

ANNEX 6.C
MOVEMENT OF NATURAL PERSONS SUPPLYING SERVICES

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Article 1
Scope and Coverage

This Annex shall apply to measures by a Party affecting natural persons of another Party covered by the Schedule of Specific Commitments of the former Party.

Article 2
General Principles

1. This Annex shall apply to trade in services under Mode 4 – Movement of Natural Persons and should be read with Chapter 6 (Trade in Services) of the Agreement.
2. This Annex reflects the preferential trading relationship between the Parties and the common objective to facilitate entry, temporary stay and work of natural persons on a mutually advantageous basis, in accordance with the Parties' Schedules of Specific Commitments. The Parties recognise the need for establishing transparent, secure, effective, and comprehensive information on the criteria and procedures for entry, temporary stay and work, and compliance with immigration laws and regulations applicable to entry, temporary stay and work.
3. The Parties shall not require labour market testing and economic needs testing as a condition for entry and temporary stay with respect to natural persons covered by their specific commitments.
4. Subject to the provisions of Chapter 6 (Trade in Services) of the Agreement and this Annex, all requirements provided for in the domestic laws and regulations of a Party regarding entry and temporary stay as well as work and social security measures shall continue to apply, including rules concerning minimum wages and collective wage agreements.

Article 3
Provision of Information

1. In application of Article III of the GATS, each Party shall make publicly available, or shall ensure that its competent authorities make publicly available, information necessary for an effective application for the grant of entry, temporary stay and work in its territory. Such information shall be kept up to date. To the extent possible, each Party shall allow reasonable time between publication of any new regulations affecting temporary entry of natural persons and their effective date.

2. The information referred to in paragraph 1 shall include a description of, in particular:
 - (a) for India, with respect to the grant of entry into, and temporary stay and work in India, for natural persons of the EFTA States in India's Schedule of Specific Commitments in Annex 6.F (Schedules of Specific Commitments):
 - (i) all categories of visas including employment visas;
 - (ii) requirements and procedures for application for, and issuance of, visas including employment visas, including information on documentation required, conditions to be met and method of application; and
 - (iii) requirements and procedures for application for, and grant of, renewal of temporary stay and work permits.
 - (b) for the EFTA States, with respect to the grant of entry into, and temporary stay and work for the purpose of supply of services in the EFTA States, for natural persons of India covered in the EFTA States' Schedules of Specific Commitments in Annex 6.F (Schedules of Specific Commitments):
 - (i) all categories of visas and work permits;
 - (ii) requirements and procedures for application for, and issuance of, visas and work permits, including information on documentation required, conditions to be met and method of application; and
 - (iii) requirements and procedures for application for, and grant of, renewal of temporary stay and work permits.
3. Each Party shall provide the other Parties with details of relevant publications or websites where information referred to in paragraph 2 is made available.
4. Should the implementation of paragraph 1 prove not to be practicable for a Party, that Party shall provide the information referred to in paragraph 2, as well as any subsequent change thereto, to the other Parties.

Article 4 ***Contact Points***

Each Party shall establish contact points to facilitate the access of another Parties' service suppliers to the information referred to in Article 3.

Article 5
Expeditious Application Procedures

1. The competent authorities of each Party shall process expeditiously applications for granting entry, temporary stay and work permits, as applicable, submitted by service suppliers of other Parties, including applications for extensions thereof. Each Party shall issue multiple entry visas when the respective requirements are fulfilled.
2. When the competent authorities of a Party require additional information from the applicant in order to process its application, they shall notify the applicant without undue delay. In the case of an incomplete application, at the request of the applicant, the Party shall notify the applicant of all the additional information that is required to complete the application and provide the opportunity to remedy deficiencies.
3. The competent authorities of each Party shall, upon the request of the applicant, provide without undue delay, information concerning the status of the application.
4. The competent authorities of each Party shall notify the applicant for entry, temporary stay and work permit, as applicable, of the outcome of its application promptly after a decision has been taken.
5. If an application is terminated or denied, each Party shall, to the extent possible, inform the applicant about the reasons for such action.
6. Each Party shall maintain or institute as soon as practicable procedures which provide, at the request of an affected applicant for temporary entry, for the prompt review of, and where justified, appropriate remedies for, administrative decisions affecting such temporary entry. The Party shall ensure that the procedures provide for an objective and impartial review.

Article 6
Fees

Any fees imposed with respect to the processing of an application for grant of entry and temporary stay, including those with respect to visa and work permits, as applicable, shall be reasonable, and shall reflect no more than the approximate administrative costs incurred.¹

¹ Whenever application procedures of the same type exist at regional or local level, the fee required may not necessarily be identical since the incurred cost may differ across regional administrations or local administrations.