

## ANNEX 12-A

### THE UNITED KINGDOM'S SCHEDULE OF COMMITMENTS FOR TEMPORARY ENTRY FOR BUSINESS PERSONS

1. The following sets out the United Kingdom's commitments in accordance with Article 12.4 (Grant of Temporary Entry) in respect of the temporary entry of business persons.
2. For the purposes of this Schedule, CPC means 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).

| Description of Category  | Conditions and Limitations<br>(including length of stay)                     |
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| <b>A. Business Visitors for Establishment Purposes</b><br><br>The United Kingdom shall grant temporary entry to Business Visitors for Establishment Purposes of another Party without the requirement of a work permit or other prior approval procedure of similar intent.  |  |
| <u>Definition:</u><br><br>“ <b>Business Visitors for Establishment Purposes</b> ” means business persons working in a senior position within an enterprise in the territory of another Party who are responsible for the establishment of an enterprise in the United Kingdom, do not offer nor provide services, do not engage in any economic activity other than what is required for establishment purposes and do not receive remuneration within the United Kingdom. | Length of stay is for a period not exceeding 90 days in any 12-month period. |

| Description of Category   | Conditions and Limitations<br>(including length of stay)   |
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| <p><b>B. Business Visitors</b></p> <p>1. The United Kingdom extends its commitments under this category for “after-sales or after-lease service” to business persons of another Party if that Party has made a commitment in its Schedule for after-sales and after-lease related activities.</p> <p>2. The United Kingdom shall grant temporary entry to Business Visitors of another Party without the requirement of a work permit or other prior approval procedure of similar intent.</p>  |  |
| <p><u>Definition:</u></p> <p>“<b>Business Visitors</b>” means business persons permitted to engage in the following activities during their stay:</p> <p>(a) after-sales or after-lease service: installers, repair and maintenance personnel and supervisors, possessing specialised knowledge essential to a seller’s or lessor’s contractual obligation, supplying services or training workers to supply services pursuant to a warranty or other service contract incidental to the sale or lease of commercial or industrial equipment or machinery, including computer software, purchased or leased from an enterprise in the territory of another Party of which the Business Visitor is a natural person, throughout the duration of the warranty or service contract;</p> <p>(b) sales: representatives of a supplier of services or goods taking orders or negotiating the sale of services or goods or entering into agreements to sell services or goods for that supplier, but not delivering goods or supplying services themselves;</p> <p>(c) meetings and consultations: business persons attending meetings or conferences, or engaged in consultations with business associates; and</p> | <p>The United Kingdom shall grant temporary entry to Business Visitors subject to the following conditions:</p> <p>(a) they are not engaged in selling their goods or supplying services to the general public;</p> <p>(b) they do not, on their own behalf, receive remuneration from within the United Kingdom; and</p> <p>(c) they are not engaged in the supply of a service in the framework of a contract concluded between an enterprise that is not established in the United Kingdom and a consumer in the United Kingdom, except as provided in the permitted activities set out in the definition of “Business Visitors”.</p> <p>Length of stay is for a period not exceeding 90 days in any 12-month period.</p> |

