

ANNEX 8E
SCHEDULES OF SPECIFIC COMMITMENTS

INDIA

Explanatory Notes to India's Schedule of Specific Commitments

1. Alphabetical divisions indicated against individual sectors or sub-sectors and numbers in brackets are references to the Services Sectoral Classification List (GATT Document MTN.GNS/W/120, dated 10 July 1991).
2. The reference to "CPC" against specific sectors is a reference to the Provisional Central Product Classification (Statistical Papers Series M No. 77, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 1991)¹, except for:
 - a. sectors where "CPC Ver. 1.1" is indicated, the reference is to the Central Product Classification (Statistical Papers Series M No. 77, Ver. 1.1, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 2002); and
 - b. sectors where "CPC Ver. 2" is indicated, the reference is to the Central Product Classification (Statistical Papers Series M No. 77, Ver. 2, Department of International Economic and Social Affairs, Statistical Office of the United Nations, New York, 2008).
3. The alphabetical and numerical divisions are only indicative of the description of specific commitments, but shall not be construed as being a part of the specific commitments.
4. The use of "*" against individual CPC codes indicates that the specific commitment for that code does not extend to the total range of services covered under that code.

¹ After the transition to negative list by India, the service sector classification referred in paragraph 2 of this Explanatory Note will provide an indicative and non-binding reference, for illustrative purposes only, to the activity covered by the entry included in India's Schedule in Annex 8F (Schedules of Non-Conforming Measures) according to the CPC, or as expressly otherwise described in the concerned entry.

5. India reserves the right to add any terms, limitations, conditions, or qualifications to this Schedule for it to maintain a measure at the regional level of government that existed at 1 January 2005, but for which relevant terms, limitations, conditions, or qualifications were not inscribed in the specific commitments India undertakes in this Schedule at the date of entry into force of this Agreement in relation to:
- (a) Article 8.4 (National Treatment – Trade in Services);
 - (b) Article 8.5 (Most-Favoured-Nation Treatment – Trade in Services); and
 - (c) Article 8.6 (Market Access – Trade in Services).
6. Any existing term, limitation, condition, or qualification that is maintained and added to this Schedule pursuant to paragraph 5 shall include any amendment to that term, limitation, condition, or qualification since 1 January 2005 to the extent that the amendment does not decrease the conformity of that term, limitation, condition, or qualification, as it existed immediately before the amendment, with Article 8.4 (National Treatment – Trade in Services), Article 8.5 (Most-Favoured-Nation Treatment – Trade in Services) or Article 8.6 (Market Access – Trade in Services).
7. The term, limitation, condition, or qualification in this Schedule does not include measures relating to qualification requirements and procedures, technical standards, authorisation requirements and licensing requirements and procedures where they do not constitute a limitation within the meaning of Article 8.4 (National Treatment – Trade in Services) or Article 8.6 (Market Access – Trade in Services). These measures may include, in particular, the need to obtain a licence, to satisfy universal service obligations, to have recognised qualifications in regulated sectors, to have completed a recognised period of training, to pass specific examinations, including language examinations, to fulfil a membership requirement of a particular profession, such as membership in a professional organisation, to have a local agent for service, or to maintain a local address, or any non-discriminatory requirements that certain activities may not be carried out in protected zones or areas. While not listed, those measures continue to apply.
8. Commitments on measures with respect to or relating to trade in financial services are undertaken subject to the limitations and conditions set forth in Chapter 8 (Trade in Services), Annex 8A (Financial Services), these Explanatory Notes and this Schedule.

9. Without prejudice to other means of prudential regulation, India reserves the right to require licensing or registration of financial service suppliers and of financial instruments.
10. For the avoidance of doubt, in relation to education services, nothing in Chapter 8 (Trade in Services) shall interfere with:
- (a) the ability of individual education and training institutions to maintain autonomy in admissions policies (including in relation to considerations of equal opportunity for students and recognition of credits and degrees), in setting tuition rates and in the development of curricula or course content;
 - (b) non-discriminatory accreditation and quality assurance procedures for education and training institutions and their programmes, including the standards that must be met;
 - (c) government funding, subsidies or grants, such as land grants, preferential tax treatment, and other public benefits, provided to education and training institutions; or
 - (d) the need for education and training institutions to comply with non-discriminatory requirements related to the establishment and operation of a facility in a particular jurisdiction.
11. Australia's Schedule in Annex 8F (Schedules of Non-Conforming Measures) shall not be used to interpret India's commitments or obligations under Chapter 8 (Trade in Services).

Modes of supply:		1) Cross-border supply	2) Consumption abroad	3)	4) Commercial presence	4) Presence of natural persons
Sector or sub-sector	Sub-sector	Limitations on Market Access			Limitations on National Treatment	
I. HORIZONTAL COMMITMENTS²						

² A. India reserves the right to include the following text in relation to its Foreign Investment Framework in an Entry in Part A of its Schedule in Annex 8F (Schedules of Non-Conforming Measures) at the time of transitioning in accordance with Article 8.11 (Transition – Trade in Services):

“Investments may be refused, subject to orders or approved subject to conditions. Foreign persons that do not comply with the Foreign Investment Framework may be subject to civil and criminal penalties.”

B. This Entry may reserve against the same obligations concerned for which Entry 1 in Part A of Australia’s Schedule in Annex 8F (Schedules of Non-Conforming Measures) is reserved.

C. For greater certainty, inclusion of the text referred to in paragraph A in India’s Schedule in Annex 8F (Schedules of Non-Conforming Measures) at the time of transitioning shall not be interpreted as inconsistent with paragraph 3 of Article 8.11 (Transition – Trade in Services).

D. For the purposes of this footnote, India’s Foreign Investment Framework is as described in paragraph 2 of Annex 8D (Foreign Investment Framework).

Modes of supply: 1)		2)	3)	4)	5)		
Sector or Sub-sector		Cross-border supply	Consumption abroad	Commercial presence	Presence of natural persons		
Sector or Sub-sector		Limitations on Market Access		Limitations on National Treatment			
ALL SECTORS INCLUDED IN THIS SCHEDULE		<p>1), 2), 3), 4) Unbound with respect to social services established or maintained for a public purpose, such as income security, social security, insurance, social welfare, public education, public training, public health, childcare, public utilities, public transport, freight transport and public housing. Such services may be subject to public monopolies or to exclusive rights granted to private operators.</p> <p>3) (i) Legal Entity (a) Unless otherwise specified in the sectoral commitments, commercial presence shall take the form of incorporation of a company in India as a joint venture or a wholly owned subsidiary. (b) Certain limited activities may also be undertaken as permitted under Foreign Exchange Management Act, 1999 (FEMA) and any other applicable laws by a foreign entity through a liaison office/representative office, project office or branch office, subject to relevant approvals, and assessment of profitability and minimum net worth requirements of the parent company.</p>		<p>1), 2), 3), 4) Taxation laws for domestic and foreign service suppliers, as per the provisions of the relevant applicable laws and regulations shall apply.</p> <p>3) (i) As provided under the Market Access (MA) column, and in case of collaboration with public sector enterprises or government undertakings as joint venture partners, preference in access will be given to foreign service suppliers or entities which offer the best terms for transfer of technology.</p> <p>3) (ii) Subsidies, where granted, shall be available only to domestic service suppliers.</p> <p>3) (iii) In addition and without prejudice to equity and other restrictions specified in sectoral commitments of this Schedule, MA and National Treatment (NT) restrictions specified in the Consolidated FDI Policy Circular of 2020 and applicable regulations of the FEMA, as revised and amended from time to time, shall be applicable, provided that any changes to the Consolidated FDI Policy Circular of 2020 shall not be applied in a manner so as to nullify or impair the benefits under the terms of a specific commitment.³</p> <p>3) (iv) Acquisition of Immovable Property: A person resident outside India who has established in India a branch office or other place of business authorized by the Reserve Bank of India, other than a liaison office, may acquire immovable property when such acquisition is necessary for or incidental to carrying on of the permitted activity.</p>		Additional Commitments	

³ It is understood that with regard to equity and other restrictions specified in sectoral commitments such restrictions shall prevail over any provision of the Consolidated FDI Policy Circular of 2020 and applicable regulations of the FEMA or any amendments made thereto from time to time with regard to relevant sectoral commitments.

