

VEDLEGG XI

VIST TIL I ARTIKKEL 5.3 (NASJONAL BEHANDLING) OG
ARTIKKEL 5.4 (RESERVASJONER)

VEDRØRENDE RESERVASJONER

VEDLEGG XI

VIST TIL I ARTIKKEL 5.3 (NASJONAL BEHANDLING) OG ARTIKKEL 5.4 (RESERVASJONER)

VEDRØRENDE RESERVASJONER

TILLEGG 1: PERUS RESERVASJONER

APPENDIX 2: RESERVATIONS BY ICELAND (ikke oversatt)

APPENDIX 3: RESERVATIONS BY LIECHTENSTEIN (ikke oversatt)

TILLEGG 4: NORGES RESERVASJONER

APPENDIX 5: RESERVATIONS BY SWITZERLAND (ikke oversatt)

TILLEGG 1 TIL VEDLEGG XI

VEDRØRENDE PERUS RESERVASJONER

Innledende kommentar

1. I henhold til artikkel 5.4 (Reservasjoner) i denne avtalen, inneholder Perus reservasjonsliste landets reservasjoner knyttet til eksisterende tiltak eller bestemte sektorer, undersektorer eller aktiviteter der Peru kan opprettholde eksisterende, eller vedta nye eller mer restriktive tiltak som ikke er i samsvar med de forpliktelsene som følger av artikkel 5.3 (nasjonal behandling) i denne avtalen.

2. Hver reservasjon inneholder følgende elementer:

- (a) “Sektor”, viser til den generelle sektoren der det er tatt reservasjoner;
- (b) “Undersektor”, viser til den spesifikke sektor der det er tatt reservasjoner;
- (c) “Tiltak”, identifiserer lover, reguleringer eller andre tiltak der det er gjort reservasjoner. Et tiltak som er nevnt under “Tiltak” inneholder, slik tilfelle kan være:

Tiltaket som endret, opprettholdt eller fornyet på tidspunktet for ikrafttredelse av denne avtalen og ethvert underordnet tiltak vedtatt eller opprettholdt under myndighet av, og i overensstemmelse med, tiltaket; eller

- (i) Referansen til ethvert eksisterende eller fremtidig tiltak, slik det er beskrevet under ”Beskrivelse”; og
- (d) “Beskrivelse”, inneholder, slik tilfelle kan være:
 - (i) Avvikende aspekter i eksisterende tiltak der det er gjort reservasjoner. Det kan også fastsette liberaliseringsforpliktelser; eller
 - (ii) Omfanget av sektoren, undersektoren eller aktiviteter som er dekket av reservasjonen.

3. Ved tolkningen av en reservasjon:

- (a) alle elementene i reservasjonen skal vurderes;;

- (b) i oppføring 1 – 2, skal ”Tiltak” ha forrang over alle andre elementer, med mindre et avvik mellom ”Tiltak” og de andre elementene vurderes som så viktige og omfattende at det ville være urimelig å konkludere at ”Tiltak” skulle ha forrang, i et slikt tilfelle vil de andre elementene ha forrang så langt avviket rekker;
- (c) i oppføring 3 – 6, skal “Beskrivelse” ha forrang over de andre elementene.

PERU

Sektor:	Alle sektorer
Tiltak:	Constitución Política del Perú (1993), artículo 71. Decreto Legislativo N° 757, Diario Oficial “El Peruano” del 13 de noviembre de 1991, Ley Marco para el Crecimiento de la Inversión Privada, Artículo 13.
Beskrivelse:	Ingen utlending eller enhet organisert eller eid, helt eller delvis, direkte eller indirekte, av utlendinger kan kjøpe eller eie, direkte eller indirekte, på noen mate, land eller vann (inkludert gruver, skog eller energikilder) lokalisert innenfor 50 kilometer fra den peruanske grensen. Unntak kan gjøres ved et overordnet dekret godkjent av regjeringen i overensstemmelse med lovverket i saker der det er et klart uttalt offentlig nødvendighet. I hvert tilfelle av ervervelse eller besittelse innenfor nevnte område, skal investoren innlevere tilsvarende forespørsel til det relevante departementet, i overensstemmelse med det gjeldende regelverk. For eksempel har slik autorisasjon blitt gitt innenfor gruvesektoren.

