

EK-3:

ANNEX ON MOVEMENT OF NATURAL PERSONS

Article 1 Scope and General Provisions

1. This Annex applies to measures affecting natural persons who are service suppliers of a Party, and natural persons of a Party who are employed by a service supplier of a Party, in respect of the supply of a service.
2. The Agreement shall not apply to measures affecting natural persons seeking access to the employment market of a Party, nor shall it apply to measures regarding citizenship, residence or employment on a permanent basis.
3. The Agreement shall not prevent a Party from applying measures to regulate the entry of natural persons into, or their temporary stay in, its territory, including those measures necessary to protect the integrity of, and to ensure the orderly movement of natural persons across, its borders, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to any Party under the terms of a specific commitment.
4. The Parties shall ensure that all measures affecting the entry and temporary stay for the purpose of supplying services are administered in a reasonable, objective and impartial manner consistent with Article 6.1 of the GATS and that such measures are not applied in a manner so as to nullify or impair the benefits accruing to any Party under the terms of a specific commitment.
5. Parties shall grant entry and temporary stay to natural persons of the other Party covered by its specific commitments in accordance with the terms and conditions of that commitment, provided that the natural persons comply with the relevant immigration laws and regulations applicable to entry and temporary stay, which are not inconsistent with the provisions of this Agreement.
6. The sole fact that a Party grants entry and temporary stay to a natural person of the other Party shall not be construed to exempt that person from meeting any applicable licensing or other requirements, including any mandatory codes of conduct, to practice a profession.

Article 2 Provision of Information

1. For the purposes of this Annex, each Party shall ensure that its competent authorities make publicly available the information necessary for the effective application of the grant of authorizations for the entry into and temporary stay in its territory. Such information shall be made electronically available and kept updated.
2. Information referred to in paragraph 1 shall include, among others,:

- (a) categories of visas and work permits or any similar type of authorization regarding entry and temporary stay;
- (b) documentation and evidence required and conditions to be met;
- (c) method of filing and options on where to file, such as consular offices or online;
- (d) processing time;
- (e) application fees;
- (f) period of validity of the visas and work permits;
- (g) conditions for extensions or renewal;
- (h) available review and/or appeal procedures;
- (i) reference to relevant laws of general application; and
- (j) respective requirements referred to in Article 3 (10)

3. Each Party shall provide the other Party with details of relevant publications or web-sites where information referred to in paragraph 2 is made available.

Article 3 Entry and Temporary Stay Related Requirements and Procedures

1. Documents requested for the application process for entry and temporary stay of natural persons supplying services shall be relevant and not excessive in relation to the purpose for which they are collected.
2. Fees for processing applications for entry and temporary stay for the service suppliers shall be reasonable and determined with regard to the administrative costs involved.
3. Complete applications shall be processed promptly and expeditiously. The competent authorities of each Party shall notify the applicant of the outcome of its application promptly after a decision has been taken. The notification shall include, if applicable, the period of stay and any other terms and conditions.
4. Upon the applicant's request, the competent authorities of the Party concerned shall, without undue delay and to the extent possible, provide information concerning the status of the applicant's application. This information shall normally be provided free of charge.
5. In case of an incomplete application, the applicant shall be informed promptly of the information required to complete the application and shall be provided with the opportunity to correct any deficiencies within a reasonable period of time.
6. If a Party requires additional information from an applicant in order to process the application for temporary stay, the authority shall notify the applicant without undue delay and provide the applicant with the opportunity to supply that additional information within a reasonable period of time.

7. If an application is refused, the Party concerned shall inform the applicant, in writing¹ and without undue delay, about the reasons for such refusal. The applicant shall be given an opportunity to appeal against that decision and/or to submit a new application.

8. If a Party requires separate applications for entry and temporary stay it shall ensure that the respective time periods for entry and temporary stay, if granted, are compatible.

9. Applicants shall be given an opportunity to apply for renewal or extension of authorisation for temporary stay. Each Party shall ensure that the procedures for application for the renewal or extension of authorisation for temporary stay are pre-established and clearly specified.

10. When a Party decides to grant entry and temporary stay to a service supplier of the other Party and when the respective requirements are fulfilled, the granting Party shall issue multiple entry visas.

11. Parties shall endeavour to accept and process applications in electronic format.

Article 4 Relationship with other Agreements

In case of an inconsistency between the provisions of this Annex and a provision of an international agreement to which the Parties are party, the provision most favourable to the service supplier shall apply.

¹ For greater certainty, "in writing" may include in electronic form.