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| (d) trade fairs and exhibitions: personnel attending a trade fair for the purpose of promoting their company or its products or services. |  |
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| Description of Category  | Conditions and Limitations<br>(including length of stay)         |
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| <p><b>C. Intra-Corporate Transferees</b></p> <p><b>The partner accompanying the Intra-Corporate Transferee</b></p> <p>1. The United Kingdom shall grant temporary entry to the partner, as defined in the United Kingdom’s relevant immigration rules, accompanying an Intra-Corporate Transferee of another Party granted temporary entry for the same length of stay as the length of stay granted to the Intra-Corporate Transferee where that Party has also made a commitment in its Schedule for partners of Intra-Corporate Transferees.</p> <p>2. In accordance with, and subject to, the law of the United Kingdom, the United Kingdom shall upon application grant the partner of the Intra-Corporate Transferee permission to work for the duration of their length of stay, in an employed or self-employed capacity, and shall not require them to obtain a work permit.</p> <p><b>Dependent children accompanying the Intra-Corporate Transferee</b></p> <p>3. The United Kingdom shall grant temporary entry to dependent children accompanying the Intra-Corporate Transferee of another Party granted temporary entry for the same length of stay as the length of stay granted to the Intra-Corporate Transferee where that Party has also made a commitment in its Schedule for dependent children of Intra-Corporate Transferees.</p> <p>4. For the purposes of this Schedule, <b>dependent children</b> means children who are dependent on the Intra-Corporate Transferee and who are recognised as dependent children in accordance with the law of the United Kingdom.</p> <p>5. In accordance with, and subject to, the law of the United Kingdom, the United Kingdom shall upon application grant a dependent child of the Intra-Corporate Transferee permission to work for the duration of their length of stay, in an employed or self-employed capacity, and shall not require them to obtain a work permit.</p> |  |
| <p><u>Definition:</u></p> <p><b>“Intra-Corporate Transferees”</b> means business persons who:</p> <p>(a) have been employed by an enterprise in the territory of another Party, or have been partners in it, for a period of not less than 12 months immediately preceding the date of submission of their application for temporary entry in the United Kingdom;</p> <p>(b) are temporarily transferred to an enterprise in the United Kingdom,</p>   | <p>Length of stay is for a period not exceeding three years.</p> |

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| <p>which forms part of the same group of the enterprise referred to in paragraph (a) including its representative office, subsidiary, branch or head company; and</p> <p>(c) belong to one of the following categories:</p> <p>(i) <b>managers:</b> business persons working in a senior position, who primarily direct the management of the enterprise, receiving general supervision or direction principally from the board of directors or from shareholders of the business or their equivalent, including at least:</p> <p>(A) directing the enterprise or a department thereof;</p> <p>(B) supervising and controlling the work of other supervisory, professional or managerial employees; or</p> <p>(C) having the authority to recruit and dismiss, or to recommend recruitment, dismissal or other personnel-related actions; or</p> <p>(ii) <b>specialists:</b> business persons who possess specialised knowledge essential to the enterprise's production, research equipment, techniques, processes, procedures or management. In assessing that knowledge, account shall be taken not only of knowledge specific to the enterprise, but also of</p> |  |
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| <p>whether the business person has a high level of qualification referring to a type of work or trade requiring specific technical knowledge, which may include membership of an accredited profession.</p> |  |
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| Description of Category   | Conditions and Limitations<br>(including length of stay)  |
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| <p><b>D. Contractual Service Suppliers</b></p> <p>The United Kingdom extends its commitments for Contractual Service Suppliers to each Party in relation to business persons for each sector or sub-sector under this category if that Party has made a commitment for any of the following headings:</p> <ul style="list-style-type: none"> <li>• Contractual Service Suppliers</li> <li>• Professionals</li> <li>• Professionals and Technicians</li> <li>• Professionals and Technician-Professionals</li> <li>• Qualified Professionals</li> <li>• Technicians</li> </ul>   |   |
| <p><u>Definition:</u></p> <p><b>“Contractual Service Suppliers”</b> means business persons employed by an enterprise in the territory of another Party which:</p> <p>(a) is not an agency for placement and supply services of personnel and is not acting through such an agency;</p> <p>(b) is not established in the territory of the United Kingdom; and</p> <p>(c) has concluded a <i>bona fide</i> contract to supply services to a final consumer in the United Kingdom, requiring the presence on a temporary basis of its employees in the United Kingdom in order to fulfil the contract to supply services.<sup>1</sup></p> <p>The United Kingdom makes commitments only in the service sectors or sub-sectors set out below:</p> <p>(a) legal advisory services in respect of public international law and foreign law (part of CPC 861);</p> | <p>The Contractual Service Suppliers are engaged in the supply of a service on a temporary basis as employees of an enterprise which has obtained a service contract not exceeding 12 months.</p> <p>Length of stay is for a period of not more than 12 months or for the duration of the contract, whichever is less.</p> <p>The Contractual Service Suppliers entering the United Kingdom have been offering those services as employees of the enterprise supplying the services for at least 12 months immediately preceding the date of submission of an application for temporary entry into the United Kingdom and possess, at the date of submission of an application for temporary entry into the United Kingdom, at least three years of professional experience in the sector of activity which is the subject of the contract. Professional experience shall be obtained after having reached the age of majority as set out in the law of the United Kingdom.</p> |

<sup>1</sup> In determining whether a contract is *bona fide*, the United Kingdom may consider whether:

- (a) the number of persons covered by the service contract is commensurate with the scope of the contract, provided this does not constitute a general practice of limiting the number of persons granted temporary entry; or
- (b) the contract conforms with the law of the United Kingdom, provided that the law does not nullify or impair the benefits accruing to any Party under these commitments.