Modes of supply: 1)		2)	3)	4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access	Consumption abroad	Commercial presence	Limitations on National Treatment		
	<p>3) (ii) In addition and without prejudice to equity and other restrictions specified in sectoral commitments of this Schedule, MA and NT restrictions specified in the Consolidated FDI Policy Circular of 2020 and applicable regulations of the FEMA, as revised and amended from time to time, shall be applicable, provided that any changes to the Consolidated FDI Policy Circular of 2020 shall not be applied in a manner so as to nullify or impair the benefits under the terms of a specific commitment.⁴</p> <p>4) Unbound except for measures concerning the entry and temporary stay of a Natural Person of a Party as defined under Chapter 9 (Temporary Movement of Natural Persons), and subject to the terms of the Chapter and this Schedule.</p>			<p>3) (v) Payments to a foreign collaborator resulting from foreign technology transfer or on the use of trademarks and brand names of the foreign collaborator will be regulated.</p> <p>4) Unbound except as indicated in the market access column for the categories of Natural Persons of a Party as defined under Chapter 9 (Temporary Movement of Natural Persons), and subject to the terms of the Chapter and this Schedule.</p> <p>The following restrictions shall apply for all categories of Natural Persons specified in the column on Market Access:</p> <p>(a) Taxation laws for domestic and foreign service suppliers, as per the provisions of the relevant applicable laws and regulations shall apply;</p> <p>(b) Subsidies, where granted, shall be available only to natural persons who are citizens of India.</p> <p>1), 2), 3), 4) India reserves the right to adopt or maintain any measure that it considers necessary to protect its national security interests.</p>		
II. SECTOR SPECIFIC COMMITMENTS						
1. BUSINESS SERVICES						
A. <u>Professional Services</u>						

⁴ It is understood that with regard to equity and other restrictions specified in sectoral commitments such restrictions shall prevail over any provision of the Consolidated FDI Policy Circular of 2020 and applicable regulations of the FEMA or any amendments made thereto from time to time with regard to relevant sectoral commitments. It is further understood that India's commitments are without prejudice to any policies or regulations that it may maintain with a view to ensuring national security.

Modes of supply: 1)		2) Cross-border supply	3) Consumption abroad	4) Commercial presence	Presence of natural persons	Additional Commitments
Sector or sub-sector	Sub-	Limitations on Market Access		Limitations on National Treatment		
(b) Accounting and Book Keeping Services (CPC 862**) (excluding Auditing Services)		1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section		1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section and further subject to the requirement of obtaining professional indemnity insurance from home country of service provider		
				1), 2), 4) Services requiring use of title of Chartered Accountant or Cost & Works Accountant under applicable domestic laws can be rendered only subject to registration with the relevant professional body under a scheme of reciprocity.		

Modes of supply: 1)	Cross-border supply	2)	Consumption abroad	3)	Commercial presence	4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access				Limitations on National Treatment			
(c) Advisory and consulting relating to taxation services (CPC 863**) (Services encompasses only advice and consulting relating to tax planning; but excludes: preparation of documentation such as returns or reports required for compliance with income tax laws, authentication and filing of such returns or reports or other statutory audit reports, and representation before tax authorities or tribunals)	1) None 2) None 3) Unbound 4) Unbound				1) None 2) None 3) Unbound 4) Unbound			

Modes of supply: 1)		2)	3)	4)	Presence of natural persons
Sector or Sub-sector	Cross-border supply	Consumption abroad	Commercial presence	Additional Commitments	
(d) Architectural Services (CPC 8671)	<p>Limitations on Market Access</p> <ol style="list-style-type: none"> 1) None 2) None 3) None except that commercial presence would be only through incorporation as partnership firm constituted by Architects. 4) Unbound except for the categories of natural persons specified in the horizontal section who: <ol style="list-style-type: none"> (a) undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or (b) is recognized as an 'Architect' under applicable national laws, subject to registration with relevant professional body under a scheme of reciprocity between India and the government of the country of origin of such person. 	<p>Limitations on National Treatment</p> <ol style="list-style-type: none"> 1) None 2) None 3) None 1), 2), 3) Services requiring use of title and style of 'Architect' under applicable national law shall be subject to registration with relevant professional body under a scheme of reciprocity. 4) Unbound except for the categories of persons indicated in the market access column and subject to restrictions specified in the horizontal section 			
(e) Engineering Services (CPC 8672)	<ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section. 		<ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section 		
(f) Integrated engineering services (CPC 8673)	<ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section 		<ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section 		

Modes of supply: 1)		2)	3)	4)	5)
Cross-border supply		Consumption abroad	Commercial presence	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Limitations on National Treatment	Limitations on National Treatment	Additional Commitments
(g) Urban planning and landscape architectural services (CPC 8674)	<p>1) None</p> <p>2) None</p> <p>3) None except that commercial presence would be only through incorporation as partnership firm constituted by Architects.</p> <p>4) Unbound except for the categories of natural persons specified in the horizontal section who:</p> <p>(a) undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or</p> <p>(b) is recognized as an 'Architect' under applicable national laws, subject to registration with relevant professional body under a scheme of reciprocity between India and the government of the country of origin of such person.</p>	<p>1), 2), 3) Services requiring use of title and style of 'Architect' under applicable national law shall be subject to registration with relevant professional body under a scheme of reciprocity.</p> <p>4) Unbound except for the categories of persons indicated in the market access column and subject to restrictions specified in the horizontal section</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>		
(h) Medical and Dental Services (CPC 9312)	<p>1) None for provision of services on provider to provider basis such that the transaction is between established medical institutions covering areas of second opinion to help in diagnosis of cases or in the field of research.</p> <p>2) None</p> <p>3) Commercial presence subject to the condition that the latest technology for treatment will be brought in and as provided in national treatment column.</p> <p>4) Unbound except for categories of natural persons specified in the horizontal section, who are involved in charitable purposes, and subject to permissions from relevant authorities.</p>	<p>1) None</p> <p>2) None</p> <p>3) Professionals qualified outside India can practice medicine for charitable purposes, and dentistry for teaching and research purposes subject to permissions from relevant authorities under the applicable domestic laws. Publicly funded services will be available only to Indian citizens or will be supplied at differential prices to persons other than Indian citizens.</p> <p>4) Unbound except for the categories of persons indicated in the market access column and subject to restrictions specified in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) Professionals qualified outside India can practice medicine for charitable purposes, and dentistry for teaching and research purposes subject to permissions from relevant authorities under the applicable domestic laws. Publicly funded services will be available only to Indian citizens or will be supplied at differential prices to persons other than Indian citizens.</p> <p>4) Unbound except for the categories of persons indicated in the market access column and subject to restrictions specified in the horizontal section.</p>		
(i) Veterinary services (CPC 932)	<p>1) None</p> <p>2) None</p> <p>3) None</p>		<p>1) None</p> <p>2) None</p> <p>3) None</p>		