PERU

Sektor:	Alle sektorer
Tiltak:	Decreto Legislativo N° 689, Diario Oficial “El Peruano” de 05 de noviembre de 1991, Ley para la Contratación de Trabajadores Extranjeros, Artículos 1, 3, 4, 5 (modificado por Ley N° 26196) y 6.
Beskrivelse:	Alle arbeidsgivere i Peru skal, uavhengig av deres aktivitet eller nasjonalitet, gi preferensiell behandling til nasjonale ved ansettelser. Utlendinger kan ikke representere mer enn 20 prosent av det totale antallet ansatte i et foretak, og lønnen deres kan ikke overstige 30 prosent av de totale lønnsutbetalingene. Disse prosentkravene gjelder ikke i følgende tilfeller: • når utlendingen som utfører tjenestene er ektefelle, forelder, barn eller søsken av en peruaner; • utenlandske ansatte som arbeider for utenlandske foretak som tilbyr transport i internasjonalt territorium, farvann eller luft under utenlandsk flagg og registrering; • utenlandske ansatte i multinasjonale tjenesteforetak eller banker, underlagt de lover som gjelder for spesielle tilfeller; • utenlandske investorer, når deres investeringer opprettholdes i Peru i minst 5 ”tributary tax units” i løpet av kontraktperioden¹; • kunstnere, atleter eller andre tjenesteytere knyttet til offentlig opptreden i Perus territorium, for maksimalt tre måneder pr. år; • utlendinger med immigrasjonsvisum; • utlendinger hvis land har gjensidige arbeidsavtaler eller avtaler om dobbelt statsborgerskap med Peru; og • utenlandsk personell som tilbyr tjenester i landet på vegne av bilaterale eller multilaterale avtaler inngått av Peru. Arbeidsgivere kan forespørre avvik fra kravet til prosentandel for utenlandske ansatte og deres lønnsandel i tilfeller som involverer: • spesialiserte yrkesutøvere eller teknisk personell; • direktører eller administrativt ansatte for nye eller endrede forretningsaktiviteter; • lærere ansatt for høyere utdanning, eller for utenlandsk privat grunnskole; eller for undervisning i fremmedspråk i lokale

¹ “The Tributary Tax Unit (UIT)” er et referansegrunnlag som benyttes for å opprettholde en konstant verdi for skattegrunnlaget, fradrag, “affectation limits” og andre aspekter ved skatt som lovgiver finner relevant.

	privatskoler; eller for spesialiserte språksentre; • personell som arbeider for offentlige eller private foretak med kontraktsforpliktelser til offentlige institusjoner; • og i alle andre tilfeller fastsatt av overordnet dekret etter spesialiserte, kvalifikasjoner og erfaringskriterier.
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PERU

Sektor:	Urfolks lokalsamfunn, Bønder, Innfødte og Minoritets saker
Tiltak:	Alle eksisterende og fremtidige tiltak, som beskrevet nedenfor.
Beskrivelse:	Peru forbeholder seg retten til å innføre og opprettholde ethvert tiltak som gir rettigheter eller fortrinn til sosialt eller økonomisk vanskeligstilte minoritetsgrupper eller etniske grupper. For denne oppføringen betyr etnisk grupper; urfolks og innfødtes lokalsamfunn; minoriteter inkluderer bondesamfunn (<i>campesinos</i>).

PERU

Sektor:	Fiske
Tiltak:	Alle eksisterende og fremtidige tiltak, som beskrevet nedenfor.
Beskrivelse:	Peru forbeholder seg retten til å vedta og opprettholde ethvert tiltak knyttet til ”artisanal” fiske.