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| <p>(b) accounting and bookkeeping services (CPC 86212 other than auditing services, 86213, 86219 and 86220);</p> <p>(c) taxation advisory services (CPC 863). Taxation advisory services do not include legal advisory and legal representational services on tax matters, which are under legal advisory services in respect of public international law and foreign law;</p> <p>(d) architectural services and urban planning and landscape architectural services (CPC 8671 and 8674);</p> <p>(e) engineering services and integrated engineering services (CPC 8672 and 8673);</p> <p>(f) research and development services (CPC 851, 852 excluding psychology services (part of CPC 85201, which is under medical and dental services) and 853);</p> <p>(g) advertising services (CPC 871);</p> <p>(h) management consulting services (CPC 865);</p> <p>(i) services related to management consulting (CPC 866);</p> <p>(j) services incidental to mining (CPC 883, advisory and consulting services only);</p> <p>(k) technical testing and analysis services (CPC 8676);</p> <p>(l) translation and interpretation services (CPC 87905, excluding official or certified activities);</p> <p>(m) telecommunication services (CPC 7544, advisory and consulting services only);</p> <p>(n) site investigation work (CPC 5111);</p> | <p>The Contractual Service Suppliers entering the United Kingdom shall possess:</p> <p>(a) a university degree or a qualification demonstrating knowledge of an equivalent level; and</p> <p>(b) the professional qualifications legally required to exercise that activity in the United Kingdom.</p> <p>If the degree or qualification has not been obtained in the United Kingdom, the United Kingdom may evaluate whether this is equivalent to a university degree required in its territory.</p> <p>The Contractual Service Suppliers do not receive remuneration for the provision of services in the territory of the United Kingdom other than the remuneration paid by the enterprise employing the business person or from a source outside the United Kingdom.</p> <p>The access accorded relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the United Kingdom where the service is provided.</p> |
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| <ul style="list-style-type: none"> <li>(o) maintenance and repair of aircraft and parts thereof (part of CPC 8868);</li> <li>(p) maintenance and repair of metal products, of (non-office) machinery, of (non-transport and non-office) equipment and of personal and household goods (CPC 633, 7545, 8861, 8862, 8864, 8865 and 8866);</li> <li>(q) insurance and insurance related services (advisory and consulting services only);</li> <li>(r) postal and courier services (CPC 751, advisory and consulting services only);</li> <li>(s) environmental services (CPC 9401, 9402, 9403, 9404, part of CPC 94060, 9405, part of CPC 9406 and 9409);</li> <li>(t) other financial services (advisory and consulting services only);</li> <li>(u) computer and related services (CPC 84); and</li> <li>(v) related scientific and technical consulting services (CPC 8675).</li> </ul> |  |
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| Description of Category  | Conditions and Limitations<br>(including length of stay)   |
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| <p><b>E. Independent Professionals</b></p> <p>The United Kingdom extends its commitments for Independent Professionals to each Party in relation to business persons for each sector or sub-sector under this category if that Party has made a commitment in its Schedule for any of the following headings:</p> <ul style="list-style-type: none"> <li>• Independent Professionals</li> <li>• Independent Professionals and Technicians</li> <li>• Qualified Professionals</li> <li>• Professionals</li> <li>• Professionals and Technicians</li> <li>• Professionals and Technician-Professionals</li> <li>• Technicians</li> </ul>   |  |
| <p><u>Definition:</u></p> <p><b>“Independent Professionals”</b> means business persons who:</p> <p>(a) are engaged in the supply of a service and established as self-employed in the territory of a Party;</p> <p>(b) have not established in the territory of the United Kingdom; and</p> <p>(c) have concluded a <i>bona fide</i> contract (other than through an agency for placement and supply services of personnel) to supply services to a final consumer in the United Kingdom, requiring their presence on a temporary basis in the United Kingdom in order to fulfil the contract to supply services.<sup>2</sup></p> <p>The United Kingdom makes commitments only in the service sectors or sub-sectors set out below:</p> <p>(a) legal advisory services in respect of public international law and foreign law (part of CPC 861);</p> | <p>The Independent Professionals are engaged in the supply of a service on a temporary basis as self-employed persons established in the territory of a Party and have obtained a service contract for a period not exceeding 12 months.</p> <p>Length of stay is for a period of not more than 12 months or for the duration of the contract, whichever is less.</p> <p>The Independent Professionals entering the United Kingdom possess, at the date of submission of an application for temporary entry into the United Kingdom, at least six years of professional experience in the sector of activity which is the subject of the contract.</p> <p>The Independent Professionals entering the United Kingdom shall possess:</p> <p>(a) a university degree or a qualification demonstrating knowledge of an equivalent level; and</p> |

