

Public Survey on the Trade in Services Agreement (TiSA)

Section 1: Information on the Respondents

1. Before starting this questionnaire, please indicate from which community to you belong? -single choice reply-(optional)	Business and associations
1.1. Entity name -open reply-(compulsory)	AFG - Association Française de la Gestion financière
1.2. Contact details -open reply-(compulsory)	31 rue de Miromesnil 75008 Paris France +33 1 44 94 94 00 or + 33 1 44 94 94 29 www.afg.asso.fr
1.3. Contact person -open reply-(compulsory)	Pierre Bollon, Director General &, Stéphane Janin, Director of International Affairs
1.4. What is your profile? -single choice reply-(compulsory)	Trade association representing businesses
1.5. Does your company qualify as an SME? -single choice reply-(compulsory)	No
1.6. What is your main area/sector of activities/interest? -multiple choices reply-(compulsory)	Financial Services
1.7. In which of the following countries do you supply your services? -multiple choices reply-(compulsory)	Australia - New Zealand - Canada - Norway - Chile - Pakistan - Chinese Taipei - Panama - Colombia - Paraguay - Costa Rica - Peru - Hong Kong China - Switzerland - Iceland - The Republic of Korea - Israel - Turkey - Japan - USA - Mexico
<p>1.8. TRANSPARENCY and CONFIDENTIALITY</p> <p>To ensure that our public consultation is open and transparent, the report of the consultation, published on the European Commission's website, will include a list of the names of all the organisations from whom we have received contributions to this process.</p> <p>In addition, we will also publish the contributions of those organisations that have agreed to this publication. If you agree in general for publication of your contribution, you may nevertheless indicate some information that you would like to be treated as business confidential and not be published.</p> <p>For organisations which do not agree to the publication including for reasons of business confidential information, their contribution will be treated as confidential and will not be made public.</p> <p>Please indicate your preference: -single choice reply-(compulsory)</p>	I agree to the publication of my contribution to this public consultation

Category I: Trade in Services

<p>2.1. What are the main barriers that your sector encounters in <u>cross-border services trade</u> with the countries participating in the TiSA initiative? -multiple choices reply-(compulsory)</p>	<p>Establishment requirement to supply a service - Discriminatory measures benefiting domestic services or service suppliers</p>
<p>2.1.1. Please explain and indicate the relevant country and sector. -open reply-(compulsory)</p>	
<p>French asset managers encounter barriers of different nature in in different countries, for example: • Local funds and local companies are required in India and Brasil; • Local funds and JVs with a majority of stake held by a local company are required in China; • Local companies are required in Australia; • There is a tax discrimination vis-à-vis foreign funds in South Korea; • There are regulatory barriers for selling funds in USA (e.g. following the adoption of the Dodd Frank Act, French asset managers developed disclaimers describing that their funds are not intended for US clients); • Regulatory agreements are not applied properly in Hong Kong (French funds are deemed compliant as per the agreement but in practice the regulator considers that they are not).</p>	
<p>2.2. What are the main barriers that your sector encounters in <u>establishing a commercial presence</u> in the above mentioned countries? -multiple choices reply-(compulsory)</p>	<p>Limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment - Limitations to management control - Difficulty in obtaining a licence or authorisation - Joint-venture requirements</p>
<p>2.2.1. Please explain and indicate the relevant country and sector. -open reply-(compulsory)</p>	
<p>• There are limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment in China. As described in 2.1.1, local funds and JVs with a majority of stake held by a local company are required. • Limitations to management control exist in South Korea. • Obtaining a licence or authorisation is difficult in Hong Kong. • Joint Ventures are required in China.</p>	
<p>2.3. What are the main barriers that your sector encounters with regard to the temporary movement of natural persons for business purposes in these countries? -multiple choices reply-(compulsory)</p>	<p>Other</p>
<p>2.3.2. This is a non-exhaustive list, if you know of any other barriers, please indicate -open reply-(compulsory)</p>	
<p>We do not have any information on the temporary movement of natural persons for business purposes in these countries.</p>	
<p>2.4. Are there any occupations/professions that are not allowed to be exercised by foreigners? If so, please indicate the relevant country and sector. -open reply-(optional)</p>	
<p>2.5. Are there any industry-specific laws, regulations or administrative acts which contain joint venture requirements or a nationality condition for directors, managing partners or managers? If so, please indicate the relevant country and sector -open reply-(optional)</p>	
<p>Yes, for example, there is a requirement in China for asset management companies to set up joint ventures with a majority of stake held by a Chinese company.</p>	
<p>2.6. In your sector, do you have a particular interest in entering the markets of <u>the countries involved in TiSA</u>? If so, please state the reasons -multiple choices reply-(optional)</p>	<p>Australia - Canada - Chile - Chinese Taipei - Colombia - Costa Rica - Hong Kong China - Iceland - Israel - Japan - Mexico - New Zealand - Norway - Pakistan - Panama - Paraguay - Peru - Switzerland - The Republic of Korea - Turkey - USA</p>
<p>Australia, please state the reason -open reply-(optional)</p>	
<p>Australia represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.</p>	