Modes of supply: 1)		2)	3)	4)	Additional Commitments
Cross-border supply		Consumption abroad	Commercial presence	Presence of natural persons	
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Limitations on National Treatment	Limitations on National Treatment	Additional Commitments
(j) Services provided by midwives, nurses, physiotherapists and paramedical personnel (CPC 93191)	4) Unbound except as indicated in the horizontal section 1) None for provision of services on provider basis such that the transaction is between established medical institutions covering areas of second opinion to help in diagnosis of cases or in the field of research. 2) None. 3) None, subject to the condition that the latest technology for treatment will be brought in and as provided in national treatment column. 4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section 1) None 2) None. 3) Publicly funded services may be available only to Indian citizens or may be supplied at differential prices to persons other than Indian citizens. 4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section 1) None 2) None. 3) Publicly funded services may be available only to Indian citizens or may be supplied at differential prices to persons other than Indian citizens. 4) Unbound except as indicated in the horizontal section	4) Unbound except as indicated in the horizontal section 1) None 2) None. 3) Publicly funded services may be available only to Indian citizens or may be supplied at differential prices to persons other than Indian citizens. 4) Unbound except as indicated in the horizontal section	
B. Computer and Related Services (CPC 841, 842, 843, 844, 845+849)	1) None. 2) None. 3) None 4) Unbound except as indicated in the horizontal section.	1) None. 2) None. 3) None 4) Unbound except as indicated in the horizontal section.	1) None. 2) None. 3) None 4) Unbound except as indicated in the horizontal section.	1) None. 2) None. 3) None 4) Unbound except as indicated in the horizontal section.	
C. Research and Development Services Explanatory Note: Commitment on Research and Development Services does not include accessing biological resources for the purposes of R&D, or transfer of results based on R&D of biological resources accessed in India.					

Modes of supply: 1)	Cross-border supply	2)	Consumption abroad	3)	Commercial presence	4)	Presence of natural persons	
Sector or Sub-sector	Limitations on Market Access				Limitations on National Treatment			Additional Commitments
(a) R&D services on the following natural sciences only: Heat, light, electromagnetism, astronomy, but excluding atomic energy and related matters (CPC 85101) Engineering and technology, including applied science and technology for casting, metal, machinery, electricity, communication, vessels, aircrafts, civil engineering, construction, information, etc. (CPC 85103)	1) None 2) None 3) None 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 on Market Access	Limitations on National Treatment	Additional Commitments						
R&D services in agricultural sciences (CPC 85104)	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.							
(b) R&D services on social sciences and humanities, excluding law (CPC 852**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.							
R&D Services on Biotechnology excluding medical biotechnology	1) None 2) None 3) None 4) Unbound except as in the horizontal section.	1) None 2) None 3) None 4) Unbound except as in the horizontal section.							
D. Real Estate Service									
b) on a fee or contract basis (CPC 822)	1) None 2) None 3) None for Consultancy Services. 4) Unbound except as in the horizontal section.	1) None 2) None 3) None 4) Unbound except as in the horizontal section.							
E. Rental/Leasing Services (without operators)									
a) Rental/leasing services without operators relating to ships (CPC 83103) (excluding the services of actual	1) None 2) None 3) None 4) Unbound except as in the horizontal section.	1) None 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as in the horizontal section.							

Modes of supply: 1)		2) Cross-border supply	3) Consumption abroad	4) Commercial presence	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment			
international transport of Cargo)						
b) Rental/leasing services without operators relating to aircraft (CPC 83104)	1) None 2) None 3) None 4) Unbound except as in the horizontal section.		1) None 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as in the horizontal section.			
c) Rental/leasing services without operator relating to other transport equipment (CPC 83101 + 83102 + 83105) (excluding Railroad Transport & Multimodal Transport)	1) Unbound 2) None 3) None 4) Unbound except as in the horizontal section.		1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as in the horizontal section.			
d) Rental/leasing services without operators relating to other machinery and equipment (CPC 83106 - 83109)	1) Unbound 2) None 3) None 4) Unbound except as in the horizontal section.		1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as in the horizontal section.			
e) Rental/leasing service concerning personal and household goods (CPC 832)	1) Unbound 2) None 3) None 4) Unbound except as in the horizontal section.		1) Unbound 2) None 3) None except that prescribed minimum capitalisation norms must be adhered to. 4) Unbound except as in the horizontal section.			
F. Other Business Services						

Modes of supply: 1)	Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment	Limitations on National Treatment	Limitations on National Treatment	Additional Commitments
(a) Advertising services of leasing services of advertising space of time (CPC 87110) Planning, creating and placement of services of advertising (CPC 87120)	1) None subject to the requirement that foreign channels must seek advertising for the down link beam through domestic entities and foreign print media must seek advertisement through domestic entities. 2) None 3) None except as provided in national treatment column. 4) Unbound except as in the horizontal section.	1) None subject to the requirement that majority of content would be created locally by Indian nationals. 2) None 3) None except that persons controlling management of the company in India shall be resident in India. 4) Unbound except as in the horizontal section.	1) None subject to the requirement that majority of content would be created locally by Indian nationals. 2) None 3) None except that persons controlling management of the company in India shall be resident in India. 4) Unbound except as in the horizontal section.	1) None subject to the requirement that majority of content would be created locally by Indian nationals. 2) None 3) None except that persons controlling management of the company in India shall be resident in India. 4) Unbound except as in the horizontal section.	
(c) Management consulting services excluding all services relating to legal consultancy (CPC 86501**, 86502**, 86503**, 86505**, 86506**, 86509**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(d) Services related to management consulting (CPC 86601)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(e) Technical testing and analysis services (CPC 8676)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 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)		2) Cross-border supply	3) Consumption abroad	4) Commercial presence	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Sub-	Limitations on Market Access		Limitations on National Treatment		
(g)	Services incidental to Fishing (CPC 882)	1) None 2) None 3) None 4) Unbound except as in the horizontal section.		1) None 2) None 3) None 4) Unbound except as in the horizontal section.		
(h)	Services incidental to mining (CPC 883 + 5115)	1) None 2) None 3) None 4) Unbound except as in the horizontal section.		1) None 2) None 3) None 4) Unbound except as in the horizontal section.		
(j)	Services incidental to energy distribution (887**) excluding energy trading and load dispatch functions	1) None 2) None 3) None 4) Unbound except as in the horizontal section.		1) None 2) None 3) None 4) Unbound except as in the horizontal section.		
(k)	Placement and supply services of Personnel (CPC 872)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
(m)	Related Scientific and technical consulting services (CPC 8675**) – excluding Map Making – CPC 86754 and hydrographic related surface surveying services	1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.		1) None 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.		
(n)	Maintenance and repair of equipment (CPC 633)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
(o)	Building-cleaning services (CPC 874)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		1) None 2) None 3) None		

