

**ANNEX ON [MX/CL/MU/TR propose, CH/NZ considering: INTERNATIONAL]  
ROAD FREIGHT TRANSPORT AND RELATED LOGISTICS SERVICES**

*EU does not see a clear value in this Annex given the nature of road transport.*

**Article 2: Scope and Coverage**

**2.1 [CH/CL/LI/PK/TR/MU/MX/PA propose, US/NZ/HK/JP/CA/TW/PE considering:**  
This Annex applied to measures by Parties affecting trade in international road freight transport services [TR propose: and related supporting and auxiliary services.]

**[TR/CH/MU/US/PA propose, AU/HK/MX/PE/CA/CL/PK/LI/JP/TW/NZ considering:**  
2.2 This Annex does not apply to services to the extent that such services fall within the scope of a Party's [TR propose: and in the case of the European Union a Member State's] cabotage regime.

**2.3[MU/TR propose, CA/JP/PK/US/CH/PA considering:** Where applicable and subject to the disciplines of Article V of the GATT 1994 [MU considering: and the WTO Trade Facilitation Agreement], this Annex also covers transit traffic.]

*Parties to reflect on whether we should refer to TFA. (MU expressed its concerns about TFA being a conditional agreement which is not entered into force yet. TR expressed its flexibility to remove the reference to TFA.)*

**[TR/MU propose: CL/MX/PK/US/CH/CA/NZ/PE/TW considering: Article 3:  
Definitions**

For the purposed of this Annex;

3.1 *Vehicle* means a commercial motor vehicle or a coupled combination of vehicles registered in a Party, used exclusively for the carriage of good;

3.2 *International Road Freight Transport Services* means:

(a) a laden journey undertaken by a vehicle, the point of departure and the point of arrival of which are in two different Parties, with or without transit through one or more Parties, or third countries;

(b) a laden journey undertaken by a vehicle from a Party to a third country or vice versa, with transit through one or more Parties;

(c) an unladen journey in conjunction with the carriage referred to in points (a) and (b)

3.4 *Service Supplier* means any person that supplies road freight transport services as defined in CPC 7123

3.6 *Transit* means transport of goods across the territory of a Party when the passage across such territory is only a portion of a complete journey beginning and terminating beyond the frontier of the Party across whose territory the traffic passes.<sup>1</sup>

[PK/US/CH propose, LI/HK/JP considering 3.7: Road freight transport services means services classified under CPC 7123]

*Linked to satisfactory outcome on the exclusion of cabotage in Article 2.2*

[PE/PK/US/CH propose, MU/LI/HK/JP considering: Alt.3.8 Related supporting and auxiliary services means services classified under [MU oppose: CPC 741], 742 and 749 which are supplied in support of international road freight transport]]

*Parties to reflect on whether adding “cargo-handling services” in the scope of the Annex is indispensable. TR expressed its flexibility to remove this subsector from the scope.*

## Article 5: Domestic Regulation

### Article 5.1

[TR propose, AU/CA/CL/JP/MX/MU/PE/PK/US/NZ/CH/CO/HK considering: Notwithstanding paragraph 1 of the Annex on Domestic Regulation, the provisions of that Annex shall apply to measures affecting trade in services covered by this Annex.]

### Article 5.2

[TR propose; AU/CA/US/PA/MU/CL/MX considering: No Party may adopt or maintain and discriminatory measure that:

- a) requires combined transport<sup>2</sup> [where relevant road transport infrastructure is available], or;
- b) prevents a service supplier from selecting among commercially available combined transport operators.]

*One Party raised concerns about the scope of the Annex and subparagraph (b) of this Article. TR to work bilaterally with concerned Parties to find a solution.*

### Article 5.3

[TR/CH/MU/US propose, AU/CA/PA/MX/PK/HK/CL/PE/JP considering: 5.3 Each Party shall permit cross-border movement and transit of transport equipment such as containers necessary for the supply of services covered by this Annex, on reasonable and non-discriminatory terms and conditions. Nothing in this paragraph shall be construed to prevent a Party from applying customs duties and administrative procedures to such equipment. ]

### Article 5.4

<sup>1</sup> For the purpose of this Article Party means a Member State in the case of the European Union.

<sup>2</sup> Combined transport means transport of goods where the loading unit or the vehicle is transported by rail or inland waterway for a part of the journey.

**[TR/MU propose, AU/CA/US/CH/PA/HK/MX/CL considering: 5.4** A Party shall not adopt or maintain a measure requiring a service supplier of another Party to follow a specific route that does not apply to its own like service suppliers.]

#### Article 5.7

**[TR propose, AU/CA/US/CH/PA/CO/MU/MX/CL considering:** With a view to preventing avoidable loss or deterioration of perishable goods<sup>3</sup> each Party shall give appropriate priority to service suppliers and their vehicles carrying perishable goods when scheduling any examinations that may be required **[CH/TR propose: for crossing borders]**

#### Article 5.8

**[CH/TR/MU/US/CL propose; CA/JP considering:** If the competent authorities of a Party require the deposit of a financial guarantee as a condition to supply a service covered by this Annex in its territory, they shall set such guarantee at a reasonable level, having regard to the risk involved, and shall release the guarantee in a timely manner. This paragraph does not apply to requirements related to the presence of natural persons]

#### Article 6: Access to and use of the public infrastructure

**[TR propose, AU/CA/CH/JP/MX/PE/US/PA considering; 6:** A Party shall not adopt or maintain any measure that would deny service suppliers of another Party access to and use of relevant transportation infrastructure<sup>4</sup> on reasonable and non-discriminatory terms and conditions.]

#### [AU considering: Article 7: Transparency

**[TR/US/CA propose, CH/MU/PK,PE,MX,HK/CL/CO considering; JP oppose:** Further to [Transparency paragraph 1] Each Party shall make publicly available on internet relevant information on conditions for the supply of their services covered by this Annex, including, where applicable:

*One Party raised concerns about the phrase being too broad. TR to work with concerned Parties to find a solution.*

- a) weight and dimensions for vehicles
- b) customary fees
- c) customs laws and procedures ]

#### Article 9: Exceptions

**[CH/HK/MX/MU/PK/TR propose, CL/CA considering:** Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where like conditions prevail, or a disguised

<sup>3</sup> For the purposes of this provision, perishable goods are goods that rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions.

<sup>4</sup> For purposes of this Article relevant transportation infrastructure means any infrastructure, including roadside facilities, necessary for the supply of covered services that is made generally available to the service suppliers.

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restriction on trade in services, nothing in this Annex shall be construed to prevent the adoption or enforcement by any Party of measures:

(a) necessary [**MU oppose:** to protect the integrity] and proper operation of its transportation infrastructure (b) necessary to secure compliance with its road safety standards.]

*Some Parties raised serious concerns on having a specific exceptions article for this Annex. TR and MU expressed flexibility on removing this Article. Other Parties (CH/MX/HK/PK/CL and CA) to reflect on whether they have flexibility for removing this Article especially considering the level of obligations in the Annex.*