Canada, please state the reason -open reply-(optional)

Canada represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Chile, please state the reason -open reply-(optional)

Chile represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Chinese Taipei, please state the reason -open reply-(optional)

Chinese Taipei represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Colombia, please state the reason -open reply-(optional)

Colombia represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Costa Rica, please state the reason -open reply-(optional)

Costa Rica represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Hong Kong China, please state the reason -open reply-(optional)

Hong Kong represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Iceland, please state the reason -open reply-(optional)

Iceland represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Israel, please state the reason -open reply-(optional)

Israel represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Japan, please state the reason -open reply-(optional)

Japan represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Mexico, please state the reason -open reply-(optional)

Mexico represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

New Zealand, please state the reason -open reply-(optional)

New Zealand represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Norway, please state the reason -open reply-(optional)

Norway represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Pakistan, please state the reason -open reply-(optional)

Pakistan represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Panama, please state the reason -open reply-(optional)

Panama represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.

Paraguay, please state the reason -open reply-(optional)

Paraguay represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.	
Peru, please state the reason -open reply-(optional)	
Peru represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.	
Switzerland, please state the reason -open reply-(optional)	
Switzerland represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.	
The Republic of Korea, please state the reason -open reply-(optional)	
The Republic of Korea represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.	
Turkey, please state the reason -open reply-(optional)	
Turkey represents a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.	
USA, please state the reason -open reply-(optional)	
The USA represent a potential investor base for EU players: for investment funds (UCITS – Undertakings for Collective Investment in Transferable Securities, AIF – alternative investment funds) and for discretionary mandates.	
2.7. Is there an interest in having a Mutual Recognition Agreement in your sector to cover recognition of standards, licenses, professional qualifications or else? -single choice reply-(optional)	Yes
2.7.1 Please specify -open reply-(compulsory)	
We believe that mutual recognition agreements are a better solution than regulatory convergence or international rules. Indeed, regulatory convergence is not a requirement to the opening up of access to foreign markets. Moreover, the result of such a convergence mainly depends on the rapport de force existing among the concerned countries and that might not be at the advantage of the EU. Convergence would be costly for European asset managers and their European clients and may reduce the range of products offered to investors and the competitive advantages of the European fund industry (the UCITS regulatory framework in particular should be preserved as it is a well-recognized brand everywhere in the world). International rules may provide harmonization but takes time to develop and imply high costs of adjustments. Moreover, their efficient implementation has to be ensured. Mutual recognition then appears as a better solution as it avoids both a time consuming and costly process and any disproportionate influence of one party on the other.	
Australia -single choice reply-(compulsory)	Don't know/Not applicable
Canada -single choice reply-(compulsory)	Don't know/Not applicable
Chile -single choice reply-(compulsory)	Don't know/Not applicable
Chinese Taipei -single choice reply-(compulsory)	Don't know/Not applicable
Colombia -single choice reply-(compulsory)	Don't know/Not applicable
Costa Rica -single choice reply-(compulsory)	Don't know/Not applicable
Hong Kong China -single choice reply-(compulsory)	Don't know/Not applicable