Modes of supply: 1)		Cross-border supply	2)	Consumption abroad	3)	Commercial presence	4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access	Limitations on National Treatment							
(p) Photographic Services excluding aerial photography, satellite pictures and satellite enabled photography (CPC 875**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(q) Packaging Services (CPC 876)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	
(s) Convention services (CPC 87909*)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 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)		2)	3)	4)	5)
Cross-border supply		Consumption abroad	Commercial presence	Presence of natural persons	Additional Commitments
Sector or sub-sector	Limitations on Market Access	Limitations on National Treatment	Limitations on National Treatment	Limitations on National Treatment	Additional Commitments
(t) Speciality design services (CPC 87907**)	<p>1) None</p> <p>2) None</p> <p>3) None except that commercial presence would be only through incorporation as partnership firm constituted by Architects.</p> <p>4) Unbound except as indicated in the horizontal section for natural persons falling under a specified category who:</p> <p>(a) undertakes the function as a consultant or designer in India for a specific project with the prior permission of the Central Government; or</p> <p>(b) is recognized as an 'Architect' under applicable national laws, subject to registration with relevant professional body under a scheme of reciprocity between India and the government of the country of origin of such person.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except for the categories of persons indicated in the market access column and subject to restrictions specified in the horizontal section</p> <p>1), 2), 3): Services requiring use of title and style of 'Architect' under applicable national law can be rendered only subject to registration with relevant professional body under a scheme of reciprocity.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p>		

Modes of supply: 1)	Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment		
<p><u>Other:</u></p> <p>Telephone based support services (i) Telephone call centre services (CPC Ver. 1.1/2 - 85931):</p> <p>This subclass includes:</p> <p>a) taking orders for clients by telephone</p> <p>b) soliciting contribution or providing information for clients by telephone</p> <p>c) telemarketing, and</p> <p>(ii) Other telephone based support services (CPC Ver. 1.1/2 - 85939):</p> <p>This subclass includes:</p> <p>a) telephone answering services</p> <p>b) telephone wake-up services</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>		<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>		
<p>Duplicating Services (CPC 87904)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>		<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section</p>		

Modes of supply: 1)		Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons	Additional Commitments	
Sector or Sub-sector	Limitations on Market Access					Limitations on National Treatment	
Translation and interpretation services (CPC 87905)	1) Unbound 2) Unbound 3) None 4) Unbound, except as indicated in the horizontal section.					1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section	
2C. TELECO MMUNICATI ONS SERVICES ⁵ a) Voice telephone services (CPC 7521**) + Cellular mobile telephone b) Packet switched Data Transmission Services (CPC 7523**) (i) Radio Paging Services c) Circuit switched data transmission services (CPC 7523**)	1) Unbound 2) None 3) The service will be permitted to be provided as per license agreement ⁶ only after the operator gets a licence from the Designated Authority. The operator should be a company registered in India with maximum foreign investment direct and/or indirect not exceeding 74 percent. For foreign investment more than 49 percent, Government approval would be required. Number of licenses, may, however, be limited due to scarce resources such as right of way and spectrum availability subject to a minimum of two licenses in each service area. Resale of telephone services is not permitted. However, licensees can grant franchises on commission basis. 4) Unbound except as indicated in the horizontal section.					1) Unbound 2) None 3) (i) None except the following: • The Chief Officer in charge of Technical Network Operations, Chief Security Officer and officer/officials of the licensee companies dealing with the lawful interception of messages should be resident Indian citizens. • The majority Directors on the Board of the licensee company shall be Indian citizens. • The positions of the Chairman, Managing Director, Chief Executive Officer and/or Chief Financial Officer, if held by foreign nationals, would require to be security vetted by Ministry of Home Affairs in India annually. • All foreign personnel likely to be deployed by the licensee for installation, operation and maintenance of the licensee's network shall also be security cleared by the Government of India prior to their deployment. (ii) Unbound for Indian Government Public Sector Undertakings 4) Unbound except as indicated in the horizontal section.	

⁵ Excluding broadcasting services and measures affecting such services.

⁶ The License Agreement includes terms and conditions of the license for providing service.
ANNEX 8E – INDIA – 20

Modes of supply: 1)		2)	3)	4)	Presence of natural persons
Sector or Sub-sector	Cross-border supply	Consumption abroad	Commercial presence	Limitations on National Treatment	Additional Commitments
d) Telex Service (CPC 7523**)	Limitations on Market Access				
e) Telegraph Services (CPC 7522**)					
f) Facsimile Services (CPC7521**+ 7529**)					
g) Private Leased Circuit Services (CPC7522**+ 7523**)					
o) Others (i) V-Sat Services					
(ii) Global mobile personal communications services	1) Unbound 2) None 3) The service will be permitted to be provided as per licence agreement ⁷ only after the operator gets a licence from the Designated Authority. The operator should be a company registered in India with maximum foreign equity direct and/or indirect not exceeding 74 percent. For foreign equity more than 49 percent, Government approval would be required. Number of licences, may, however, be limited due to scarce resources such as right of way and spectrum availability subject to a minimum of two licences in each service area. Resale of telephone services is not permitted.	1) Unbound 2) None 3) None except the followings: (a) The Chief Officer in charge of Technical Network Operations, Chief Security Officer and officer/officials of the licensee companies dealing with the lawful interception of messages should be resident Indian Citizens. (b) The Majority Directors on the Board of the licensee shall be Indian Citizens. (c) The positions of the Chairman, managing Director, Chief Executive Officer and/or Chief Financial Officer, if held by foreign nationals, would require to be security vetted by Ministry of Home Affairs in India annually.			

⁷ The Licence Agreement includes terms and conditions of the licence for providing service.
ANNEX 8E – INDIA – 21

Modes of supply: 1)	Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment		
	4) Unbound except as indicated in the horizontal section.		(d) Operation and Maintenance of telecom network by Indian Engineers only. (e) Government Public Sector Undertakings. 4) Unbound except as indicated in the horizontal section.		
Data and Message transmission services, in the following: h) Electronic mail (CPC 7523) i) Voice mail (CPC 7523) j) On-line information and data base retrieval (CPC 7523)	1) None 2) None 3) The service will be permitted to be provided as per license agreement only after the operator, incorporated as a company in India, gets a licence from the Designated Authority. For foreign investment more than 49 percent, Government approval would be required. 4) Unbound except as indicated in the horizontal section.		1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal section.		
i) Enhanced /value added facsimile services, including store and forward, store and retrieve (CPC 7523) n) On-line information and data processing (CPC 843**)					