PERU

Sektor:	Håndarbeidsindustri
Tiltak:	Alle eksisterende og fremtidige tiltak, som beskrevet nedenfor..
Beskrivelse:	Peru forbeholder seg retten til å vedta og opprettholde ethvert tiltak knyttet til design, distribusjon, salg og utstilling av håndarbeid som er identifisert som peruviansk håndarbeid

PERU

Sektor:	Audiovisuell industri Offentliggjøring og musikk
Tiltak:	Alle eksisterende og fremtidige tiltak, som beskrevet nedenfor.
Beskrivelse:	Peru kan vedta eller opprettholde ethvert tiltak som gir en person fra en annen part den behandling som den parten gir til en peruviansk person innenfor audiovisuell-, offentliggjørings- og musikksektor.

APPENDIX 2 TO ANNEX XI

REGARDING RESERVATIONS BY ICELAND

ICELAND

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Law No. 138/1994 Respecting Private Limited Companies, Law No. 2/1995 Respecting Public Limited Companies, Law No. 34/1991 on Investment by Non-Residents in Business Enterprises
Succinct description of the measure:	The majority of the founders of a private limited company or a public limited company must either be resident in Iceland, in another member state of the European Economic Area, in another member state of the European Free Trade Association or in the Faroe Islands. The Minister of Commerce can grant exemptions from these restrictions. The manager(s) and at least half the board of directors of a private limited company or a public limited company must either be resident in Iceland, in another member state of the European Economic Area, in another member state of the European Free Trade Association or in the Faroe Islands. The Minister of Commerce can grant exemptions from these restrictions.
Purpose or motivation of the measure:	To secure that the legal venue of the majority of the board of directors and managers is within Icelandic jurisdiction.

ICELAND

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Law No. 19/1966 on the Right to Own and Use Real Estate, Law No. 34/1991 on Investment by Non-Residents in Business Enterprises
Succinct description of the measure:	Only Icelandic citizens and Icelandic legal entities and citizens and legal entities from another member state of the European Economic Area, another member state of the European Free Trade Association or from the Faroe Islands are allowed to own real estate in Iceland unless the ownership and use is linked to an investment in real estate pertaining to the business activity of the investor. The same applies to the hiring of a real estate if the duration of the lease lasts for more than 3 years. These restrictions do not apply to a non-EEA citizen who has been residing in Iceland for at least five years. The Minister of Justice can grant exemptions from these restrictions.
Purpose or motivation of the measure:	Fluctuations in real estate prices due to possible excess foreign demand can adversely affect the domestic market for housing and summer houses (secondary homes).

ICELAND

Sector:	Fisheries
Sub-sector:	Fishing, whaling
Legal source or authority of the measure:	Law No. 22/1998 on the Fishing and Fish processing of Foreign Vessels in Iceland's Economic Zone, Law No. 34/1991 on Investment by Non-Residents in Business Enterprises, Law No. 26/1949 on Whaling
Succinct description of the measure:	Only the following may conduct fishing operations within the Icelandic fisheries jurisdiction: (a) Icelandic citizens and other Icelandic persons. (b) Icelandic legal persons which are wholly owned by Icelandic persons or Icelandic legal persons which: (i) are controlled by Icelandic entities; (ii) are not under more than 25 per cent ownership of foreign residents calculated on the basis of share capital or initial capital. However, if the share of an Icelandic legal person in a legal person conducting fishing operations in the Icelandic fisheries jurisdiction or fish processing in Iceland is not above five per cent, the share of the foreign resident may be up to 33 per cent; (iii) are in other respects under the ownership of Icelandic citizens or Icelandic legal persons controlled by Icelandic persons.
Purpose or motivation of the measure:	The relative economic importance of the fishing industry for Iceland, with fish and fish products constituting around half of the country's foreign earnings, as well as Iceland's determination to maintain a sustainable yield from its fishing stocks. The control and surveillance regarding the preservation of Icelandic fish stocks needs to be under Icelandic jurisdiction.

