.	(1) None (2) None (3) None  (4) Unbound except as indicated in horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<b>V. EDUCATIONAL SERVICES</b>			
3. Higher Education services (CPC 923)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent and except for education services funded from state resources.	(1) None (2) None (3) None, except for education services funded from state resources.	
4. Adult Education Services (CPC 924)			
5. Other Education (CPC 929)	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in horizontal section.	
<b>VI. ENVIRONMENTAL SERVICES</b>			
1. Sewage Services (CPC 9401)	(1) None	(1) None	
2. Refuse disposal services (CPC 9402)	(2) None	(2) None	
3. Sanitation and similar Services (CPC 9403)	(3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. Foreign equity participation will be increased to 80 per cent after 5 years from the date of accession	(3) None	
	(4) Unbound, except as indicated in the horizontal section.	(4) Unbound, except as indicated in horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<b>VII. FINANCIAL SERVICES</b>			
<b>General Conditions</b>			
<p>The commitments in financial services are made in accordance with the General Agreement on Trade in Services and the Annex on Financial Services. All the commitments are subject to entry requirements, domestic laws, rules and regulations and the terms and conditions of the Nepal Rastra Bank (the central bank of Nepal), Insurance Board and any other competent authority in Nepal, as the case may be, which are consistent with Article VI of the GATS and paragraph 2 of the Annex on Financial Services.</p> <p>The commitments in Insurance Services are given to the nationals and financial institutions of the Members whose law and policies do not bar the provision of similar commitments to the Nepalese nationals and financial institutions. No such limitation will exist as of 1 March 2004.</p>			
<p>Financial Services in the form of operations identified below in the Schedule can be carried out in Nepal through a locally incorporated company. Branches will be allowed for insurance services and wholesale banking as of 1 January 2010. Only a licensed commercial bank, a licensed specialized bank or a registered finance company may accept deposits. Only a licensed commercial bank may accept deposits, which are repayable upon demand. Only financial institutions with rating of at least 'B' by Credit Rating Agency e.g. MOODI, Standard &amp; Poor can have commercial presence in Nepal. The total foreign shareholding in any institution providing financial services is limited to 67 per cent of the issued share capital. It has, nevertheless, been bound for the existing foreign financial service providers as to their scope of operation and equity structure. The shares held by foreign nationals and foreign financial institutions in their locally incorporated companies are not transferable without the prior written approval of the Nepal Rastra Bank (the central bank) or any other competent authority as the case may be. Representative offices may not be engaged in commercial business. The members of the Board of Directors of a financial service supplier will be in proportion to equity representation of that financial service supplier.</p>			
<b>1. Insurance and Insurance Related Services</b>			
<b>(i) Direct Insurance</b>			
(a) Life	(1) None (2) None (3) None, except As indicated in general conditions. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in general conditions and horizontal section. (4) Unbound, except as indicated in horizontal section.	
(b) Non-life	(1) None (2) None (3) None, except as indicated in general conditions. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None, except as indicated in general conditions and horizontal section. (4) Unbound, except as indicated in horizontal section.	
<b>(ii) Re-insurance and Retrocession</b>			
	(1) and (2) None except, mandatory reinsurance up to USD 25,000 must be placed with domestic insurance company until 31 December 2007. (3) Unbound until 31 December 2007; thereafter none, except as indicated in the general conditions. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None  (3) None (4) Unbound, except as indicated in the horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<b>(iv) Services Auxiliary to Insurance</b>	(1) None	(1) None	
Insurance broking and agency services (CPC 81401)	(2) None	(2) None	
	(3) None, except as indicated in general condition	(3) None	
	(4) Unbound, except as indicated in the horizontal section	(4) Unbound except as indicated in the horizontal section.	
<b>2. Banking and Other Financial Services</b>			