<sup>2</sup> In determining whether a contract is *bona fide*, the United Kingdom may consider whether the contract conforms with the law of the United Kingdom, provided that the law does not nullify or impair the benefits accruing to any Party under these commitments.

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| <p>(b) architectural services and urban planning and landscape architectural services (CPC 8671 and 8674);</p> <p>(c) research and development services (CPC 851, 852 excluding psychology services (part of CPC 85201, which is under medical and dental services) and 853);</p> <p>(d) management consulting services (CPC 865);</p> <p>(e) services related to management consulting (CPC 866);</p> <p>(f) translation and interpretation services (CPC 87905, excluding official or certified activities);</p> <p>(g) telecommunication services (CPC 7544, advisory and consulting services only);</p> <p>(h) postal and courier services (CPC 751, advisory and consulting services only);</p> <p>(i) computer and related services (CPC 84);</p> <p>(j) other financial services (advisory and consulting services);</p> <p>(k) engineering services and integrated engineering services (CPC 8672 and 8673); and</p> <p>(l) insurance and insurance related services (advisory and consulting services only).</p> | <p>(b) the professional qualifications legally required to exercise that activity in the United Kingdom.</p> <p>If the degree or qualification has not been obtained in the United Kingdom, the United Kingdom may evaluate whether this is equivalent to a university degree required in its territory.</p> <p>The access accorded relates only to the service activity which is the subject of the contract and does not confer entitlement to exercise the professional title of the United Kingdom where the service is provided.</p> |
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| <b>Description of Category</b>  | <b>Conditions and Limitations (including length of stay)</b> |
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| <p><b>F. Investors</b></p> <p>The United Kingdom extends its commitments under this category for Investors to each Party in relation to business persons if that Party has made a commitment in its Schedule for any of the following headings:</p> |  |

- Investors
- Independent Executives
- Persons Responsible for Setting up a Commercial Presence.

Definition:

“**Investors**” means business persons who:

- (a) are senior employees of an enterprise headquartered in the territory of another Party;
- (b) are establishing a branch or subsidiary of that enterprise in the United Kingdom;
- (c) will be responsible for the entire or a substantial part of the enterprise’s operations in the United Kingdom, with the authority to direct the subsidiary or branch, or a department or subdivision of it, including by establishing their goals and policies, and supervising and controlling the work of other supervisory, professional or managerial employees; and
- (d) will perform their duties under the general supervision or direction principally from higher level executives, the board of directors or shareholders of that enterprise.

Length of stay is for a period of not more than 12 months.

The Investor entering the United Kingdom must have been an employee of the enterprise headquartered in the territory of another Party for at least 12 months immediately preceding the date of submission of an application for temporary entry into the United Kingdom.

The enterprise must have been trading for at least three years as at the date of the Investor’s submission of an application for temporary entry into the United Kingdom.

Grant of temporary entry is based on connection to the economy rather than the amount of capital the enterprise invests.