ICELAND

Sector:	Fisheries
Sub-sector:	Fish Processing
Legal source or authority of the measure:	Law No. 34/1991 on Investment by Non-Residents in Business Enterprises
Succinct description of the measure:	Only the following may own or run enterprises engaged in fish processing in Iceland: (a) Icelandic citizens and other Icelandic persons. (b) Icelandic legal persons which are wholly owned by Icelandic persons or Icelandic legal persons which: (i) are controlled by Icelandic entities; (ii) are not under more than 25 per cent ownership of foreign residents calculated on the basis of share capital or initial capital. However, if the share of an Icelandic legal person in a legal person conducting fishing operations in the Icelandic fisheries jurisdiction or fish processing in Iceland is not above five per cent, the share of the foreign resident may be up to 33 per cent; (iii) are in other respects under the ownership of Icelandic citizens or Icelandic legal persons controlled by Icelandic persons. Fish processing in this context is freezing, salting, drying and any other process used to initially preserve fish and fish products, including melting and meal processing. This reservation does not apply to secondary fish processing.
Purpose or motivation of the measure:	The reservation on fish processing is an integral part of retaining control in the field of fishing and whaling. The relative economic importance of the fishing industry for Iceland, with fish and fish products constituting around half of the country's foreign earnings, as well as Iceland's determination to maintain a sustained yield from its fishing stocks. The control and surveillance regarding the preservation of Icelandic fish stocks needs to be under Icelandic jurisdiction.

ICELAND

Sector:	Fisheries
Subsector:	Fish Auctioning
Legal source or authority of the measure:	Law No. 79/2005 on the Auctioning of Fish
Succinct description of the measure:	Only Icelandic citizens and Icelandic legal entities and citizens and legal entities from another member state of the European Economic Area, from another member state of the European Free Trade Association or from the Faroe Islands are allowed to own and manage enterprises engaged in fish auctioning in Iceland.
Purpose or motivation of the measure:	The reservation on fish auctioning is an integral part of retaining control in the field of fishing and whaling. The relative economic importance of the fishing industry for Iceland, with fish and fish products constituting around half of the country's foreign earnings, as well as Iceland's determination to maintain a sustained yield from its fishing stocks. The control and surveillance regarding the preservation of Icelandic fish stocks needs to be under Icelandic jurisdiction.

ICELAND

Sector:	Aviation
Sub-sector:	Air transport
Legal source or authority of the measure:	Law No. 34/1991 on Investment by Non-Residents in Business Enterprises
Succinct description of the measure:	Only Icelandic citizens and legal entities, and citizens and legal entities from another member state of the European Economic Area, from another member state of the European Free Trade Association or from the Faroe Islands can own more than 49 per cent of the shares of an enterprise engaged in air transport.
Purpose or Motivation of the Measure:	The need for extensive services in a small home market call for specific regulations and home country control.

ICELAND

Sector:	Energy
Sub-sector:	Energy production and distribution
Legal source or authority of the measure:	Law No. 34/1991 on Investment by Non-Residents in Business Enterprises
Succinct description of the measure:	Only Icelandic citizens and legal entities, and citizens and legal entities from another member state of the European Economic Area, from another member state of the European Free Trade Association or from the Faroe Islands, can own the right to harness hydroelectric and geothermal power other than for own personal home use. The same applies to investment in enterprises engaged in power production and power distribution.
Purpose or Motivation of the Measure:	Apart from the fish stock, hydroelectric power and geothermal power are Iceland's most important natural resources. Their utilisation need to be centrally administered through licensing and co-generation agreements. The power production and power distribution are public utilities which to a large degree operate as public monopolies.

APPENDIX 3 TO ANNEX XI

REGARDING RESERVATIONS BY LIECHTENSTEIN

LIECHTENSTEIN

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Gewerbegesetz (Act on Commercial Law) of 12 December 1969, LR (Systematic Collection of Liechtenstein Law) 930.1, and relevant laws as referred to in paragraph 1 of Article 2 of that Act, as well as relevant Parliament or Government decisions.
Succinct description of the measure:	The establishment of a commercial presence by a juridical person (including branches) is subject to the requirement that no objection for reasons of national economy is made (balanced proportion of national and foreign capital; balanced ratio of foreigners in comparison with the number of resident population; balanced ratio of total number of jobs in the economy in comparison with the number of the resident population; balanced geographic situation; balanced development of the national economy, between and within the sectors).
Purpose or motivation of the measure:	To ensure a balanced development of the national economy taking into account the specific geographic situation of the country, its limited resources and the small labour market.