(a) Acceptance of deposits and other repayable funds from the public	(1) Unbound, except for (k) provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services and (l) advisory services on all the activities listed above were none	(1) None	
	(2) Unbound, except for (k) provision and transfer of financial information, and financial data processing and related software by suppliers of other financial services and (l) advisory services on all the activities listed above were none	(2) None	
	(3) None, except as indicated in general conditions. For derivative products under sub-sector 'f' and settlement of and clearing services for financial assets, including securities, derivative products, and other negotiable instruments under 'j' unbound until HMG/Nepal determines what types of entities can conduct these services, the related laws and regulations are established and such business is authorised by the government or other designated authority.	(3) None, except as specified in the general conditions and horizontal section	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<p>(b) Lending of all types, including, inter-alia, consumer credit, mortgage credit, factoring and financing of commercial transactions.</p> <p>(c) Financial leasing</p> <p>(d) All payment and money transmission services</p> <p>(e) Guarantees and commitments</p> <p>(f) Trading for own account or for account of customers, whether on an exchange, an over-the-counter market or otherwise, the following:</p> <ul style="list-style-type: none"> <li>- money-market instruments (cheques, bills, certificates of deposits, etc.)</li> <li>- foreign exchange</li> <li>- derivative products including, but not limited to, futures and options</li> <li>- exchange rate and interest rate instruments, other than swap.</li> <li>- transferable securities</li> <li>- other negotiable instruments and financial assets, including bullion.</li> </ul> <p>(g) Participation in issues of all kinds of securities, including under-writing and placement as agent (whether publicly or privately) and provision of service – related to such issues.</p> <p>(h) Money broking</p> <p>(i) Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services.</p> <p>(j) Settlement of and clearing services for financial assets, including</p>	<p>(4) Unbound, except as specified in the horizontal section.</p>	<p>(4) Unbound, except as indicated in horizontal section.</p>	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
securities, derivative products, and other negotiable instruments (k) Provision and transfer of financial information, and financial data processing and related software by providers of other financial services. (l) Advisory services on all the activities listed above			
<b>VIII. HEALTH RELATED AND SOCIAL SERVICES</b>			
1. Hospital Services (CPC 9311) and direct ownership and management by contract of such facilities on a 'for fee' basis.	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.  Medical Experts can work with the permission of Nepal Medical Council maximum of one year.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
<b>IX. TOURISM AND TRAVEL RELATED SERVICES</b>			
1. Tourism and restaurants Hotel, lodging services (CPC 6411) (star hotels only); Graded restaurants (CPC 6421-6423)** 2. Travel agency and tour operator (CPC 7471)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent for travel agency and tour operator (CPC 7471) and 80 per cent for hotel, lodging services (CPC 6411) (star hotels only), and graded restaurants (CPC 6421-6423)**. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<b>X. RECREATIONAL, CULTURAL AND SPORTING SERVICES</b>			
5. Other entertainment services n.e.c (CPC 96199): - Cinema theatre services including cinema projection services	(1) None (2) None. (3) None, except only through incorporation in Nepal and with maximum foreign equity of 51 percent and minimum foreign investment of US \$1 million. Foreign equity participation will be increased to 80 per cent after 5 years from the date of accession. (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in horizontal section.	
<b>XI. TRANSPORT SERVICES</b>			
<b>3. Air Transport Services</b>			
(d) Maintenance and repair of aircraft (CPC 8868)	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. Foreign equity participation will be increased to 80 per cent after 5 years from the date of accession (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in the horizontal section.	
Computer reservation system ( as defined in the Annex in Air Transport )	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. Foreign equity participation will be increased to 80 per cent after 5 years from the date of accession (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in the horizontal section.	