Iceland -single choice reply-(compulsory)	Don't know/Not applicable
Israel -single choice reply-(compulsory)	Don't know/Not applicable
Japan -single choice reply-(compulsory)	Don't know/Not applicable
Mexico -single choice reply-(compulsory)	Don't know/Not applicable
New Zealand -single choice reply-(compulsory)	Don't know/Not applicable
Norway -single choice reply-(compulsory)	Don't know/Not applicable
Pakistan -single choice reply-(compulsory)	Don't know/Not applicable
Panama -single choice reply-(compulsory)	Don't know/Not applicable
Paraguay -single choice reply-(compulsory)	Don't know/Not applicable
Peru -single choice reply-(compulsory)	Don't know/Not applicable
Switzerland -single choice reply-(compulsory)	Don't know/Not applicable
The Republic of Korea -single choice reply-(compulsory)	Don't know/Not applicable
Turkey -single choice reply-(compulsory)	Don't know/Not applicable
USA -single choice reply-(compulsory)	Don't know/Not applicable
2.9. Are there areas/sectors in which European companies are at a disadvantage vis-à-vis third countries' competitors, due to bilateral agreements of a TiSA country to which the EU is not a Party? -single choice reply-(optional)	
2.10. In the course of doing business in TiSA countries, have you ever encountered any requirements or incentives to:	
2.10.1. Export a given level or percentage of services -single choice reply-(optional)	
2.10.2. Achieve a given level or percentage of domestic content -single choice reply-(optional)	
2.10.3. Purchase, use or accord a preference to goods produced in the specified countries, or to purchase goods from domestic producers -single choice reply-(optional)	
2.10.4. Transfer a particular technology, a	

production process or other proprietary knowledge -single choice reply-(optional)	
2.11. Has your company encountered any difficulties in accessing public procurement in the TISA countries? -single choice reply-(optional)	
Category II: <u>Due Process</u>	
Australia -single choice reply-(compulsory)	N/A, Don't know
Canada -single choice reply-(compulsory)	N/A, Don't know
Chile -single choice reply-(compulsory)	N/A, Don't know
Chinese Taipei -single choice reply-(compulsory)	N/A, Don't know
Colombia -single choice reply-(compulsory)	N/A, Don't know
Costa Rica -single choice reply-(compulsory)	N/A, Don't know
Hong Kong China -single choice reply-(compulsory)	N/A, Don't know
Iceland -single choice reply-(compulsory)	N/A, Don't know
Israel -single choice reply-(compulsory)	N/A, Don't know
Japan -single choice reply-(compulsory)	N/A, Don't know
Mexico -single choice reply-(compulsory)	N/A, Don't know
New Zealand -single choice reply-(compulsory)	N/A, Don't know
Norway -single choice reply-(compulsory)	N/A, Don't know
Pakistan -single choice reply-(compulsory)	N/A, Don't know
Panama -single choice reply-(compulsory)	N/A, Don't know
Paraguay -single choice reply-(compulsory)	N/A, Don't know
Peru -single choice reply-(compulsory)	N/A, Don't know
Switzerland -single choice reply-(compulsory)	N/A, Don't know
The Republic of Korea -single choice reply-(compulsory)	N/A, Don't know

Turkey -single choice reply-(compulsory)	N/A, Don't know
USA -single choice reply-(compulsory)	N/A, Don't know
Australia -single choice reply-(compulsory)	N/A, Don't know
Canada -single choice reply-(compulsory)	N/A, Don't know
Chile -single choice reply-(compulsory)	N/A, Don't know
Chinese Taipei -single choice reply-(compulsory)	N/A, Don't know
Colombia -single choice reply-(compulsory)	N/A, Don't know
Costa Rica -single choice reply-(compulsory)	N/A, Don't know
Hong Kong China -single choice reply-(compulsory)	N/A, Don't know
Iceland -single choice reply-(compulsory)	N/A, Don't know
Israel -single choice reply-(compulsory)	N/A, Don't know
Japan -single choice reply-(compulsory)	N/A, Don't know
Mexico -single choice reply-(compulsory)	N/A, Don't know
New Zealand -single choice reply-(compulsory)	N/A, Don't know
Norway -single choice reply-(compulsory)	N/A, Don't know
Pakistan -single choice reply-(compulsory)	N/A, Don't know
Panama -single choice reply-(compulsory)	N/A, Don't know
Paraguay -single choice reply-(compulsory)	N/A, Don't know
Peru -single choice reply-(compulsory)	N/A, Don't know
Switzerland -single choice reply-(compulsory)	N/A, Don't know
The Republic of Korea -single choice reply-(compulsory)	N/A, Don't know
Turkey -single choice reply-(compulsory)	N/A, Don't know
USA -single choice reply-(compulsory)	N/A, Don't know