Modes of supply: 1)	Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment		
(k) Electronic Data Interchange (EDI) (CPC 7523**)	<ol style="list-style-type: none"> 1) None except the provision of all services is subject to commercial arrangements with licensed Telecom service suppliers. 2) None 3) The service will be permitted to be provided as per license agreement only after the operator, incorporated as a company in India, gets a licence from the Designated Authority. <p>For foreign investment more than 49 percent, Government approval would be required.</p> <ol style="list-style-type: none"> 4) Unbound except as indicated in the horizontal section. 		<ol style="list-style-type: none"> 1) None 2) None 3) None 4) Unbound except as indicated in the Horizontal section. 		
Internet and Infrastructure Services i) Internet Services ii) Infrastructure Providers (Category I & II)	<ol style="list-style-type: none"> 1) Unbound 2) None 3) The service will be permitted to be provided as per license agreement⁸ only after the operator gets a licence from the Designated Authority. <p>The operator should be a company registered in India with maximum foreign investment direct and/or indirect not exceeding 74 percent.</p> <p>For foreign investment more than 49 percent, Government approval would be required.</p> <p>Number of licenses, may, however, be limited due to scarce resources such as right of way and spectrum availability subject to a minimum of two licenses in each service area.</p> <p>Resale of telephone services is not permitted. However, licensees can grant franchises on commission basis.</p> <ol style="list-style-type: none"> 4) Unbound except as indicated in the horizontal section. 		<ol style="list-style-type: none"> 1) Unbound 2) None 3) (i) None except the following: <ul style="list-style-type: none"> • The Chief Officer in charge of Technical Network Operations, Chief Security Officer and officer/officials of the licensee companies dealing with the lawful interception of messages should be resident Indian citizens. • The majority Directors on the Board of the licensee company shall be Indian citizens. • The positions of the Chairman, Managing Director, Chief Executive Officer and/or Chief Financial Officer, if held by foreign nationals, would require to be security vetted by Ministry of Home Affairs in India annually. • All foreign personnel likely to be deployed by the licensee for installation, operation and maintenance of the licensee's network shall also be security cleared by the Government of India prior to their deployment. (ii) Unbound for Indian Government Public Sector Undertakings 4) Unbound except as indicated in the horizontal section. 		

⁸ The License Agreement includes terms and conditions of the license for providing the service.
ANNEX 8E – INDIA – 23

Modes of supply: 1)	Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment		
D. Audiovisual Services (a) Motion picture or video tape production services: (CPC 96112) Motion picture or video distribution services (CPC 96113)	1) Unbound 2) Unbound* 3) None, except that import of titles restricted to 100 per year. 4) Unbound except as indicated in the horizontal section.		1) Unbound 2) Unbound* 3) None 4) Unbound except as indicated in the horizontal section.		
Sound recording services (CPC Ver.2 -CPC 9611): <ul style="list-style-type: none"> • Sound recording services: (CPC Ver. 2.96111) • Live recording services: (CPC Ver. 2.96112) • Sound recording originals: (CPC Ver. 2.96113) 	1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section.		1) None 2) None 3) None 4) Unbound, except as indicated in the horizontal section.		
Audiovisual post-production services (CPC Ver.2.9613):					

Modes of supply: 1)	Cross-border supply	2)	Consumption abroad	3)	Commercial presence	4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access				Limitations on National Treatment			
Audiovisual editing services (CPC Ver.2.96131); Transfers and duplication of masters services (CPC Ver.2.96132); Colour correction and digital restoration services (CPC Ver.2.96133); Visual effects services (CPC Ver.2.96134); Animation services (CPC Ver.2.96135); Captioning, titling and subtitling services (CPC Ver.2.96136); Sound editing and design services (CPC Ver.2.96137); Other post-production services (CPC Ver.2.96139)								

Modes of supply: 1)	Cross-border supply	2)	Consumption abroad	3)	Commercial presence	4)	Presence of natural persons
Sector or Sub-sector	Limitations on Market Access				Limitations on National Treatment		Additional Commitments
<p>3.CONSTRUCTION AND RELATED ENGINEERING SERVICES</p> <p>A. General construction work for buildings (CPC 512)</p> <p>B. General Construction work for civil engineering (CPC 513)</p> <p>C. Installation and assembly work (CPC 514+516)</p> <p>D. Building completion and finishing work (CPC 517)</p> <p>E. Other CPC 511+515 +518)</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>				<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as indicated in the horizontal section.</p>		
<p>4. DISTRIBUTION SERVICES (EXCLUDING LIVE ANIMALS)</p>							
<p>A. Commission agents' services covering sales on a fee or contract basis of:</p>	<p>1) None</p> <p>2) None</p> <p>3) None, subject to approval of the Reserve Bank of India ("RBI")/ Government and in conformity with the FEMA regulations, as applicable, and except for requirements as may be specified under relevant state and local level laws and regulations.</p> <p>4) Unbound, except as in the horizontal commitments.</p>				<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound, except as indicated in the horizontal commitments.</p>		

Modes of supply: 1)		2)	3)	4)	Presence of natural persons
Sector or Sub-sector	Cross-border supply	Consumption abroad	Commercial presence	Limitations on National Treatment	Additional Commitments
Agricultural raw materials (CPC 62111**) Food products excluding beverages and tobacco (CPC 62112**)	Limitations on Market Access				
Machinery, industrial equipment and vehicles other than motor vehicles, bicycles and motorcycles (CPC 62114)					
Furniture, household goods, hardware and ironmongery (CPC 62115)					
Textiles, clothing and footwear (CPC 62116)					
B. Wholesale trade services	1) None 2) None			1) None 2) None 3) None 4) Unbound, except as in the horizontal commitments.	
Agricultural raw materials excluding live animals (CPC 6221**)	3) None, subject to approval of RBI/ Government and in conformity with the FEMA regulations, as applicable, and requirements as may be specified under relevant state and local level laws and regulations.				
Food excluding beverages and	4) Unbound except as in the horizontal commitments.				

Modes of supply: 1)		2)	3)	4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Cross-border supply	Consumption abroad	Commercial presence	Limitations on National Treatment		
tobacco (CPC 6222**) Textiles, clothing and footwear (CPC 6223) Household appliances, articles and equipment (CPC 6224) Miscellaneous consumer goods (CPC 6226) Machinery, equipment and supplies (CPC 6228)	Limitations on Market Access					
C. Single Brand Retail Services (excluding prohibited sectors specified in India's Consolidated FDI Policy Circular of 2020 and in natural gas and petroleum and natural gas products,	1) Unbound 2) Unbound 3) Foreign investment up to 51 percent allowed subject to conformity with India's Consolidated FDI Policy Circular of 2020 and FEMA regulations and any other laws and regulations including at state/local level, as applicable. 4) Unbound except as in the horizontal section.			1) Unbound 2) Unbound 3) Unbound 4) Unbound except as in the horizontal section.		