LIECHTENSTEIN

Sector:	All sectors
Sub-sector:	
Legal source or authority of the measure:	Gewerbegesetz (Commercial Law Act) of 12 December 1969, LR 930.1; Personen- und Gesellschaftsrecht (Company Law) of 20 January 1926, LR 216.0
Succinct description of the measure:	The establishment of a commercial presence by an individual is subject to the requirement of prior residence during a certain period of time and of permanent domicile in Liechtenstein. The establishment of a commercial presence by a juridical person (including branches) is subject to the following requirements: At least one of the managers has to fulfil the requirements of prior residence during a certain period of time and of permanent domicile in Liechtenstein. The majority of the administrators (authorized to manage and represent the juridical person) must be residents in Liechtenstein and have either to be Liechtenstein citizens or have prior residence during a certain period of time in Liechtenstein. The general and the limited partnership have to fulfil the same conditions as corporations with limited liability (juridical person). In addition the majority of the associates have to be Liechtenstein citizens or to have prior residence during a certain period of time in Liechtenstein. The Liechtenstein company law does not prohibit joint stock companies from foreseeing in their articles of incorporation the preclusion or limitation of the transfer of registered shares.
Purpose or motivation of the measure:	To facilitate judicial proceedings.

LIECHTENSTEIN

Sector:	All sectors
Subsector:	-
Legal source or authority of the measure:	Agreement on the European Economic Area of 2 May 1992 (EEA Agreement)
Succinct description of the measure:	Treatment accorded to subsidiaries of third-country companies formed in accordance with the law of an EEA Member State and having registered office, central administration or principal place of business within an EEA Member State is not extended to branches or agencies established in an EEA Member State by a third-country company. Treatment less favorable may be accorded to subsidiaries of third countries having only their registered office in the territory of an EEA Member State unless they show that they possess an effective and continuous link with the economy of one of the EEA Member States.
Purpose or motivation of the measure:	To ensure that benefits from the EEA Agreement are not automatically accorded to third countries.

LIECHTENSTEIN

Sector:	All sectors
Subsector:	-
Legal source or authority of the measure:	Grundverkehrsgesetz (Law on the acquisition of real estate) of 9 December 1992, LR 214.11
Succinct description of the measure:	All acquisitions of real estate are subject to authorization. Such authorization is granted only if an actual and proven requirement for living or business purposes is given and a certain period of residence has been completed. Non-residents are excluded from the acquisition of real estate.
Purpose or motivation of the measure:	Extreme scarcity of available land. Preservation of access to real estate for the resident population and maintenance of a balanced geographic situation.

LIECHTENSTEIN

Sector:	Power and Energy sector
Sub-sector:	-
Legal source or authority of the measure:	Not Applicable
Succinct description of the measure:	Liechtenstein reserves the right to maintain or adopt any measure with respect to investments in the power and energy sector.
Purpose or motivation of the measure:	Energy policy considerations and national security.

LIECHTENSTEIN

Sector:	Air Transport
Sub-sector:	Aircraft Registration
Legal source or authority of the measure:	Aviation Act of 15 Mai 2002, LR 748.0 and Agreement between Liechtenstein and Switzerland on civil aviation of 27 January 2003, LR 0.748.091.11
Succinct description of the measure:	Aircraft may not be registered in Liechtenstein unless they are wholly owned by Liechtenstein citizens or by foreign nationals who reside in Liechtenstein and use the aircraft mainly for travel originating in Liechtenstein or Switzerland, or by companies based and registered in Liechtenstein.
Purpose or motivation of the measure:	To ensure an effective tie between aircraft and their owners.

LECHTENSTEIN

Sector:	Air Transport
Sub-sector:	Holdings in Liechtenstein air transport companies
Legal source or authority of the measure:	Aviation Act of 15 Mai 2002, LR 748.0 and Agreement between Liechtenstein and Switzerland concerning civil aviation of 27 January 2003, LR 0.748.091.11
Succinct description of the measure:	Access of foreign firms to commercial transport of persons and goods is governed by international agreements. In the absence of such an agreement, foreign firms may be granted concessions to operate certain commercial transport routes. To obtain such a concession, a foreign enterprise must, <i>inter alia</i> , have a legal residence in Liechtenstein. A foreign holding in a Liechtenstein air transport company may normally not exceed 40 per cent of the latter's share capital.
Purpose or motivation of the measure:	Air transport policy.

