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31 August 2015

ANNEX ON [MULTIMODAL] LOGISTICS [AND SUPPLY CHAIN] SERVICES

Article 1: Objective

This annex is aimed at liberalizing and facilitating access by the Parties to each other's logistics services market in such a way to ensure the smooth and efficient operation of the whole supply chain

Article 2: Scope and Coverage

2.1 This Annex applies to measures related to the provision of logistics services through all modes of supply

2.2 Logistics services cover services defined in CPC 7212, CPC 7223, CPC 7411, CPC 7419, CPC 742, CPC 748, CPC 749 excluding operations related to cabotage as defined in each Parties' domestic legislation.

2.3 Where applicable and subject to the disciplines of Article V of the GATT 1994 and the WTO Trade Facilitation Agreement, this Annex also covers transit traffic.

Article 3: Definitions

3.1 *Vehicle* means a motor vehicle registered in a Party, or a coupled combination of vehicles the motor vehicle of which at least is registered in a Party, used exclusively for the carriage of goods.

3.2 *Professional Driver* means an individual who acts as the steersman of a vehicle to provide road freight transport services as well as any other person engaged in the driving of the vehicle who holds a valid license given by the competent authorities of the Parties

3.3 *Combined Transport* means transport of goods where the tractor unit, trailer, semi-trailer, their swap bodies and containers that are transported by rail and/or by inland waterway for a part of the journey.

[TR:Placeholder 3.4 Transit traffic means]

Article 4: General Obligations

4.1 Each Party shall accord to services and service suppliers of the other Party treatment no less favorable than that it accords to like services and service suppliers of any other country.

4.2 No Party shall maintain or adopt either on the basis of a subdivision or on the basis of its entire territory any measures of market access restrictions referred to in Article [Market Access] of the Agreement.

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4.3 The Parties shall abolish and abstain from introducing any administrative and technical obstacles which could constitute a disguised restriction or have discriminatory effects on the free supply of services covered by this Annex.

4.4 No limitations shall be imposed on vehicles in transit and their drivers except where necessary for the protection of public safety, environment and infrastructure on the condition that those measures are applied on a non-discriminatory basis.

4.5 Each Party shall permit service suppliers of the other Party to establish cargo handling facilities under conditions no less favorable than those accorded to its own service suppliers.

4.6 As far as specific formalities such as licensing, registration or authorization are required for the provision of services covered by this Annex, parties shall avoid creating undue delay and the introduction of changes without notice.

4.7 Each Party shall give combined transport service providers the right to select their preferred mode of combined transport, for instance, the right to select another transport service provider, regardless whether this other transport service provider is a private or public entity.

4.8 Each Party shall make publicly available on internet, in a consolidated form, all necessary information on conditions for the provision of services covered by this Annex.

4.9 Each Party shall establish contact points which include a relevant website and an e-mail address in order to respond to all requests from service suppliers of the other Party regarding the measures and international agreements affecting the provision of services. Contact points shall promptly provide information concerning any amendments and/or new regulations affecting the provision of services covered by this Annex.

[TK Placeholder 4.10 Provision on other international arrangements and agreements]

Article 5: Relationship with Other Obligations

5.1 In the event of any inconsistency between this Annex and the other provisions of the Agreement, this Annex shall prevail.

5.2 In the event of any inconsistency between this Annex and another Agreement between Parties, this Annex shall prevail.

Article 6: Right to Regulate

Parties recognize the right to regulate and to introduce new regulations with regard to the supply of services covered in this Annex in order to meet legitimate public policy objectives, in a manner consistent with the Agreement.