Modes of supply: 1)	Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment		
tobacco and liquor and subject to the conditions mentioned in India's Consolidated FDI Policy Circular of 2020 and applicable regulations under the Foreign Exchange Management Act.)					
D. Franchising Services in respect of Single Brand retailing services as specified in category C above.	1) Unbound 2) Unbound 3) None subject to approval of RBI and conformity with India's Consolidated FDI Policy Circular of 2020 with respect to Single Brand Product Retail trading and FEMA regulations and any other laws and regulations, including at state/local level, as applicable. 4) Unbound except as in the horizontal section.		1) Unbound 2) Unbound 3) Unbound 4) Unbound except as 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 on Market Access	Limitations on National Treatment			Additional Commitments
5. EDUCATIONAL SERVICES					
C. Higher Education Services (CPC 923)	<p>1) None subject to the condition that service providers would be subject to regulations, as applicable to domestic providers in the country of origin and subject to terms and conditions of approval from relevant authority in India for educational programmes leading to award of a recognized degree, diploma, doctoral programmes, etc.</p> <p>2) None</p> <p>3) None subject to the condition that fees to be charged can be fixed by an appropriate authority and that such fees do not lead to charging capitation fees or to profiteering. Subject further to such regulations, already in place or to be prescribed by the appropriate regulatory authority including at State / Local levels.</p> <p>4) Unbound except as in the horizontal section.</p>	<p>1) None</p> <p>2) None</p> <p>3) None</p> <p>4) Unbound except as in the horizontal section.</p>			

Modes of supply: 1)		2)	3)	Commercial presence 4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Cross-border supply	Consumption abroad	Limitations on Market Access	Limitations on National Treatment		
<p>6. ENVIRONMENTAL SERVICES (Excluding environmental services provided by public utilities and governmental authorities)</p> <p>B. Refuse Disposal Services (CPC 9402)</p> <p>C. Sanitation and Similar Services (CPC 9403)</p>	<p>1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	<p>2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>	<p>3) None 4) Unbound except as indicated in the horizontal section.</p>	<p>4) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.</p>		
<p>7. FINANCIAL SERVICES</p> <p>The commitments in financial services are made in accordance with the GATS and the Annex on Financial Services. All the commitments are subject to entry requirements, domestic laws, rules, regulations, guidelines and the terms and conditions of the Reserve Bank of India, Securities and Exchange Board of India, Insurance Regulatory and Development Authority of India and any other competent authority in India.</p> <p>The sectors / sub-sectors listed below are in accordance with the listing in the Annex on Financial Services of the GATS.</p>						

Modes of supply: 1)		Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons	Additional Commitments	
Sector or Sub-sector	Limitations on Market Access					Limitations on National Treatment	
A. Insurance and Insurance Related Services Life Insurance [5(a) (i) (A)]	1) Unbound 2) Unbound 3) None, except that commercial presence would be through incorporation of a company with foreign investment not exceeding 49 percent. 4) Unbound except as indicated in the horizontal section					1) Unbound 2) Unbound 3) Unbound 4) Unbound except as indicated in the horizontal section	
Non-life insurance [5(a) (i) (B)]	1) Unbound except in the case of insurance of freight, where there is no requirement that goods in transit to and from India should be insured with Indian insurance companies only. Insurance is taken by the buyer or seller in accordance with the terms of the contract. This position will be maintained. Once under a contract the Indian importer or exporter agrees to assume the responsibility for insurance such as in the case of f.o.b. contracts for imports into India or c.i.f. contracts for exports from India, insurance has to be taken only with an Indian insurance company. 2) Unbound 3) None except that commercial presence would be through incorporation of a company with foreign investment not exceeding 49 percent and subject to fulfilment of minimum capitalisation norms. 4) Unbound except as indicated in the horizontal section					1) Unbound 2) Unbound 3) Unbound 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 on Market Access		Limitations on National Treatment	Additional Commitments
Reinsurance and retrocession 5(a)(ii)	<p>1),2) Reinsurance can be taken with foreign reinsurers to the extent of the residual uncovered risk after obligatory or statutory placements domestically with Indian insurance companies.</p> <p>3) None except that commercial presence would be through incorporation of a company with foreign investment not exceeding 49 percent and subject to fulfilment of minimum capitalisation norms.</p> <p>4) Unbound except as indicated in the horizontal section</p>		<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section</p>	
Insurance intermediation, limited to reinsurance Ex. 5(a)(iii)	<p>1),2) Reinsurance of domestic risks can be placed with foreign reinsurers through overseas brokers, to the extent mentioned under reinsurance and retrocession.</p> <p>3) (i) Overseas brokers are allowed to have resident representatives and representative offices who can procure reinsurance business from Indian insurance companies to the extent mentioned above. They can also place reinsurance business from abroad with Indian insurance companies.</p> <p>(ii) Except for the business indicated above, the resident representatives and representative offices cannot undertake any other activity in India.</p> <p>(iii) All expenses of the resident representatives and representative offices have to be met by remittances from abroad and no income can be received in India from Indian residents.</p> <p>4) Unbound except as indicated in the horizontal section</p>		<p>1) Unbound</p> <p>2) Unbound</p> <p>3) Unbound</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1)		Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment			
Services auxiliary to insurance, such as consultancy, actuarial, risk assessment Ex. 5 (a) (iv)	<p>1) None</p> <p>2) Unbound</p> <p>3) None subject to the conditions that foreign companies can be established through incorporation with foreign equity not exceeding 51 percent. In the case of Actuarial and Advisory Services, formal certification by Actuarial Society of India would be required.</p> <p>4) Unbound except as in the horizontal section.</p>		<p>1) None</p> <p>2) None</p> <p>3) Unbound</p> <p>4) Unbound except as in the horizontal section.</p>			
B. Banking and other financial services (excluding insurance)						
Acceptance of deposits and other repayable funds from the public 5(a)(v) Lending of all types, including consumer credit, mortgage	<p>1) Unbound</p> <p>2) Unbound</p> <p>3) (i) In each of the services given below in which commitments are being undertaken for Banking and non-banking financial services companies, access is subject to fulfilment of minimum capitalization norms and subject to regulations of the Reserve Bank of India and any other competent authority in India.</p>		<p>1) Unbound</p> <p>2) Unbound</p> <p>3) (i) Unbound for wholly owned subsidiaries.</p> <p>(ii) Public sector enterprises can invest surplus funds in term deposits only with scheduled commercial banks incorporated in India; their investment of surplus funds in term deposits with wholly owned subsidiaries would be subject to applicable guidelines/ law.</p>			

Modes of supply: 1)	Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
credit, Factoring and financing of commercial transactions 5(a)(vi) All payment and money transmission services including credit, charge and debit cards, travellers cheques and bankers' drafts 5(a)(viii) Guarantees and commitments 5(a)(ix) Trading for own account of the following (Ex.5(a)(x): (A) money market instruments (including cheques, bills, certificates of deposits) (B) foreign exchange (E) transferable securities	(ii) The applicable legal form of presence for all activities listed in this section of the Schedule, except where separately specified under the specific sub-sectors, shall be only through one of the three channels, i.e., (a) branch operations of a foreign bank: 15 branches over 4 years for Australian banks, or (b) as a wholly owned subsidiary (WOS) of a foreign bank licensed and supervised as a bank in its home country; or (c) through foreign investment by a foreign bank in a private sector bank in India through FDI, subject to foreign investment ceiling of 74 percent (with 49 percent under automatic route, and beyond 49 percent with approval from the Government /RBI)			

Modes of supply: 1)	Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment		
Clearing services for other banks for cheques, drafts and other instruments Ex. 5(a)(xiv)	Limitations on Market Access Provided that the single mode of presence under (a) or (b) shall be subject to the following requirements: - opening of branches by foreign banks in branch or WOS mode shall also be subject to the requirements regarding economic needs tests, reciprocity, inclusive banking and any other prudential requirements, that may be specified by the Reserve Bank of India. - the branch operations or WOS can also hold investment not exceeding five percent in a private sector bank in India. In the private sector banks under sub-clause (c), any acquisition and maintenance of 5 percent or more of the paid-up capital or voting rights of the bank by a single entity or group of related entities shall be subject to prior approval of the RBI and periodic assessment of the concerned shareholder by the concerned bank. Foreign banks shall not acquire any fresh stake in a bank's equity shares, if by such acquisition, the investing bank's holding is 10 percent or more of the investee bank's equity capital. (iii) Investments in other financial services companies by branches of foreign banks licensed to do banking business in India individually not to exceed 10 percent of owned funds or 30 per cent of the invested company's capital whichever is lower.				