LIECHTENSTEIN

Sector:	Air Transport
Sub-sector:	Assistance Services
Legal source or authority of the measure:	Aviation Act of 15 Mai 2002, LR (Systematic Collection of Liechtenstein Law) 748.0
Succinct description of the measure:	Liechtenstein applies European Union Directive 96/67. Airport authorities may limit the number of providers for certain services by permanent limitations or temporary measures. Article 20 of the Directive contains a reciprocity clause.
Purpose or motivation of the measure:	Limited space for airport infrastructure. (<i>note: to date Liechtenstein has no airport infrastructure</i>).

TILLEGG 4 TIL VEDLEGG XI

VEDRØRENDE NORSKE RESERVASJONER

NORGE

Sektor:	Alle sektorer
Undersektor:	-
Rettslig kilde eller hjemmel for tiltaket:	Lov av 13. juni 1997 nr. 44 (aksjeloven) og Lov av 13. juni 1997, nr. 45 (allmennaksjeselskapsloven)
Kortfattet beskrivelse av tiltaket:	Administrerende direktør i et aksjeselskap og minst halvparten av medlemmene i styret og bedriftsforsamlingen må være bosatt i Norge. Kravet om bosetting gjelder ikke for borgere i andre EØS-land som har fast bosted i et av disse landene. Nærings- og handelsdepartementet kan gi unntak fra bostedskravet.
Hensikten eller formålet med tiltaket:	Bostedskravet er basert på jurisdiksjonshensyn, for å sikre at personene som er ansvarlige for selskapets anliggender er tilgjengelige.

NORGE

Sektor:	Kraft- og energisektoren Reparasjon av transportutstyr
Undersektor:	-
Rettslig kilde eller hjemmel for tiltaket:	Ikke anvendelig
Kortfattet beskrivelse av tiltaket:	Alle aktiviteter innenfor kraft- og energisektoren samt i sektoren for reparasjon av transportutstyr skal behandles som tjenester i denne avtalen.
Hensikten eller formålet med tiltaket:	

NORGE

Sektor:	Fast eiendom
Undersektor:	Fritidsbolig
Rettslig kilde eller hjemmel for tiltaket:	Konsesjonsloven av 31. mai 1974 nr. 19
Kortfattet beskrivelse av tiltaket:	Kjøp eller leie av fritidsbolig av en som ikke har bosted i landet er undergitt konsesjon.
Hensikten eller formålet med tiltaket:	Å forhindre at priser i markedet for fritidsboliger blir negativt påvirket på bakgrunn av mulig økning i forespørselen fra ikke-bosatte.

NORGE

Sektor:	Fisk og fiskeforedling
Undersektor:	-
Rettslig kilde eller hjemmel for tiltaket:	Lov om deltagelse i fiske av 16. juni 1972 nr. 57 Lov om Norges økonomiske sone av 17. desember 1976 nr. 91 Fiskeriforbudsloven av 17. juni 1966 nr.19
Kortfattet beskrivelse av tiltaket:	Konsesjon til å erverve et fiskefartøy eller delta i et foretak som eier et slikt fartøy kan bare gis til en norsk statsborger eller en juridisk person som defineres som norsk. Et foretak anses som å ha samme rettigheter som en norsk statsborger når foretakets hovedkontor er plassert i Norge og flertallet i styret, inkludert styreformannen er norske statsborgere og har bodd i landet de to siste årene. Norske statsborgere må videre eie minst 60 % av aksjene og være autorisert til å stemme for minst 60 % av stemmene. Eierskap til fiskeriflåten skal være begrenset til profesjonelle fiskere. For å oppnå rett til å eie et fiskefartøy må man kunne dokumentere et aktivt profesjonelt fiske på et norsk fiskefartøy for minst tre av de fem siste årene. Det er forbudt for andre enn norske statsborgere eller foretak, som definert ovenfor, å foredle, pakke eller omlaste fisk, skalldyr og bløtdyr, eller deler og produkter av disse, innenfor Norges økonomiske sone. Dette gjelder for fangst fra både norske og utenlandske fartøy. Unntak blir gitt under spesielle situasjoner.
Hensikten eller formålet med tiltaket:	Ressursvern og -forvaltning