Australia -single choice reply-(compulsory)	N/A, Don't know
Canada -single choice reply-(compulsory)	N/A, Don't know
Chile -single choice reply-(compulsory)	N/A, Don't know
Chinese Taipei -single choice reply-(compulsory)	N/A, Don't know
Colombia -single choice reply-(compulsory)	N/A, Don't know
Costa Rica -single choice reply-(compulsory)	N/A, Don't know
Hong Kong China -single choice reply-(compulsory)	N/A, Don't know
Iceland -single choice reply-(compulsory)	N/A, Don't know
Israel -single choice reply-(compulsory)	N/A, Don't know
Japan -single choice reply-(compulsory)	N/A, Don't know
Mexico -single choice reply-(compulsory)	N/A, Don't know
New Zealand -single choice reply-(compulsory)	N/A, Don't know
Norway -single choice reply-(compulsory)	N/A, Don't know
Pakistan -single choice reply-(compulsory)	N/A, Don't know
Panama -single choice reply-(compulsory)	N/A, Don't know
Paraguay -single choice reply-(compulsory)	N/A, Don't know
Peru -single choice reply-(compulsory)	N/A, Don't know
Switzerland -single choice reply-(compulsory)	N/A, Don't know
The Republic of Korea -single choice reply-(compulsory)	N/A, Don't know
Turkey -single choice reply-(compulsory)	N/A, Don't know
USA -single choice reply-(compulsory)	N/A, Don't know

3.4. Do you have any other comments on the administration of trade-related regulations, including on the use of discretion, system of penalties, coordination and control mechanisms? -open reply-(optional)

Category III: Subsidies and Monopolies or Exclusive Service Suppliers

4.1. In the TiSA countries, did a subsidy put you or a company you know of at a competitive disadvantage? If so, please explain and indicate whether the subsidy made it more difficult for you to compete in the foreign countries market, in the EU market and/or in export markets. -open reply-(optional)

4.2. Describe to the extent possible the form of the subsidies involved (e.g. export subsidies, tax exemptions, below-market loans, state guarantees, grants), the objective (e.g. research and development aid, export aid, regional development aid), the sectors concerned, the granting authority (e.g. federal or provincial government, specific agency) and give an estimate of their amount. -open reply-(optional)

4.3. Indicate if you have taken any steps to raise this matter, either abroad or with the appropriate authorities in the EU? Have you had problems in getting information on the subsidy granted by the foreign authorities? -open reply-(optional)

4.4. Have you encountered any abuse of a dominant position of a service supplier granted a monopoly or an exclusive right in the countries involved in the TiSA negotiations? -single choice reply-(optional)

4.5. Are you aware of governments granting special or exclusive rights or privileges, advantages or immunities to exclusive service suppliers or domestic state-owned enterprises that have an adverse effect on your business (e.g. discriminatory treatment, subsidies, access to markets, access to public procurement, access to financing)? -single choice reply-(optional)

Yes

4.5.1. If yes, describe briefly the nature of these practices and the problems encountered -open reply-(optional)

There is a tax discrimination in favor of Korean funds in South Korea. The same situation probably exists elsewhere.

4.6. Are you aware of any exemptions from the national law granted to exclusive services suppliers or the existence of statutory laws or favourable regulatory or other measures applicable to those service suppliers? -single choice reply-(optional)

Category IV: Other Issues

5.1. What are your views concerning a future possible dispute of the TiSA? -open reply-(optional)

5.2. Should there be other countries involved in the TiSA negotiations that are of interest for the sector in which your business specialises? -single choice reply-(compulsory)

No

5.3. Are there any other issues related to the

No

topics covered by the above sections or to any other topics that are not mentioned in the questionnaire and that you would like to address? -single choice reply-(compulsory)