Modes of supply: 1)	Cross-border supply 2)	Consumption abroad 3)	Commercial presence 4)	Presence of natural persons
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment	Additional Commitments
	<p>(iv) Licences for new foreign bank branches may be denied when the maximum share of assets in India both on and off balance sheet of foreign banks to total assets both on and off balance sheet of the banking system exceeds 15 per cent.</p> <p>(v) Restrictions would be placed on further entry of new wholly owned subsidiary of foreign banks, when the capital and reserves of foreign banks (i.e. WOSs and foreign bank branches) in India exceed 20 percent of the capital and reserves of the banking system. In such eventuality prior approval of RBI will be required for capital infusion into the existing WOSs of foreign banks.</p> <p>(vi) Foreign banks are subject to non-discriminatory resource allocation requirements.</p>			
	<p><u>For transferable securities</u> [5 (a) (x) (E)] (vii) In addition to the above, commercial presence through locally incorporated joint venture company with foreign investment not exceeding 74 percent. The foreign investment participation will be limited to recognized foreign stock broking companies.</p> <p>4) Unbound except as indicated in the horizontal section</p>		<p><u>For transferable securities</u> [5 (a) (x) (E)]</p> <p>(iii) Unbound except for entities established in accordance with the limitations specified in the market access column.</p> <p>4) Unbound except as indicated in the horizontal section</p>	

Modes of supply: 1)		Cross-border supply	2)	Consumption abroad	3)	Commercial presence	4)	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment						
- Factoring; - Venture Capital; - Financial Leasing 5(a)(vii);	1) Unbound 2) Unbound 3) Allowed for foreign financial services companies (including banks) through incorporation as a company in India 4) Unbound except as indicated in the horizontal section	1) Unbound 2) Unbound 3) Unbound except for entities established in accordance with the limitation specified in the market access column. 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	Additional Commitments
Sector or Sub-sector	Limitations on Market Access					Limitations on National Treatment
- 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 5(a)(xi)	1) Unbound 2) Unbound 3) a. Allowed for foreign bank branches licensed to do banking business in India b. Allowed for foreign financial services companies (excluding banks) through incorporation with foreign equity not exceeding 74 percent. c. Allowed for banks through incorporation with foreign equity not exceeding 51 percent. 4) Unbound except as indicated in the horizontal section			1) Unbound 2) Unbound 3) Unbound except for entities established in accordance with the limitation specified in the market access column. 4) Unbound except as indicated in the horizontal section		
Money broking 5(a)(xii)	1) 2) and 3) Unbound 4) Unbound except as indicated in the horizontal section			1) 2) and 3) Unbound 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	Additional Commitments	
Sector or Sub-sector	Limitations on Market Access				Limitations on National Treatment				
Provision and of transfer financial information, and financial data processing and related software by suppliers of other financial services 5 (a) (xv)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section				1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section				
Asset Management, such as cash or portfolio management, all forms of collective investment management, custodial, depository and trust services 5(a)(xiii)	1) Unbound 2) Unbound 3) (i) Access is subject to fulfilment of minimum capitalization norms, and subject to regulations of the RBI and any other competent authority in India. (ii) Commercial presence would be through incorporation as a company in India. 4) Unbound except as indicated in the horizontal section				1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section				

Modes of supply: 1)		2)	3)	4)	Presence of natural persons
Sector or Sub-sector	Cross-border supply	Consumption abroad	Commercial presence	Limitations on National Treatment	Additional Commitments
Financial consultancy services, i.e. financial advisory services provided by financial advisers, etc. to customers on financial matters, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy Ex. 5(a)(xvi)	<p>Limitations on Market Access</p> <ol style="list-style-type: none"> 1) Unbound 2) Unbound 3)(i) Access is subject to fulfilment of minimum capitalization norms, and subject to regulations of the RBI and any other competent authority in India. (ii) Allowed for Foreign banks licensed to do banking business in India. (iii) Allowed for foreign financial services companies (including banks) through incorporation 4) Unbound except as indicated in the horizontal section 			<ol style="list-style-type: none"> 1) Unbound 2) Unbound 3) None 4) Unbound except as indicated in the horizontal section 	
8. HEALTH-RELATED AND SOCIAL SERVICES A. Hospital Services (CPC 9311)	<ol style="list-style-type: none"> 1) None for provision of services on provider to provider basis 2) None 3) None except that Commercial presence subject to the condition that the latest technology for treatment will be brought in. 4) Unbound except as indicated in the horizontal section. None for charitable purposes. 			<ol style="list-style-type: none"> 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	Additional Commitments
Sector or Sub-sector	Limitations on Market Access			Limitations on National Treatment		
9. TOURISM AND TRAVEL-RELATED SERVICES A. Hotels and other lodging services (CPC 641-643)	1) None 2) None 3) None. 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. Travel Agency and Tour Operator Services (CPC 7471)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.			1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
C. Tourist Guides Services (CPC 7472)	1) Unbound* 2) None 3) Numerical ceiling in relation to the number of tourist guides for this agreement will be in accordance with the India's Revised Offer number TN/S/O/IND Rev.1* dated 24 August 2005 under the GATS. The current limit is 500 guides. 4) Numerical ceiling in relation to the number of tourist guides for this agreement will be in accordance with the India's Revised Offer number TN/S/O/IND Rev.1* dated 24 August 2005 under the GATS. The current limit is 500 guides. For others: Unbound except as indicated in horizontal section.			1) Unbound* 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
10. RECREATIONAL, CULTURAL AND SPORTING SERVICES (other than audio-visual services)						

Modes of supply: 1)		2) Cross-border supply	3) Consumption abroad	4) Commercial presence	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access					Limitations on National Treatment
A. Entertainment Services (including theatre and live bands (CPC 9619**))	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.	1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.		1) Unbound 2) None 3) None 4) Unbound except as indicated in the horizontal section.		
(C) Library Services (CPC 96311) and Archive Services, excluding archival management of public records (CPC 96312**)	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section		
D. Sporting and other recreational services (CPC 964** (excluding lottery, gambling, and betting services))	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section and subject to reciprocity.	1) None 2) None 3) None 4) Unbound except as indicated in the horizontal section and subject to reciprocity.		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	Sub-	Limitations on Market Access		Limitations on National Treatment	Additional Commitments	
11. TRANSPORT SERVICES	A. Maritime transport services					
<p>The commitments in Maritime Transport are made in accordance with the GATS. All commitments are subject to domestic laws, entry requirements, rules and regulations and the terms and conditions of the Directorate General of Shipping, RBI and any other competent authority in India. For supply of Maritime Auxiliary Services through commercial presence under Mode 3, it will be only by establishing a Company registered under any Central Act or State Act in India and having its principal place of business in India and subject to the conditions as are required by law and applicable to such companies.</p>						