NORGE

Sektor:	Alle sektorer
Undersektor:	
Level of Government:	Nasjonale og lokale
Rettslig kilde eller hjemmel for tiltaket:	Ikke anvendelig
Kortfattet beskrivelse av tiltaket:	Kollektiv forvaltning av opphavsrett og nærstående rettigheter: vederlags-, fonds- og tilskuddsordninger.
Hensikten eller formålet med tiltaket:	Å bevare og fremme språklig og kulturelt mangfold i Norge.

APPENDIX 5 TO ANNEX XI

REGARDING RESERVATIONS BY SWITZERLAND

SWITZERLAND

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Federal Act of 30 March 1911 (Code of Obligations) supplementing the Swiss Civil Code(Systematic Collection of Federal Laws and Regulations [RS], No. 220)
Succinct description of the measure:	For a “corporation” (société anonyme/ Aktiengesellschaft), a “corporation with unlimited partners” (société en commandite par actions/ Kommanditaktiengesellschaft), a “limited partnership” (société à responsabilité limitée/Gesellschaft mit beschränkter Haftung) and a “cooperative” (société cooperative/ Genossenschaft) at least one member of the governing body of the legal person or another person with the right to represent the legal person must be domiciled in Switzerland. A foreign legal person may also establish one or several branch offices in Switzerland. At least one person of the branch office with the right to represent the branch office must be domiciled in Switzerland.
Purpose or motivation of the measure:	To facilitate judicial proceedings.

SWITZERLAND

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Federal Act of 16 December 1983 on the Acquisition of Real Estate by Persons Abroad (RS 211.412.41)
Succinct description of the measure:	Acquisition of real estate is subject to authorisation by the relevant cantonal authority when the acquirer does not use the property to operate a permanent establishment.
Purpose or motivation of the measure:	Scarcity of available land.

SWITZERLAND

Sector:	Energy
Sub-sector:	Oil Prospection and Exploitation
Legal source or authority of the measure:	Concordat of 24 September 1955 on Oil Prospecting and Exploitation
Succinct description of the measure:	The inter-cantonal agreement (among ten cantons) stipulates that oil concessions may be granted only to companies that are at least 75 per cent Swiss-owned. Other cantons apply similar restrictions.
Purpose or motivation of the measure:	Energy policy considerations and national security.

SWITZERLAND

Sector:	Energy
Sub-sector:	Nuclear energy
Legal source or authority of the measure:	Federal Act of 21 March 2003 on Atomic Energy (RS 732.1)
Succinct description of the measure:	A concession to construct and operate nuclear facilities is granted only to a corporation, a cooperative or a legal person of public law. A foreign company must have a registered subsidiary in Switzerland. Without prejudice to international obligations, the Federal Council may refuse the concession to a foreign company if its home state does not grant reciprocity.
Purpose or motivation of the measure:	Energy policy considerations and national security.

SWITZERLAND

Sector:	Energy
Sub-sector:	Hydroelectric power
Legal source or authority of the measure:	Federal Act of 22 December 1916 on the Uses of Hydroelectric Power (RS 721.80)
Succinct description of the measure:	When granting concessions, cantons take public interest considerations into account (they may in particular require the concession-holder to have its registered office in the relevant canton).
Purpose or motivation of the measure:	Energy policy considerations and national security.

SWITZERLAND

Sector:	Energy
Sub-sector:	Pipelines
Legal source or authority of the measure:	Federal Act of 4 October 1963 on Pipelines for Liquid or Gaseous Fuels (RS 746.1)
Succinct description of the measure:	For foreign-owned or controlled companies a registered office and management presence in Switzerland is required.
Purpose or motivation of the measure:	Energy policy considerations and national security.