Modes of supply (1) Cross-Border supply (2) Consumption abroad (3) Commercial Presence (4) Presence of natural persons

Sector or Sub-sector	Limitations of Market Access	Limitations on National Treatment	Additional Commitments
<b>7. Pipeline Transport Services</b>			
(a) Transportation of Fuels (CPC 713(1))	(1) None	(1) None	
(b) Transportation of Other Goods (CPC 7139)	(2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. (4) Unbound, except as indicated in the horizontal section.	(2) None (3) None  (4) Unbound, except as indicated in the horizontal section.	
<b>8. Services Auxiliary to All Modes of Supply</b>			
(a) Storage and warehouse services CPC 742	(1) None (2) None (3) None, except only through incorporation in Nepal and with maximum foreign equity capital of 51 per cent. Foreign equity participation will be increased to 80 per cent after 5 years from the date of accession (4) Unbound, except as indicated in the horizontal section.	(1) None (2) None (3) None  (4) Unbound, except as indicated in the horizontal section.	

## TELECOMMUNICATION REFERENCE PAPER

### Scope

The following are definitions and principles on the regulatory framework for the basic telecommunications services.

### Definitions

Users mean service consumers and service suppliers.

Essential facilities mean facilities of a public telecommunications transport network or service that

- a) are exclusively or predominantly provided by a single or limited number of suppliers; and
- b) cannot feasible be economically or technically substituted in order to provide a service.

A major supplier is a supplier which has the ability to materially affect the terms of participation (having regard to price and supply) in the relevant market for basic telecommunications services as a result of:

- a) control over essential facilities; or
- b) use of its position in the market

### 1. Competitive safeguards

#### 1.1 Prevention of anti-competitive practices in telecommunications

Appropriate measures shall be maintained for the purpose of preventing suppliers who, along or together, are major suppliers from engaging in or continuing anti-competitive practices.

#### 1.2 Safeguards

The anti-competitive practices referred to above shall include in particular:

- a) engaging in anti-competitive cross-subsidization;
- b) using information obtained from competitors with anti-competitive results; and
- c) not making available to other services suppliers on a timely basis technical information about essential facilities and commercially relevant information which are necessary for them to provide services.

### 2. Interconnection

2.1 This section applies to linking with suppliers providing public telecommunications transport networks or services in order to allow the users of one supplier to communicate with users of another supplier and to access services provided by another supplier, where specific commitments are undertaken.

2.2 Interconnection to be ensured

Interconnection with a major supplier will be ensured at any technically feasible point in the network. Such interconnection is provided:

- a) under non-discriminatory terms, conditions (including technical standards and specifications) and rates and of a quality no less favourable than that provided for its own like services or for like services of non-affiliated service suppliers or for its subsidiaries or other affiliates;
- b) in a timely fashion, on terms, conditions (including technical standards and specifications) and cost-oriented rates that are transparent, reasonable, having regard to economic feasibility, and sufficiently unbundled so that the supplier need not pay for network components or facilities that it does not require for the service to be provided; and
- c) upon request, at points in addition to the network termination points offered to the majority of users, subject to charges that reflect the cost of construction of necessary additional facilities.

2.3 Public availability of the procedures for interconnection negotiations

The procedures applicable for interconnection to a major supplier will be made publicly available.

2.4 Transparency of interconnection arrangements

It is ensured that a major supplier will make publicly available either its interconnection agreements or a reference interconnection offer.

2.5 Interconnection: dispute settlement

A service supplier requesting interconnection with a major supplier will have recourse, either:

- a) at any time or
- b) after a reasonable period of time which has been made publicly known.
- c) to an independent domestic body, which may be a regulatory body as referred to in paragraph 5 below, to resolve disputes regarding appropriate terms, conditions and rates for interconnection within a reasonable period of time, to the extent that these have not been established previously.

3. Universal service

Any Member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member.

4. Public availability of licensing criteria

Where a license is required, the following will be made publicly available:

- a) all the licensing criteria and the period of time normally required to reach a decision concerning an application for a license and
- b) the terms and conditions of individual licenses.

The reasons for the denial of a license will be made known to the applicant upon request.

5. Independent regulators

The regulatory body is separate from, and not accountable to, any supplier of basic telecommunications services. The decisions of and the procedures used by regulators shall be impartial with respect to all market participants.

6. Allocation and use of scarce resources

Any procedures for the allocation and use of scarce resources, including frequencies, number and rights of way, will be carried out in an objective, timely, transparent and non-discriminatory manner. The current state of allocated frequency bands will be made publicly available, but detailed identification of frequencies allocated for specific government uses is not required.

## Lists of Article II MFN Exemptions

Sector or Sub-Sector	Description of measure indicating its inconsistency with Article II	Countries to which the measure applies	Intended Duration	Conditions creating the need for the exemption
All Sectors	Allocation of non-convertible currency effected by commercial banks without involvement of Central Bank.	India	Indefinite	To facilitate border traffic and regional integration by providing for full current account convertibility of Nepalese rupees into Indian rupees
Audiovisual Services- Production and distribution of motion picture and television programmes	Measures based upon co-production agreements of audiovisual works, which confer National Treatment to audiovisual works covered by these agreements.	Countries with which such bilateral or multilateral agreements are in force, now or in the future.	Subject to the duration of the agreement concerned.	The aim of these agreements is to promote cultural links between the countries concerned.
Tourism	Higher allocation of convertible currency for travel purposes.	All OECD countries.	Indefinite	To reflect higher board and lodging costs in countries mentioned