<p>International Transport (Freight Passengers and excluding cabotage and offshore transport as defined in the Attachment)</p>	<p>1)(a) Liner Shipping And Bulk Shipping (i) Dry, Liquid and Gas (other than LNG)</p> <p>None, except that:</p> <ul style="list-style-type: none"> - For government cargoes, and Government owned/controlled cargo, and in all cases Tendering by Government authorities or public sector undertakings for import or export of cargo, and for chartering a vessel for carriage of any government or privately owned/controlled cargoes for export or import: Preference will be given to Indian Flag vessels - Government policy on FOB/FAS will hold good 	<p>1)(a) Liner Shipping And Bulk Shipping (i) Dry, Liquid and Gas (other than LNG)</p> <p>None except that:</p> <ul style="list-style-type: none"> - For government cargoes, and Government owned/controlled cargo, and in all cases Tendering by Government authorities or public sector undertakings for import or export of cargo, and for chartering a vessel for carriage of any government or privately owned/controlled cargoes for export or import: Preference will be given to Indian Flag vessels - Government policy on FOB/FAS will hold good. 	<p>Access to and use of Port Facilities</p> <p>No measures shall be applied to the following services which deny reasonable and non-discriminatory access to international maritime suppliers:</p> <ol style="list-style-type: none"> 1. Pilotage 2. Towing, tug assistance & pushing 3. Provisioning , fuelling & watering 4. Garbage collecting & ballast water disposal 5. Port Captain services 6. Navigation aids and electrical supplies.
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Modes of supply: 1)		2)	3)	4)	Presence of natural persons
Sector or Sub-sector	Limitations on Market Access	Consumption abroad	Commercial presence	Limitations on National Treatment	Additional Commitments
					7. Shore based operational services essential to ship operations, including communications, 8. Emergency repair facilities 9. Anchorage, berth and berthing services.
	(ii) LNG: Unbound		(ii) LNG: Unbound		
	1) (c) Passenger: None, except that all such transport shall be on the basis of bilateral agreements on reciprocity basis. 2) None 3) (a) None, but condition that for operating a ship under the Indian flag, a registered company, or a cooperative society under any Central Act or State Act having its principal place of business in India, must be established. 3) (b) Other forms of commercial presence for the supply of International Maritime Transport Services (as per definitions): Unbound		1) (c) Passenger: None, except that all such transport shall be on the basis of bilateral agreements on reciprocity basis. 2) None 3) (a) None, but conditions that for operating a ship under the Indian flag, a registered company, or a cooperative society under any Central Act or State Act having its principal place of business in India, must be established; and 3) (b) Other forms of commercial presence for the supply of International Maritime Transport Services (as per definitions): Unbound		
	4) Unbound		4) Unbound		

Modes of supply: 1)		2)	3)	4)	Additional Commitments
Sector or Sub-sector	Cross-border supply	Consumption abroad	Commercial presence	Presence of natural persons	
	Limitations on Market Access		Limitations on National Treatment		
MARITIME AUXILIARY SERVICES Maritime Cargo Handling Services	1) Unbound* 2) None 3) None, except as indicated in Horizontal commitment/ Head Note to this schedule. 4) Unbound except as indicated in the horizontal section.	3) None, except as indicated in Horizontal commitment/ Head Note to this schedule.	1) Unbound* 2) None 3) None, except as indicated in Horizontal commitment/ Head Note to this schedule. 4) Unbound except as indicated in the horizontal section.		
Storage and Warehousing Services in Ports	1) Unbound* 2) None 3) None, except as indicated in Horizontal commitment/ Head Note to this Schedule. 4) Unbound except as indicated in the horizontal section.		1) Unbound* 2) None 3) None, except as indicated in Horizontal commitment/ Head Note to this Schedule. 4) Unbound except as indicated in the horizontal section.		
Customs Clearance Services	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.		1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section.		
Container Station and Depot Services	1) Unbound 2) None 3) None, except as indicated in Horizontal commitment/Head Note to this schedule. 4) Unbound except as indicated in the horizontal section.		1) Unbound 2) None 3) None, except as indicated in Horizontal commitment/Head Note to this schedule. 4) Unbound except as indicated in the horizontal section.		
Maritime Agency Services	1) None 2) None 3) None, except as indicated in Horizontal commitment/ Head Note to this Schedule. 4) Unbound except as indicated in the horizontal section.		1) None 2) None 3) None, except as indicated in Horizontal commitment/Head Note to this Schedule. 4) Unbound except as indicated in the horizontal section.		
Maritime Forwarding Services	1) None 2) None 3) None, except as indicated in Horizontal commitment/ Head Note to this Schedule. 4) Unbound except as indicated in the horizontal section.		1) None 2) None 3) None, except as indicated in Horizontal commitment/ Head Note to this schedule. 4) Unbound except as indicated in the horizontal section.		

Modes of supply: 1)		2)	3)	4)	Additional Commitments
Sector or Sub-sector		Limitations on Market Access	Consumption abroad	Commercial presence	Presence of natural persons
International rental/charter of vessels with crew or on bareboat basis (excluding cabotage and offshore transport)	1) Unbound 2) None except obtaining permission from Director General (Shipping) for chartering a foreign flag vessel in the absence of availability of a suitable Indian vessel. 3) Unbound 4) Unbound except as in the horizontal section.			1) Unbound 2) None except vessels rented by Indian nationals are considered as foreign vessels. 3) Unbound 4) Unbound except as in the horizontal section.	
Maintenance and repairs of seagoing vessels	1) None 2) None 3) None, except as indicated in Horizontal commitment/ Head Note to this Schedule 4) Unbound except as indicated in the horizontal section.			1) None 2) None 3) None, except as indicated in Horizontal commitment/ Head Note to this Schedule. 4) Unbound except as indicated in the horizontal section.	
Ship Broking Service (CPC 748**)	1) Unbound 2) None 3) None, except as indicated in Head Note 4) Unbound except as indicated in the horizontal section.			1) Unbound 2) None 3) None, except as indicated in Horizontal commitment/Head Note to this schedule. 4) Unbound except as indicated in the horizontal section.	
<u>Air Transport Services and Airport Services</u>					
The commitments below are subject to the terms and conditions of the GATS Annex on Air Transport Services					
Aircraft repair and maintenance services, i.e., activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance	1) None 2) None 3) None 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)		2) Cross-border supply	3) Consumption abroad	4) Commercial presence	Presence of natural persons	Additional Commitments
Sector or Sub-sector	Limitations on Market Access		Limitations on National Treatment			
11 F. Road Transport Services (a) Passenger Transport (CPC 7121 + 7122) (b) Freight Transport (CPC 7123** excluding mail transportation (CPC 71235))	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section	1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section		1) Unbound 2) None 3) Unbound 4) Unbound except as indicated in the horizontal section		

(*) Unbound due to lack of technical feasibility

(**) Specific commitment for that code does not extend to the total range of services covered under that code.